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The Law of Peoples

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callousness... The other main idea, obviously connected with the first, is that, once the gravest forms of political injustice are eliminated by following just (or at least decent) basic institutions, these great evils will eventually disappear. (LP p. 7)

III. Peoples and People

Let us examine §11. The contrast Rawls makes in this section is between his "liberal social contract political conception of justice" and a cosmopolitan conception which starts from individuals. Why not start with a global original position? Ultimately one must ask what would be the consequences of starting from one point rather than the other. What difference in principles would result? Consider hierarchy. While, *in se*, the abolition of hierarchy is a good, for Rawls, the matter comes down to the denial inherent in such a stance of the acceptability of any other than a liberal society; decent hierarchical societies are ruled out [if not declared oxymoronic], and hence an entire segment of the world is declared morally illegitimate. In Kantian terms, it is to deny the dignity of all other types of societies than our own.

IV. Conclusion

"Rawls' methodology is distinctive, striking and in the end (when examined) unacceptable to anyone with any knowledge of international law." Perhaps lawyers ought not look to Rawls for guidance; who told them to? I would argue that he never wrote for lawyers. Rawls has certainly never averred any claims that his ideas are useful tools for either lawyers or politicians. The Law of Peoples is the province of moral philosophers and theorists of international ethics and justice. The subject-matter is not law strictly construed; unfortunately English cannot render "*jus*" otherwise than "law", and as Rawls states (LP p. 3, n. 1) his derivation is from *jus gentium* in its pre-positivist form. Would any of Professor Brilmayer's criticism have arisen if Rawls had entitled the work "Justice among Peoples"?

If one chooses to borrow from Rawls, it should be obvious that it is not a toolbox which

can offer anything except *philosophical justifications* for moral and political *principles*, an explanation of why they are reasonable and desirable; it makes no other claims. Readers will not find anything telling them how to act upon and realize these principles; that is simply a task which Rawls did not undertake. It is an unreasonable *petitio principii* to fault him for not having done so, but a much graver error to impute to Rawls practical claim he has not made and then find them lacking.

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THE LAW OF PEOPLES

Modern international law began in the seventeenth century as "the law of nature applied to nations". Lawyers and philosophers took principles already well-known and highly-developed in studying the natural rights and obligations of persons and applied them to relations between states. (See e.g., E. de Vattel, *Le droit des gens, ou principes de la loi naturelle appliqués à la conduite et aux affaires des Nations et des Souverains* (1758)). States and persons are not the same, as clear-headed practitioners such as Emmerich de Vattel readily admitted, but the temptation to recycle good philosophy as law was very strong, some parallels between persons and states are legitimate, and most lawyers have spent as much time representing individuals (not states) as philosophers have spent thinking about individuals (and not states), so the habit continues.

John Rawls presents a recent example of this ancient phenomenon. Having developed an elaborate theory of justice for constitutional democracies (*A Theory of Justice*, Harvard, 1971), and refined it in his book on *Political Liberalism* (New York, 1993), Rawls has now applied his conclusions to international relations. The subjects of Rawls' *Law of Peoples* are members of what he calls the "Society of Peoples", which is to say those states that meet his test as "decent" societies. Rawls published his *Law of Peoples* bound together with *The*

Idea of Public Reason Revisited (on domestic political discourse), to underline the intimate connection between his “liberal” theories of domestic and of foreign politics. Both depend on a “Public Reason” that avoids questions of truth to construct a “political zone”, within which government can take place (p. vi).

International Law

Rawls’ “Law of Peoples” recycles his domestic conception of right and justice to reconstruct the principles and norms of international law. Rawls proposes a “Society of Peoples” to embrace all “decent” (p. 3) states that follow the ideals and principles of his new law of peoples in their international relations. Rawls’ concept of “decency” corresponds loosely with the concept of “civilized” nations in Article 38(c) of the statute of the International Court of Justice. “Decent” states would seem to be those states whose views are worth taking into account in constructing the law of nations.

Rawls’ study of international law offers a new epistemology of international justice, to complement his liberal technique for finding justice within states. The concepts of “decency” (between states) and “reasonableness” (within states) define whose views will count, and in which circumstances, when deliberating about justice. But Rawls’ concept of “decency”, as applied to states, is broader than his concept of “reasonableness” as applied to persons. “Decent” states also include “decent hierarchical peoples” (he means governments), whose public officials “consult” their subjects, without giving them any real voice or power (p. 4). Such governments are not “reasonable” in their internal politics, but still manage to be “decent” in their external relations.

