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On Trade Justice, Power and Institutions – Some Questions for Risse and Wollner

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Abstract: While Risse and Wollner make an important contribution to theorising global justice and trade, I identify certain concerns with their approach and suggest an alternative that addresses these. First, I query their emphasis on subjection to the trade regime as a morally salient feature, suggesting their argument trades on an ambiguity, and fails to connect the trade regime, as a trigger, with their preferred account of trade-justice-as-non-exploitation. Second, I examine their treatment of the WTO, how they understand international organisations as inheritors of states' obligations, and how far an organisation like the WTO can or should be self-consciously reoriented towards justice-as-non-exploitation. Third, I ask how their account is distinct from existing approaches, and whether it makes sense to apply the same conception of justice across diverse agents and institutions. I conclude by sketching an alternative approach, which makes the justification of states' policies to outsiders the central problem of trade justice.

Keywords: trade, justice, WTO, power, institutions, coercion, equality

1 Introduction

If we care about global justice, then we must care about trade. The cross-border flow of goods, services, resources, people and capital profoundly impacts the life prospects of individuals everywhere. A complex network of institutions, public and private, at local, national and international levels, determine who can participate in trade, and on what terms, affecting the opportunities and returns that persons enjoy through their economic activities. Trade might be organised in different ways, changing the distribution of benefits and burdens. It is therefore incumbent on us to enquire whether the practice of trade and trade governance that we have is the right one, not just economically but morally. This is trade as an aspect of global justice.

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Risse and Wollner's *On Trade Justice* joins a number of recent monographs that bring together legal, economic and political critiques of the trading system with philosophical reflection on global justice and the rights and obligations of individuals and institutions (other recent examples include Christensen 2018; Garcia 2013, 2019; James 2012; Suttle 2018). Their contribution stands out for its emphasis on the diversity of agents playing roles as authors of and participants in that system, and the importance of distinguishing the obligations of each. This in turn reflects their commitment to pluralism about the grounds of justice: our duties of justice reflect diverse relations in which we stand to one another, whether through shared membership in a state, common humanity, collective ownership of the Earth's resources, membership in the world society, or subjection to the global trade regime.[1] In this, their view implicitly rejects approaches to global justice that claim some particular feature of our relationships (coercion, reciprocity, basic institutions etc.) can comprehensively explain, whether through its variation or uniformity, the continuities and discontinuities in our duties to various groups (see generally Barry and Valentini 2009). The grounds of justice, Risse and Wollner argue, are irreducibly plural, and it is only by paying careful attention to the features of our particular relations that we can account for them. Whereas subjection to the state generates (something like) Rawls' two principles of *Justice as Fairness*, common humanity and joint ownership of the Earth trigger human rights and duties of assistance. Trading, in this account, triggers duties of non-exploitation, understood as power-induced failure of reciprocity. These duties are distinctive of subjection to the trade regime. They do not reduce to aspects of justice under other grounds (see Risse and Wollner 2019, p. 123).[2]

This paper interrogates three aspects of Risse and Wollner's account, at varying levels of generality. First, I examine their emphasis on subjection to the trade regime as a morally salient feature, suggesting that their argument trades on an ambiguity, and fails to connect the trade regime, as a trigger, with their preferred account of justice as non-exploitation. Second, I examine their treatment of the World Trade Organization, querying how they understand international organisations as inheritors of states' obligations, and how far an organisation like the WTO can or should be self-consciously reoriented towards justice. Third, I ask how far their account of justice as non-exploitation is distinct from existing justificatory egalitarian approaches, and whether it makes sense to apply the same conception of fairness across diverse agents and institutions.

1 This is an extension of the approach taken in Risse 2012.

2 Page references throughout are to Risse and Wollner 2019, unless otherwise specified.

2 Power and Subjection to the International Trade Regime

Risse and Wollner refer at various points to duties and obligations "from trading" (see e.g. pp. 11, 55, 79). One might thus expect that they would make the act of mutually beneficial exchange, or perhaps of cooperative production, central, and indeed their concern for exploitation and reciprocity fits with this. However, while exchange and cooperative production are indeed a part of the story, it is not trade itself that triggers this ground of justice. Rather, it is "subjection to the international trade regime" (p. 11). We have duties of trade justice, not simply because we trade, but because we are subject to a global trade regime. Absent that regime, cross-border economic activity would not give rise to distinctive obligations; and in the presence of that regime, the specifics of that activity seem in many ways secondary to identifying what justice demands.

This raises at least three questions: First, what exactly is the international trade regime? Second, what does it mean to be subject to that regime? And third, why does the existence of that regime trigger the specific duties that Risse and Wollner identify?

As to the first question, the authors adopt Krasner's well-known formulation of regimes as "sets of implicit and explicit principles, norms, rules and decision-making procedures" (Krasner 1982, quoted in Risse and Wollner 2019, p. 66). Regimes, they suggest, "reflect patterns of cooperation over time based on shared interests". They go on to identify this regime with the World Trade Organisation, but also regional trade agreements, cartels, and other international organizations including the International Monetary Fund, International Labour Organisation, UNCTAD, the International Organization for Standardization and the World Intellectual Property Organization (pp. 66–68).

An agent is subject to this regime when they are subject "to standards, rules or norms set by this thicket of organizations. Jointly, these organizations determine what trade can occur, globally but also domestically" (p. 68). This will include citizens of, and enterprises in, states that are in turn members of the relevant organizations. However, it also includes non-members, who the authors suggest are still subject to the regime, insofar as the regime structures their opportunities: "Individuals who do not live in WTO member-countries are subject to the regime constituted by those treaties: their possibilities are constrained by the fact that *others* made commitments to each other" (p. 68; see also Risse 2012, p. 354).

As to why subjection to this regime is a ground of justice, we are told – albeit referring to trade rather than the trade regime – that "what makes trade a suitable subject for a theory of justice is a pattern of characteristics: (a) its historical

significance for our species and ongoing relevance for life prospects around the world; (b) its beneficial nature at the level of countries; (c) its highly structured nature; and (d) that these structures could be regulated in various ways that generate different winners and losers" (p. 65–66).

The argument thus has something like the following form:

> P1: There is a trade regime, mostly comprising international legal institutions.
> P2: That regime (and/or the practice it governs) has significant impacts on how individuals' lives go (p. 65).
> P3: The trade regime could be structured in different ways which would have different consequences for persons.
> C: Therefore subjection to the trade regime is an appropriate ground of justice.

