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**THE PLACE OF LATIN AMERICA, COLONIALISM,  
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INTERPRETATION OF EXCLUSIONARY DIMENSIONS IN  
JOHN RAWLS'S THEORY OF INTERNATIONAL JUSTICE**

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OF INTERNATIONAL JUSTICE**

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**ABSTRACT**

Recognizing the influence of John Rawls's moral theory of international relations on contemporary debates about international and global justice, this article aims specifically to identify whether his notion of a *society of peoples* has an exclusionary character towards Latin American countries and whether there is room for colonialism and coloniality in *The Law of Peoples*. Our analysis suggests that at least some, if not all, of these countries lack a place in his society of peoples. Regarding Rawls's stance on colonialism, we argue that his theory does not support colonialism but overlooks the historical processes of colonization. Furthermore, given that the term 'coloniality' refers to the perpetuation of colonialism's effects even after the colonies' independence, we contend that Rawls's theory and coloniality have a common element: both have the potential to permit interpretations that belittle Latin American populations.

**Keywords:** Colonialism, Coloniality, International justice, John Rawls, Latin America, Law of Peoples.

## RESUMEN

Reconociendo la influencia de la teoría moral de las relaciones internacionales de John Rawls en los debates contemporáneos sobre justicia internacional y global, este artículo tiene como objetivo determinar si su noción de una *sociedad de pueblos* presenta un carácter excluyente hacia los países de América Latina y si hay cabida para el colonialismo y la colonialidad en *The Law of Peoples*. Nuestro análisis sugiere que al menos algunos, si no todos, de estos países carecen de un lugar en dicha sociedad. Asimismo, sostenemos que su teoría no respalda el colonialismo, pero omite los procesos históricos de colonización. Además, dado que el término “colonialidad” se refiere a la perpetuación de los efectos del colonialismo, argumentamos que la teoría de Rawls y la colonialidad comparten un elemento común: ambas tienen el potencial de permitir interpretaciones que subestimen a las poblaciones de América Latina.

**Palabras clave:** América Latina, Colonialidad, Colonialismo, John Rawls, Justicia internacional, *Law of Peoples*.

## Introduction

John Rawls filled a gap found in his previous books, lacking an analysis of international justice, with the publication of *The Law of Peoples* in 1999. In contrast to his work in *A Theory of Justice* and *Political Liberalism*, which focused on state-specific justice principles, Rawls created a reflection on international justice in *The Law of Peoples*. By tackling the issue of identifying justice principles applicable in relations between peoples, *The Law of Peoples* demonstrates that the problem of justice extends beyond the state context. Rawls's work influences much of the contemporary discussion about the moral obligations of justice in international and global contexts, especially obligations related to distributive justice (Brock; Hassoun 2023; Blake; Smith 2024). Considering the existence of an extensive critical bibliography on this book (e.g., Barria-Asenjo and Huanca-Arohuanca 2022; Beitz 2000; Benhabib 2004; Bernstein 2009; Bertoldi 2009; Buchanan

2000; García 2010; Herrera 2005; Pogge 2001a; Vita 2003), this article does not aim to present a summary of the various criticisms directed at Rawls's theory of international justice. Given the enduring influence of this book on debates about justice beyond the domestic context, we intend to examine two questions in particular:

- a) Does the concept of a *society of peoples* exclude Latin American countries?
- b) In this book, does Rawls adopt a position on colonialism and coloniality?

In order to address these two questions, we will first analyze the concept of *society of peoples* and the classification of peoples made by John Rawls. Based on this analysis, we will examine whether the moral theory of international relations developed by this philosopher segregates Latin American countries from the society of peoples. Next, we will investigate whether Rawls's theory of international justice rejects colonialism and coloniality and whether it promotes ideas that, in any way, belittle Latin American peoples within the international society. Through an interpretation of these two questions, we will consider whether the model of a society of peoples proposed by this author has an emancipatory role concerning Latin America.

