original state of nature. As complex social systems are developed, however, these natural humans abandon the simplicity and self-sufficiency of the natural life to live in the artificial and conventional relations that require ever complicated regulation and control.

From the perspective of Daoist natural state, the social contract or the governmental structure is a necessary evil, and the discussion of social justice is the sign of moral failure. However, the general characteristics of Daoist justice can be sketched. In a state with a minimalist government, basic material well-being is provided to its citizens. Probably, the need based distribution of social resources is the ideal form of Daoist distributive justice. Since people in a Daoist state do not work for more but for contentment, they work as much as they can but receive as much as they need for their simple, frugal, and natural life.

In the restorative or corrective side, Daoist justice is regarded as the process of restoring natural human relations. Crime is the violation of the natural order, the trespassing of the natural boundary of human relations. As a way to regain the balance, damaged relations and properties should be restored to their original and natural states. That is, distorted and twisted ways of human living should be restored to the original way (Dao). But the restoration process itself should be natural (i.e., should not violate the original way), because strict legal intervention and heavy punishment create more conflicts and distortions than they promote genuine peace and justice. In part, the origin of injustice lies not in the mind and the behavior of people but in the poorly designed system of justice that does not follow the natural flow of human behavior. For this reason, Daoist justice does not recommend extreme forms of retributivism, such as the negative reciprocity, i.e., repaying evil with evil. Because more laws and criminal charges make more criminals, any introduction and enforcement of laws should be carefully considered. Once the law and order are broken and the respect of human life disappears, even the capital punishment is not effective: people are no longer afraid of death. It is, therefore, wrong to believe that punishment can change the way people behave and restore the rightness. For a just and peaceful society, guiding people to the right path, not to violate the natural flow of interpersonal transaction and not to trespass the boundary of the natural human relations is essential. Ultimately, human relations and social order should follow the natural progression of the universe such as the cyclic movement and the natural balance of yin and yang. Whether distributive or restorative, Daoist justice reflects the cosmic balance and harmony, not the conventional social justice maintained by laws and contracts.

In an ideal Daoist state, peace is naturally achieved, serious punishment is absent, life is worry free, and the people rarely interested in politics; they don’t even know who their rulers are. The society achieves self-sufficiency without using excessive technology and extravagant cultural and intellectual activities. Daoists believe that knowing too much and doing too much make life difficult. The main objectives of Daoist justice, therefore, are to secure the basic material well-being of people, to maintain peace, and to support the worry free, plain, simple, natural, and spontaneous life that follows the natural path of the universe. All this seems to be the ideal recipe for sustainability and harmony. In today’s world marked by excess, waste, greed, and confrontation, these serene and sublime Daoist ideas contain a great potential for restoring the health of the planet.

Related Topics
- Reciprocity
- Retribution
- Rousseau, Jean-Jacques

References

Law of Peoples

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In The Law of Peoples, John Rawls (1999) establishes a theoretical framework for developing the content of the
basic principles and norms of a reasonably just international order, and uses it to argue for limited state sovereignty, universal basic human rights, and an international duty of assistance. Noting that international law has tended, since World War II, both to limit a state's right to wage war and to restrict a state's right of internal sovereignty, Rawls says that one of his aims is to give these two basic changes in international law a suitable rationale. Holding that it is in some cases permissible for states to exert international pressure or force to defend human rights, Rawls aims also to determine a meaning for the term “human rights” that is clear and appropriate for international law. Further, Rawls aims to establish the principle that well-ordered societies have a duty to assist “burdened” societies, which are unable to secure the basic human rights of their populations, by showing that this duty is grounded in the social-contract idea of justice that grounds both justice as fairness (JF), the conception of social justice Rawls presents in *A Theory of Justice* (TJ), and the Law of Peoples, the conception of international justice he presents in an article (Rawls 1993) and a book (Rawls 1999), both titled by the name of the conception. Rawls's overarching goal is, in his own words, a world in which ethnic hatreds leading to nationalistic wars will have ceased. Such a world is compatible with cultural diversity and the self-determination of peoples, he believes, if divisive hostilities can be tamed by a Society of well-ordered Peoples adhering to the Law of Peoples.

Rawls undertakes, he says, to follow Immanuel Kant’s lead, as sketched in his *Toward Perpetual Peace* (1795). By addressing three questions that are of pressing interest in our own historical period, which reveal respects in which Kant’s view is unclear or otherwise unsatisfactory, Rawls brings up to date in certain important respects Kant’s plan for bringing the world closer to a condition of perpetual peace. The three questions are: (1) Is humanitarian military intervention always morally impermissible, and if not, what kind of moral justification for it could be acceptable to all states pursuing a peaceful and just global order? (2) What are the basic human rights that may permissibly be secured by international uses of force or pressure by state governments and should be recognized as such rights in international law? (3) Given the diversity of the world’s religions and cultures, on what principles can a peaceful and just global order reasonably be based?

