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THE UNITY OF RAWLS'S WORK
Leif Wenar

This article presents a unifying interpretation of Rawls's major works. The interpretation emphasizes the parallels in Rawls's theories of justice and legitimacy for domestic and global institutions.

Of the many criticisms of Rawls's work, among the sharpest have been those charging inconsistency. Rawls's later work has been accused of contradicting nearly everything that made his earlier work important.

Rawls's second book, *Political Liberalism*, attracted a great deal of censure on this score.[1] Many worried that Rawls's new-found concerns with stability and consensus had resulted, in the words of one critic, in "a slighting of economic justice and the plight of the worst-off, which was central in *Theory of Justice*."[2] The difference principle, it was feared, had been "sacrificed,"[3] or at least "drowned out."[4] Bruce Ackerman complained that, "The egalitarian commitment of *A Theory of Justice* does not survive the movement to *Political Liberalism*…. Rawls is wrong, then, to suppose that his new commitment to

political liberalism is compatible with his older commitments to the original position and equality."[5]

Other critics charged that the "radical change"[6] of turning justice as fairness into a political conception limited its relevance by making the theory applicable only to societies that were already liberal. This "parochialism" struck some as "disappointing"[7]; others found Rawls's critics accusing him of "morally criticizable backsliding"[8]; and at least one author claimed that Rawls "appears to have jettisoned the project of justifying liberalism"[9] altogether. Brian Barry, reflecting on this "bad book by a famous author,"[10] remarked that "since there is a widespread feeling that *Political Liberalism* does not succeed in fulfilling its stated task, the conclusion is naturally drawn that the whole Rawlsian project is fatally flawed."[11] Perry Anderson's verdict was that, "Rawls's new book is thus not a development of his earlier work: it is an amputation of it. The burden of *Political Liberalism* is an intellectual renunciation, rather than any substantive addition."[12]

Rawls's third book was then charged with double betrayal. *The Law of Peoples* was accused of undermining both *Theory of Justice* and *Political Liberalism*. Some critics objected that Rawls's idea of a people was neither "clear enough" nor "significant enough in the human world"[13] to displace the focus on persons in justice as fairness. Some were perplexed that the highly progressive principles of *Theory of Justice* were replaced in the international realm by "timid"[14] principles from a "vanished Westphalian world."[15] Others complained that Rawls's willingness to tolerate illiberal societies was not only "a betrayal of liberalism,"[16] but also "blatantly inconsistent"[17] with his treatment of illiberal minorities in *Political Liberalism*.

In sum, Rawls's critics have charged "philosophical incoherence."[18] Whatever the value of Rawls's particular arguments, the sense among many theorists is that these arguments do not fit together. Rawls's later additions have dragged down the original structure, and the best that Rawlsians can hope for is that something could be built with the wreckage.

This short article attempts to respond to these criticisms by laying out a systematic interpretation of Rawls's work as a whole. Rawls's work can indeed be seen to present a unified theory, whose power comes from the mutual support of its parts. Elsewhere I have drawn on this unifying interpretation to explain why Rawls went the way he did at particular points — for example, why he framed his global theory in terms of peoples instead of persons, and why he rejected an international difference principle.[19] In this article, I survey the entirety of the Rawlsian theoretical architecture, attempting to show how the major structural concepts in Rawls's works fit together. The challenge taken up here is, essentially, to "use all of these Rawlsian words in one sentence." The interpretation will be successful if the reader agrees that this "sentence" lays out a consistent and interesting political philosophy, and one that remains true to the texts that Rawls wrote.

The reconstruction that follows is organized around the ideas of justice and legitimacy. Justice is a familiar theme from Rawls's work, yet the interpretation here assumes that the idea of legitimacy is at least as important to Rawls's project. An emphasis on legitimacy is essential, I believe, for understanding the motivation behind many of Rawls's arguments, as well as how these arguments are intended to support one

another. The importance of legitimacy to Rawls's work has sometimes been suggested, but in my view it has not yet been sufficiently appreciated.[20]

The reconstruction of Rawls's work is divided into four sections, corresponding with the four main topics that this work addresses. These four topics are: legitimacy within a liberal society, justice within a liberal society, legitimacy within a decent (but non-liberal) people, and legitimacy among liberal and decent peoples. The reconstruction begins with what Rawls calls the first task of liberal political theory.