## **The Society of Peoples as a Union of Liberal and Decent Peoples**

Understanding John Rawls's theory of international justice requires first acknowledging that justice issues may extend beyond the state's borders. There are, at least, three levels of right (Kant 1992, p. 92) and three corresponding levels of justice: domestic, international, and cosmopolitan. The domestic level is limited to the internal context of the state, but this restriction does not apply to the other two levels (international

and cosmopolitan). The international level of justice refers to relations involving states and/or international governmental organizations. In the cosmopolitan level of justice, individuals are considered members of the global society and are considered subjects of justice regardless of the state in which they reside and their nationality. Given the distinction between these three levels of justice, we can limit the principles John Rawls presents in *A Theory of Justice and Political Liberalism* to the domestic level. A Westphalian perspective dominates these two books, restricting the spatial sphere of justice to the state's territory and identifying the subjects of justice based on their ties to the state. In *The Law of Peoples*, Rawls (1999a, pp. 35-43) proposes principles of justice that transcend the domestic context and, from his perspective, should guide relations between peoples. The phrase *law of peoples* comes from Latin *ius gentium* and according to Rawls (1999a, p. 3) it has a specific meaning: 'the law of peoples is a political conception of right and justice that applies to the principles and norms of international law and practice'. According to him, international relations are primarily relations between peoples (Rawls 1999a, p. 23-30). However, Seyla Benhabib's examination (2004) reveals a lack of a clear and convincing distinction between the concepts of people and state, suggesting that the principles forming the law of peoples could also govern relations between states.

Although Rawls acknowledges that justice is not limited to the context of the state and that there are norms of international justice, in *The Law of Peoples* persists the conception that the primary context of justice is the state's territory. The state-centered conception that prevails in the two previous books continues to exist in *The Law of Peoples*. As analyzed by Rainer Forst (2017, p. 163), 'Rawls locates social justice in the national sphere and views the international domain as one in which merely a minimal list of human rights is valid and otherwise only duties of assistance exist'. Furthermore, the moral theory of international relations of John Rawls does not embrace a cosmopolitan conception of justice. In fact, *The*

*Law of Peoples* is not a book that proposes global justice for cosmopolitan citizens. In this book, Rawls does not adopt Kant's notion of cosmopolitan (or global) citizenship as a basis for identifying principles of justice that regulate social relations extending beyond the domestic level. Unlike Immanuel Kant (1992, p. 59), who envisages a sphere of cosmopolitan rights (*Weltbürgerrecht*), Rawls (1999a, pp. 82–85) does not consider individuals as global citizens but rather as members of peoples. He acknowledges that his theory of international justice differs from a cosmopolitan view in at least two basic aspects (Rawls 1999a, pp. 119-120):

1) The concern of a cosmopolitan conception is the well-being of individuals, while the main concern of the law of peoples is the justice of societies. The political principles that constitute the law of peoples do not regulate relations between cosmopolitan citizens in a global sphere of justice but rather relations between peoples in the international arena.

2) The cosmopolitan notion of justice admits the idea of global distributive justice, according to which redistribution measures should take into account every individual in the global society, while the law of peoples does not support the idea of global distributive justice. Rawls (1999a, pp. 106-109) says that one of the basic principles of the law of peoples is the duty to assist peoples living under unfavorable conditions that prevent them from having a just or decent political and social regime. However, he thinks that using the principle of distributive justice to control social and economic differences between countries is neither the only nor the best way to fulfil this duty of assistance. The assistance principle that Rawls formulated does not propose a proportional distribution of social goods and burdens among countries, nor does it propose a fair distribution among all human beings as cosmopolitan citizens in a global society. According to him, this principle aims to create conditions that enable peoples to transform into liberal or, at the very least, decent peoples. It should encompass

not only financial assistance to burdened societies but also efforts to alter the political culture of the assisted people by promoting human rights (Rawls 1999a, p. 106-119). In light of the assistance principle, the obligations of well-ordered peoples towards poor peoples are obligations of benevolence and charity, not obligations of justice based on a duty to correct the distributive injustices of the institutional arrangements from which rich peoples are the primary beneficiaries (Vita 2003, p. 227). As indicated by Blake and Smith (2024), Rawls can be considered one of the originators of the contemporary arena of debates on transnational distributive justice. Nevertheless, although he deserves credit for drawing attention to the idea of distributive justice beyond the borders of the state, he does not advocate for this idea in his work.