According to Rawls, international peace can be justly attained if his Law of Peoples, a reasonable conception of justice applicable to international law and practice, can be endorsed and adopted by all (or nearly all) non-expansionist societies that meet certain criteria of minimal domestic social justice, which he calls “the criteria of decency,” and if these societies, which he calls “peoples,” follow the Law of Peoples, thus forming the Society of well-ordered Peoples. (For explanations of these terms, see the entry on *Second Original Position in this encyclopedia*). Formulating a reasonable law of peoples is a necessary step toward the creation of such a society of peoples. It is also a necessary step toward settling certain controversies about state sovereignty and the international enforceability of human rights.

Rawls argues that, for purposes of formulating, interpreting, and implementing a reasonable law of peoples, the idea of a state that has traditionally figured in the principles of international law should be replaced by the idea of a people. Rawls uses the term “a state” in the same way as do many political scientists, especially international-relations theorists: As a descriptive term referring to a rational, self-interested collective agent that mainly aims to acquire and retain military, economic, and diplomatic power over other states. He uses the term “a people” as a technical term, assigning it a meaning that is not merely descriptive but also morally normative: A people is a politically organized society satisfying certain moral criteria, the criteria of decency, which include respecting certain basic human rights. Rawls argues both that states' long-standing legal rights regarding war and internal sovereignty ought to be modified, and that only peoples are entitled to all the rights of states. (For the argument, see the entry on *Second Original Position in this encyclopedia*).

Rawls proposes eight principles as specifying the fundamental rights and duties of peoples. (The principles are listed in the entry Rawls, John in this encyclopedia). This list of principles is incomplete and requires interpretation, he emphasizes. He contends that the eight principles, if interpreted in a certain way, are fair to all peoples and that parties representing them behind a veil of ignorance in an original position would have no reason to reject them (see the entry on *Second Original Position in this encyclopedia*). He further argues that these principles, together with his criteria for a decent society and his list of basic human rights, provide appropriate content for the foundation charter of a reasonably just system of international law. (For arguments supporting the criteria and the list, see Bernstein 2006, 2007). Rawls focuses mainly on the question of the basis of legal equality among peoples (his answer to which involves the criteria of decency), as well as on the limits of peoples’ rights and the grounds of universal basic human rights and the duty of assistance; he does not go on to develop the principles specifically applicable to the particular forms of international political and/or economic cooperation that peoples or their
members might undertake within the international legal framework established by the Law of Peoples. Rawls says that a just international order requires principles for forming and regulating federations or associations of peoples, and also standards of fairness for trade and other cooperative practices, but he leaves to others the tasks of developing such principles and standards, having provided a theoretical framework for doing so. His focus is on human rights and the fundamental principles of international justice.

Rawls argues for including among the basic norms and principles of international law certain basic human rights: a proper subset of the basic rights of citizens of liberal democracies. The idea of human rights is used by political leaders and policymakers in their practical reasoning about using diplomatic, economic, or military pressure or force internationally. Therefore, in Rawls’s view, the requirements of what he calls “public justification” apply to the specification of human rights for purposes of international lawmaking as well as the foreign policy of liberal peoples. Rawls argues that the international legal order should recognize the basic moral equality of every individual human person by securing for everyone all of the basic human rights that can be adequately justified as such rights by “public reason.” (For explanation of the terms “public reason” and “public justification,” see the entries on Second Original Position and on Political Liberalism in this encyclopedia as well as Rawls 2001 and Bernstein 2007).

Rawls formulates a short list of human rights that meet this condition by avoiding reliance on the distinctively liberal political conception of the person as free and equal citizen (see the entry on Second Original Position in this encyclopedia). He notes that the list is incomplete and requires interpretation. It includes rights to life, liberty, property, and formal equality. Life includes security and the means of subsistence, which Rawls interprets as including minimal economic security. Liberty includes not only freedom from slavery, serfdom, and forced occupation, but also a measure of liberty of conscience sufficient to ensure freedom of religion and thought. Property includes personal property, but not the right to private property in natural resources and means of production (Rawls 2001). Formal equality includes the requirement that similar cases be treated similarly by the legal system. The function of this preliminary list is mainly to indicate that, although the list of human rights appropriate for a reasonable law of peoples would largely agree with classic bills of rights, not all of the rights listed in the Universal Declaration of Human Rights (UDHR) may permissibly be enforced internationally for moral reasons (reasons of justice) that are independent of official commitments to secure the rights, since not all of the UDHR’s rights can be included in a political conception of human rights justifiable by public reason (Bernstein 2006, 2007, 2008).