I. LEGITIMACY WITHIN A LIBERAL SOCIETY

The first task of liberal political theory is to find principles to order a constitutional regime so as to be both legitimate and stable.[21] The exercise of political power in a liberal society is legitimate only when exercised in accordance with a constitution the essentials of which are acceptable to all citizens, regarded as reasonable and rational.[22] Citizens are reasonable when they are ready to propose and abide by fair terms of cooperation even at the expense of their own interests, given that others are also willing to do so.[23]

The task of finding legitimate principles for a liberal society is made difficult by the fact of reasonable pluralism. This is the fact that citizens of modern democratic societies will hold irreconcilable but reasonable comprehensive doctrines — that is, irreconcilable but reasonable ideals of character and conceptions of what is valuable in human life.[24] Because of reasonable pluralism, no comprehensive doctrine will be acceptable to all reasonable citizens. Therefore no comprehensive doctrine can be the basis for the legitimate exercise of political power in a liberal society.[25]

Reasonable pluralism also makes the problem of stability acute.[26] A stable liberal regime must be freely supported by a substantial majority of its politically active citizens.[27] Yet no liberal regime can maintain stability on the basis the principles of a comprehensive doctrine without the oppressive use of state power.[28]

No comprehensive doctrine can provide the content for the principles of a legitimate and stable liberal constitution. What other source could there be for the content of these principles? There is only one source of fundamental ideas that could serve as a focal point for all reasonable citizens of a liberal society: the public political culture of that society.[29] The public political culture comprises the political institutions of a society and the public traditions of their interpretation, as well as historic texts and documents that have become part of common knowledge.[30] Reasonable citizens will understand that the public political culture of their society is the only source of ideas on which all can converge for the purpose of determining the basic terms of their cooperation.

The general solution to the problem of reasonable pluralism is thus to order a liberal constitution according to the principles of a political conception of justice. A political conception is a moral conception of justice for the basic structure whose principles are worked out from the fundamental ideas implicit in the public political culture of a liberal society.[31] Since a political conception of justice stands free from all comprehensive doctrines, it is possible that the principles of a political conception will be acceptable to all reasonable citizens, and so possible that these principles can serve as the basis for legitimate coercion.[32] And it is possible for such principles to order society stably, since they can be the focus of an overlapping consensus.[33]

In an overlapping consensus each reasonable citizen supports the political conception from within her own comprehensive view.[34] Such a consensus is possible because reasonable citizens' comprehensive doctrines are likely to be (or to become) compatible with the ideas in the public political culture from which the principles of the political conception are derived.[35]

Legitimacy thus requires that state power in a liberal society be exercised in accordance with the values of a political conception of justice. Yet state power is not the only political power that is exercised in a liberal society. Legitimacy imposes a moral duty of civility upon democratic citizens to appeal to the shared values of a political conception when they exercise political power over each other, and especially when they debate and decide upon constitutional essentials and matters of basic justice.[36] This is the duty of public reason. Citizens are to appeal to and decide in accordance with shared political values when they vote in elections, when they campaign for political office, and when they explain their decisions as government officials.[37]

What then are the ideas in the public political culture of a liberal society that can be used to construct a political conception of justice? A fundamental idea in the public political culture adequate for working up a political conception of justice is the idea of society as a fair system of cooperation among free and equal citizens.[38] There are many ways of specifying these ideas of fairness, freedom and equality. So there are many liberal political conceptions of justice.[39] Any of these conceptions of justice, if implemented, would satisfy the liberal principle of legitimacy: that the exercise of coercive political power is fully legitimate only when this power is exercised in

accordance with a constitution the essentials of which all citizens may reasonably accept as free and equal.[40]

Each member of the family of reasonable liberal political conceptions of justice will interpret differently the fundamental ideas of fairness, freedom and equality. However, there is a limit to the latitude with which these ideas from the public political culture may be interpreted. All reasonable liberal political conceptions of justice will meet three criteria of liberal legitimacy. They will: a) ascribe to all citizens the familiar liberal basic rights and liberties; b) assign these rights and liberties special priority with respect to claims of the general good and perfectionist values; and c) assure all citizens adequate means for taking advantage of these freedoms.[41] These criteria require more specifically that there be publicly funded elections, universal basic health care, and a not excessively unequal distribution of wealth and income.[42]

