

The Dilemma of Realistic Utopia: On the Conception of “Peoples” in Rawls’s Theory of International Justice¹

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Rawls formulates an international theory of justice with the name The Law of Peoples based on the conception of Peoples endowed with a moral nature. “Peoples” are not equivalent to states in the general sense, but states whose exercise of political power has legitimacy and, therefore, has membership in the society of all peoples. The legitimacy manifests itself in the fact that peoples, as members of the society of peoples, must be reasonable and rational, and in particular, rationality must be restricted by the reasonableness. For Rawls, the willingness to give other peoples a proper respect in a reasonable sense is an essential part of the idea of peoples. However, the tolerance conception of the Law of Peoples centered on liberal peoples and the attitude of liberal peoples towards “outlaw states” and “burdened societies” have betrayed the idea of reasonableness and reciprocity. Although Rawls highlights the concept of “realistic utopia” in the hope that the Law of Peoples is reasonable and necessary, featuring liberal peoples as cores, putting decent hierarchical peoples, outlaw states and burdened societies in an inferior position, The Law of Peoples will be eventually in a dilemma for lack of justice and practicability.

Keywords: Rawls, Peoples, Law of Peoples, International Justice

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Introduction

John Rawls is renowned for his masterpiece *A Theory of Justice*. However, the boundary of his theory of justice is domestic society, so it is mainly about a theory of domestic justice. Rawls also claims that the two principles of justice do not apply to relations between nations. Although he does refer in his book to how justice as fairness can extend to the field of international law in order to judge the aims and limits of a just war, and briefly explores several basic principles governing international relations, including the principle of equality, self-determination, self-defence, *pacta sunt servanda*, etc. (Rawls, 1971). *A Theory of Justice* does not deal with international justice overall, which is one of the reasons why it has left itself subject to widespread criticism.

For more than 40 years, many scholars have been thinking about the possibility of applying Rawls’s theory of justice to international relations, while Rawls’s later book *The Law of Peoples* shows his own attempts and efforts in this regard (Rawls, 1999). Rawls puts forward a conception of “peoples” in this book and constructs a set of international justice principles of his so-called “the law of Peoples” based on the conception. Scholars’ arguments on “the law of Peoples” focus on this conception to a great extent. Therefore, clarifying it is key to understanding Rawls’s whole theory and related arguments.

The Connotation of “Peoples”: A Moral Character

In the theory of international law, the nation-state is regarded as the most basic and main subject, while Rawls chooses the collective concept of “peoples” in constructing his “law of Peoples”. Rawls explains that peoples have different characteristics compared to states, because the state is traditionally imagined as having two powers of sovereignty, which is inappropriate. In the section “Why Peoples and Not States,” Rawls further argues that the traditional concept of state sovereignty has been incorporated into positive international law for more than 300 years since the Thirty Years’ War (1618-1648), including the right to wage war abroad and the right to autonomy in dealing with its people, but both powers have gradually been severely restricted since World War II.

This restriction is closely related to the basic characteristics of states, which “are often seen as rational, anxiously concerned with their power – their capacity (military, economic, diplomatic) to influence other states – and always guided by their basic interests”¹. This is the significant difference between states and peoples. Especially “if rationality excludes the reasonable (that is, if a state is moved by the aims it has and ignores the criterion of reciprocity in dealing with other societies); if a state’s concern with power is predominant and if its interests include such things as converting other societies to the state’s religion, enlarging its empire and winning territory, gaining dynastic or imperial or national prestige and glory, and increasing its relative economic strength – then the difference between states and peoples is enormous” (Rawls, 1999). Therefore, Rawls points out that the right of the state to wage war and the right of internal autonomy should be restricted according to the idea of “The Law of Peoples.” So, what are the differences between peoples and states? Rawls expounds three basic characteristics.

First of all, there is a reasonable and just constitutional democratic government that serves the basic interests of peoples. This government does not pursue its own political ambitions but protects and is responsible for the basic interests of the people as stipulated in the written or unwritten constitution. Second, peoples are united by common sympathies, which do not require a complete origin of common language, history and political culture, as well as shared historical

consciousness, because these characteristics are difficult to fully satisfy. The Law of Peoples is based on the need for such common sympathies. Finally, peoples have a moral character; that is, peoples are reasonable and rational. They are willing to cooperate with other peoples under fair conditions, and they would respect these conditions even if they benefit by violating them (Rawls, 1999).