The duty of assistance is an implication of the ideal conception of the Society of Peoples based on the Law of Peoples: The realization of this ideal requires that basic human needs be met and that human rights be recognized and secured everywhere, as Rawls says in The Law of Peoples (Rawls 1993). In this article, he proposes only seven principles; in The Law of Peoples (Rawls 1999), he adds the eighth principle, which states the duty of assistance, noting that it is more controversial than the other seven. He also clarifies “basic needs,” saying that he means roughly the needs that must be met if persons are to be in a position to take advantage of their rights, liberties, and opportunities; he emphasizes that these needs include economic means. The aim of the duty of assistance is to help burdened societies to become able to manage their own affairs, to become well ordered according to their own common-good conception of justice, and to become members of the Society of Peoples.

Charles Beitz, writing in 1979 (before Rawls had published anything about the duty of assistance), criticized Rawls’s brief remarks about international justice in TJ and argued that famine, environmental deterioration, and increasingly large international economic inequalities made the question of global distributive justice urgently important. Beitz contended that, in view of economic globalization and the increasing similarities between domestic and international institutions and practices, the two principles of JF, for which Rawls argued in TJ, should not be limited to domestic societal institutions and practices but instead should apply globally. (The two principles of JF are stated in the entry on Original Position in this encyclopedia.) Thomas Pogge, writing in 1989 and subsequently, as well as other cosmopolitan theorists, have similarly argued that Rawls should have developed principles of justice for the world as a whole, using a global original position: The parties in the original position should represent all of the individual persons in the world, instead of representing only persons who are citizens of the same society (see the entry on Original Position in this encyclopedia). Such an original position would, they argue, yield analogs of the two principles of JF, which would apply globally. The first global principle would require either a liberal-democratic world state or a worldwide international order of liberal-democratic states, or else some other political order compatible with universal human rights construed as including all of the basic rights of citizens of liberal democracies. The second
global principle would require worldwide equality of opportunity for everyone, and would also require that the global economy satisfy the difference principle. (For discussion of how to construe universal human rights, see the entry on ▶ Moral Cosmopolitanism as well as Bernstein 2006, 2008; for discussion of global equality of opportunity, see the entry on ▶ Political Cosmopolitanism in this encyclopedia).

Most cosmopolitan advocates of a global original position have argued mainly for a global difference principle. In order to assess their arguments, it is necessary first to study Rawls’s argument for the two principles of JF (see the entry on ▶ Original Position in this encyclopedia; Rawls 2001; Freeman 2007). Rawls’s ideas of social cooperation and pure procedural justice play particularly important and relevant roles in his argument.

Rawls proposes the two principles of JF for the role of moral standards for assessing a democratic society’s basic structure of institutions, including the economic system’s ways of distributing rights to income and wealth through the laws concerning property, contracts, and commerce, and the institutions governing production, consumption, and exchange. The economic system is structured and regulated by the political and legal system (the political constitution and the legal system it structures and regulates). Thus, economic cooperation among the citizens of a democratic society involves political cooperation. Rawls says that his first principle, which applies to the constitution, establishes a secure common status of equal citizenship and realizes political justice. He says that his second principle, which applies to the design of the institutions that can generate social and economic inequalities, requires that social and economic policies be aimed at maximizing the long-term expectations of the least advantaged under conditions of fair equality of opportunity, subject to the equal liberties being maintained. Within a justly designed basic structure, the distribution of goods to particular individuals is a matter of “pure procedural justice”; it is not a matter of allocative justice, which applies when a given set of goods is to be divided among particular persons who have no prior claims on the things to be distributed. Within a system of pure procedural justice, the public system of rules governs what is produced, in what quantities, and by what means, as well as who has legitimate claims to what goods. Since the distribution of goods results from the honoring of legitimate claims, the system of rules determines the distribution. According to Rawls, in a democratic society with a basic structure designed to meet the requirements of the two principles, all citizens would be in a position to manage their own affairs on a footing of a suitable degree of social and economic equality. The society would be a fair system of social cooperation in which persons who are both reasonable and rational can willingly take part. (For explanation of Rawls’s use of “reasonable” and “rational,” see the entries on ▶ Original Position and ▶ Second Original Position in this encyclopedia as well as Rawls 2001 and Freeman 2007).