However, if this is how subjection to the trade regime enters into the argument, Risse and Wollner's focus on international institutions, formal or informal, seems misplaced. In particular, it omits the most significant institution in governing international trade, namely individual states (and state-like entities – in discussing international trade, it makes sense to assimilate the European Union with a state). Whether from the perspective of individual market participants, or of whole industries and communities affected by international trade, it is the policies of (at least some) individual states, much more than any of the international or non-state entities that the authors identify, which determine the opportunities and rewards they can expect from the international economy. Putting the matter slightly differently, if Risse and Wollner's argument has the structure sketched above, then it holds as much for states, in their relations with outsiders, as it does for formal or informal international institutions.

A ready illustration comes from the recent departure of the United Kingdom from the European Union and their interminable negotiations for a future relationship. Those negotiations took place against the backdrop of the multilateral trade regime, but that regime played little role – we could imagine the same negotiations going much the same way in its absence. The non-agreement outcome would see each imposing its own rules, without coordination, on trade with the other. In that situation, the domestic laws of each have significant impacts on how the lives of at least some persons in the other go. As I write this, five Scottish newspapers have front-page stories about the impact of European import rules on the Scottish fishing industry. These rules are domestic European legislation, neither required nor prohibited by any international agreement. Their effects would be the same, regardless of the existence of an EU–UK agreement, or any other international trade institution. They impact those Scottish fishers because they condition access to their principal export market. Furthermore, they reflect a

political choice by the European Union: they could be otherwise than they are. No reference to international institutions is needed for the argument sketched above to make them appropriate objects of justice.

Risse and Wollner might accommodate this concern by simply clarifying that the institutions that constitute the international trade regime include states themselves, and their domestic laws (Follesdal's 2011 distinction between international and global basic structure is instructive here). Not that the existence of the regime makes states and their laws objects of criticism in terms of trade justice (this is clearly part of their view), but rather that the existence of states whose domestic laws structure international trade is itself, without more, a sufficient condition for identifying a regime (or, more plausibly, a complex of distinct and interacting regimes) to which agents are subject when they participate in international trade. This need not change anything in the substantive conclusions. However, it does reshape the argument, challenging us to see trade justice as an aspect of the distributive justice of states.[3]

The authors might alternatively reply that what matters, for their argument, is not simply impact, but rather 'subjection', and that states do not subject outsiders in this way. Certainly, it is important to their view that states relate to their own citizens differently from the way they relate to outsiders, and from the way international institutions relate to those they affect, a feature they characterise in terms of legal and political immediacy (pp. 70–71; see also Risse 2012, ch. 2). Subjection, recall, involves being subject to "standards, rules or norms set by this thicket of organizations". I may be affected by what other states do, but am I subject to them in this way? The example of the Scottish fishers above helps answer this. Certainly, if they were to exclusively supply their home market, they could ignore the requirements of European customs and sanitary regulations, but to the extent they want to trade internationally, they must comply with these (Similarly, I need only worry about my own state's fisheries regulations if I choose to be a fisher). As soon as activity crosses borders, actors are potentially subject to the standards that obtain in both jurisdictions. The significance of this fact will vary depending on the jurisdictions involved: students of regulation refer to the "Brussels effect" whereby the economic gravity exerted by the European market leads traders, and ultimately governments, to conform to (domestic) European standards (Bradford 2020; see also Drezner 2007). And of course, in many areas (e.g. competition law), larger economies self-consciously engage in extra-territorial regulation. Risse and Wollner recognise that those in non-WTO states are still subject to the trade regime, because that regime

3 This move may also have significant implications for the authors' account of how particular agents and institutions should prioritise different principles, depending on how they are linked to, embedded in, or constitutive of them: see pp. 124–8.

conditions their access to the markets of member states (p. 68). But if this suffices to make them subject to the WTO, then it equally suffices to make outsiders subject to the laws of states with which they do, or potentially might, trade.

Resolving these ambiguities may change the structure and emphasis of Risse and Wollner's argument, but they need not be fatal. A more significant concern relates to the third question above, of how subjection to the trade regime triggers the specific duties of justice that they identify, and in particular how it triggers duties for the diverse agents on which they focus.

That there is a connection between institutions and duties of justice is not of course a novel claim. However, most plausible versions of that claim have one of two forms, which I label the *Justificatory* and *Enabling Arguments* (These describe broad patterns of argument rather than specific accounts: many different and mutually contradictory views fall under each). Risse and Wollner's account of the trade regime, however, does not readily fit with either.

An example of the Justificatory Argument is the claim that state coercion grounds distributive justice, which typically takes the following form (see in varying forms Blake 2001; Nagel 2005; Risse 2012; Valentini 2012):

> P1: The State coerces individuals through non-voluntary subjection to its laws.
> P2: Reconciling that coercion with individuals' status as free and equal requires justification in terms they themselves can reasonably accept.
> P3: The only justification reasonably acceptable to all persons subject to the State is one that makes each person as well off as they can be, having regard to the symmetrical claims of all others.
> C: Therefore states owe duties of egalitarian justice to all those subject to them.[4]

The existence of coercion is not simply a trigger for principles of justice generally. Rather, the fact of coercion, together with a particular conception of freedom and justification, triggers the specific principles that the argument identifies. Further, those principles apply to the particular institution – the state – whose existence triggers them. The state does something (coercion), and in order for that something to be justified, the state must also do something else (distributive justice).[5]

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4 While the content varies, a broadly similar structure appears in arguments emphasising *inter alia* pervasive impact, basic structure, framing, cooperation and reciprocity (the last on the basis that the benefits the state/community confers on us justify the corresponding demands it asks of us). See Beitz 1999; Buchanan 2004, p. 83; Freeman 2006; Julius 2006; Sangiovanni 2007.

5 Where the emphasis is reciprocity, benefit or cooperation, the state – and our fellow citizens in supporting it – confers benefits on us, raising a corresponding demand on us to contribute accordingly.

The principle that Risse and Wollner argue applies amongst those subject to the trade regime is non-exploitation, understood as power-induced failure of reciprocity (I explore this principle further in the final section below). Non-exploitation certainly has some intuitive plausibility. However, I can find no explanation of why it would apply amongst those jointly subject to the trade regime, but not otherwise. Exponents of the coercion-based view (including Risse 2012) take care to explain how distributive equality arises as an upshot of state coercion – but the analogous reasoning appears absent here. The authors do offer some arguments (pp. 47–51) against non-relational views of justice in general, but those arguments do not show why this specific relational feature generates these specific principles (There are many plausible candidates for both).

