

Research Proposal

Sovereigns as Trustees of Humanity

In the research project proposed here I intend to develop an argument – based on the Rawlsian methodology of *Political Liberalism* – that territorial sovereignty can be justified only when acting as a neutral trustee of humanity and not as an agent for the advancement of the national (or other) interests of any particular group.

This work will confront the Westphalian tradition of international relations, which supposes the territory of a state to be an absolute property¹ of one person or one national group, and postulates the government controlling this territory as an agent of that person or group. In contrast, I will argue that the monopoly of force in a territory can be legitimate – that is, justified by public reasoning – only if it is indifferent to any reasonable conception of the good and to any particular interests (including those of the territory's inhabitants), and only when it acts according to universal principles that *rational and reasonable*² persons could not reasonably reject.

This is a natural extension of my Masters thesis, titled *Democratic Empire – Reasons for the Separation of State and Nation*, and of my PhD dissertation, *The Law of Communities: Global Justice by Particular Distribution*. In these two projects I examined the ideas of peoples and nations, and criticized the role assigned to the nation state in contemporary political thought. I suggested that the widespread acceptance of nation states does not take seriously enough the *fact of pluralism* and the empirical failure of the Mill's national ideal “that the boundaries of governments should coincide in the main with those of nationalities”³. In those previous works, as in the currently proposed one, I follow Lord Acton's assertion that diversity within a given state is not only an empirical fact, but also a guarantee for freedom⁴. Thus, I postulate, any justification of state sovereignty must be premised on thick – albeit reasonable – pluralism.

This robust pluralism in any state implies that boundaries of states do not coincide with those of the nationalities (or peoples or encompassing groups or communities) – or more generally, with the boundaries of the groups whose members commonly

¹ Such that “that country, with every thing included in it, becomes the property of the nation in general”, E. de Vattel, *The Law of Nations or the Principle of Natural Law*, Book II, §79

² As defined in J. Rawls, *Justice as Fairness* (Harvard University Press, 2003), p. 7

³ J. S. Mill, *Considerations on Representative Government*, 1861

⁴ JEED Acton, *Nationality*, 1862

share a distinct interest or conception of the good. In other words, those groups – membership in which is vital for meaningful moral life - are mostly sub-state and inter-state⁵. Accordingly, the typical citizen of a political society actually participates in two distinct associations⁶: One is the *Civil Association*, based on shared territory, the collective holder of territorial sovereignty and monopoly of force. The other is an *Enterprise Associations*, based on common conceptions of the good, members of which may belong to different Civil Associations.

Such political ontology of non-congruent associations gives rise to two separate and independent claims: First, a sovereign state – a civil association - can't promote any particular interests since *ex hypothesi* its members have no common interests, other than universal ones shared by humanity as a whole. Accordingly, promotion of any particular interests (even those of the majority group in the territory) could not be justified, by public reasoning, to at least a subset of its citizenry. Second, the existing (or any other) territorial boundaries dividing the globe to sovereign states - and humanity to distinct civil associations - are inevitably arbitrary (if not malice) historical facts. Thus, the employment of such sovereignty for the advantage of its citizens alone could not be justified – by public reasoning - to at least some subset of humanity.

The research proposed here will first establish these two claims and build on them – either together in one paper, or apart in two separate ones – the argument that the privilege of territorial sovereignty – when given to a group of people - can be legitimized (and respected by other groups and individuals) only when used to promote universal interests of humanity as a whole and not those of the sovereign's citizenry or its (majority or any hegemonic) subgroup.

⁵ C. Gans, *The Limits of Nationalism* (Cambridge University Press. 2003)

⁶ M. Oakeshott, *On Human Conduct*, 1975