By comparing Rawls's arguments on the characteristics of states and peoples, it is not difficult to find that Rawls's rejection of the concept of state originates from his dissatisfaction with the state's lack of morality. Of course, this is Rawls's conclusion after examining the history of international relations motivated by national interests and power, filled with scenes of human tragedy.

Although Rawls painstakingly attempts to distinguish peoples from states, many scholars believe that the so-called peoples resemble states to a large extent (Benhabib, 2004; Buchanan, 2000). Allan Buchanan points out clearly that, from the principles of the Law of Peoples, if the term "peoples" does not mean some groups who own their states, it would be meaningless to attribute powers paralleling sovereignty to peoples, because only those groups who have their own states can have these powers. Therefore, Buchanan asserts that peoples are politically organized groups whose form of organization is actually the state (Buchanan, 2000).

However, Rawls tries to explain the meaning of peoples by expounding and emphasizing the moral nature of peoples. Actually, Rawls's peoples with moral nature in most cases are only the so-called liberal peoples. With this, he extends the conception of liberal justice to peoples' society, which is similar to "justice as fairness" in *A Theory of Justice*, but more general. It accommodates cultural diversity not mentioned in *A Theory of Justice*, and the Law of Peoples even contains non-liberal decent societies as equal partners for liberal peoples. *A Theory of Justice* does not take into account the hierarchy of justice, but the Law of Peoples highlights tolerance. Based on this, Rawls puts forward the concept of "decent hierarchical peoples" in the second part of ideal theory and lists the following criteria:

First of all, such societies have no aggressive goals and recognize the need to achieve their legitimate goals through peaceful means like diplomacy and trade while respecting the political and social order of other societies;

Secondly, the decent peoples' legal system complies with their common good idea of justice to ensure that their people acquire human rights; moreover, the decent peoples' legal system must impose *bona fide* moral obligations and responsibilities on all persons in its territory, within which the administrators of the legal system, such as judges and government officials, shall have a sincere and reasonable belief that the law is indeed guided by a common good idea of justice (Rawls, 1999).

The main difference between decent hierarchical peoples and liberal peoples is that liberal peoples regard the individual as the ultimate goal of morality. Decent hierarchical peoples do not recognize this, but emphasize the collectivism that society is superior to the individual. Both peoples together constitute well-ordered societies, and its representatives also choose and agree on the basic principles guiding the world order under the veil of ignorance similar to that in *A Theory of Justice*.

However, different from the two principles in *A Theory of Justice*, Rawls puts forward eight principles that constitute the Law of Peoples. These eight principles prescribe the main rights and obligations of peoples. Taking these principles into account, we can find that most of them are a restatement of the basic principles of international law, such as mutual respect for the equality, independence and freedom of the peoples, non-interference, self-defence, observance

of the rules of war, and conformity with treaty obligations. Nevertheless, the connotation of these principles is worth pondering over. Especially the respect for human rights and the duty to assist peoples living under unfavorable conditions proposed by Rawls in principles 6 and 8 impart a Rawls’s interpretation to “peoples.”

In fact, the conception of “peoples” expounded by Rawls is not equivalent to states in the general sense. With this conception Rawls intends to give some national governments a type of legitimacy. In other words, peoples are states whose exercise of political power has legitimacy and, therefore, membership in the society of all peoples.

The legitimacy manifests itself in the fact that peoples, as members of the society of peoples, must be reasonable and rational, and in particular, rationality must be restricted by the reasonableness. It is this characteristic that makes peoples different from states in the general sense. This is because the basic interests of peoples are limited by reasonableness. For example, the fundamental interests of liberal peoples are to protect their territories, ensure the safety of citizens, maintain their liberal political systems and various free cultures of domestic societies, and liberal peoples shall strive to guarantee reasonable justice for all their citizens and all peoples. Furthermore, liberal peoples may coexist with other peoples with the same characteristics to uphold justice and maintain peace.

According to Rawls, there is another very important interest for all peoples, namely, *amour-propre*. This interest is their proper self-respect as peoples, which is based on their common awareness of their history, culture and achievements, and is reflected in their insistence on obtaining a proper respect and recognition of their equal status from other peoples. The key point that distinguishes peoples from states is that just peoples are fully willing to give the same appropriate respect and recognition to other peoples as equal ones. In this way, peoples’ willingness to provide fair conditions for political and social cooperation for other peoples has become an integral part of their rationality and reasonableness. These fair conditions are those which peoples sincerely believe that other peoples will accept even if they can profit from the violation. This also reflects the reciprocity criterion. For Rawls, the willingness to give other peoples a proper respect in a reasonable sense is an essential part of the idea of peoples.