When citizens (including officials) exercise political power in accordance with the three criteria of liberal legitimacy, and within the bounds of public reason, they satisfy the demands of legitimacy and thus the criterion of reciprocity among citizens.[43] A legitimate society's stability is secured when its basic structure is effectively regulated by one of the family of reasonable political conceptions of justice (or a mix thereof), and when citizens who affirm some member of this family are in an enduring majority.[44]

II. JUSTICE WITHIN A LIBERAL SOCIETY

Justice as fairness is a political conception of justice based on one specific interpretation of the ideas of fairness, freedom and equality found in the public political culture of a liberal society.[45] According to justice as fairness the freedom of citizens has

three aspects.[46] Citizens are free in that they regard themselves as having a capacity to form, revise and pursue their conception of the good; in that they believe themselves to be self-authenticating sources of valid claims on institutions; and in that they are viewed as capable of taking responsibility for their ends given the resources likely available to them. Citizens are equal in virtue of possessing to a minimal degree the basic moral powers and the capacities that enable them to be fully cooperating members of society.[47] The specification of what citizens need — primary goods — is derived from this conception of the citizen.[48] The conception of fairness used in justice as fairness emphasizes that social and natural facts about citizens that are arbitrary from a moral point of view should not be taken as basic when determining the distribution of primary goods.[49]

The original position is a thought experiment meant to move from these conceptions of fairness, freedom, and equality to determinate principles of justice.[50] In the original position, rational representatives of reasonable citizens choose principles of justice under conditions that are reasonable relative to the conceptions of citizen and society outlined.[51] For example, the idea that society should be a fair system of cooperation among equals is modeled by the symmetric situation of the parties behind a veil of ignorance (that is, by their not knowing the particular circumstances of those they represent, so that they are unable to favor those they represent in their choices).[52] Since the conceptions of citizen and society are modeled in the setup of the original position, the principles of justice that are selected within the original position should be the principles that are most congruent with these conceptions.[53]

Two principles would be selected in this original position: the first assuring equal basic rights and liberties, the second requiring fair equality of opportunity and that any inequalities of wealth and income be to the advantage of those worse off.[54] These two principles are then to be further specified from the perspective of this original position into a fully determinate scheme of justice through a four-stage sequence.[55]

Since justice as fairness meets the three criteria of liberal legitimacy it is a member of the family of reasonable political doctrines.[56] Justice as fairness is typical of such liberal conceptions, although it is also the most egalitarian of them.[57] Some may believe that justice as fairness is the most reasonable conception of justice, while others may reasonably prefer other members of the family of reasonable political doctrines.[58]

III. LEGITIMACY WITHIN A DECENT PEOPLE

The liberal principle of legitimacy specifies how coercive power may properly be used within a liberal society. A more general principle of legitimacy is needed to evaluate the use of coercive power in non-liberal societies. This general principle of legitimacy is: The exercise of coercive political power over persons is legitimate only when it is exercised in accordance with a basic structure that is acceptable to those persons, regarded as decent and rational.[59] Persons are decent when they are ready to abide by the terms of a decent scheme of social cooperation even at the expense of their own interests, given that others are also willing to do so.[60]

A society's basic structure must meet four criteria in order to qualify as a decent scheme of social cooperation.[61] First it must secure proper human rights, including rights to subsistence, security, personal property, and formal equality before the law, as well as

freedoms from slavery and some measure of liberty of conscience.[62] Second, its legal

system must be such as to impose *bona fide* moral duties and obligations on all persons

subject to it on matters of law beyond those that concern human rights.[63] A basic

structure that satisfies these first two criteria realizes a common-good idea of justice, in

that it takes into account what the society sees as the fundamental interests of all

persons.[64] Third, its officials must hold and publicly demonstrate a sincere and not

unreasonable belief that the law they administer is guided by a common-good idea of

justice.[65] Fourth, it must give citizens a meaningful role in political discussions by

providing opportunities for dissent, and by requiring government officials to take this

dissent seriously and give it conscientious reply.[66]