Thus, rejecting the notions of cosmopolitan justice and transnational distributive justice, Rawls assigns a peculiar meaning to the term *society of peoples*. In his conception, this term serves to designate all peoples who adhere to the ideals and principles of the law of peoples in their mutual relations (Rawls 1999a, p. 1). In his theory of international justice, Rawls considers that the society of peoples is composed of only two types of peoples: *liberal peoples* and *decent peoples* (1999a, p. 89). Nonetheless, from this philosopher's point of view, there are five kinds of peoples, which he defined in vague terms:

1) *Liberal peoples* – Rawls (1999a, pp. 23-25) argues that these peoples have three basic features:

- I) A reasonably just constitutional democratic government that serves the fundamental interests of the people. When Rawls (1999a, p. 24) refers to a people having a reasonably just (though not necessarily fully just) government, he means that the government is under the control of the people through political and electoral processes. This government is responsive to and safeguards their fundamental

interests as outlined in a constitution (whether written or unwritten). Furthermore, the regime does not operate as an independent entity driven by its own bureaucratic goals, and it is not directed by the interests of large concentrations of private economic and corporate power.

- II) Citizens united by *common sympathies*. Drawing from John Stuart Mill's perspective, Rawls (1999a, p. 23) posits that these common sympathies manifest as a disposition that not only incentivizes members of a particular group to collaborate with their peers, but also fosters a desire for unity under a common government. These sympathies represent a feeling of unity that makes the members of a people cooperate with each other more willingly than with members of other peoples. From Rawls's point of view, the law of peoples starts with the necessity for common sympathies, regardless of what their source is. He argues that if those sympathies were solely based on a common language, history, political culture, and shared historical consciousness, this condition would seldom, if ever, be fully met (Rawls, 1999a, p. 24).
- III) A moral nature. It is a characteristic that requires, according to Rawls (1999a, p. 24), the existence of 'a firm attachment to a political (moral) conception of right and justice'. He considers that liberal peoples are both reasonable and rational, and that their moral character leads them to offer fair terms of cooperation to other peoples (Rawls 1999a, p. 25).

2) *Decent peoples* John Rawls refers to the specific category of decent peoples as 'decent hierarchical peoples' (1999a, pp. 59-78). He understands that a society within this category of non-liberal peoples can assume many institutional forms (religious or secular) and can be a member of the society of peoples when it meets two conditions (Rawls 1999a, p. 64):

- I) First, the society does not have aggressive aims and recognizes that it must achieve its legitimate ends through peaceful means, such as diplomacy and trade (Rawls 1999a, p. 64). This kind of society respects the political and social order of other societies. If it seeks influence in the international arena, it does so in peaceful ways that are compatible with the independence of other societies, including their religious and civil liberties.
- II) The second condition is divided into three parts:
- a) The legal system secures human rights for all members of the people (Rawls 1999a, p. 65). Rawls (1999a, pp. 79-80) judges that human rights (such as freedom from slavery, serfdom, and forced occupation; freedom of religion and thought; property rights; and the protection of ethnic groups from mass murder and genocide) represent a special class of rights whose fulfilment is a necessary condition for the decency of a society's political institutions and legal order.
  - b) The legal system imposes *bona fide* moral duties and obligations—different from human rights—on all persons within the people's territory. Rawls (1999a, pp. 65-66) argues that the system of law specifies a decent scheme of political and social cooperation, and the members of society do not see their duties and obligations as mere commands imposed by force but rather as elements that align with their common idea of justice. A decent hierarchical society's notion of the person views individuals as responsible, cooperative, and capable of recognizing the difference between right and wrong as understood in their society (Rawls 1999a, p. 66).
  - c) Judges and other authorities who administer the legal system must hold a sincere and reasonable belief that a common idea of justice guides the law (Rawls 1999a, pp. 66-67). Judges and officials acknowledge the

moral character of the legal system, not just relying on force to support it. Their good faith and willingness to publicly defend society's injunctions as justified by law must reflect this sincere belief.

According to Rawls (1999a, pp. 63-68), a decent society does not represent an ideal, but rather a model that liberal peoples should tolerate. From his point of view, decent hierarchical peoples are well-ordered peoples and embrace the same principles of international justice that liberal societies adopt (Rawls 1999a, pp. 63-70). Nevertheless, he argues that a decent hierarchical society does not accept the same principles of domestic justice embraced by a liberal society and does not treat its members reasonably or justly as free and equal citizens, as it lacks the liberal idea of citizenship (Rawls 1999a, p. 83). Furthermore, he indicates that he does not presuppose the existence of decent hierarchical peoples and even suggests a hypothetical model of this kind of people (Rawls 1999a, pp. 75-78).

