

Justice and Trade Policy [Accepted Version]

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What trade policy should we adopt? Should we have free trade or should we impose tariffs on imported goods? How should we respond when other countries impose tariffs on our exports? How should we protect intellectual property and how should we regulate foreign investment? Should we seek to harmonise production and labour standards with other countries? Should we impose lower tariffs on goods imported from developing countries? Should we impose trade sanctions on governments that violate the human rights of their citizens or engage in unjust wars? Few of these questions are new or particularly novel, but in a world of extensive global economic relations, they have considerable importance. How we answer them will affect the lives of almost everyone.

In this chapter I present a normative framework for formulating these answers. Broadly speaking, formulating answers requires addressing two theoretical questions. The first is: what moral principles are pertinent to formulating trade policy? We need to know, for example, whether a state's guiding consideration should be to enhance the lives of its citizens or whether it has duties to enhance the lives of citizens of other states or share the gains of trade fairly with other trading nations, or some combination, variant, or alternative to these ends. The second question is: how should these moral principles bear on trade policy? We need to know, for example, whether a demand to enhance the lives of individuals elsewhere asks us to shape our trade policy to this end or whether trade policy should be understood as part of a suite of policies that ought to realise this end together, but are not necessarily each directly tailored towards it.

Thus, I develop a framework for formulating trade policy by addressing these questions sequentially. After introducing some terminology in Section 1, I discuss the moral principles pertinent to trade policy in Section 2. In this section, I canvass recent arguments on

this subject and clarify some points of difference and disagreement between them. Whilst I indicate a position that I find plausible, for the purposes of the chapter I proceed by identifying a moral principle concerned with improving the position of the less advantaged globally that could be shared across different accounts of trade justice, a principle consistent with widely shared convictions that all countries, particularly currently wealthy liberal democracies, have duties to assist the very badly-off in the world. In Section 3, I consider how this demand ought to guide trade policy. Here I defend a position I call *policy-integrationism*, which holds that we should pursue such moral demands by arranging a suite of policies, or a ‘basic structure’, that combines to realise them, rather than focusing on whether any particular policy, such as trade policy, advances them directly. I mobilise this argument by exploring one live trade policy debate: the proposal that wealthy states ought to offer preferential terms of trade (such as reduced import tariffs) to developing countries that improve labour or living standards in their borders. The chapter endorses this proposal, but argues that analysis of it shows the importance of connecting trade with other policy areas.

1. TRADE AND TRADE POLICY

Before embarking on the major discussion of this chapter, it is useful to define some terms.

One common image suggested by the word ‘trade’ is two individuals exchanging goods. Perhaps A sells her pen to B for £1. Such an exchange can take place within or across the borders of a country. A similar exchange can occur between two states. For example, Country A might import a million pens produced in Country B, paying Country B £1million for them. I shall refer to these kinds of interactions as ‘transactions’.

I use this term to separate transactions from another image of ‘trade’ that takes a more structural form. Here the image of trade is a social practice with a set of rules to govern a

regularised pattern of transactions. In the contemporary world, this practice is characterised by a large number of states forming agreements covering, amongst other things, tariff schedules across a range of industries, the protection of intellectual property, production standards, and means to settle disputes regarding trade conduct. I will use the term ‘trade’ for arrangements of this kind.

Within the terrain of trade, there are, at least, two areas of ‘policy’ that might be subjected to moral evaluation. First, we can consider the agreements and economic stances states make in relation to other states, such as the tariffs they impose on goods entering their country and the production standards they require these goods meet. I shall call this ‘trade policy’. Second, we can consider the arrangements of a coordinating trade body, such as the World Trade Organization (WTO). These might include tariff and regulatory schedules the body demands countries adopt, negotiation protocol, and dispute settlement procedures. I shall call these ‘trade rules’.

There are various ways in which transactions, trade policy, and trade rules connect and overlap. Trade rules may set parameters for transactions and it might be an aim of trade rules to harmonize trade policy. It may also be that what is defensible trade policy depends on the trade rules. Perhaps, for example, some trade policy is defensible only if a certain number of states adopt it and trade rules are an important means of ensuring this is the case. Nevertheless, it is useful to separate these various matters because it is possible to hold that different (even if, perhaps, overlapping) ethical considerations are pertinent to them. For instance, it can be argued that the concerns involved in transactions are largely duties that fall on specific actors, say not to manipulate or exploit others, whereas the more systematic, organised nature of trade entails a collective duty to ensure *the practice* treats its participants fairly (cf. James 2005: 537).