Rawls’s cosmopolitan critics have argued not only that global economic interdependence and international inequalities require a global principle of distributive justice (either a globalized difference principle or some other principle), but also that Rawls’s own views about the moral arbitrariness of natural talents and inherited social class, his moral individualism, and his egalitarianism should have led him to see both that the original position should be set up with parties representing all of the world’s individual persons, and that the parties should not know the nationality or citizenship status (or lack thereof) of the persons they represent (see the entry on ▶ Political Cosmopolitanism in this encyclopedia).

Many rebuttals to such arguments have been published, including the following. There is no world state, and therefore at the global level there is no basic structure of the kind to which Rawls’s difference principle applies and no political agent with authority to apply a global difference principle; therefore, there is little practical point to advocating a global difference principle (Freeman 2006; Reidy 2007). Rawls’s arguments for the domestic difference principle are structured by the question he undertakes to answer in JF, which is a question about political justice in a democratic society. Given the absence of a democratic world state, Rawls’s arguments for his difference principle cannot be used to argue for a global difference principle. (Freeman 2006; Reidy 2007, and the entry on Original Position in this encyclopedia).

To advocate a global difference principle despite the absence (and, some argue, the impossibility) of a global basic structure of the relevant kind is to misconstrue his difference principle: It is not a principle of allocative justice applicable to the global or domestic economic product; instead, its role is to guide assessment and (re-)design of basic economic institutions within a framework of democratic government (Freeman 2006). Moreover, although redress is one of the elements in Rawls’s conception of justice, his difference principle is not the principle of redress, as he says explicitly (Rawls 1971). Further, to argue that Rawls’s own egalitarianism requires a global difference principle is either to misconstrue his egalitarianism, or to embrace an egalitarianism that he explicitly rejects, or both. (On egalitarianism in general, see the entry on ▶ Moral Cosmopolitanism in this encyclopedia;
on luck egalitarianism, see the entry on ▶ Political Cosmopolitanism in this encyclopedia).

The rebuttals summarized above supplement Rawls's own. In *The Law of Peoples* (Rawls 1993) Rawls replies to Beitz's argument for a resource redistribution principle, saying that although he shares Beitz's goals (meeting basic needs, securing human rights, and just institutions), a globalized liberal principle of distributive justice is neither necessary nor likely to be effective for achieving these goals; on the other hand, the duty of assistance is more likely to be an effective means for achieving the same goals, and it is more appropriate for a reasonable law of peoples since it can be justified in a way that meets the requirements of public reason. In *The Law of Peoples* (Rawls 1999), Rawls distinguishes two principles of distributive justice proposed by Beitz – a resource redistribution principle for the case of production by autarkic (economically self-sufficient) states, and a global distribution principle for the case of non-autarkic production – and discusses the latter; he also discusses Pogge's proposed egalitarian principle with its Global Resources Dividend, which Rawls regards as similar to, and perhaps a particular form of, Beitz's principle for the case of non-autarkic production. Replying to both Beitz and Pogge, Rawls argues that while he shares their goals of meeting basic needs, securing human rights, and establishing the conditions necessary for achieving just institutions, he believes the duty of assistance is a better means of attaining these goals.

The duty of assistance would be fully satisfied, and no further international assistance would be required, once all burdened societies had become able to determine for themselves the path of their own future and to be full members of the Society of Peoples. Rawls reasons that if a global principle of distributive justice would operate differently from the duty of assistance, and would not cease to apply once those goals were achieved, then its rationale must not derive solely from the requirements of justice (securing basic human needs, human rights, the conditions necessary for just domestic institutions, and the political autonomy of all decent peoples). Its rationale must derive at least partly from some other view, such as, that equality is a good in itself and inequalities are always unjust, which Rawls denies; or the view that some goal other than justice, e.g., raising the standard of living or increasing the wealth or well-being of individuals beyond what justice requires, should guide international lawmaking and liberal foreign policy, which Rawls also denies (Rawls 1999). What Rawls considers of ultimate importance is justice. His concern in the Law of Peoples is, in his own words, the justice and stability (for the right reasons) of liberal and decent societies, living as members of a Society of well-ordered Peoples.

**Related Topics**

▶ Contractarianism
▶ Global Difference Principle
▶ Global Justice
▶ Moral Cosmopolitanism
▶ Original Position
▶ Political Cosmopolitanism
▶ Political Liberalism
▶ Public Reason
▶ Rawls, John
▶ Second Original Position
▶ Social Contract

**References**


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**League of Nations**

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The League of Nations formed in 1919 as a response to the devastation of the First World War and was an