3) *Outlaw states* — states that consider war justified if it serves their interests. These states adopt an aggressive attitude in their relations with other states and do not limit their acts of war to defensive measures (Rawls 1999a, p. 90). Such states view aggression as a tool to achieve international relations objectives, not just as a legitimate form of defense. Rawls (1999a, p. 91) suggests that no state has the right to wage war in pursuit of its interests and asserts that, unlike outlaw states, well-ordered peoples engage in war only in self-defense, particularly when they sincerely and reasonably believe that outlaw states pose a serious threat with expansionist policies.

4) *Societies burdened by unfavorable conditions* — societies whose historical, social, and economic realities make it difficult or impossible to achieve the status of a well-ordered society (Rawls 1999a, pp. 105-113). They do not have the expansionist and aggressive character typical of outlaw states. John Rawls

(1999a, p. 106) understands that what is characteristic of these societies is the lack of political and cultural traditions, human capital, know-how, and often the material and technological resources necessary for a society to be well-ordered. He argues that well-ordered peoples have a duty to assist burdened societies and that the long-term goal of well-ordered peoples should be to bring burdened societies into the society of peoples (Rawls 1999a, p. 106).

5) *Benevolent absolutisms* — societies that uphold the majority of human rights, but they are not well-ordered because they deprive their members of a meaningful role in political decision-making (Rawls 1999a, p. 63).

Adopting this general categorization of peoples, Rawls extends his liberal conception of justice to international relations and applies the idea of original position to the international realm. In the books *A Theory of Justice* and *Political Liberalism*, he treated the *original position* as a contractualist theoretical device to allow the identification of principles of justice at the domestic level. In these two works, Rawls (1993, 1999) views the original position as an ahistorical and merely hypothetical situation where free, equal, and rational individuals, under the veil of ignorance, deliberate and reach an agreement on the principles that, at the domestic level, regulate the basic structure of society. This author, in *The Law of Peoples*, posits that the concept of original position can guide not only domestic but also international principles of justice. Thus, Rawls (1999a, pp. 32-34) speaks of two original positions:

- I) In the first case, individuals deliberate on principles of justice that can be applied within the state.
- II) In the second case, the subjects are not individuals but peoples who, through their representatives, establish the basic principles of the law of peoples.

For Rawls (1999a, pp. 30–43), the second original position is a hypothetical situation in which the representatives of peoples

specify, under conditions of equality and freedom, the basic terms of cooperation among peoples. He argues that the second original position models what he regards as fair conditions under which the parties are to establish the law of peoples (Rawls 1999a, p. 32). From his point of view, in the second original position, people's representatives are free and equal, and they deliberate (under the veil of ignorance) about the content of the law of peoples (Rawls 1999a, pp. 32-33). However, he sees only liberal and decent hierarchical peoples as members of the society of peoples and participants in the international original position. In his perspective, the principles that form the basis of the law of peoples would be those chosen by well-ordered peoples, but he interprets that only liberal peoples and decent hierarchical peoples are well-ordered (Rawls 1999a, p. 89).

## **Latin America in the Face of Exclusionary Elements of the Society of Peoples**

Considering the limitation of the society of peoples to only two types of peoples (liberal and decent), one might question whether such a society exhibits an exclusionary character towards Latin American countries. In response to this question, one could argue that Rawls's theory of international justice discriminates against burdened societies, potentially classifying at least some Latin American countries as societies burdened by unfavorable conditions. John Rawls (1999a, p. 109) judges that burdened societies are not well-ordered and, consequently, are not in a position to be part of the society of peoples. From his point of view, the crucial elements for achieving the status of a well-ordered society include 'the political culture, the political virtues and civic society of the country, its members' probity and industriousness, their capacity for innovation, and much else' (Rawls 1999a, p. 108). He thinks that the wealth of peoples comes from internal factors like their political culture, the religious, philosophical, and moral traditions that support the

basic structure of their political and social institutions, as well as the hardworking and cooperative skills of their members. He comes to the conclusion that burdened societies have not yet reached the status of well-ordered societies, which is needed to be part of the society of peoples, because of weaknesses that come from within (Rawls 1999a, pp. 106-108). Therefore, assuming that burdened societies encompass at least some, and potentially all Latin American countries, we can deduce that some or all of these countries lack a place in the society of peoples.