A non-aggressive society with a basic structure that meets these four criteria is a

legitimate non-liberal society: a decent society.[67] The institutions of a decent society may

be inegalitarian, and they may be based on a comprehensive doctrine that is dominant in

the local public political culture such as a religious view.[68] Liberals will not see such a

society's laws as just, since these laws will not be based on the ideas of fairness, freedom,

and equality.[69] Yet since decent societies are non-aggressive and their institutions are

legitimate, liberal societies have no justification for interfering in their affairs. To

interfere in the affairs of a decent society would be intolerant.[70]

An outlaw state is not a decent society: it is either aggressive toward other

peoples, or its officials violate the human rights of those within their territory, or both.[71]

Outlaw states need not be tolerated. Liberal societies may resist aggressive outlaw states

in self-defense; and liberal societies may intervene in the affairs of outlaw states to stop

severe violations of human rights, since officials who violate human rights have no legitimate authority to exercise coercive political power in this way.[72]

IV. LEGITIMACY AMONG WELL-ORDERED PEOPLES

We require, finally, global principles to regulate relations among the members of the various liberal and decent peoples. Since these principles will be coercive, they must also pass a basic test of legitimacy. These principles must, that is, be acceptable to all persons regarded as rational and as either decent or reasonable. However, there is even more pluralism among individuals' comprehensive doctrines globally than there is pluralism among individuals' comprehensive doctrines within a liberal society.[73] So, as above, given this pluralism no person's comprehensive doctrine can provide the content of the principles that will be used to coerce all.[74] We must instead again look to a public political culture as the focal source of fundamental ideas for the content of a political conception. This time, we must look to the global public political culture to find the content for a political conception of a law of peoples.[75]

The global public political culture contains few ideas about how persons living in different societies should relate directly to one another.[76] However, the global public political culture contains a wealth of ideas concerning how *peoples* ought to relate to one another. The principles governing relations among the members of liberal and decent societies must therefore be principles regulating conduct not among persons, but among peoples.[77]

A people is a reasonable group of persons bound together by common sympathies and sharing a reasonably just or decent basic structure.[78] Peoples are reasonable when

they are ready to propose and abide by fair terms of cooperation even at the expense of their own interests, given that other peoples are also willing to do so.[79] Liberal peoples and decent peoples are together known as well-ordered peoples.[80] The fundamental interests of well-ordered peoples include protecting their citizens, their territory, their political independence, and their self respect as peoples.[81] Well-ordered peoples do not, however, have a fundamental interest in wealth above the level necessary to sustain their legitimate institutions; and for this reason there need be no (re-)distributive principle for wealth among peoples above the level necessary to sustain the legitimacy of each.[82]

The fundamental idea in the global public political culture adequate for working up a political conception of a law of peoples is the idea that peoples ought to relate fairly to each other as free and equal. Peoples are free in that they conceive of themselves as politically independent and self-determining: that is, as capable of making their own decisions concerning their territories and their citizens' well-being.[83] Peoples are equal in that the fundamental interests of each are of the same importance as those of others.[84] The idea of fairness in the global public political culture emphasizes that the size, power, and prosperity of different peoples should not be taken as basic when determining the terms of their cooperation.[85]

The global original position is a thought experiment meant to move from these conceptions of fairness, freedom and equality to determinate principles of a law of peoples.[86] This original position works by allowing rational representatives of reasonable peoples to choose principles for a law of peoples under conditions that are reasonable relative to the conception of peoples and their proper relations. Since the conceptions of peoples and their proper relations are modeled in the setup of this original position, the

principles of the law of peoples that are selected within it should be the principles that are most congruent with these conceptions.[87]

The eight principles of the Law of Peoples would be selected in this original position.[88] These principles state among other things that peoples should not instigate wars of conquest, should abide by their agreements, should honor human rights, and should assist those peoples that have fallen below the material conditions necessary to sustain legitimacy.[89] The parties in the second original position would also select standards of fairness for trade, as well as guidelines to provide for cooperative organizations such as a world bank.[90] The further interpretation of these principles and specification of these institutions is to be undertaken from the perspective of the global original position.[91]

Finally, the basic requirement of legitimacy imposes a moral duty of civility on peoples to respect the bounds of global public reason. Members of peoples are to appeal to and decide in accordance with shared global political values when they vote in elections, when they campaign for public office, and when they explain their foreign policy decisions as government officials.[92] When peoples and their members exercise political power in accordance with the eight principles of the Law of Peoples, and within the bounds of global public reason, they satisfy the demands of legitimacy and thus the criterion of reciprocity among peoples.[93] The stability of the Society of Peoples is secured when relations among peoples are guided by the Law of Peoples, and when well-ordered peoples are capable of constraining any outlaw states that threaten the peace that obtains among them.[94]