Unfortunately, as we can see below, the tolerance conception of the Law of Peoples centered on liberal peoples and the attitude of liberal peoples towards “outlaw states” and “burdened societies” have betrayed the idea of reasonableness and reciprocity.

Tolerance and equality in the law of peoples

Rawls argues that human rights in The Law of Peoples, unlike the rights of democratic citizenship, expresses only a number of specific types of urgently necessary rights, including, inter alia, the right to life (means of subsistence and security); the right to liberty (freedom from slavery and forced work, adequate measures of conscience to ensure freedom of religion and thought); the right to property (personal property); and the right to formal equality expressed in the rules of natural justice (i.e. similar treatment in similar cases). In Rawls’s view, human rights play a very special role in the Law of Peoples because “they restrict the justifying reasons for war and its conduct, and they specify limits to a regime’s internal autonomy. In this way they reflect the two basic and historically profound changes in how the powers of sovereignty have been conceived since World War II. First, war is no longer an admissible means of government policy and is justified only in self-defense, or in grave cases of intervention to protect human rights. And second, a government’s internal autonomy is now limited” (Rawls, 1999).

Considering Rawls's rejection of the concept of state in constructing the Law of Peoples and choosing people as the subject, it is not difficult to find that Rawls's people is only a state with limited sovereignty restricted by human rights obligations. The moral character of the so-called people lies in its respect for the supremacy of human rights.

Rawls stresses that human rights can not be rejected as special freedoms or exclusive ideas of Western tradition, and they are not politically regional. Human rights set a necessary standard for the acceptability of the domestic political and social system and its legal order. The toleration of decent hierarchical peoples is just based on their respect for human rights. Although Rawls defines decent hierarchical peoples in detail, these criteria essentially point to the requirements of human rights obligations both within and outside the system. For Rawls, the most important thing is that decent hierarchical peoples abandon aggressive war as a means of promoting its comprehensive doctrine while respecting the basic human rights of its members of society. Regardless of the principles on which such societies are organized, they must protect the human rights of their members and allow them the opportunity to participate in political decision-making through a decent hierarchy of consultations, even if that approach and opportunity may be very different from that of a liberal democratic society. Rawls believes that as long as decent hierarchical peoples respect these requirements, they can be accepted by liberal peoples as a kind member of peoples' society, which is the real meaning of tolerance.

In order to demonstrate how decent hierarchical peoples can be tolerated by liberal people, Rawls coins an Islamic society called Kazanistan. While in Kazanistan only Muslims have the highest political and military power, they also allow followers of other denominations to exist. Besides, Kazanistan respects human rights, including the right to life, liberty, property and formal equality before the law. Although Kazanistan is not a democracy, she may allow all members of society, including religious minorities, to participate in public life through a decent consultation hierarchy.

This consultation hierarchy needs to meet the following guidelines: All groups must be consulted in the decision-making process. Every member of a society must belong to a particular group. Each group must be represented by an institution that includes at least some members of the group, who are aware of and share the group's basic interests. The rulers of Kazanistan consult the representative bodies of all groups, which means their views and opinions must be taken into account when making final decisions, and if they so request, judges and other officials must explain and justify the decisions made by the rulers. Rulers should also take the particular priorities of Kazanistan seriously in their decision-making process, including the construction of a decent and rational Muslim people who respect religious minorities. These special and important priorities should form part of the conditions for equitable cooperation, which should be expressed openly (Rawls, 1999).

Rawls firmly believes that although Kazanistan is not a democratic system, it still guarantees a certain degree of justice. Therefore, liberal peoples should tolerate decent hierarchical peoples and treat them as equals. In a word, whether or not to meet the human rights standards proposed by Rawls is the limit of whether liberal peoples should tolerate non-liberal peoples.

Rawls's tolerance not only means that sanctions can not be imposed on non-liberal peoples, but also that liberal peoples recognize the equal status of non-liberal peoples in society of peoples. Rawls sees this tolerance as the most effective way to encourage liberal reform among non-liberal peoples. However, let us look at Rawls's exposition of the original position at the international level in the Law of Peoples. We can find that essentially this kind of "equality" centers around liberal peoples, and decent hierarchical peoples are only in a subordinate position.