Rawls does not explore the possibility of classifying all Latin American countries as societies burdened by unfavorable conditions. However, in the section of *The Law of Peoples* where he focuses on the concept of a burdened society and related issues (section §15), he mentions Argentina, Brazil, and Colombia as examples. On one hand, in the example of Argentina, he suggests that burdened societies may be rich in natural resources and that a well-ordered society is not necessarily a resource-rich country. He points out that Japan is an example of a well-ordered and resource-poor country, while Argentina, a resource-rich country, faces serious difficulties (Rawls 1999a, p. 108). On the other hand, he argues that the effectiveness of human rights can alleviate population pressure within a burdened society (Rawls 1999a, p. 109). Examining specifically the status of women in burdened societies, he notes that, unlike some societies — China, for example — that have imposed harsh restrictions on family size, the Indian state of Kerala, Bangladesh, Colombia, and Brazil have controlled birth rates more effectively by implementing elements of equal justice for women (Rawls 1999a, p. 110). He considers that by promoting human rights that empower women and establish elements of gender equality (e.g., the right to vote, engage in politics, and access education), burdened societies can alleviate population pressure (Rawls 1999a, p. 110). Therefore, by citing Argentina, Brazil, and Colombia as examples of burdened societies facing unfavorable conditions, he implies that these

countries are not well-ordered and, as a result, do not belong to the society of peoples.

Hence, by excluding burdened peoples from the society of peoples, John Rawls developed a conception of the society of peoples that can be seen as non-egalitarian and exclusionary towards at least some Latin American countries. Given the exclusionary nature of Rawls's theory of international justice toward burdened societies, whether in Latin America or elsewhere, it is possible to interpret *The Law of Peoples* as a theoretical replication of existing asymmetries between countries in international relations. Martha Nussbaum (2006, p. 150) argued that Rawls aligned himself with the current world order by excluding poorer countries from the second original position and from the society of peoples, noting that poorer countries have little influence on large parts of decisions on important global economic issues.

## **Is there Room for Colonialism and Coloniality in The Law of Peoples?**

Considering, primarily, the social horizon of Latin America, we will proceed to analyze whether Rawls's theory of international justice takes a stance on colonialism and coloniality. The words *colonialism* and *coloniality* have historical roots in the Latin term *colonia*, which was a land or culture dominated by Rome and compelled to speak Latin (at least among its elites) and to pay tribute (Dussel 1995, p. 45). Taking into account the meaning of the Latin word *colonia* and the historical processes of colonization, we can interpret the word colonialism as practices of political, economic, and cultural domination through which European states extended their power and imposed a set of cultural elements (such as beliefs, values, languages, and religion) on dominated populations. Seen in such a way, colonialism refers to a process of exploitation and subjugation in which the colonizer exerts over the colonized a

control of political authority, production and labor resources, and cultural structures. Aníbal Quijano (1992) coined the term coloniality, which refers to the maintenance of effects of colonialism even after the independence of the colonies. In Quijano's (1992) view, coloniality is a matrix of power that continues to operate even after the end of colonialism, perpetuating relationships of oppression based on factors such as race, class, and gender. Coloniality reveals itself in systems of domination, exploitation, and discrimination that persist in societies after the end of direct control by the colonizer (Segato 2021). In fact, coloniality pertains not only to political and economic structures but also to the ways in which the social, racial, and cultural hierarchies established during the colonial period continue to exert influence in post-colonial contexts, maintaining ideologies and historical narratives that sustain these inequalities. The colonial structure of power (which produced social discriminations later codified as racial, ethnic, anthropological, or national, depending on the times, the agents, and the populations involved) is the origin of coloniality (Quijano 1992, p. 12). While colonialism may appear to be a relic from the past, coloniality is a contemporary form of dominance that emerged from the systematic suppression of social elements (such as specific beliefs, ways of knowing, methods of producing knowledge, and modes of signification) that did not align with colonial dominance (Quijano 1992, p. 12). As a manifestation of coloniality, one can observe, for example, that Eurocentric epistemic paradigms tend to marginalize and subordinate cultural elements and non-Western forms of knowledge, including indigenous and Afro-descendant knowledge. Walter D. Mignolo (2005) and Gloria Anzaldúa (1987) criticize this tendency, claiming that it is crucial to decolonize not only political and economic structures but also the forms of knowledge that sustain them. This involves recognizing and valuing local knowledge and indigenous and Afro-descendant worldviews as legitimate sources of knowledge.