This concludes the interpretation of Rawls's work. Rawls's theories of justice and legitimacy are not entirely finished, since they must still be extended outward to accommodate our relations to nature, and extended inward to explain our duties toward our fellow liberal citizens who cannot cooperate fully with us.[95] But on the topics treated here, Rawls's work is unified and complete.[96] Rawls's system may still face objections that one or another argument is unsound. Yet the charge of inconsistency is one criticism that Rawlsians can meet.[97]

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[1] John Rawls, *Political Liberalism* [hereafter *PL*] paperback edition (New York: Columbia University Press: 1996). The footnotes will use the following abbreviations to refer to Rawls's other major works: *A Theory of Justice* [*TJ*] revised edition (Cambridge: Harvard University Press, 1999); "Reply to Habermas" [*RH*] in *PL*, pp. 372-434; *The Law of Peoples* [*LP*] (Cambridge: Harvard University Press, 1999); "The Idea of Public Reason Revisited" [*PR*] in *LP*, pp. 129-80; *Justice as Fairness: A Restatement* [*JF*], ed. Erin Kelly (Cambridge: Harvard University Press, 2001).

[2] Stephen Holmes, "John Rawls and the Limits of Tolerance," *The New Republic* (11 October 1993), pp. 39-47; p. 39.

[3] Brian Barry, "John Rawls and the Search for Stability," *Ethics* 105 (1995), pp. 874-915; p. 913.

[4] Susan Moller Okin, "Review of *Political Liberalism*," *American Political Science Review* 87 (1993), pp. 1010-1011; p. 1010.

[5] Bruce Ackerman, "Political Liberalisms," *Journal of Philosophy* 91 (1994), pp. 364-86; pp. 374, 375.

[6] Bernard Williams, "A Fair State," *London Review of Books*, (13 May 1993), pp. 7-8; p. 7.

[7] Samantha Brennan and Robert Noggle, "Rawls's Neglected Childhood," in Victoria Davion and Clark Wolf, eds. *The Idea of a Political Liberalism* (Boston: Rowman and Littlefield: 2000), pp. 46-71; p. 64.

[8] Clark Wolf uses this phrase when reporting the criticisms of others, in "Fundamental Rights, Moral Pluralism, and the Moral Commitments of Liberalism," in Davion and Wolf, pp. 102-26; p. 124.

[9] Bruce Brower, "The Limits of Public Reason," *Journal of Philosophy* 91 (1994), pp. 5-26; p. 8.

[10] Barry, p. 915.

[11] Ibid. Barry did not endorse as such the conclusion drawn in his remark, although he did describe what he believed were great tensions between *Theory of Justice* and *Political Liberalism*.

[12] Perry Anderson, "On John Rawls," *Dissent* (Winter 1994), pp. 139-44; p. 140.

[13] Thomas Pogge, "An Egalitarian Law of Peoples," *Philosophy and Public Affairs* 23 (1994), pp. 195-224; p. 197.

[14] Stanley Hoffman, "Dreams of a Just World," *New York Review of Books* (November 2, 1995), pp. 52-56; p. 53.

[15] Allen Buchanan, "Rawls's Law of Peoples: Rules for a Vanished Westphalian World," *Ethics* 110 (2000), pp. 697-721.

[16] Buchanan, "Rawls's Law of Peoples," p. 697 uses this phrase in describing the reactions of critics of Rawls's Law of Peoples.

[17] Kok-Chor Tan, "Liberal Toleration in Rawls's Law of Peoples," *Ethics* 108 (1998), pp. 276-95; p. 283.

[18] Simon Caney, "Cosmopolitanism and the Law of Peoples," *Journal of Political Philosophy* 10 (2002), pp. 95-123; p. 106.

[19] See Wenar, "The Legitimacy of Peoples" in *Global Politics and Transnational Justice* ed. P. de Greiff and C. Cronin (Cambridge, MA: MIT, 2002), pp. 53-76; and "Contractualism and Global Economic Justice," *Metaphilosophy* 32 (2001), pp. 79-94; reprinted in *Global Justice* ed. T. Pogge (Oxford: Blackwell, 2001), pp. 76-90. An updated version of "The Legitimacy of Peoples" is forthcoming in a collection of essays on Rawls's *Law of Peoples* edited by Rex Martin and David Reidy.