Because it sits centrally in both prominent discussions of trade and the academic literature, trade policy (particularly that of wealthy states) will be my main focus in this chapter. And with the terms delineated, we can now consider the first question posed in the introduction: what moral concerns might be thought pertinent to trade?

2. JUSTICE AND TRADE

There is a wide range of moral outlooks that might be thought to bear on trade and it is not possible to address them all here.¹ Instead, I shall outline four major lines of argument that I shall call the *basic rights conception*, the *exploitation conception*, the *trade fairness conception*, and the *global egalitarian conception*.² Following these summaries, I shall discuss some important points of difference between them.

2.1. *The Basic Rights Conception*

The first account of moral principles pertinent to trade places emphasis on a set of basic rights its advocates believe all individuals hold. Accounts of these rights vary, but it is a widespread belief that all individuals hold various civil and political rights, rights to personal security, and rights to a certain level of social and economic opportunities or resources (cf. Shue 1996). Even those who deny the relevance of some moral principles to the international context accept that the protection and promotion of such rights remains a universal demand that may have important bearing on global economic relations (cf. Blake 2001: 271; Nagel 2005: 131-132).³

It is worth noting that a list of basic rights owed to all persons may be quite extensive (cf. Cohen 2004). However, there is a trend in literature towards arguing that trade justice

requires more than the protection and promotion of these rights. This trend has seen three prominent approaches to extending the moral demands pertinent to trade beyond it.

2.2. The Exploitation Conception

One such account focuses on the idea of exploitation. The conception has been most cogently developed by Risse (2007; 2012), Kurjanska & Risse (2008), and Risse & Wollner (2014). In essence, the view that runs across these texts is captured in Risse's objection to 'trade that comes at somebody's expense' (Risse 2012: 272). The thought here is that certain trade arrangements can take unfair advantage of certain actors and that such arrangements generate what amounts to 'ill-gotten gains' (Risse 2012: 272).

One instance of this worry concerns situations in which two countries are involved in trade, but the population of one country is oppressed. For example, they might be forced to work or have other human rights violated. In this case, Risse argues, any gains from trade that result from the oppression are tarnished and the 'conditions render trade partly constitutive of the oppression', giving 'the oppressed a complaint in fairness against the trading partner' (Risse 2007: 362). This concern aligns with the idea that the protection and promotion of basic rights is pertinent to trade, but adds a further objection focused on the distributions of trade's benefits that have emerged through such oppression.

Another version of this worry concerns the instances in which some actors benefit disproportionately from trade while others benefit too little. As Risse & Wollner (2014: 217-220) highlight, there are various ways in which the wrong here can be articulated. One account utilises some of the ideas canvassed in the previous section. It can be argued, for example, that an interaction (be it a transaction or trade) in which one actor had her rights violated and she receives less from the interaction as a result of this rights violation is wrong

not only in the rights violation it involves, but also in the distribution that results. Another account finds it objectionable if one actor is vulnerable and another actor utilises this vulnerability to benefit disproportionately from their interaction. Exploitation of these different kinds can involve a range of actors. An obvious case is companies that exploit the vulnerable position of potential workers, but it is also possible for wealthy states or large companies to exploit developing countries that desperately need to secure trade deals in order to provide opportunities or services for their populations. These concerns, Risse argues, also give us reason to supplement our concern for basic rights with an anti-exploitation principle, which holds that it is objectionable if actors' 'contributions to the production of goods or the provision of services for export do not make them better off...to an extent warranted by the value of these contributions' (Risse 2012: 272).⁴

2.3. The Trade Fairness Conception

The third view I will outline here places significance on the description of trade that I outlined in the introduction, as an ongoing system with a set of rules and regularised patterns of exchange. Aaron James argues that features of this kind classify trade as a 'social practice', specifically 'an international social practice of market reliance...in which countries mutually rely on common markets...for the sake of augmenting their national incomes' (James 2014: 178). A practice of this kind, James argues, generates 'requirements of structural equity', which demand that 'it distributes the benefits and burdens it creates according to a pattern that is reasonably acceptable to every country...affected' (James 2014: 179). It is in this way that James' view extends beyond a requirement to protect and promote basic rights and beyond anti-exploitation to a more egalitarian requirements of distributive justice.