In Latin America, the decolonial thought emerges as a heterogeneous set of critical responses to the colonial legacy. A unifying factor of this set of responses is the purpose of deconstructing structures of power and dominance by questioning hegemonic narratives and proposing new paradigms for understanding Latin American reality and overcoming coloniality (e.g., Anzaldúa 1987; Dussel 1993, 1995, 1998; Lugones 2020; Maldonado-Torres 2022; Mignolo 2005; Quijano 1992, 2014). Different fields such as post-colonial theory, critical race theory, and cultural studies influenced the Latin American decolonial thought movement. It calls for academics, activists, and community leaders, among others, to work together to fight the colonization of knowledge, power, and identities and support the recognition of indigenous and Afro-descendant identities.

Thus, given this conceptual distinction between colonialism and coloniality, we can question whether there is room for both in *The Law of Peoples*. To answer this question, it is important to first emphasize that this book does not analyze colonialism or coloniality. Regarding colonialism specifically, we can assert that Rawls's conception of international justice, even in the absence of explicit treatment, is incompatible with colonial domination processes. Basic principles of *The Law of Peoples* refute colonialism, albeit implicitly. Considering the list of principles presented by Rawls (1999a, pp. 35-43), one can observe that at least the following principles clash with colonialism:

- a) the principle of independence and freedom of peoples;
- b) the principle of equality of peoples;
- c) the principle of non-intervention;
- d) the duty to assist peoples subjected to conditions that prevent them from having a just or decent social and political regime.

Without aiming to present an exhaustive list, we can indicate some argumentative possibilities that may justify the conclusion that colonialism is not admitted by *The Law of Peoples*. At first glance, colonialism contradicts independence, freedom, and non-intervention. Colonization processes are generally characterized by practices of intervention and dominance that clash with the ideals of freedom and self-determination of peoples (Dussel 1995). A hallmark of colonization is the suppression of spheres of freedom and independence of the colonized population. From another perspective, the practices of colonial subjugation contradict the notion of equality among all peoples. One of the characteristics of colonialism is the unequal relationship between the colonizer and the colonized, characterized by a dominator-dominated dynamic (Bragato 2016; Dussel 1995, 2005; Quijano 2014).

In addition to these arguments in favor of the idea that colonialism is not accepted by *The Law of Peoples*, another argumentative possibility is to claim that colonialism is inconsistent with the duty to assist peoples living under conditions that prevent them from having a just or decent social and political regime. In fact, the basis of this moral duty is solidarity among peoples, but colonialism clashes with this ethical foundation, as colonization processes fundamentally involve the exploitation of colonized populations. According to Rawls (1999a, pp. 114-118), as mentioned above, the principle of assistance primarily serves to help peoples establish liberal or, at least, decent basic institutions. From the perspective of the colonized, colonialism hinders the ultimate goal of this principle: a just social and political regime. Thus, colonialism contradicts the principle of assistance and stands in opposition to the ideal of solidarity among peoples.

Given the preceding discussion, we can deduce that *The Law of Peoples* opposes colonialism and offers counterarguments to its practices. Nevertheless, John Rawls's silence on colonialism is problematic, especially when he ignores its effects when addressing the reasons for poverty and inequality among

peoples. As mentioned above, this philosopher interpreted that the causes of wealth and poverty among peoples are due to endogenous factors (Rawls 1999a, p. 108). However, this interpretation disregards the possibility that factors not limited to the domestic level, such as colonialism, can exert a significant influence on a country's socioeconomic situation. Even if we overlook the harm colonialism inflicted on colonized countries, we can assert that non-endogenous elements can shape each country's reality, and the international economic system can negatively affect poorer countries (Beitz 2001; Caney 2011; Fraser 2010; Hurrell; Woods 1999; Pogge 2002). Seyla Benhabib (2004, pp. 1776-1778) examines *The Law of Peoples* and notes its lack of attention to Western imperialism and the inequalities resulting from historical colonization processes. Rawls's discussion of peoples' wealth obscures the colonization of the Americas, and it fails to mention the plundering of Africa by Western societies (Benhabib 2004, pp. 1777-1778). Despite formulating a moral theory of international relations that is not compatible with colonialism, Rawls ignores the historical role that colonialism played as a source of poverty and inequality.