One explanation might be that the trade regime is itself a locus of power over those subject to it (p. 71). Its rules might be tools of exploitation, or perhaps the absence of protections leaves agents exposed to exploitation that would be avoided by adopting some feasible alternative rules. The relevance of the trade regime is thus as a condition of possibility of realizing justice. The trade regime is a social artefact. It might be organised in various different ways. The present organisation of the trade regime is unjust to the extent that some other, reasonably available, alternative would result in less exploitation. The injustice consists in imposing a trade regime that leaves some worse off, in terms of exploitation, than they need to be (This interpretation parallels Pogge's 2007, 2010 human-rights-based critique of global economic governance). There are, however, at least three problems understanding Risse and Wollner's view in this way.

First, this interpretation assumes the trade regime has the power to address the various instances of exploitation that we find in the global economy. At least if that regime is understood in the thinner international sense that Risse and Wollner prefer, that seems plainly false. I discuss further below the nature of the WTO, the limited power it exercises, and the limited purposes to which it can put that power. Neither the WTO, nor the complex of institutions Risse and Wollner identify, nor any other candidate international organisation, can solve problems like sweatshops, footloose capital, unstable commodity markets or access to medicines. It is states who have that power, if anyone does, and even they each have the capacity to act only in respect of some subset of these problems. Risse and Wollner, of course, recognise this, highlighting it as a reason to think about trade justice in terms of constrained agency (pp. 124–134); but this also limits how much responsibility for injustice we can attribute to the trade regime.

Second, this interpretation presumes (which seems plausible) that exploitation is wrongful, independent of the trade regime's existence. That regime makes it possible to remedy exploitation, but does not generate new reasons to do so: those reasons already existed (including, presumably, reasons to bring a trade regime

into existence). Yet plainly, whether there is a trade regime or not, there are many instances of exploitation that are remediable, whether through a change of heart by the exploiter, or through action of a third party. The authors argue, for example, that NIKE acts unjustly in paying very different wages to different workers, and that they should change their approach to remuneration. Again, plausible, but the non-exploitative option is available with or without a trade regime. So why say that NIKE's exploitation is unjust, given a trade regime, but not in its absence?

This highlights a third concern with understanding Risse and Wollner's view in these terms. As applied to the state, the Justificatory Argument claims that the existence of certain institutions triggers duties *for those institutions*. It is because Institution A is coercive/non-voluntary/pervasively impacting etc. that Institution A has certain obligations. Where duties are extended to individuals, it is because those individuals are in some relevant sense authors of the relevant institutions, and must act in particular ways to make their imposition of those institutions justifiable (see e.g. Julius 2006; Pogge 2011). But subjection to the trade regime is not like this, in Risse and Wollner's account. The existence of the trade regime triggers obligations, not simply for the institutions comprising that regime, but rather for all agents subject thereto, whether they are authors of that regime or not.[6] It is hard to see how this can fit with understanding their argument in justificatory terms.

Understanding Risse and Wollner's view as an Enabling Argument might better make sense of this feature. Enabling Arguments emphasise the ways the existence of particular institutions change the opportunities for agents to act in particular ways. In its strongest form, this is Hobbes' argument that, absent a sovereign, individuals cannot act justly, for fear others will take advantage of them (Hobbes 1996, pp. 86–90). In its moderate form, it observes that realising social justice, however conceived, requires effective coordination amongst a large number of agents, of a kind that only institutions – and perhaps only states – can achieve (versions of both appear in Nagel 2005, and a more developed version of the latter in Freeman 2006; see also James 2012, ch. 4). In this way the existence of Institution A can alter the obligations applying to Agent B, notwithstanding Agent B may have neither responsibility for, nor influence over, Institution A.

It is clear that the trade regime – including through the WTO's Dispute Settlement System and Trade Policy Review Mechanism –fulfils important assurance

6 Understanding the argument in terms of participation and benefit will face the same problem, as while all the agents Risse and Wollner identify are involved in trade, few are involved – in the sense of being active participants as opposed to passive objects – in the trade regime, nor are the beneficiaries of the various duties they identify plausibly providing or supporting the distinctive goods generated by that regime.

and coordination functions, of the kind these arguments pick out. However both assurance and coordination are limited to enabling the partial market liberalisation advanced by the WTO and – as I argue below – both would likely lose their effectiveness if repurposed towards other goals. Further, they only serve these functions between one set of agents – states – whereas the authors identify duties applying to firms and individuals. And of course, for many agents, whether states, firms or individuals, it is simply false that the global state of nature, even absent the trade regime, would foreclose their acting non-exploitatively, in at least some situations (Caney 2005, pp. 137–8; for this objection to Nagel, see Cohen and Sabel 2006). Even the most thoroughgoing structural realists see anarchy and competition as primarily afflicting great powers, allowing others to freeride or bandwagon in various ways (Mearsheimer 2001; Waltz 1979).

The authors' example of pay differentials within the NIKE organisation captures these points well. They suggest that NIKE should seek to equalise pay across its organisation, subject to certain qualifications. Yet nothing about the existence of the trade regime enables this, whether through assurance or coordination, except insofar as we might think (I believe falsely) that the trade regime is an existence condition for cross-border enterprises like NIKE. We might certainly imagine different international institutions (perhaps global minimum wages, or more robust international restrictions on labour discrimination) that would make it easier for organisations like NIKE to do this, through assurance that competitors would do likewise. However, those alternative institutions do not exist, so the existence of the in-fact-prevailing trade regime cannot trigger obligations to act in ways only possible given a different, better, trade regime. That such a better regime is possible might generate obligations to work towards its realisation, but those would be obligations on the regime, and its authors (who might of course include NIKE), to bring about this institutional reform, rather than obligations to act now as though that reform had already happened. And, importantly, these obligations would arise, not because the trade regime exists, but because it was possible to bring it about. The natural duty to bring about just institutions is prior to those institutions.

3 Power, International Organizations and the WTO

Let us turn now to one particular institution, the WTO, which the authors identify as central to the trade regime, and as bearing specific trade-related duties of justice. I want to ask two related questions. First, how does the WTO acquire duties

of trade justice in its own right? And second, how far does it have the capacity to advance trade justice, as the authors understand it?