Specifically, James contends that there are three moral principles particular to trade (cf. James 2012: 17-18; James 2014: 180-181). First, a principle of ‘collective due care’, which holds that states must protect people against the harms of trade, such as unemployment or wage suppression. Second, a principle of ‘international relative gains’, which holds that the increase in global wealth attributable to trade should be divided equally amongst trading nations, unless a greater share is given to poorer countries. This principle suggests something like the application of Rawls’ difference principle (cf. Rawls 1971: 60-83) to distributing the gains of trade between trading states. Third, a ‘principle of domestic relative gains’, which holds that nations must distribute their share of the gains of trade fairly amongst their populations, either by dividing it equally or dividing it unequally in a way that is beneficial to the worst-off. This may mirror an application of the difference principle to how countries distribute their share internally.

2.4. The Global Egalitarian Conception

The final conception to outline has some similarities to the *trade fairness conception*, but has a broader and more demanding understanding of these distributive requirements. The *global egalitarian conception* holds that we should distribute a wider set of resources or opportunities, including, but not limited to, the gains of trade, according to an egalitarian principle. For example, this could require that these goods are distributed so that all individuals or states have equal shares or allowing inequalities that benefit the worse-off, the latter reflecting a global difference principle that applies not directly how we should distribute the gains of trade (as James’ international relative gains principle does), but considers these gains part of a set of goods to which the principle should be applied together.

One version of this view is a global institutionalist account. On this account, the egalitarian distributive principle has bearing given the extent and nature of contemporary global relations. There is a similarity here to James' claim that egalitarian moral principles arise in the context of social practices of some kind. The difference is that the global egalitarian conception holds the relevant context to be a broader institutional context, such as the context of a global basic structure that, in a similar way to many states, regulates various aspects of political life, ranging from trade to environmental protection to war. It holds that it is the existence of such a basic structure that raises a requirement to distribute resources or opportunities fairly amongst those who live under it, perhaps because its affects are so 'profound and pervasive' or because it is the relevant locus of reciprocal, coercive, or non-voluntary relations, and that, because our contemporary global architecture constitutes a basic structure, this requirement applies to our world (Beitz 1999; Walton 2009; Walton 2014).

A somewhat different account is a non-institutional cosmopolitan view. On this account, the existence of institutional contexts is not pertinent to the application of a requirement to distribute resources or opportunities in an egalitarian fashion. Rather, individuals worldwide are entitled to an egalitarian share of resources or opportunities regardless of their institutional affiliations (Caney 2005: 102-147).

On either of these versions of the *global egalitarian conception*, transactions or trade take a somewhat secondary role. To some extent, the argument for global egalitarian principles might be pressed regardless of their existence. Nevertheless, it is clear that such principles would have bearing on these matters. Because transactions and trade constitute certain kinds of opportunities and generate and distribute certain goods, there is a connection between them and the realisation of these principles. Thus, this final view amounts to positing that there is a broad egalitarian principle of distributive justice that pertains to trade.

2.5. Disagreements and a Shared Concern

Perhaps it will be clear that these conceptions are not necessarily in tension with one another, at least not completely. One could hold that the moral concerns pertinent to trade include respect for basic rights, a rejection of exploitation, and a demand that the gains of trade are distributed fairly. Nevertheless, there are certain ways in which these views come apart.

A main area of disagreement reflects a dispute that pervades the wider literature on global justice concerning the foundations of (certain) moral principles. Essentially, the main question here is: what “gives rise” to a requirement to distribute goods in an egalitarian fashion? As noted above, some views hold that certain kinds of social or institutional context must exist before this requirement has bearing. Non-institutional cosmopolitans disagree with this claim (cf. Caney 2005: 111). Advocates of the *basic rights conception* hold that the existence of some such context is important and that the relevant kind of context does not exist at the global level (Blake 2001; Nagel 2005). Advocates of the *exploitation conception*, the *trade fairness conception*, and the global institutionalist version of the *global egalitarian conception* agree about the importance of some such context existing, but claim that the relevant kind of context does exist at the global level. However, advocates of these views differ on what constitutes the relevant kind of context. Advocates of the *exploitation conception* and the *trade fairness conception* hold that it is trade that gives rise to such principles (cf. James 2012; Risse 2012), whereas advocates of the global institutionalist view hold that it is a global basic structure that gives rise to them (Walton 2009; Walton 2014).

