

Free essay on laws of peoples

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According to Buchanan (2000) the rules people make should not be confined to suit their interest only. They are external rules that govern the relationship between people in society. In this times and day no person can in a life similar to the Westphalia world. We need relationships with the outside society. No one can fully sustain themselves without the help of the external environment (Buchanan, 2000). Buchanan believes that the laws by Rawls define a past generation of events and policies. He argues this by putting across the idea that civilization and globalization does not allow for laws to be directed as general without the consideration of individuals. With the existence of international laws, Buchanan tends to think that states should not disregard these laws when coming up with their own laws. In referring to Westphalia world, Buchanan believes this system of governance is long gone. With these advances the laws of peoples by Rawls can never be applied in modern world we live in. he further terms the laws by Rawls as insignificant since with an enlightened society and high levels of civilization people cannot uphold the implementation of these laws.

This same assumption can be applied to the rule formulated to govern the operations in a particular nation. The level of coexistence between states has increased significantly. States are becoming dependable on other states for existence. It is for this reason that the global circle must be considered when coming up with laws within a particular nation. Immanuel (1974) argues that, the increasing global chains of relationships are held together by the laws that show solidarity between different nations. Generally, the laws of the people should be formulated without the assumption of individuality in a state.

Rawls law's on the laws of people are only fit to sustain a Westphalia world.

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These sentiments are reiterated by Buchanan (2000). By using the term Westphalia world, this refers to the ability of a state to sufficiently support itself without the help of the other states. With such states not in existence anymore Rawls's laws are rendered inapplicable. In these laws, people are portrayed as puppets of government regimes. These regimes are given the right to formulate laws and regulations governing the country. The individuals in this nation should be submissive to their governments' laws (Buchanan, 2000). It is an obvious assumption that the democracy enjoyed today across the globe was due to the bravery of some of the activist who fought for equal representation in the law making process.

One law by Rawls that overlooks this effort is the law that states that people have the right to observe the duty of intervention (Buchanan, 2000). If one pictures a society where this rule is strictly observed, people living in this society would be living in the worst form of dictatorship. The society needs people who would stand up for their rights: a society where the rule of law is not a tool for self satisfaction (Buchanan, 2000). This is only achievable if and only if the people are given power and protection to stand up against rules and policies that are aimed to destroy the plight for democracy. In the international law, this rule would never be applicable. The international law prohibits nations from holding their citizens hostage to fulfill personal interests. However, this always an option of breaching this code of conduct but it comes with its fair share of consequences. A nation may risk sanction from conducting any business with other nation. The negative impact of these sanction have vast short and long term effects in a state. Buchanan argues in his recommendations that if a country belongs to Westphalia world then it would be easy and effective to implement the policy of dictatorship.

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Other critics view the laws by Rawls as inconsiderate to the sensitive issues in the global front. One issue is the neglect of the importance to give everyone equal rights with the rest of the population. There has been a global campaign to ensure that everyone get equal rights in education and employment in a move to elevate this objective (Buchanan, 2006). In relating to the laws by Rawls the probability of achieving this objective is close to nil. The interpretation of the people's laws by Rawls, a citizen should be satisfied with the provisions of the current role. No individual should have the right to stand against the rule of law regardless of its credibility. In the provisions of the law by the foreign policies, no nation whatsoever should deny an individual the rights to basic needs.

In Buchanan's perspective breach of this law may lead to intervention from the international bodies. In a Westphalia world there is no international body that should govern the affairs of an independent state. In this type of governance every stipulated by a regime is applicable regardless of the dangers it may cause to the society. According to Russel (1996) Rawls ideas of the people power was greatly influenced with the division of power in a Westphalia world. However, Rawls may counter these assumptions by quoting the law that states that every person should respect human rights (Rawls, 1993). To honor human rights it to give every person the proper needs and requirements to survive. Rawls may argue that the provision of equal opportunity to education and employment fall under the human rights. If his laws are to be implemented, every woman would have an equal opportunity to get employment and access education. However, in an argument by Buchanan (2000) a regime may have human rights that may exclude the provision of equal opportunities to women policies. If this

scenario is to occur, the law to honor human rights would be respected but women will not have equal education and employment opportunities. People are to have specific restrictions while in the conduct of war. This is a law generalized to all members of the society by Rawls. How is this applicable in a society where people have different characters and abilities (Buchanan, 2000)? Immanuel (174) argues that for this law to be effective, it should not generalize every person in the society. Every individual should be provided with specific laws that govern them depending on their ability of power. The main problem with the people laws by Rawls is the fact that it puts every person under the same scrutiny. This scenario is also visible in the law that states that every person has the duty to assist people living in unfavorable conditions. The law generalizes this duty to the whole society regardless of the social status. In a Westphalia world where a regime has the power and ability to fulfill the wishes of its population this would be very applicable. It is against the fundamental principles of international law that fights for the rights on the minority and individual not populations (Buchanan, 2000).

References

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