This curious gap between “decency” and “reasonableness” reflects Rawls’ recognition of a difference between “ideal” and “non-ideal” theory. In a perfect world, all states would be “reasonable” liberal democratic societies, as described in his book on *Political Liberalism*. Rawls developed his general “Law of Peoples” to serve this ideal situation. But because not all states really are liberal democracies, Rawls has extended his liberal Law of Peoples as much as

possible to embrace non-liberal non-democracies, to the extent that they are still “decent” enough to participate in international relations (p. 5).

Realism

Rawls sets out to construct what he calls a “realistic” utopia, in which reasonably just constitutional democratic societies can participate in a broader international society. This international society must be “realistic”, in that it takes the world and human nature as it is – imperfectly democratic. Rawls’ proposal is still “utopian” because he hopes to construct an international social structure that will realize political right and justice for “decent” peoples (p. 6). Political injustice leads to other evils, Rawls believes, so that establishing better basic political institutions will put an end to unjust war, religious persecution and other forms of oppression on both the domestic and the international levels (p. 7).

Realism means pushing the acceptable range of basic social institutions as far as possible in the direction of actual institutions as they presently exist, without sacrificing the ultimate ideal of liberal justice. At the beginning of his *Contrat Social*, Jean-Jacques Rousseau wrote of taking men as they are, to construct laws as they might be. Rawls takes states as he imagines them to be, to construct international law as he would wish it to be. He sets aside questions of war, immigration and nuclear weapons on the assumption: (1) that democracies and decent authoritarian states will not fight each other; (2) that immigration need not be permitted; and (3) that nuclear weapons are only necessary to keep outlaw states at bay (pp. 8-9).

Rawls’ “realism” lies in his willingness to extend the “original position”, in which all states determine the rules of justice between themselves, to include non-liberal non-democracies. In his earlier *Theory of Justice* (1971) and *Political Liberalism* (1993), Rawls proposed an “original position” for designing the basic concept of justice in liberal constitutional democracies. This original position was

designed to take the religious and philosophical beliefs of all "reasonable" people equally into account in constructing the basic rules of justice. "Reasonable" in this context included only those people whose philosophy or religion made them willing to take other people's "reasonable" views equally into account. Applied to states, Rawls' "realism" in designing his new original position means taking the interests and views of all "decent" governments equally into account at the international level, including the views of some governments that have *not* adopted the original position conception of justice to govern their domestic affairs. Rawls gives the views and desires of "decent" non-liberal non-democracies the same weight as the views and desires of reasonable democratic states (p. 10).

The Fact of Pluralism

This "realistic" theory of justice in both its domestic and its international versions develops from what John Rawls has called "the fact of reasonable pluralism" (p.11). This "fact" as Rawls imagines it in constructing his domestic and international constitutional ideals assumes the persistence of an inevitably permanent and unavoidably conflicting plurality of "comprehensive" conceptions of the good, which people and peoples will neither change nor compromise in the face of reasoned arguments or truth (p.12). Rawls constructs his theories of justice and international relations on the basis of reciprocity between the holders of these mutually incompatible and non-commensurable "comprehensive" moral views (p. 14).

This fundamental assumption of the "fact of pluralism", as Rawls understands it, is simply false as applied to normal political relations, which vitiates his concept of "political liberalism" in domestic politics. The "fact of pluralism" may be better supported in international relations, but not as the basis of any "just" law of peoples. The "fact" of pluralism is false as applied to normal political relations because very few individuals have "comprehensive" conceptions of the good. Most people have partial conceptions of the good. To the extent that people do hold comprehensive

views, reasonable people (in the word's usual sense), will be willing to modify their opinions when faced with cogent arguments for changing their minds. People who cling to non-revisable irrational conceptions of the good, refusing to engage in reasoned argument, are not "reasonable", despite Rawls' appropriation of that term. Their refusal to reason makes them unreasonable, and discounts the moral relevance of their views.