[20] Three excellent essays which emphasize the importance of legitimacy for understanding Rawls's work are David Estlund, "The Survival of Egalitarian Justice in John Rawls's *Political Liberalism*," *Journal of Political Philosophy* 4 (1996), pp. 68-78; Allen Buchanan, "Justice, Legitimacy, and Human Rights," in Davion and Wolf, pp. 73-89; and Burton Dreben, "On Rawls and Political Liberalism," *The Cambridge*

Companion to Rawls, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), pp. 316-46. On the unity of Rawls's work, see also Daniel Weinstock's critical survey, "The Justification of Political Liberalism," *Pacific Philosophical Quarterly* 75 (1994), pp. 165-85.

[21] *PL,* pp. xx, xxx, xli, 3-4, 47; *JF,* pp. 1-2.

[22] *PL,* pp. xlvi, 136-40; *JF,* pp. 40-41.

[23] *PL,* pp. xliv, 48-54, 81-86, 94; *LP,* pp. 87-88; *PR,* p. 136; *JF,* pp. 6-7.

[24] *PL,* pp. xviii, xxxviii, 3-4, 13, 36-37, 58-66, 175; *RH,* p. 374; *JF,* pp. 3-6, 33-34.

[25] *PL,* pp. xli, 60-62, 146.

[26] *PL,* pp. xxxix-xl.

[27] *PL,* p. 38; *JF,* p. 34.

[28] *PL,* pp. 37, 133-38; *JF,* pp. 34, 84.

[29] *PL,* pp. 45-46, 192; *JF,* pp. 2-5, 34-35.

[30] *PL,* pp. 13-15; *JF,* pp. 19-20.

[31] *PL,* pp. 11-15, 174-76; *RH,* p. 376; *PR,* p. 143; *JF,* pp. 26-27.

[32] *PL,* pp. xliv, 10, 40, 141-42; *RH,* p. 375.

[33] *PL,* pp. 9, 15, 38-40, 132-49.

[34] *PL,* pp. xxi, 38, 134, 168-71; *RH,* pp. 386-87; *PR,* pp. 172-73; *JF,* pp. 32-33.

[35] *PL,* pp. xviii, xliii, xlvii-xlviii, 144-50, 158-68; *JF,* pp. 33, 188-89, 192-98.

[36] *PL,* pp. xxii-xxiii, l-lvii, 10, 137, 212-16, 227-30; *LP,* pp. 55-56; *PR, passim*; *JF,* pp. 48, 90-92, 117-18.

[37] *PL,* pp. 215-16, 252-54; *PR,* pp. 133-36.

[38] *PL,* pp. 11-20; *JF,* pp. 5-8, 25-26; *RH,* p. 376; *LP,* p. 15.

[39] *PL,* pp. xlix, 167, 223-27; *RH,* pp. 427-29; *PR,* p. 141.

[40] *PL,* pp. xlix, 136-40, 216-17; *RH,* p. 393, 428; *JF,* pp. 84, 141.

[41] *PL,* pp. xlviii, 6; *LP,* p. 14; *PR,* p. 141.

[42] *PL,* pp. lvii-lix; *LP,* pp. 49-51.

[43] *PL*, pp. xliv-xlvi, li, 16-18, 48-50; *LP*, pp. 7, 14, 43 n. 53, 114; *PR*, pp. 132-38, 140-41, 146-48, 156-57, 168, 172-73.

[44] *PL,* pp. xlix-l, 140-72; *RH,* pp. 391-92, *JF,* pp. 9, 32, 84, 185-89, 199. A society stably ordered by an overlapping consensus of reasonable comprehensive doctrines achieves a reasonable and sufficient social unity.

[45] *PL,* pp. xxxvii, xliii, 4-5, 9, 167, 225-27; *JF,* pp. xvii, 5-6, 39.

[46] *TJ,* pp. 131-32, 475; *PL,* pp. 19, 29-35; *JF,* 21-24.

[47] *TJ,* pp. 17, 441-49; *PL,* 19; *JF,* pp. 20-21.