Rawls argues that the original position in the international level characterized by the representatives of the peoples in a fair and equal position. More than that, these peoples should be set as rational ones. Their representatives also need to think carefully about the appropriate topic, which is the Law of Peoples, and their consideration follows just reasons (limited by the veil of ignorance). Finally, choosing the principle of the Law of Peoples is based on the fundamental interests of the peoples, determined by the concept of freedom of justice in this case.

Obviously, the veil of ignorance seems to be more transparent in that the parties know they represent liberal peoples and that they have more favorable conditions than other societies because constitutional democracy can be made possible only by a certain amount of material resources. Since the Parties know that the peoples they represent adhere to a just sense of freedom, they consider the fundamental interests of liberal peoples while the interests of decent peoples are ignored. As representatives of liberal peoples, in order to promote their basic interests and safeguard justice, they will choose the basic principles of the Law of Peoples to adjust the relationship between liberal peoples and between liberal peoples and other peoples. Based on the consideration of the basic interests of liberal peoples, Rawls contends that they will choose the eight principles, with the obligation of respect for human rights as the core, for the Law of Peoples.

However, as mentioned earlier, the interests of decent hierarchical peoples are not considered in choosing these principles. In fact, Rawls used two original positions at the international level. First, as described above, decent peoples are excluded; they could only participate in an isolated, restricted original position and could only decide whether to accept or reject the principles of the Law of Peoples chosen by liberal peoples. Rawls believes they would choose to accept because they do not fight for aggression; their representatives respect the domestic order and integrity of other peoples. Secondly, because a decent hierarchical society holds a common sense of good, its representatives strive to protect human rights and the good of the people, as well as to maintain their independence and security. They focus on the interests of trade and accept the idea of mutual assistance between peoples (Rawls, 1999). This explanation is actually a simple repetition of the criteria for decent hierarchical peoples. It is hard to imagine that they are willing to accept these principles liberal peoples choose for their own sake. Moreover, the subordination of the decent hierarchy of peoples in this process is itself contrary to the principle of equality between peoples, entirely in conflict with the requirements of reasonableness and reciprocity. Thomas Pogge further points out sharply that the people of non-liberal or non-decent societies are not represented in the original international state; thus, the interests of their members are completely ignored (Pogges, 2003). This seem to make the moral peoples immoral to a large extent, which in turn infringes on the legitimacy of peoples. It will be further discussed below.

Peoples Behind the Moral Nature

The superior status of liberal peoples to decent peoples weakens the principle of equality in the Law of Peoples, but Rawls still makes arduous efforts to emphasize their equal status or a superficial equality. However, for societies other than peoples, Rawls completely abandons the principles of independence and equality. His argumentation shows the arrogance of the peoples under the cover of the moral nature.

Rawls first mentions the concept of "outlaw states", the first kind of societies other than peoples. According to Rawls, Nazi Germany during World War II belongs to this kind. Outlaw

states do not abide by the Law of Peoples. Instead, for them, the pursuit of rational rather than reasonable interests suffice to wage war. Therefore, the well-ordered peoples have the right to wage war against outlaw states for the purpose of self-defense, as long as they reasonably and sincerely believe that their security is threatened by the expansion policy of outlaw states. However, they will explain the reasons for going to war against outlaw states in various ways for the sake of their goals. Rawls reluctantly acknowledges this, and says that if a society goes to war in pursuit of economic wealth, acquisition of natural resources, or even for hegemony and empire-building, then this society will shift from a people to an outlaw state. But Rawls gives no answers to this situation.

If outlaw states do not pose a threat to others or any danger to other countries, can they be intervened by force just because they violate human rights? Rawls confirms this, stressing that outlaw states, not respecting human rights, cannot participate in the social cooperation system. Even if they participate, their only aim are to gain their own interests. For this reason, Rawls maintains that military interference for the protection of human rights is necessary and legal if the violations are unusually serious and other political and economic sanctions do not work.

However, whether for the threat of security or for the protection of human rights, the war against outlaw states may be subject to the criticism that it directly contradicts the principles of independence, equality and non-interference. A possible answer is that the above principles apply only to well-ordered peoples and not to outlaw states. But if so, How can outlaw states be interfered for the reason they don’t conform to the Law of Peoples?

Rawls believes that through the war of self-defense, the ultimate goal is to turn the outlaw states into liberal or decent peoples, and thus bring them into the peoples’s society. The same purpose is also embodied in the treatment of the second societies outside peoples – burdened societies, but the way peoples treat them varies because of the different reasons for their non-compliance with the Law of Peoples.