Rawls' concept of pluralism may apply better to states, because states are inherently less reasonable than individual persons engaged in public deliberation. States are less reasonable than individual persons because states are not real persons, and cannot reason, except to the extent that the particular persons or representative structures that govern states at any given time reason on their behalf. To the extent that states represent real persons deliberating in good faith about justice and the purposes of government, they may usefully be considered as "reasonable". Non-representative, non-democratic state structures represent nobody, except their government's interest in power, wealth and self-preservation. Such attitudes generate inevitable pluralism and incommensurability of views between states, but they are not "reasonable". Sometimes each self-seeking government's relatively equal power forces a *modus vivendi* in which each government leaves the others free to exploit their own subjects. This self-interested stand-off has no rational connection with either law or justice.

Reason

Rawls' conception of "reason" means the willingness to get along. "Reasonable" people, as Rawls understands the term, are people who do not challenge their neighbors' fundamental beliefs. No moral questions are open for discussion, beyond the purely political (p. 16). Extended to create a "reasonable" law of peoples, this rationale determines that the governments of states should not challenge the fundamental commitments of the governments of other states, until these cross some ultimate threshold of "decency" (p. 17). Rawls' sense of "reasonable" implies the necessity of never

contradicting others. Rawls' sense of "rational" means pure and undisguised self-interest (p. 18).

The idea of public reason for Rawls' "Society of Peoples" parallels the idea of public reason in his domestic democratic constitutional model (p.19). Rawls avoids confrontation because he fears the fanaticism of religious conviction (p. 21). The over-confidence of irrational faith does often lead to persecution, but not simply because "comprehensive" beliefs are too deeply held. What makes such views dangerous is their irrationality. Defining "reason" to avoid reasoned discussion of fundamental moral questions strengthens the power of irrationality and therefore the threat of violence. Rawls advocates the maintenance of formal respect for and deference to irrationally held comprehensive views, when he should have prescribed humility in the application of reasoned discourse to reduce the dangers of religious and philosophical oppression.

"Reasonable" peoples, according to Rawls' theory of reason, are peoples willing to offer "fair" terms of cooperation to other peoples, just as reasonable citizens in domestic society should offer to cooperate with fellow citizens (p. 25). This formula would be perfectly acceptable if Rawls had a more robust conception of fairness. Rawls' sense of "reasonable" is too far removed from actual reason to offer any useful measure of what should count as "fair" between peoples. Assuming a plurality of equally "reasonable" yet "comprehensive" doctrines traduces the normal sense of both words, by assuming that persons, behind a veil of ignorance, not knowing which views they will hold, would agree equally to honor all views, and would not prefer to encourage those moral views that are actually more correct (p. 31).

Peoples

Rawls speaks of "peoples" rather than "nations" or "states" to convey the need for community among the inhabitants of a given territory, whatever their origin may be (p. 25). "State" implies sovereignty and a certain separation between the government and people that Rawls strongly disapproves (pp. 25-26). By

writing of "peoples" rather than "states" in the second-level "original position" in which states determine their mutual duties, Rawls implies that states in a sense do (or should) speak for, embody or represent the peoples that they rule. This introduces a spurious impression of consent into Rawls broader society of "decent" peoples, which includes the governments of authoritarian and non-democratic states, who have no legitimate authority to deliberate or to consent on behalf of their subjects.

By using the word "peoples" in writing of governments, Rawls hopes to convey the "reasonable" values of reciprocity that ought to exist between states (p. 28). Reciprocity between peoples would be desirable, but should not necessarily extend to the governments of all states, whose interests may be quite different from those of the peoples that they rule. By obscuring the difference between peoples (subjects) and states (governments), Rawls gives states a spurious legitimacy, and too much authority in speaking on behalf of the peoples that they rule. Just as liberal governments view their subjects as free and equal citizens (according to Rawls' theory), so he believes that international society should view all states as free and equal in constructing international law (p. 31). But many states are neither free nor equal. Some are authoritarian non-democracies. Such governments do not deserve an equal voice.

Perhaps at this point one might argue that even when the governments of states deserve no equal voice, their peoples do, which is certainly true. In constructing rules of international justice some imaginary pre-political "representative" of the people may need to be constructed to express their interests and views (p. 33). Rawls would picture this representative as also speaking for the state. The difference between "states" and "peoples" is not for Rawls, as it would be in ordinary discourse, the difference between governments and subjects, but rather the difference between two types of government. Governments that respect the dignity of other governments are "peoples", in Rawls' terminology, and governments of "states" are those that do not (p. 35).