There are also disagreements on exactly which principles have bearing on trade. Although it is possible to hold a view that combines many of the concerns mentioned above, few authors do hold such a view. Those who endorse the *basic rights conception*, generally do not endorse the concern for egalitarian principles, and many seem not to endorse the

exploitation concern either. Some advocacy of the *exploitation conception* is partly in the vein of denying that broader egalitarian principles have bearing (cf. Risse & Wollner 2013: 393-400; Risse & Wollner 2014: 205-208). Meanwhile, James' argument for egalitarian principles of trade fairness is made (partly) in challenge to those who hold that only basic rights are pertinent to trade and those who endorse broader global egalitarian principles (James 2012: 6-14) and those who endorse the *global egalitarian conception* tend to reject narrower egalitarian principles that concern only the distribution of gains from trade (Walton 2014; Walton *forthcoming*).⁵

Whilst resolving these disagreements, and considering how they relate to other considerations, such as efficiency or national security, that might bear on trade, are important tasks for articulating a complete theory of trade justice, I will set them aside here in order to explore the other question raised in the introduction: how should moral principles should be used to guide the formulation of trade policy? This question can be explored somewhat independently. For this reason, to avoid prejudicing the discussion towards a particular conception I focus on a moral concern that bears some relation to each of them. This concern is nicely expressed by Barry and Reddy as 'improving the level of advantage of less advantaged persons in the world' (Barry & Reddy 2008: 3). Although this does not stress the idea of basic rights directly, it follows the spirit of this conception in aiming to assist the badly-off in the world, and it is a concern that the other conceptions also accept in some form or other. Thus, it can serve to consider how a principle should be used to shape trade policy.

3. JUSTICE AND TRADE POLICY

Although it might seem that this chapter has already begun considering how to theorise trade policy, it is important to see a gap between what has been discussed and this further question.

Joseph Raz captures the essence of this gap in his comment that ‘political theory can conveniently be divided into two parts: a political morality and a theory of institutions’ (Raz 1986: 3). ‘Political morality consists in the principles which should guide political action’, Raz continues, and, then, these principles are ‘the basis on which the theory of institutions constructs arguments for having political institutions of this character rather than that’ (Raz 1986: 3). In short, we should separate two aspects of theorising. First, there is a task of determining the moral principles that give us the aims of justice. Second, there is a task of using these principles to guide a process of determining which institutions to adopt.

Occasionally these tasks are run together or the lines between them are blurred. It is plausible to believe that this assimilation has occurred in thinking about trade. It is quite straightforward to move from thinking that we should aim to improve the position of less advantaged persons to the thought that trade policy should be used to promote this aim, especially if it would be a productive means of doing so. It is perhaps even easier to move between the idea that the gains of trade ought to be distributed in a fashion that treats trade’s participants fairly and the idea that trade ought to be structured in a fashion that achieves this goal. But Raz’s distinction should encourage us to see that articulating a theory of how principles should guide institutional design forms a necessary step between specifying a political morality and reaching conclusions about which policies we ought to adopt. There are various ways to approach this task. For the purposes of discussion here, I outline two.

The *policy-isolationist approach* holds that we ought to select policy by a criterion of which one best directly advances the moral standards of concern. Although I shall suggest that they do not fully adopt a *policy-isolationist approach*, the basic thrust of the position appears in Barry & Reddy’s approach when they propose that a significant determinant of whether to select one policy or trade arrangement over another is ‘whether it improves the level of advantage of less advantaged persons in the world to a greater extent’ (Barry &

Reddy 2008: 3). To see what this approach suggests, consider two trade policies. Trade Policy 1 is to set high trade tariffs on imports from countries where the less advantaged are particularly badly off. Trade Policy 2 is to set low tariffs on imports from these countries. Let us imagine that Trade Policy 1 more effectively enhances the position of those less advantaged persons. The *policy-isolationist approach*, as captured by Barry & Reddy's proposal, would conclude that we should adopt Trade Policy 1.