The authors argue that the WTO, in particular, has an obligation to pursue trade justice. Like all institutions, the WTO is an artefact, and its duties are inherited from the states that constitute it (p. 133). However, that inheritance operates in two distinct ways. Agents, including states, have duties of three kinds deriving from grounds of justice with which they are connected: to refrain from themselves committing injustices (refrain); not to endorse or enable violations by others (respect); and to support justice, seeking to ensure it is realised (support) through supporting and advancing just institutions, assisting others to refrain and respect, and – where necessary – interfering with others who fail to do so. Precisely how this tripartite obligation devolves to the WTO is explained slightly differently at different points. Sometimes, the emphasis is on supporting, and the WTO's duties are simply one example of an obligation that applies to all agents and institutions to do what they can, within limits, to realize justice. The WTO, on this view, can do something, and so it should do something – and its particular connection to trade means the 'something' it should do is trade justice. At other points, it is the obligation to respect, and perhaps to refrain, which the WTO violates through its power-based decision-making processes, and specifically through the failure of the Uruguay Round North/South Grand Bargain and unduly restrictive rules.

This approach, I suggest, exaggerates the capacity of the WTO to advance trade justice, or indeed any other goal of its own. The WTO is a creature of its members, with negligible executive capacities. Identifying distinct obligations on the organization, without adequate attention to its institutional form and capacities, risks directing energy in the wrong places.

Focussing first on the way the WTO inherits obligations from its members, we can distinguish in the authors' account between states' negative (refrain, respect) and positive (support) duties of justice. Plainly, insofar as states have negative obligations, these must bind organisations that they create, or we leave significant moral loopholes (for the analogous domestic point, see Pogge 2007, pp. 131–133). If I may not exploit, then equally I may not employ others to exploit on my behalf, or join together with others to exploit collectively.

However, the same need not hold for positive duties. To see the problem, consider the issue from the perspective of states as the authors of the institution. "Every agent and institution" we are told "has the duty to do what they can, within limits, to create the necessary conditions of just distributions as described in principles associated with various grounds" (p. 124). States thus have an obligation to do what they can, within limits, to realise trade justice. This is not a duty of maximum effort. States may devote themselves to their various goals, including

their various justice-based goals (pp. 124–8). In consequence, not every choice that a state makes need be oriented towards advancing trade justice. Not even every action in the domain of trade must be so oriented. We do not trade in order to realise trade justice. We trade to advance our economic fortunes, so at least some trade policy must permissibly pursue that goal. This need not mean that justice will ever be irrelevant: justice (in its 'respect' and 'refrain' aspects) will constitute a side-constraint on actions pursuing non-justice goals. We are not free to trade, or to organise our trading relations, in ways that have adverse justice-relevant impacts. But once our non-justice-oriented actions don't violate those side-constraints, it is no criticism to say that they are not pursuing justice. That is, permissibly, not their purpose. Yet the WTO is plainly an action that states have taken. Further, as the authors identify, it is not one taken with the primary goal of advancing justice-as-non-exploitation (p. 139). This simply is not the point of the WTO. As such, it makes little sense to complain that the WTO is not doing its fair share to advance trade justice, provided it is not itself (negatively) unjust. To impose on the WTO a separate duty to support justice is to be guilty of double-counting.

By way of (admittedly somewhat strained) analogy, imagine I spend half my free time participating in my local sports club. I spend the rest campaigning for social justice, as does every other club member. The goal of the sports club is recreation, and it pursues it in a wholly just manner, including presumably ensuring that membership is open to all, discounting or waiving fees for less advantaged members, perhaps offering lessons in local public schools etc. If we assume that the obligation to do what we can, within limits, to advance justice translates into a duty to devote half our available efforts to that goal, then I am plainly fulfilling that duty. However, if we apply the same requirement to the sports club, then we are double-counting. After all, the club's resources are my (and my fellow members') resources, and its efforts are our efforts. If half of the club's energies, qua sports club, must be devoted to pursuing social justice, then 75% of my time and resources are now being applied to that goal. The consequence of my, and my fellow members', choice to organise our permissible leisure activities through a collective agent is to multiply the efforts we are each required to devote to realising justice.

This example matters because international organisations are functionally differentiated. Different organisations pursue different goals. If states are free to devote some of their energies to non-justice goals, then they must also be free to establish institutions for these purposes. Provided those institutions are not themselves unjust, in the sense of violating negative justice-based side-constraints or having adverse justice-relevant impacts, then the mere fact that they do not pursue justice is no criticism. States may (and do) argue that other actions and institutions vindicate their obligations to advance justice: human rights are the

proper concern of human rights organisations; development is the proper concern of development agencies; trade–development linkages are the proper concern of UNCTAD. States (many claim) fulfil their obligations in these areas through relevant, functionally specialised, organisations. The WTO does something different, and there is nothing necessarily wrong with that fact. That it is a trade organization does not imply that it must be the *trade justice* organization (pp. 141–2)

Of course, this argument depends on states actually having fulfilled their obligation to do what they can about trade justice in other ways, and through other institutions. In fact, as the authors recognise, this is not the case. The resources (material and political) committed to realising trade justice are generally paltry, particularly when compared to those devoted to advancing states own interests in this area.[7] However distinguishing between injustices in which the WTO is itself implicated, and background injustice that states have duties to address independent of it, remains important, if only to avoid precisely this response (Insiders – whether IO officials, diplomats, lawyers or academics – are very good at defending their own regime, and diverting criticism towards others in which they may be less personally invested).

Identifying the WTO's justice-relevant obligations, both negative and positive, and its performance against them, thus requires closely examining the kind of institution the WTO is, and the functions that it performs for states.

Like trade agreements generally, the WTO is perhaps best understood as a tool for solving one of two collective action problems, one domestic and one international.

The domestic problem is protectionism and the lobbying of domestic industries (see generally Regan 2006, 2015). Liberal trade is, on the whole, economically beneficial at the level of states. However, its benefits, in the form of increased consumer surplus, are widely dispersed, such that the gains from any particular liberalising measure for any given individual will be small. Costs, however, in the form of reduced producer surplus, are generally concentrated on relatively few producers, who may each suffer very significant losses, whether in terms of reduced profits, job losses or business failures. In consequence, producers are motivated to lobby hard against liberalisation affecting their particular industries, while consumers have little motivation to lobby or vote on the basis of whether a particular liberalising measure is adopted. This makes protectionism the politically rational choice, even while reducing aggregate national welfare. Protectionism is thus a pathology of domestic politics. Trade agreements solve this by

7 For example, the EU and its member states jointly committed over €13 billion in Aid for Trade in 2018, a figure that seems substantial until it is compared with total EU external goods trade of almost €4 trillion, and a goods trade surplus of €152 billion (European Union 2020).

linking liberalisation in home and export markets. This gives export industries reason to lobby in favour of such agreements, hopefully counterbalancing the protectionist efforts of import-competing industries, and allowing governments to adopt policies that are socially optimal.