States

“State”, as the word is usually understood, signifies the government of a determinate territory, with its own population (“people”) and political independence, confirmed through recognition by the governments of other separate (and “sovereign”) states. Rawls speaks of “peoples”, but he means states when he writes that they should be: (1) free and independent; (2) bound by treaties; (3) equal; (4) committed to non-intervention; (5) pacifist, except in self-defense; (6) respectful of human rights; (7) humanitarian when forced into war; and (8) committed to helping less fortunate states to achieve prosperity and good government. These are the basic tenets of the “Law of Peoples” that Rawls imagines that the representatives of states (“peoples”) would embrace in an original position, behind the veil of ignorance (p. 37).

Rawls assumes stable boundaries between states. However historically arbitrary a state’s geographical boundaries, Rawls would maintain them in perpetuity to give each people a clear sense of property and responsibility over its own national territory and fate (pp. 38-39). Governments would insist on equality (p. 57) in the original position (Rawls believes) to protect their own interests from being short-changed to serve the happiness of others. This leads to the familiar and largely traditional “Law of Peoples” that Rawls adapts from long-established usage in international law and practice (p. 46).

In the first instance, Rawls’ “Law of Peoples” applies only to liberal democratic states, such as those constructed behind the “veil of ignorance” in his first (domestic) “original position”. His law of nations emerges “politically”, and not as an expression of the comprehensive doctrines of truth or right that might hold sway in any particular society (p. 55). As extended to “decent hierarchical peoples”, Rawls’ rationale must be somewhat different. Principles that would be accepted from the standpoint of liberal democratic peoples acting behind a veil of ignorance must be shown also to be valid from the standpoint of authoritarian hierarchical states that reject the principles of liberal democracy (p. 58).

Toleration

Rawls proposes to extend the benefits of the Law of Peoples to non-liberal governments, by applying the principle of “toleration”. By “tolerate” (contrary to ordinary usage), Rawls means not simply to put up with, but fully to include non-liberal governments in his Society of Peoples (p. 59). Rawls would “tolerate” (in this broad sense) all “decent” peoples (p. 60), including certain non-liberal governments, because he believes that the dignity of their subjects would be compromised by any measures taken to encourage “decent” authoritarian governments to become more democratic and liberal. Here again Rawls equates disrespect for governments with disrespect for peoples (p. 61). By confusing peoples and states Rawls diminishes the power of peoples against their own governments. There may well be non-liberal states that deserve the protection of Rawls’ eight principles of international law, but their governments should be tolerated (in the ordinary sense of the word), not praised. Contrary to what Rawls’ believes, states that disenfranchise their peoples should be stigmatized as wrong, even when they must be tolerated, for prudential reasons.

Toleration implies error, as Rawls well understands. His broad conception of toleration is tactical, like his domestic strategy of reasonable pluralism. Rawls believes that if liberal peoples pretend that authoritarian governments are fully acceptable, and act as if authoritarian leaders were fully respectable, then eventually authoritarian states will move towards liberalism. This reflects Rawls’ fundamental beliefs (1) that all criticism is counterproductive, and (2) that all moral change comes from within. Rawls opposes challenging false moral beliefs or bad government practices directly, because he does not think that criticism will persuade. Rawls would like governments to reform themselves in their own way. Recognizing authoritarian governments as part of a decent society of peoples will encourage them to reform (p. 61). Rawls believes that peoples will lapse into bitterness and resentment when liberal governments criticize the

authoritarian masters of non-democratic states (p. 62).

Rawls' conception of toleration as full inclusion and respect weakens the persuasive value of good institutions, by forcing good governments to pretend that bad governments are equally respectable. This deprives bad governments of the truth, which might have encouraged reform, and perverts international discourse, to the extent that non-representative governments have an equal voice in international affairs. True toleration includes a measure of disapproval. Hiding this disapproval, as Rawls suggests that we should, will dispirit reformers within authoritarian regimes, and betray the aspirations of their peoples. Rawls' conception of toleration betrays the oppressed by denying the reality of their oppression. It encourages liberal peoples to collude with foreign injustice.

Decency

Rawls defends himself against this charge of collusion by insisting that his Law of Peoples extends its benefits only to "decent" authoritarian regimes (p. 61). These regimes count as "decent", because they have a "decent consultation hierarchy" (p. 63), they do not harbor aggressive aims (p. 64), they respect human rights (p. 65), they view all members of society as decent and rational, and their judges and public officials sincerely believe that the law serves the common good of all those subject to it (pp. 66-67). The main difference between "decent" authoritarian regimes and liberal states lies in their different conceptions of the subjects of the law. Liberal governments respect their subjects as free and equal citizens. "Decent" authoritarian regimes regard their subjects as members of groups (p. 66), and consult only with officially recognized group "leaders" in deciding public policy (p. 64).