This contrasts with the *policy-integrationist approach*, which holds that we ought to choose between trade policies by exploring how they combine with a wider array of policies and institutions to realise the moral standards of concern and selecting the set that would be most effective together. As an example, consider the two trade policies mentioned above. But now consider them alongside two aid policies. Aid Policy 1 gives low levels of aid to countries where the less advantaged are particularly badly off and Aid Policy 2 gives high levels of aid to these countries. For the sake of argument, imagine that, when considered alone, Aid Policy 1 is more effective in improving the position of the less advantaged. But imagine that, through some type of compound effect, Trade Policy 1 and Aid Policy 1 combine more poorly than Trade Policy 2 and Aid Policy 2. Perhaps, for example, when only one policy area is considered, a cold shoulder approach is effective in improving the position of the less advantaged due to its symbolic tone, but when this approach is taken across a series of domains, it generates hostility and backlash. Whereas, the more benevolent policies are ineffective in any individual case, but more effective when part of a comprehensive programme of friendly encouragement. The *policy-integrationist approach* places its focus on how policies work in conjunction in this fashion and selects the set that produce the best effects. In the suggested analysis, it recommends adopting Trade Policy 2 and Aid Policy 2, even though both of these policies seem sub-optimal when considered in isolation.

Although recent trade justice literature has offered various policy recommendations, my sense is that which of these approaches is employed has not been made explicit or defended. Thus, in what remains of this chapter, I shall now explore what arguments can be made in favour of each, beginning with the approach that I think is the more plausible.

3.1. Defending Policy-Integrationism

The case for *policy-integrationism* rests on the consideration that moral demands are commonly best addressed by multifaceted strategies that harness the combined effect of various policies. For this reason, assessing policies in isolation can misidentify good policy options, in a way that is avoided if we consider them in an integrationist fashion.

The plausibility of these claims can be demonstrated by working through some dimensions of a live policy debate in global trade concerning the following proposal:

Qualified Market Access: Wealthy states ought to grant preferential market access (in the form of reduced trade tariffs, for example) to developing countries that improve labour standards in their borders.⁶

The basic case for *Qualified Market Access* is straightforward (cf. Stiglitz & Charlton 2005: 177; Barry & Reddy 2008: 30-33). Granting developing countries preferential access to the markets of wealthy states improves the former's economic prospects. It, thereby, sets an incentive and a realisable benefit to them. Meanwhile, tying this access to the improvements in labour standards means that obtaining this benefit moves alongside enhancement in wages, health and safety standards, and the protection of rights to collective bargaining and against forced or compulsory labour.⁷ Improvements in these standards in developing countries

plausibly would advance the position of the less advantaged in the world who currently work in low paid, unsafe, unsanitary, and insecure jobs in these countries.

It is possible to argue that the focus of *Qualified Market Access* should be broadened. Perhaps rather than labour standards, the proposal should focus on living standards, thereby ensuring improvements affect those outside employment or in less formal employment too. But the case for the proposal would hold in this guise too.

The difficulty with the case begins to appear when the effects of it in practice are considered. As Stiglitz and Charlton (2005: 177-183 & 191-193) note, the use and benefit of some existing trade preference schemes has been relatively low. There might be various reasons for this, but one appears to be a difficulty that faces developing countries' compliance with many WTO regulations: that adjusting to such regulations involve costs, including establishing new laws or conventions and their correlate accounting, monitoring, and enforcement systems. Although these sound minor concerns, they tend to be quite significant for poorer countries, which require greater adjustments to comply with these regulations and whose legal and bureaucratic apparatus are less developed.

Another argument is that using trade preference schemes linked to improving labour standards undermines one of the main economic advantages of developing countries (Barry & Reddy 2008: 36). Specifically, the thought is that developing countries have a comparative advantage grounded in the labour-intensive fashion they can produce goods given their lower labour standards. If labour standards are improved, production costs in these countries increase. The worry, then, is that they lose their comparative advantage and their goods are not competitive in international markets. There may also be a concern that it becomes unattractive for business to operate in these locations and these businesses relocate.

There is a way that both of these difficulties can be addressed. As Stiglitz & Charlton (2005: 204-208) note in relation to adjustment costs, it would be possible to offset these

difficulties by programmes that offer developing countries assistance in reforming their systems. Similarly, as Barry & Reddy (2008: 37-40) note, it can be shown that there need be no loss in developing countries' comparative advantage if the additional production costs associated with improvements in labour standards are offset by wage subsidies, most plausibly financed by resource transfers from wealthier states.