Indeed, *The Law of Peoples* presents a problem that is also present —though not in exactly the same form— in Rawls's conception of domestic justice: the absence of a proper historical dimension. Regarding the domestic principles of justice, it can be said, following Robert Nozick (1974), that they lack a historical perspective insofar as they do not specify how goods were originally acquired and transferred, nor do they incorporate mechanisms to correct prior historical inequalities. In the international context, Rawls does offer some remarks about the origins of wealth and poverty among peoples, but his claim —that the wealth of peoples is fundamentally the result of endogenous factors— lacks adequate historical grounding. One might argue, along Nozick's interpretive line, that Rawls's theory of domestic justice fails to incorporate mechanisms for addressing historical injustice. However, the critique that may be directed at Rawls's moral theory of international relations

appears even more serious: it does not sufficiently acknowledge that the poverty of certain peoples may, at least in part, have historical roots in injustices committed between peoples.

At this point in the analysis, we can highlight that Rawls, believing that the socioeconomic circumstances of each people were primarily caused by internal factors, did not apply the ‘difference principle’ to relations between peoples. According to Rawls (1999, pp. 65-70), this principle asserts that socioeconomic inequalities are justifiable only if they provide advantages to the least advantaged members of society. The difference principle establishes comparisons among individuals based on the expectation of obtaining *primary social goods* (which are basic liberties, equality of opportunity, rights and prerogatives of authority, income, and wealth) (Rawls 1999, pp. 79-80). Rawls contends that the difference principle should not be applied to relationships between peoples, as it unjustly penalizes one people for the actions of another (Pogge 2001, p. 17; 2002, p. 105). This perspective obscures the influence of the global economic order in sustaining poverty and inequality, attributing responsibility for economic conditions solely to individual societies within the international context. Consequently, Rawls restricts this principle to the domestic sphere of justice. In the context of relations between peoples, he advocates for the application of the assistance principle, which should not be conflated with the difference principle. The assistance principle does not state that economic inequalities are justified only when they benefit the least advantaged members of society; instead, it asserts that societies ought to receive support —be it economic, political, or cultural— to evolve into liberal or decent peoples, thereby qualifying as members of the society of peoples.

Against the idea that colonial powers have only a duty of assistance, one may argue that they also bear duties of both distributive and corrective justice at the international level. In matters of international corrective justice, reparations may be pursued —aimed at restoring a balance between harm and

benefit— when one state compensates another for losses it has caused. In parallel, states can also adopt measures grounded in distributive justice by sharing social goods with less advantaged countries. For instance, developed nations might allocate a portion of their gross domestic product (GDP) to assist countries facing extreme poverty or forgive the sovereign debts of developing states (Pogge, 2001). The broader question of how states ought to promote justice on the international stage is a complex and important one, but it falls outside the scope of this text. Nevertheless, even without attempting to resolve that question here, it is possible to mention at least two considerations that intersect with the issue:

I. There are multiple avenues —economic, legal, political, scientific, and others— through which international injustices can be addressed. The selection of appropriate means depends on the specific circumstances of each case.

II. The ideal of international corrective justice faces at least two major challenges:

- (a) Its institutionalization within the international order, including the question of which bodies should have jurisdiction to implement international reparative measures.
- (b) The difficulty of establishing a clear causal link between the actions of one state and the harms experienced by another. Indeed, it may be difficult to determine the extent to which present economic inequalities can be directly traced to colonial exploitation. In other words, calculating the appropriate scope and scale of reparations is a complex and context-dependent task.

Recognizing that Rawls's theory reveals a gap concerning colonialism, we can now consider the place of coloniality within his work. Indeed, *The Law of Peoples* lacks an

analysis of the phenomenon of coloniality. Nonetheless, one may question whether Rawls's perspectives on international justice exhibit characteristics of coloniality, despite the lack of explicit treatment on the subject. A Eurocentric mentality, which results in a cultural hierarchy that subordinates various forms of life, experiences, and knowledge, constitutes a significant aspect of coloniality. In this book, Rawls does not engage with Eurocentrism; however, he counters the potential critique that his work is ethnocentric (Rawls 1999a, p. 121). He contests the idea that his concepts regarding the law of peoples are ethnocentric and exclusively Western, asserting that the law of peoples does not require decent peoples to abandon or alter their religious institutions in favor of a liberal framework (Rawls 1999a, pp. 121-123). Rawls does not support the discriminations and hierarchies inherent in coloniality when discussing justice among peoples. While he does not explicitly advocate for or against coloniality, he does not endorse the social, racial, and cultural domination characteristic of coloniality.