[48] *TJ,* p. xiii; *PL,* pp. 75-77, 178-90; *JF,* pp. 57-61, 88, 188-89.

[49] *TJ,* pp. 13-14, 62-65, 82, 273-74; *PL,* p. 79; *JF,* pp. 15-16, 55-57, 74-77, 124.

[50] *TJ,* pp. 15-19; *PL,* pp. 22-28, 34-35, 45; *JF,* pp. 14, 80-89.

[51] *PL,* pp. xxii, 24-25, 77-81, 103-04; *RH,* p. 381; *LP,* pp. 30-32; *JF,* pp. 17-18, 81-83.

[52] *TJ,* pp. 118-23; *PL,* pp. 24-27, 79-80; *JF,* pp. 15-18, 87.

[53] *PL,* pp. xxii, 25-26, 72-73, 89-90, 103; *JF,* pp. 16-18, 41-42.

[54] *TJ,* pp. 52-56, 266; *PL,* pp. 5-6; *JF,* pp. 42-50, 94-130.

[55] *TJ,* pp. 171-76; *RH,* pp. 397-409; *LP,* p. 42 n. 53; *JF,* p. 48.

[56] *PL,* pp. xlviii-xlix.

[57] *PL,* pp. 6-7; *LP,* p. 14.

[58] *PL*, pp. xlviii-xlix; *JF*, pp. 7-8, 39-41.

[59] This reading of *Law of Peoples*, emphasizing legitimacy, is needed to make sense of why Rawls is neither a cosmopolitan nor an international egalitarian. See Wenar, "The Legitimacy of Peoples".

[60] *LP*, pp. 64-68, 71-72, 86-88. Decent persons are responsible: they are capable of understanding, recognizing, and acting in accordance with their duties and obligations as specified by their society's conception of justice (*LP,* pp. 66, 71).

[61] *PL,* pp. 16, 109; *LP,* pp. 65-68, 83, 93 n. 6; *JF,* p. 6.

[62] *LP,* pp. 65, 68, 78-81.

[63] *LP*, pp. 65-67.

[64] *LP*, pp. 65-67.

[65] *LP,* pp. 66-67.

[66] *LP,* pp. 3 n. 2, 63, 72, 92.

[67] *LP,* pp. 3, 64-67, 83.

[68] *LP,* pp. 62-78.

[69] *LP,* pp. 78, 83.

[70] *LP,* pp. 59-62, 67-68, 83-84, 122.

[71] *LP*, pp. 5, 48, 90.

[72] *LP*, pp. 9, 80-81, 93 n. 6, 94-95, 105-06.

[73] *LP,* pp. 18-19, 40.

[74] *LP,* pp. 54-55.

[75] *LP*, pp. 15, 18, discussing the parallel third conditions of realistic utopia.

[76] E.g., *LP,* p. 80 n.23, on Article 1 of the Universal Declaration of Human Rights.

[77] "The law of peoples proceeds from the international political world as we see it," *LP,* p. 83, with "familiar and largely traditional principles… from the history and usages of international law and practice." *LP,* p. 57; cf. *LP,* pp. 17, 36-37.

[78] *LP,* pp. 23-25, 59-68.

[79] *LP,* pp. 25, 35.

[80] *LP,* pp. 4, 62.

[81] *LP,* pp. 28-30, 34-35, 47-48.

[82] See Wenar, "The Legitimacy of Peoples," pp. 65-67.

[83] *LP,* pp. 33-38, 111-12, 117-18.

[84] *LP,* pp. 33-35, 69-70, 113-15, 121-22.

[85] *LP,* pp. 32-33.

[86] *LP,* pp. 30-35, 68-70, 115.

[87] *LP,* p. 58.

[88] *LP,* pp. 39-43.

[89] *LP,* pp. 37-38, 105-13.

[90] *LP,* pp. 42-43.

[91] *LP,* p. 42.

[92] *LP,* pp. 54-57.

[93] *LP*, pp. 28, 35, 41, 56-57, 121-22.

[94] *LP*, pp. 17-19, 27-30, 44-54, 64, 83-84, 122-26.

[95] *TJ,* pp. 448-49; *PL,* pp. 20-21, 245-46; *JF,* p. 176.

[96] *PL,* pp. xlvi, 207-11, 241-47; *LP,* p. 86; *PR,* pp. 144-46.