The international problem is states' uncoordinated manipulation of terms of trade (Bagwell and Staiger 2002). States, on this view, seek to maximise national welfare (subject to political constraints). Where a state is economically large, it can use tariffs to reduce demand, and in turn world prices, for its imports. This benefits the importing state through cheaper imports (net of the tariffs, which the state captures and recycles), but at an efficiency cost, as marginal consumers are diverted to less preferred alternatives by increased domestic (tariff-inclusive) prices. For each state, there is an optimal tariff, which maximises terms of trade gain minus efficiency costs. However, while tariff manipulation is rational from the perspective of each state, the combined effect of all states pursuing this strategy cancels out the terms of trade gains, while leaving the efficiency costs in place. States are thus in a prisoners' dilemma, wherein each pursuing its individually optimal strategy leaves all worse off. The trade regime, on this view, is a mutual non-aggression pact (or rather, a progressive de-escalation pact).

On either interpretation, the trade regime succeeds because supporting and complying with it is in the relatively narrow self-interest of states, and there are constituencies, whether domestic or international, who can be relied on to press reluctant governments to both make and comply with commitments. The system thus generates its own support, at least in normal times. Of course, not everything in the trade regime fits these stories,[8] and indeed the two stories themselves conflict at specific points,[9] but together they explain much about what the WTO does, and how it does it.

These stories are important in thinking about the power of the WTO, and the role international organisations might play in making international trade more just. If the WTO is a powerful agent in its own right, then it makes sense to ask how that power can be deployed in pursuit of progressive ends. However these stories suggest that the WTO is a paper tiger. Its rules are complied with not because the WTO demands it, but because the behaviour they prescribe is in the rational self-interest of states subjects thereto. Rulings of its Dispute Settlement System are complied with because compliance is generally low-cost (and sometimes provides political cover for actions states might like to take anyway), and is backed by

8 TRIPS looks like a win/lose issue between net IP importers and exporters, and investment protection (to the extent that the authors see it as part of the trade regime) represents a triumph of international capital over national interests in all states.

9 This is particularly true as regards export subsidies.

potential sanctions levied by complainants. Complainants levy sanctions not because of a concern for the rule of WTO law, but to realise material or political benefits for themselves. The system works, when it does, because its rules and procedures are calibrated so that the selfish interests of states align with the systemic interests of the institution. Unless this point is borne carefully in mind, the likely effect of reforms is not a more progressive WTO, but rather an institution falling into irrelevance.

This is not to say that the WTO is purely epiphenomenal. Its existence leads states to act in ways they otherwise would (and indeed could) not. It stabilises expectations, facilitating long term planning and associated efficiencies. If we think trade is all things considered beneficial, then the WTO, or something like it, is worthy of support, even if it makes little contribution to trade justice. And indeed, the rules-based nature of the trade regime, including its most-favoured nation and national treatment non-discrimination norms, confer significant benefits on less powerful states, which they would likely not achieve through bilateral negotiations or unilateral action. The formalities of law, even when adopted by the powerful for selfish reasons of administrative efficiency, bring benefits to those subject thereto (Fuller 1964). Its bilateral enforcement mechanisms may be less effective from the perspective of smaller and poorer states, but all benefit through the DSU's pre-empting escalating spirals of unilateral retaliation (A danger well-illustrated in US–China trade over the past four years). This does not mean we should simply accept the WTO as it is. Its rules, and their interpretation in dispute settlement, might certainly be improved (for an account of how interpretation has already done much of this, see Howse 2016). However, reform proposals must reflect the reasons the WTO (as opposed to for example UNCTAD, whose irrelevance the authors lament) is the focus of this conversation in the first place.

Reformers might respond that this analysis is flawed, insofar as it takes the motivations of states as given. Risse and Wollner are clear that duties of justice devolve on agents of all kinds, so they can of course argue that it is a duty of states to establish a justice-oriented WTO, and that states cannot invoke their own selfishness to excuse not doing this. Two further objections arise at this point however.

First, states are also not unitary agents capable of deploying their apparent power towards any goal philosophers prescribe. Politicians operate within constraints (again, something Risse and Wollner acknowledge, see pp. 158–60), and indeed the domestic interest-group explanation of the WTO's function reflects precisely this. There is little point prescribing that politicians should adopt policies that will cost them their jobs, and lead to their replacement by others who will focus more narrowly on the demands of constituents. Again, we can move the focus back one stage further, to the duties of voters, but at some point we must acknowledge that we are departing the realm of the reasonably politically possible.

We must also be cautious lest over-ambitious reforms endanger the valuable-but-imperfect organisation that we have.

Second, once we move the focus to states, we must ask whether international institutional reform, and specifically reform of the WTO, as opposed to domestic trade (and other) policies, is the best use of limited political capital. Many ways that states could advance trade justice have little to do with formal international institutions: reforms of Europe's agricultural policies, for example, could be achieved through purely domestic action (unless, of course, we take seriously the international political economy of agricultural reform, in which case it will only be achievable through hard political bargaining with other agricultural producers, and we are back where we started). Many pro-development policies may be more easily adopted than codified. Coordination and cooperation through other, less formal, more flexible, mechanisms may be more effective than through WTO treaties. The need for such policies to be responsive to changing needs, in both more- and less-advantaged states, may make some degree of unilateralism unavoidable. We should not assume that, because the WTO does one thing well (managed reciprocal liberalisation), it is the best tool for others (aid-for-trade, preferential market access, agricultural development etc.).

Of course, none of this provides a defence to the complaint that the WTO itself is exploitative: that it violates the negative duties to refrain and respect. More generally, to the extent that the WTO, and the model of trade governance that it expresses, has adverse justice-relevant impacts, whether intended or otherwise, these will constitute an objection to the WTO, and a justice-based argument for its reform. The WTO is no more free to perpetuate injustice than is any other agent or institution. However, an empirical case needs to be made out here, tying those adverse effects to the WTO in particular, and showing how some alternative institution might do better. In what ways might the WTO violate the negative duties to refrain and respect? Risse and Wollner highlight exploitation within the organisation – that the WTO requires states to make commitments that deny them the policy space they need to develop, or expresses deals that are unbalanced towards rich countries (p. 149). The concern here is valid, but any move away from reciprocal concessions must address the twin problems of placating protectionist interests at home (as much a problem for developing as developed countries) and ensuring the concerns of developed countries remain on an agenda where they are not themselves asked to make concessions (Hoekman 2005). WTO rules might impede unilateral pro-justice actions by developed states, for example by prohibiting labour or human rights conditionalities; but recent developments in the interpretation of 'public morals' suggest this worry is exaggerated (Langille 2020). It might divert political capital that could otherwise be devoted to more progressive goals: some part of UNCTAD's failure may be attributable to the GATT/WTO's

success, but neither the empirical and counterfactual claims nor the normative trade-offs here are especially clear.