However, even if it is agreed that Rawls does not adopt an ethnocentric perspective and cannot be properly identified as a colonialist, it can be understood that his theory of international justice shares a common element with coloniality: both have the potential to permit interpretations that denigrate Latin American populations. Regarding coloniality, we can say that it promotes the depreciation of Latin American populations through cultural hierarchies. Examining coloniality and colonial power relations, Quijano (2014) observes that one of the consequences of colonization in Latin America was the incorporation of a cultural hierarchy between colonizers and colonized — this hierarchical cultural structure is characterized by the marginalization and suppression of cultural elements of colonized peoples. According to this sociologist, Eurocentric standards forced the colonized populations to imitate, simulate the alien, and feel ashamed of themselves (Quijano 2014, p. 233). On the other

hand, regarding Rawls's theory, we can state (as previously mentioned in this text) that it asserts the idea that burdened societies—a category into which some, and possibly all, Latin American countries may be classified—are excluded from the society of peoples and lack the status of well-ordered societies due to internal factors. According to Rawls (1999a, p. 108), there is no society anywhere in the world (except in marginal cases) with resources so scarce that it could not become well-ordered. He interprets that burdened societies have not achieved the status of well-ordered societies due to their lack of political and civic virtues, as well as the personal qualities of their members. Judging that constitutional liberal democracy is the superior form of society and that liberal peoples are the most just type of people (Rawls 1999a, p. 62), this author outlines a model of the society of peoples in which burdened societies—whether they are Latin American or not—are belittled to the extent that they are seen as societies that have not managed to achieve the status of a well-ordered society due to weakness stemming from internal factors.

Thus, even if it is recognized that Rawls's theory and coloniality are elements that give rise to different forms of marginalizing Latin American populations, it can be understood that these elements have a convergence because both allow some form of belittlement. The imitation and the simulation of the foreign are dynamics that historically affected colonized populations and can still resonate today. Among Latin American populations, these dynamics might be intensified if they internalize the negative image of inferiority that Rawls attributes to burdened peoples. In this case, the imitation and simulation of the foreign would not only involve a cultural hierarchization reflecting coloniality but also the actions of burdened populations (supposedly excluded from the society of peoples) striving to conform to the model of a liberal people or, at a minimum, a decent people.

## Conclusion

Given the classification of peoples in *The Law of Peoples* and the notion that burdened societies are excluded from the society of peoples, one could interpret that Latin American countries are not part of Rawls's society of peoples. Rejecting both a cosmopolitan perspective of justice and the conception of transnational distributive justice, Rawls formulated a moral theory of international relations that marginalizes Latin American countries.

Regarding Rawls's stance on colonialism, we consider that, although there is no explicit approach to colonialism in *The Law of Peoples*, his theory is irreconcilable with colonial domination processes because colonialism clashes with fundamental principles of the law of peoples. Rawls developed a theory of international justice that opposes colonialism and offers counterarguments to colonialist practices. However, despite the incompatibility between colonialism and the law of peoples, Rawls disregards the historical processes of colonization when examining the causes of poverty and inequality among peoples. In Rawls's moral theory of international relations, there is a silence about colonialism, and he does not pay enough attention to the fact that the economy has a global character and non-internal factors can influence countries' socioeconomic realities. Rawls makes a strong distinction between the levels of domestic and international justice and considers that the fundamental principles of the law of peoples are not the same principles of justice that exist in the domestic context. His problematic interpretation that the socioeconomic situation of each people simply results from internal factors serves as one of the bases for his differentiation between these levels of justice and his refusal to apply the difference principle to relations between peoples.

Furthermore, even though Rawls's theory of international justice does not explicitly address the concept of coloniality, both this theory and coloniality lend themselves to interpretations

that belittle Latin American populations. Rawls does not adopt an ethnocentric or colonialist stance, but he considers that each society bears sole responsibility for its own place in the economic order and that burdened peoples have not yet achieved the status of a well-ordered people due to weaknesses arising from internal factors. Finally, considering Rawls's limited focus on Latin America in developing his theory, we recognize that a key challenge for decolonial studies and contemporary debates on transnational justice is to articulate a theory of international relations that is genuinely emancipatory and explicitly opposes the hierarchies entrenched in coloniality.

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