Rawls' eight Laws of Peace apply only to "decent" peoples, which makes his criteria of decency both too narrow and too broad for the different purposes they serve. Rawls' standards of decency are too narrow, because governments that do not meet his requirements of human

rights, the common good, and judicial sincerity (p. 67) may still deserve protection against aggression and other violations of international law. Rawls' standards of decency are too broad, because he insists on respecting all "decent" states equally, as if they were fully liberal and democratic, which they are not. No government that denies the political equality of its citizens will ever fully respect their human rights, or seek their common good. Rawls' fantasy of "consultation" through group leaders (p. 64) will only entrench certain "leaders" in power, and coerce citizen membership in artificially perpetuated groups. (Cf. Mussolini's system of consultation with the recognized leaders of socially representative "fascies" in Italy.) Denying the equal citizenship of any member of society is not "decent", and future subjects of the law would not accept authoritarian government behind a veil of ignorance, as Rawls himself must recognize.

Perhaps governments may properly be considered to be "decent" when they *try* to serve the common good of their people (p. 67). But governments are not fully worthy of respect unless they also actually *realize* the common good to some extent, and this will never happen under authoritarian regimes. By putting the rulers of authoritarian governments into his inter-state "original position", alongside the representatives of liberal democracies (p. 69), Rawls pollutes his contractarian model. Authoritarian governments cannot speak for their subjects, because they do not represent their subjects. Governments that claim equality in the international arena should first concede equality to their subjects at home. Rawls' conception of a "decent consultation hierarchy" (p. 71) cannot replace the direct representation of citizens, because authoritarian systems delegate authority without consulting the citizens themselves (p. 72). Self-appointed or government-selected group "leaders" can only represent their own interests, not those of other citizens or groups (p. 73).

Human Rights

Rawls' two primary tests of "decency" are respect for the common good, and protection of

the most basic universal human rights. Defining either too broadly would assimilate decency to democracy and liberalism, which is not Rawls' purpose. Instead, he restricts the human rights requirements of "decency" to a short list of "fundamental" rights (p. 78) against military aggression, slavery, religious persecution, and genocide (p. 79). Rawls suggests that governments respecting these minimum rights should be immune from economic sanctions or other interference designed to protect or to encourage their subject peoples (p. 80). Outlaw states that violate fundamental human rights may be sanctioned or invaded (p. 81), but Rawls would respect authoritarian non-democracies, even though they deny the more refined human rights of constitutional democracies.

Despite his Kantian antecedents (p. 87), Rawls disavowed the immediate recognition of any world-wide "cosmopolitan" justice, that would respect the equal rights and liberties of all persons, without discrimination (p. 82). Respecting the universal and equal dignity of all persons would threaten the power of "decent" authoritarian governments, by undermining their authority. Beyond the absolute minimum of a "common good" attitude, "reasonable" consultation, good-faith judges (pp. 61, 67) and minimum human rights, such as those against slavery and genocide (p. 79), Rawls refused to endorse any values that authoritarian governments could not themselves accept (p. 83). Even to offer incentives, in the form of foreign aid, for governments to respect human rights, would violate Rawls' policy of "respecting" authoritarian governments (pp. 84-85).

Rawls' deferential attitude towards existing regimes seems unnecessary to his basic theory and fundamentally unjust to the subjects of authoritarian governments, whose rights Rawls disregards. His arguments has three parts, describing (1) the law of peoples that would prevail between liberal states, then (2) extending the same rules to "decent" authoritarian governments, and finally (3) protecting "decent" non-liberal non-democracies against criticism. The first step is reasonable, the second excessive, and the third pernicious.

Deliberative, democratic and rights-respecting governments (1) should defer to each other in ways that non-democratic or non-liberal governments (2) do not deserve, and certainly not (3) without criticism. By putting non-representative governments into an equal position "behind the veil of ignorance" (and in the community of states) as just and representative democracies (p. 86), Rawls minimizes the protection of human rights in his unnecessarily illiberal "law of peoples".