A more general note of caution in evaluating the justice of the WTO might query how helpful it is to apply an account of justice-as-non-exploitation, which the authors articulate as applicable to trade, to the distinct governance activities of the WTO. The WTO is not a marketplace in which economic transactions take place. Rather, it institutionalises a set of rules and decision-making procedures that apply to states' own activities of trade regulation. Its task is thus the regulation of the regulation of trade. The criteria for judging the fairness of a practice, and the behaviour of participants in that practice, need not be the same as the criteria for judging the process by which rules for that practice are made. An instructive parallel can be drawn with domestic private law. We might think that contract law is concerned with promising, or consent, or voluntary transactions, but this tells us nothing about how contract law should be made, or who should be involved. Similarly, we might think that trade justice is about avoiding power-based failures of reciprocity, but this does not tell us anything about how the institutions governing trade should operate, unless this is a criterion applicable to institutions generally (Garcia's (2019) effort to understand trade law in terms of consent faces similar challenges).

That standards for substantive rules might differ from standards for governance institutions is recognised by the authors in their discussion of Rodrik's globalization trilemma (pp. 146–8). We might like regulation to be democratic, but justice may demand that domestic choice be constrained in various ways. In that instance, Risse and Wollner are comfortable accepting that outcome (just rules) sometimes trumps process (democratic contestation). Equally, we might advance various process-based criteria for judging the WTO, but these are distinct from, and may conflict with, our evaluation of the substantive rules. The authors characterise the Uruguay Round "grand bargain" as the single undertaking (detailed rules in various areas including regulation, subsidies, services and intellectual property) in exchange for agricultural and textiles market opening (pp. 35, 139–40). For Risse and Wollner, the problem with the grand bargain is either that it is an unbalanced exchange, or that it has not been honoured in practice by developed countries (pp. 140, 149). However, the more important question is surely whether, for example, intellectual property protections or agricultural protectionism are permitted or required, as a matter of justice? If we think that IP creators have intrinsic moral rights to control and exploit their works, then we should welcome the TRIPS (or something like it), independent of how it came about. If we think developed country agricultural protectionism is unjust, because of the ways it harms developing country farmers, then that surely holds regardless of whether any bargain was made to remove it? And if we are to evaluate the fairness or

otherwise of the "grand bargain", part of what we must know is whether both the policies that states committed to therein, and the non-agreement points from which they bargained, were themselves morally permissible. Even a process-focused account of just trade governance depends on an independently derived account of what constitute just first order rules.

4 Exploitation as Unfairness through Power

This brings us to my third set of concerns, which relate to the specific principle of justice that Risse and Wollner argue applies to trade. This is non-exploitation, understood as unfairness through power, and more specifically as power-induced failure of reciprocity (pp. 88–95). Trade injustice thus comprises an outcome component – unfairness, which is in turn understood as a failure to proportionately satisfy claims (p. 91) – and a process component – power, understood as the capacity to change the behaviour of another (p. 90). Not every instance of unfairness is, on their view, an instance of exploitation. It is only where unfairness results from the exercise of power that this is so. Through examining each aspect, I want to query whether exploitation, so conceived, in fact picks out a distinctive moral value, and to sketch an alternative route to understanding the moral implications of power and inequality in the global trading system.

Turning first to power, which Risse and Wollner understand capaciously, as "the ability to get people to do things they otherwise would not do, do differently, or do for other reasons, by affecting their interests or incentive structures" (p. 90). Power is the capacity to act on the world, and on others, and we must consider the many ways through which this can be done – the "modes of exercising power" – which include force and threats, but also incentives which advance the interests of those we seek to affect. The merit of this approach is that it is non-moralised, and can potentially accommodate various intuitions and approaches in the existing literature (This is identified as a virtue of their preferred account of exploitation more generally, see pp. 88–89, 91–3). However, this capaciousness is also a potentially significant weakness.

The concern is this. If power is understood as capaciously as Risse and Wollner suggest, it becomes hard to identify many interactions among agents with divergent goals that are not expressions of power in this sense. Market transactions, outside of economists' models of perfect competition, reflect the capacity of agents on each side of the transaction to influence the behaviour of the other (i.e. to transact on their preferred terms). The employer exercises power when he refuses to pay a decent wage, but equally the employee exercises power when he refuses to work without pay, even if he cannot command the wage he might like. If offering

incentives and "taking advantage of bargaining positions" are exercises of power, then almost every commercial interaction is power-based, and hence every market outcome must be evaluated in substantive fairness terms (Power, on their view, can be exercised unknowingly).

So capacious a conception of power renders implausible the authors' view that "exercise of power by exploiters constitutes a *pro tanto* wrong in virtue of violating important norms … [that] prohibit acts that constrain agency" (p. 90). My having a disposable income puts me in a relationship with my local baker, such that I can, through offering to advance his interests (by paying him €2), bring about an action (his giving me a croissant) that he has no reason to do, independent of my action. This constitutes a power relationship, as Risse and Wollner understand it (p. 90), but it is plainly neither *pro tanto* wrongful (absent background concerns about the just distribution of income and/or croissants) nor an assault on the baker's agency.

We might interpret Risse and Wollner's focus as being, not power *simpliciter*, but rather unequal power ("power over"). However, it is not clear that power, as they understand it, can readily be quantified, and hence evaluated as equal or unequal. There are some clear cases: picking up again on their example of the NIKE organisation, NIKE (or rather its suppliers) is presumably largely indifferent to whether or not it employs any particular worker – absent unionisation, there is a gross power differential. But if the workers unionize, such that NIKE's option is over the workforce as a whole, rather than the marginal worker, things are less clear. NIKE can inflict costs on workers, through loss of employment; but workers can inflict significant costs on NIKE, through factory closure. Employment terms, and hence what each can get the other to do, will reflect the alternatives available to each (While, as the authors note, capital mobility shifts the balance in favour of employers, see pp. 223–4, relocation is rarely costless, so employers may still experience pressure from organised labour). The resulting terms may still be unfair, in Risse and Wollner's terms. I imagine they might want to characterise them as exploitative. But it is not the case that one side was entirely without power in setting or agreeing those terms (Occasional references to "ordinary and fair competition" (p. 87)/"ordinary competition" (p. 93) imply they see many market transactions as non-power based, but it is not clear how this could be, or how they draw the line).