But these points indicate precisely the case for *policy-integrationism*. When considered in isolation, it is not obvious that we should adopt *Qualified Market Access*. Given the difficulties noted above, it is not clear that this proposal would be better than current trade policies (or free trade or symmetric market access) for improving the position of the less advantaged. Thus, a *policy-isolationist* approach would not have reason to endorse the proposal. But here we have an example of misidentifying good policy options. It is a misidentification because when considered in conjunction with supplementary policies, such as adjustment programmes or resource transfers, the case for adopting *Qualified Market Access*, as part of this set, appears convincing. In short, it is through a *policy-integrationist* approach that the merits of the proposal and the most coherent policy selection becomes clear.

This point should not be particularly surprising. That the realisation of various aims typically requires using a range of, often diverse, policy levers is well-established in other areas of public policy, particularly health care (cf. Wolff 2011: 128-146). It also has resonance with other areas of trade policy. For example, research on reducing child labour consistently shows that attempting to address the problem via one lever is less effective than adopting a multifaceted strategy (cf. Satz 2010: 162-169).

Making the point in general theoretical terms, John Rawls argues that we should 'distinguish between a single rule..., an institution..., and the basic structure of the social system as a whole' (Rawls 1971: 57). 'The reason for doing this', he argues, 'is that one or

several rules of an arrangement may be unjust without the institution itself being so', for example when 'single rules and institutions are not by themselves sufficiently important' to effect or determine the quality of the overall system (Rawls 1971: 57).

What has been argued here supports Rawls' view by highlighting that, on many occasions, we cannot properly grasp whether a policy should be thought just without reflecting on how it combines with other policies. Given the way in which the realisation of moral demands depends on how multiple policies from a range of domains combine, it is valuable to think about responding to the moral concerns pertinent to trade by reflecting on how trade policy can be used as part of a suite of policies. We should, in short, approach trade policy selection by a method of *policy-integrationism*.

3.2. Alternatives to Policy-Integrationism

In what remains of this chapter, I will consider two lines of argument in the trade justice literature that might contest the *policy-integrationism* that has been defended above and point, rather, to a case for *policy-isolationism*.

The first argument concerns whether *policy-integrationism* is not properly sensitive to the nature of certain moral demands. Consider the case of forced labour. This practice remains disturbingly common and is present, despite being condemned, in global supply chains that are under the purview of our trade policy and trade rules (International Labour Organization 2017). We can imagine a trade policy that does not directly prohibit this practice. Perhaps our strategy for eradicating it is funnelled through our diplomatic policy, on the grounds, suggested above, that it is more effectively pursued this way than by tailoring trade policy to the end. Still, we may worry about such a trade policy. It might be argued that the structure of our normative concern with forced labour takes the form of a side-constraint

that ought to be respected, rather than a goal that ought to be promoted. In this regard, there might be a concern that the *policy-integrationism* approach is objectionably consequentialist, allowing or engaging in side-constraint violations, even if for the sake of maximising their protection overall. It may be thought that it is misaligned with what trade policy ought to regulate, focusing on how the combination of policies affect individuals overall rather than regulating the particular duties of particular actors towards particular others, such as those of companies to their workers. It could also be argued that focusing on the system rather than the particular components does not adequately take into account the nature of the wrong as it is experienced by those who suffer it or as it is perpetrated (cf. Goff *forthcoming*). In any of these ways, it might be argued that a *policy-isolationist* approach, focused on tailoring trade policy to regulate the precise duties of actors, is better attuned to the nature of, at least, some moral concerns pertinent to trade.

A response to these worries is to clarify that *policy-integrationism* should not be thought any more consequentialist than *policy-isolationism*. As noted above, it is a theory of how principles should be used to guide policy, not a theory of those principles. Thus, it is also concerned with regulating the particular duties of particular actors to other actors, if that is what the relevant moral principles demand. Its demarcating feature lies in holding that we should consider how these duties are regulated by a combination of policies, rather than by particular policies. What this position entails is not that our trade policy can engage in side-constraint violations or neglect the duties of companies to their workers if these wrongs are offset by the positives of our diplomatic policy. What it entails is that we should align our trade and diplomatic policies to ensure that these side-constraints and duties are properly respected. If it endorses using diplomatic policy, rather than trade policy, to combat forced labour, that is because doing so ensures that we do not violate side-constraints and that companies fulfil their duties to workers. The correct image, I think, is not one of doing the

right thing ‘on balance’, but one of meeting the precise moral demands through whichever course of action best ensures they are met. In this respect, I think that concerns about the nature of relevant moral demands do not split, or, therefore, arbitrate between, the two approaches to policy formulation considered here.