The Law of Peoples

The eight principles of Rawls' Law of Peoples (p.37), regarding states' (1) independence, (2) respect for treaties, (3) equality, (4) non-intervention, (5) pacifism, (6) respect for rights, (7) humanitarian attitude to war, and (8) generosity, are all constrained by, and to a large degree derived from, or subordinated to, his fundamental commitment to the sovereign power of "decent" governments, against their own subjects. Rawls' proposals mirror standard nineteenth-century international law doctrine (1-3 and 7), slightly modified by post-second-World-War pacifism (4-5) and the Western charitable impulse (8). Rawls' weak commitment to human rights deprives his doctrine of the only transformative element (6) that might have challenged existing authoritarian structures and orthodoxies.

Universal human rights to personal security and political participation have a stronger position in contemporary international law than they do in Rawls' *Law of Peoples* (see e.g. M.N.S. Sellers, "Republican Principles in International Law" 11 *Connecticut Journal of International Law* 403 (1996)). Had Rawls understood the duty "to honor human rights" (p. 37) more robustly, his proposals might have strengthened international law. As it is, Rawls' "Law of Peoples" encourages oppression, by protecting the independence and equality of oppressive governments without restraint, short of absolute chattel slavery, ethnic genocide or other violations of what Rawls calls the most "urgent" human rights (p.79). Only then would Rawls permit liberal societies to begin to

encourage certain "outlaw" governments to reform (p. 93).

Rawls overlooks important distinctions between the different situations in which just societies may (1) criticize unjust governments, (2) impose non-military sanctions on unjust governments, or (3) take military action to correct international injustice. His curiously broad conception of toleration would seem to imply that authoritarian governments may not be (1) criticized or (2) sanctioned until they may also (3) be corrected by military force. The choice of means becomes entirely prudential. Rawls presents governments as either "decent" or "outlaw" states. Decent states must deliberate among themselves to decide the best means of correcting outlaws (p. 93). Throughout his argument, the standards of intervention and criticism of injustice under Rawls' "Law of Peoples" become increasingly strict, until even human sacrifice may be to some extent protected, so long as outlaw states do not export it (pp. 93-94, footnote 6).

Conclusion

John Rawls' "Law of Peoples" goes wrong by extending the title of "decency" too far among illiberal non-democratic states. By giving illiberal non-democracies an equal voice in determining international law, Rawls replicates the worst elements of existing international practice. Like the older conception of "civilized" nations, which Rawls' theory reproduces for the modern world, "decency" is both too broad and too narrow as applied to states under international law. Too broad, because it gives unrepresentative governments an equal voice in determining the law of nations. Too narrow, because it deprives subject peoples of any voice at all, when their governments oppress them.

Rawls' concept of the "original position" might have been useful in reforming international law, if applied from the standpoint of all human beings, to regulate state structures and interstate relations. Or the governments of just states, as constructed by their future subjects from the standpoint of the original position,

might usefully have entered into a second-tier inter-state "original position" to construct international institutions. But putting non-representative non-democracies into the original position, as Rawls suggests, would simply perpetuate the interests of illiberal elites against their unfortunate subjects. States are not people, and unless governments actually speak for peoples, Rawls' technique of imagining a non-liberal interstate "original position" is dangerously misplaced.

The fundamentals of a just law of peoples hover somewhat obscured in the midst of Rawls' overextended conception of "decency". The "common good idea of justice" and "basic human rights" (pp. 65, 71) deserve a more prominent place at the center of any just law of nations, which Rawls denies them by minimizing rights, and overstating self-interest. At times in his argument, Rawls seems to contemplate a more robust world order (pp. 65, 80), only to retreat in the end (pp. 69, 82-83) to the defense of authoritarian governments, and excessive deference to established power (pp. 122-3, esp. note 1, in which Rawls seems to sympathize with Jefferson Davis against the "expansionist" North.) Had he drawn his conception of "decency" more narrowly, Rawls' argument would have made more sense.

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THE SIGNIFICANCE OF RAWLS'S LAW OF PEOPLES

Rawls' recent book on "The Law of Peoples," (henceforth *LP*) corrects many of the weaknesses of his earlier essay by the same name. For example, the book says more about economic and social equality, and adds an eighth fundamental principle that: "Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime" (37). In addition, Rawls devotes several pages (105-120) to the discussion of burdened societies and distributive justice among peoples.