Some curious references to the sources of power further highlight the authors' reluctance to acknowledge its pervasiveness. We are told, for example, that power may be a result of, amongst others, choice (p. 86), "distributive injustices or past violations", and "other factors such as accidents" (p. 91). However, we find little acknowledgment of the most obvious sources of both power and (what seems more important) power imbalance, namely the ways agents come together in institutions, whether public or private. States have been the traditional foci of

political theory because they represent loci of power, which is (ideally) a function not of choice or injustice or accident, but rather of their coordinating the behaviour of all those subject to them. Large corporations (or at least some of them) are large in part because they pool the capital of many investors: it is by many coming together as one that the one becomes relatively powerful. Trade unions pool the individually negligible power of workers to constitute sometimes overbearingly powerful collective institutions. Cartels pool the market power of enterprises. And the power imbalances between collective agents are not simply a function of the characteristics of individuals who make them up (though in some instances they may be). Switzerland has relatively little power in international affairs, despite its high per capita wealth, because there are only eight million Swiss. India and China have significant power, despite being home to some of the world's poorest people. Size matters. But size alone is not plausibly a matter of choice or chance or, in most cases, injustice.

A narrower emphasis on particular types of power, and specifically on *prima facie* wrongful power, would at least distinguish cases of exploitation from distributive unfairness more generally. Power that is itself unjust, or derives from some prior injustice or rights violation, might be a plausible candidate. At points, the authors seem implicitly to assume such a narrower conception, as when they suggest distinguishing amongst cases of exploitation based on "what norm or principle is violated" (pp. 112–3, and similar language at p. 91), and characterise the exercise of power as pro tanto wrongful (p. 90). Yet elsewhere, they explicitly reject such a move, on the ground that it renders innocent certain cases that, intuitively, they see as exploitative (p. 86). The cases that trouble the authors, however, are only innocent given a specific, luck egalitarian, conception of justice. If we understand justice as including aspects of relational equality, implying choice-insensitive minimum entitlements, then their injustice can be readily explained, making possible a narrower focus on unjust power (Anderson 1999).

The continuing emphasis on power may reflect the Marxist heritage of the concept. Exploitation, recall, in its Marxist sense is not simply the appropriation of surplus value, but also the fact the worker is forced to sell his labour (see generally Cohen 1983). While Risse and Wollner disclaim the labour theory of value, and hence the specific version of surplus value in the Marxist conception (p. 80), they want to retain the intuitively plausible distinction between a voluntary transaction, whose distributive implications are validated by the fact of consent, and a forced transaction, whose terms fall to be evaluated by an independent criterion, in their terms fairness or reciprocity.

However the alternative to power-based outcomes, then, in Risse and Wollner's broad understanding, is not a fair process, or a bargain among equals, or respect for rights. Rather, it is a wholly principled choice, in which agents

self-consciously pursue fair outcomes, rather than preferring their own interests and projects. But if all agents should be oriented towards fairness in this way, then any instance of unfairness becomes an instance of exploitation, whether in its origin or in its continuation once identified. The reference to power is no longer doing any work.

Can Risse and Wollner dispense with power and simply characterise exploitation in terms of unfairness? With a sufficiently narrow conception of unfairness, this might be an attractive move. However, like their account of power, Risse and Wollner's understanding of fairness is capacious. Fairness, we are told, is a matter of claims not being proportionately satisfied (pp. 90–91). There seem to be few limits on the kinds of claims that might be relevant in this regard, including claims based on "contribution, effort or need" (p. 91). This reflects the pluralist commitments of the authors. However, the upshot is that, if the connection with power is omitted, we will struggle to identify many distributive complaints that are not plausibly instances of unfairness, and hence exploitation.

In the trade context they propose a somewhat narrower definition, emphasising "cooperation-relevant claims", reciprocity, and "providing benefits and incurring costs for doing so" (p. 94). However, it is not clear how much weight this distinction carries in each of their specific examples. In cooperative endeavours benefits produced are not attributed to particular participants: "What each person within the firm contributes is a function of what others do" (p. 211), nor are costs evaluated against a counterfactual baseline of non-participation (this is clearest in the discussion of wages, pp. 206–211; on the inadequacy of autarky as a baseline, see pp. 51–52). In consequence, what initially appears as a transaction- and relationship-specific concept of reciprocity, instead plays out largely as distributive equality, whether in the claims of developing countries to maximal benefits from trade governance (pp. 148–153), or the prioritising of developing country farmers over developed country cultural preferences (pp. 162–167), or the claims of workers throughout an enterprise to equal pay for hours worked (pp. 210–212).

Part of the problem here may be the authors' desire to understand trade justice at the level of specific transactions and relationships, as well as at that of background institutions. That there are moral concerns that arise within specific economic relationships, and that apply to economic agents, is likely uncontroversial. However, the authors seek to unify these with concerns at the structural level, of national and international institutions, applying a conception of fairness that is neither relationship- nor transaction-specific. They hold that trade justice is, at a fundamental level, the same thing for international organizations, states, firms and individuals. This leads to some curious results in concrete cases. As already noted, they argue justice as non-exploitation requires equalizing pay across a firm (with limited qualifications), on the basis that equal pay is the only fair principle,

reciprocating the contribution that each participant makes, and any deviation that reflects the stronger or weaker negotiating positions of different employees or groups is therefore exploitative. However, the upshot is that the just (along this dimension) wage due to different workers depends on who their employer is: two workers in the same town, doing the same job, for two different employers, have claims in justice to different wages, simply because one is employed by a more profitable enterprise. The authors recognise that this is counter-intuitive, but explain it as reflecting differential responsibilities: intra-firm fairness is the firm's responsibility, whereas fairness between workers in different firms is a responsibility of the state, albeit one that it is not fulfilling (p. 211). But of course, given their commitment to domestic equality, this implies (by iterative intra-firm and intra-state comparisons) that justice ultimately demands equal pay across all workers globally (This, admittedly, is a demand of justice in general, "from the point of view of the universe", rather than a responsibility of any particular agent). Once production crosses borders, egalitarian commitments follow. This might be the correct. However, it is not the authors' official view: they distinguish egalitarian justice within the state from various human rights, resource based and trade justice demands beyond it. Nor does it seem like the most sensible way to argue towards this conclusion, if we do endorse it.