A second line of argument to consider draws upon a theme mentioned in the discussion of conceptions of trade justice above. A prominent argument in this literature is that different social practices have moral principles particular to them. It can also be thought that we should particularise how the policies or structures of these institutions are guided. Different arguments can be advanced for this view. It could be argued that trade is a separate or discreet domain of global politics, constituting a distinct social practice, that should be governed according to its own unique directives (cf. James 2012: 154-155). It can also be argued that the nature of current global politics in general is complex and patchwork and that to devise concrete guidance for any component, it makes practical and epistemic sense to think about its regulation in a particularised fashion rather than attempt to determine how an immense array of disjointed policies work together (cf. de Bres 2013). On these accounts perhaps there is reason to approach trade policy in a way that treats it more as a silo.

A response to this thought is to deny that trade can plausibly be treated as a separable sphere of global politics. Empirically, it can be argued that trade is very much entwined with other areas of policy, ranging from its connection to aid and resource transfers as discussed above to its connection to environmental protection in cap-and-trade emissions schemes and security in the use of economic sanctions to resolve civil and international conflicts (Walton 2014). This existing interconnection between domains suggests that it is both feasible and practical to formulate policy in an integrated fashion and, indeed, is often deemed important in global politics because it is conducive to forming agreements to consider various domains of interstate relations simultaneously or as a unified package (cf. Caney 2012: 278-280) and it

can help with enforcement and long-term cooperation (cf. Barry & Reddy 2008: 52-53). Normatively, it can be argued that the shape and effects of policies in these areas is pertinent to whether policies in other areas are just, because, for example, distributions of trade's benefits can be morally tarnished if they arise from injustices such as colonialism or the overuse of the world's resources or if they aggregate with the distributions of other goods to form significant overall inequalities between individuals or states (Walton *forthcoming*). In each of these respects, far from thinking that we should understand particularised normative principles or guidance as valuable for formulating trade policy, we should consider global politics integrated terrain that is more suited to *policy-integrationism*.

CONCLUSION

In essence, the central theme of this chapter is that thinking about justice in relation to trade and trade policy should not be limited to thinking about justice in relation to trade or trade policy alone. This theme emerged partly in discussion of the moral principles that bear on trade and was the main argument of how moral principles should be used to guide trade policy. As I noted, the point has bearing beyond trade. Insofar as health policy is one policy area amongst many that affect health and health is one moral concern amongst others in a theory of justice, formulating health policy is sensibly approached through consideration of its relation to these other matters. No doubt a similar argument can be made about policy for education, housing, labour markets, environmental protection, immigration, and so on, and this points in the direction of understanding these areas as components of a broader, cohesive whole. I have not had space to defend this more generalised thesis here. But the chapter has provided a rationale for this kind of integrationism that can be applied to these other areas

and developed in this way, and, if nothing else, shown why this framework is suitable for considering justice and trade policy.⁸

Bibliography

- Barry, C. & Reddy, S. (2008), *International Trade and Labor Standards: A Proposal for Linkage*. New York: Columbia University Press.
- Beitz, C. (1999), *Political Theory and International Relations*. Princeton: Princeton University Press.
- Blake, M. (2001), 'Distributive Justice, State Coercion, and Autonomy', *Philosophy & Public Affairs*, 30:3 (2001), pp. 257-296.
- Caney, S. (2005), *Justice Beyond Borders: A Global Political Theory*. Oxford: Oxford University Press.
- (2012), 'Just Emissions', *Philosophy & Public Affairs*, 40:4, pp. 255-300.
- Christensen, J. (2015), 'Fair Trade, Formal Equality, and Preferential Treatment', *Social Theory and Practice*, 41:3, pp. 505-526.
- Cohen, J. (2004), 'Minimalism About Human Rights: The Most We Can Hope For?', *Journal of Political Philosophy*, 12:2, pp. 190-213.
- De Bres, H. (2013), 'Disaggregating Global Justice', *Social Theory and Practice*, 39:3, pp. 432-435.
- (2016), 'Justice and International Trade', *Philosophy Compass*, 11:10, pp. 570-579.
- Goff, S. (*forthcoming*), 'A Theory of Injustice in Global Trade, Or: what we can learn about injustice from slavery in global supply chains'.
- Herzog, L. & Walton, A. (2014), 'Qualified Market Access and Inter-Disciplinarity', *Ethics and Global Politics*, 7:2, pp. 83-94.