Unlike outlaw states, burdened societies do not observe the Law of Peoples because they “lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered” (Rawls, 1999). For these societies, well-ordered peoples should assume a duty of assistance, but the duty advocated by Rawls is very limited. He contends that the transition from a burdened society to a well-ordered society does not require a lot of wealth. Rawls reintroduces the principle of just savings in domestic societies described in the *Theory of Justice*. The purpose of the principle is to establish a just or decent basic institution, and once it is established, this saving behavior stops. At the same time, according to Rawls, the establishment of such an institution does not require a large amount of wealth, but depends on the history and the view of justice specific to a society.

Rawls argues that the duty of assistance in the Law of Peoples is very similar to the principle of just savings at the domestic level, and that both aim to achieve and maintain a just or decent system. A society must eventually have a political culture that can sustain the system. To this end, Rawls stresses that the key factors are the political virtue of a society, the industriousness and innovation of its members, as well as their population policy and human rights situation. In Rawls’s view, these factors play a more critical role than wealth in establishing just or decent institutions. As long as the well-ordered peoples help burden societies to establish the fair or decent system, burden societies incorporated into the peoples’ society to become well-ordered, the purpose of assistance has reached, and assistance can stop. Even if they are still in a state of poverty, rich societies have no obligation to take further economic redistribution as Rawls believes that there is no need to achieve equal wealth among peoples and a fair or acceptable

system ensures a burdened society’s economic development. In this regard, the ultimate goal of the assistance obligation is only moral equality among different societies.

The duty of assistance constitutes an important part of Rawls’s international justice theory. Rawls insists that inequality is not necessarily unjust and when it is unjust, just because inequality has an unjust impact on the basic structure of peoples’s society, and on the relationship between the people and its members. However, once the duty of assistance is fulfilled, this will not happen, so there is no need to focus on inequality. Rawls highlights three reasons: First, by the time the purpose of the assistance to burdened societies is achieved, all the peoples have an effective liberal or decent government. In such cases, there is no need to narrow the gap between different peoples in wealth possession because this kind of government can take effective measures to ensure that their people live valuable lives. Second, once the assistance obligation is completed, every people has its own liberal or decent government within it, the citizens of which will not feel inferior only because other societies are richer than the one they belong to. At this time, each person can adjust the significance of their own social wealth, so there is no reason to feel inferior. Third, in Rawls’s view, justice in the Law of Peoples refers not only to formal equality, but also to a just procedure. Since the representatives of peoples choose the basic principles equally in the original position, this process is a just procedure, and the result of the application of this procedure is just.

In short, for Rawls, as long as the principle of assistance is carefully followed, every society can be responsible for itself after establishing a just or decent system and eventually lead its people to a happy life, which makes any redistribution or assistance unnecessary.

In my opinion, Rawls’s arguments for the principle of assistance are not convincing. Why do some countries in the world are prosperous while others are in crisis? This has been one of the hot issues for the economists for centuries. Rawls feels no need to explore the principles of resource redistribution because “the crucial element in how a country fares is its political culture—its members’ political and civic virtues – and not the level of its resources, the arbitrariness of the distribution of natural resources causes no difficulty” (Rawls, 1999). Clearly, Rawls here cites David Landes’s view on the wealth and poverty of nations. However, Landes’s research does not show any single-cause theory of national wealth and poverty. Landes does recognize the important influence of a country’s political culture in her economic development, but he does not take it as the only decisive factor (David Landes, 1998).

I do not intend to deny Rawls’s point of view. In fact, many economists support his assertion. Andrew Hurrell points out that “the problems of inequality and underdevelopment lie within domestic societies rather than with the international system” (Hurrell, 2001). However, Hurrell also reminds us that “this view clearly underplays the vulnerability of developing societies to global markets. (...) It neglects the degree to which the emergence over time of the ‘unfavorable conditions’ that afflict poor societies has as much to do with external and global factors as with internal ones” what is more, we cannot ignore the influence of geographical environment, climate, population, natural resources and the international environment on the national economic development. In fact, Rawls also admits that an important role of the people’s government is to be the representative and effective agent of the people, responsible for maintaining its territory and the integrity of the environment and the population size. Rawls goes on to say, “unless a definite agent is given responsibility for maintaining an asset and bears the loss for not doing so, that asset tends to deteriorate. In this case the asset is the peoples territory and its capacity to support them in perpetuity; and the agent is the people themselves as politically organized” (Rawls, 1999). Obviously, it is from the perspective of resources that Rawls talks about the

management of territory and the environment. Rawls may have aimed to show that natural resources and other factors can exert influence on a country’s development mainly through the role of political culture, but unfortunately, he has not fully demonstrated this. Moreover, there is still a problem. Even if a country has established a liberal or decent system, it is still relatively short of resources. Is it willing to obtain more resources according to a redistribution principle to promote its economic development? The answer seems to be yes, but Rawls will give a negative answer. Why is that?