The problem lies in trying to analyse justice at the disaggregated levels of agents, relationships and transactions. There are things we can say at this level. However, most of what we might want to say will reflect failures in background social institutions. It is a bad thing that I do not pay my nanny a living wage, and it suggests that I am a bad person. However, my capacity to underpay her reflects social institutions that place me in a privileged position, and leave her without protections or alternatives. The solution is not to ask me to act fairly. It is to reform those institutions to put her on a more equal footing. Any other response may ameliorate particular instances of (material) distributive unfairness, but it leaves her dominated, her livelihood contingent on my continued generosity. This also reflects how, for many thinkers (including Risse and Wollner), the concern with material equality arises, namely in justifying our basic institutions. We might hold (with Beitz 1999) that a global basic structure gives rise to similar egalitarian demands to those we find domestically. However, this plainly is not the authors' view.

5 Conclusion: Power, Trade Justice and the State

Let me conclude by sketching what seems a better route towards understanding the moral significance of the diverse relations of institutions, power and

distribution that we find in the international trading system (I provide a fuller account of this approach in Suttle 2018).

We start with some version of a premise that is shared in different forms by Risse and Wollner, Nagel, Blake, and I think also Rawls, Dworkin and many others: non-voluntary institutions, through which persons exert power over one another, require to be justified to those subject thereto, in terms that those subjects can reasonably accept (see Blake 2001; Dworkin 2000, 1, 2011, 352; Nagel 2005; Rawls 2005, 269–71; Risse 2012 Ch 2). This reflects the need to reconcile the status of persons as free and equal, with the demand for institutions, and the impossibility of obtaining the consent of all. Where institutions have distributive effects, part of their justification must include an account of those effects, whether by reference to outcomes or processes. In the domestic case, it is the combination of non-voluntary institutions, symmetry of persons, arbitrariness of other factors, and the role of institutions in determining distributive outcomes, that generates equality or, in Rawls' case, the difference principle. In Rawls' simplified domestic case, there is only one institution (or rather complex of institutions), the basic structure, whose justification is approached as a whole. And once a just basic structure is in place, individuals can pursue their own projects, subject to their complying with and supporting those background institutions.

Once we move to the international context, the institutional picture looks different, but this does not change the basic problem. Beginning with states, as the most significant institutions in the international system: states in various ways subject outsiders, as well as insiders, to their rules and choices. They thus require to be justified to those outsiders, in terms those outsiders can reasonably accept. However the content of that justification will differ: no institution is wholly responsible for distributive outcomes in the international economy, so it makes little sense to evaluate those institutions in wholly outcome-based terms.[10] We can, however, ask how each institution affects outcomes, for both insiders and outsiders, as well as whether those effects are its aim, or side-effects of pursuing some other goal; whether they arise from acts or omissions; what other goals the state is pursuing, and the extent to which these may justify impacts on outsiders; whether actions and policies are ones symmetrically available to all other states; whether outsiders are left below some normatively significant threshold; and so on. Significantly, if we think about states' obligations in these terms, exploitation, as Risse and Wollner understand it, will be subsumed under this analysis (To the extent this is the case, conceptual parsimony suggests dispensing with trade-justice-as-non-exploitation as a distinct ground). However, by focusing on the

10 It is this complexity and institutional pluralism that distinguishes the domestic from the international case, rather than the absence of 'immediacy' on which Risse and Wollner focus.

justification of institutions, having regard to the diverse agents they affect, it captures the ways issues and interests beyond a particular relationship play a role in justifying measures affecting that relationship. Climate policies requiring overseas auto manufacturers to reduce emissions might impose costs on those manufacturers which they cannot recover from customers. The importing country's policy preferences (climate action) are satisfied at the expense of the exporting industry. If we focus narrowly on reciprocity in the relationship this may seem unfair. Having regard to the wider context, including the climate crisis, its impacts on various groups, and efforts (or their absence) to address this through other means and in other fora, may cast this in a different light.

As to the duties of enterprises, in the domestic case these are effectively "laundered" by the existence of a just basic structure, which maintains background justice under which agents are free to pursue their own goals (Van Parijs 2003, p. 229). In the international context, we might similarly subsume many fairness questions that arise for firms under the obligations of states, to ensure that their own enterprises do not violate rights in their actions overseas, nor foreign enterprises within their territories. This might mean, for example, imposing extraterritorial labour standards; preventing enterprises avoiding tax liabilities in territories where they do business; limiting how intellectual property rights can be enforced to ensure access to medicines for the world's poorest. It might also mean establishing and enforcing appropriate labour, taxation and welfare systems at home. That many states will struggle to do this poses the question of what others might, and indeed must, do to support them (Risse and Wollner endorse a duty of assistance, of the kind proposed by Rawls, which would be relevant here). Declaring that NIKE should treat its overseas workers better (which it should) underplays the ways political institutions, through action and inaction, enable and incentivise particular behaviours, and the extent to which some states may legitimately choose to encourage these.

Of course, we do not live in a world in which all states are fully just, in their domestic and external policies. In consequence, we must ask what obligations agents have in these non-ideal circumstances. In pressing this question, Risse and Wollner do us a great service. We must each have some such obligations – we cannot simply shrug our shoulders. Their proposal of a duty to do what we can, within limits, to bring about justice – a ready translation of Rawls' natural duty of justice – seems eminently plausible, if relatively indeterminate. A duty to refrain from participation in, and support of, human or labour rights violations, or the perpetuation of extreme poverty, or support of authoritarian regimes, are somewhat more concrete, albeit still difficult to comply with absent adequate monitoring and coordination mechanisms. Non-exploitation, understood more narrowly as not seeking to take advantage of unremedied background injustices in

the global economy, might also make sense. However, to go further, challenging individuals and firms to adopt a strongly egalitarian outlook, whether in employment, industrial location or otherwise, while at the same time endorsing the efficiency of the price mechanism, risks generating arbitrary distinctions, undermining whatever efficiencies the market provides, and leaving workers (and consumers) dependent on the goodwill of firms, rather than secure in their rights as equal social citizens. Firms frequently enjoy significant political power and resources. Better that they apply these to advance just laws and policies, than seek to realise by private action what should be responsibilities of shared public political institutions.

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