Leif Wenar attempts to provide a defense for Rawls’s seemingly inconsistent position. He points out that the key is that the fundamental interests of domestic citizens and peoples are different. The former pursues more wealth and income, while peoples do not. Peoples only pay attention to a certain level of wealth that can ensure the maintenance of their just political order. Beyond this level, their concern for wealth disappears. Therefore, there is no need to redistribute to maintain background justice, as people are indifferent to what will be distributed (Leif Wenar, 2006). However, in the second level of the international original position, as representatives of liberal or decent peoples, the parties do not know the territorial size and population size of the people they represent, nor do they know the amount of their natural resources, let alone the level of their economic development or other related information. So, behind the veil of ignorance, all parties may only be aware of their political and cultural information, not knowing how much resources and wealth are needed to establish and maintain their just or decent system. In this case, it is unconvincing to think that peoples are indifferent to the pursuit of more resources and wealth.

Hsuan-Hsiang Lin argues that from a practical point of view, Rawls is obviously a bit naive to think that peoples are not interested in maximizing their wealth. Nonetheless, he adds that even if the interests of wealth are considered in the international original position, they must be coordinated with the fundamental interest of people’s self-respect. The law of peoples must allow ample space for peoples to choose their conception of distributive justice, and formulate distributive policies accordingly. When this political and economic autonomy is not allowed, people’s self-respect will get hurt (Lin, 2006). However, if the basic needs to maintain people’s livelihoods and health are not met, what is the point of talking about self-respect? As Peter Singer points out sharply, “tens of millions of people have died from poverty-related illnesses in countries that have yet to gain liberal or decent institutions and become “well-ordered.” The issue of how the rich countries and their citizens are to respond to the needs of the hundreds of millions of people in extreme poverty has an urgency that overrides the longer-term goal of changing the culture of societies that are not effectively regulated by a public conception of justice. But that issue is not one to which the author of *A Theory of Justice* ever gave serious attention” (Singer, 2016). This exactly shows the indifference of “peoples” and no respect for the principle of human rights. Charles Beitz doubts the basis of Rawls’s argument, saying that diversified factors, including natural resources, technology or human behavior, affect economic development. It is difficult to decide which is more important because it varies from one society to another (Beitz, 2000).

From Rawls’ arguments we can see that he does not prioritize the issue of equality, but believes that a just or decent institutional culture is enough to secure the relative equality between countries. However, Rawls underestimates the importance of equality at the international level. In the context of globalization, the inequality between countries will gradually lead to an increasingly serious inequality, as strong or rich countries are likely to make use of their dominance to manipulate international political and economic relations, and eventually, there

will be only a few great powers or rich countries in the world that possess or control most of the world's wealth, whereas most poor countries are getting poorer and poorer. If things continue like this, serious instability will even occur in the domestic politics of just or decent countries. To maintain their rule, these governments are highly likely to deviate from well-ordered societies and become outlaw states in pursuit of power and self-interest.

Conclusions

From domestic justice to international justice, Rawls dramatically abandons moral individualism and chooses to construct the Law of Peoples with peoples as the main subjects. In *A Theory of Justice*, individuals are always in the core position in the process of choosing the principles of justice, but it is peoples that choose the basic principles under the original position at the international level. This significant change subjects Rawls' theory of international justice to a lot of criticism. Perhaps Rawls thinks more about the practicability of his theory. In the beginning of *The Law of Peoples*, Rawls highlights the concept of "realistic utopia" in the hope that the Law of Peoples as a "realistic utopia" is reasonable and necessary. As long as all societies establish a just or decent system, tragedies of unjust wars, religious persecution, genocide and famine can be eventually eliminated. Yet a close scrutiny of the Law of Peoples enables us to find that despite liberal peoples tolerate decent hierarchical peoples and incorporate them into the society of peoples, decent peoples who had no say during the course are placed only in a subordinate position. In order to incorporate outlaw states and burdened societies into well-ordered societies, peoples can even abandon the principles of independence, equality, non-interference and respect for human rights that constitute the basis of the Law of Peoples. All these greatly hinder its justice and practicability and make it eventually fall into a dilemma.

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