International Labour Organization (2017), 'International Labour Standards on Forced Labour', available at <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm>. Accessed 28th February 2017.

James, A. (2005), 'Distributive Justice without Sovereign Rule: The Case of Trade', *Social Theory and Practice*, 31:4, pp. 533-559.

——— (2012), *Fairness in Practice: A Social Contract for a Global Economy*. Oxford: Oxford University Press.

——— (2014), 'A Theory of Fairness in Trade', *Moral Philosophy and Politics*, 1:2, pp. 177-200.

Miller, D. (2016), 'Fair Trade: What Does It Mean and Why Does It Matter?', *Journal of Moral Philosophy*, available as advanced article.

Nagel, T. (2005), 'The Problem of Global Justice', *Philosophy & Public Affairs*, 33:2, pp. 113-147.

Nozick, R. (1974), *Anarchy, State, and Utopia*. Oxford: Blackwell.

Raz, J. (1986), *The Morality of Freedom*. Oxford: Clarendon Press.

Rawls, J. (1971), *A Theory of Justice: Original Edition*. Cambridge, Massachusetts: Harvard University Press.

——— (1999), *The Law of Peoples*. Cambridge, Massachusetts: Harvard University Press.

Risse, M. (2007), 'Fairness in Trade I: Obligations from Trading and the Pauper-Labour Argument', *Politics, Philosophy, and Economics*, 6:3 (2007), pp. 355-377.

——— (2012), *On Global Justice*. Princeton: Princeton University Press.

Risse, M. & Kurjanska, M. (2008), 'Fairness in Trade II: Export Subsidies and the Fair Trade Movement', *Politics, Philosophy, and Economics*, 7:1, pp. 29-56.

- Risse, M. & Wollner, G. (2013), 'Critical notice of Aaron James, *Fairness in Practice: A Social Contract for a Global Economy*', *Canadian Journal of Philosophy*, 43:3, pp. 382-401.
- (2014), 'Three Images of Trade: On the Place of Trade in a Theory of Global Justice', *Moral Philosophy and Politics*, 1:2, pp. 201-225.
- Satz, D. (2010), *Why some things should not be for sale: The moral limits of markets*. Oxford: Oxford University Press.
- Shue, H. (1996), *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press).
- Stiglitz, J. & Charlton, A. (2005), *Fair Trade for All: How Trade Can Promote Development*. Oxford: Oxford University Press.
- Walton, A. (2009), 'Justice, Authority, and the World Order', *Journal of Global Ethics*, 5:3, pp. 215-230.
- (2010), 'What is Fair Trade?', *Third World Quarterly*, 31:3, pp. 431-447.
- (2012), 'Consequentialism, Indirect Effects, and Fair Trade', *Utilitas*, 24:1, pp. 126-138.
- (2013), 'The Common Arguments for Fair Trade', *Political Studies*, 61:3, pp. 691-706.
- (2014), 'Do Moral Duties Arise from Global Trade?', *Moral Philosophy and Politics*, 1:2, pp. 249-268.
- (2015), 'Global Democracy in a Society of Peoples', *Critical Review of International Social and Political Philosophy*, 18:6, pp. 577-598.
- (forthcoming), 'Trade Justice and the Isolationism/Integrationism Debate'.
- Wolff, J. (2011), *Ethics and Public Policy: A Philosophical Inquiry*. London: Routledge.

¹ Another overview of the trade justice literature is de Bres (2016).

² One account I do not consider is a libertarian account, which would hold that our rights to our person and property require allowing individuals to transact freely with each other (cf. Nozick, 1974). This view identifies no concern distinctive to trade and is not a major thread in current literature on the latter, so I set it aside.

³ Rawls (1999) also endorses this view. For an outline of the Rawlsian account see Walton (2015).

⁴ For discussion of how the gains of transactions can be divided fairly see Miller (2016).

⁵ Albeit with a slightly different focus, Christensen (2015) also argues that principles of trade justice must take account of broader moral concerns.

⁶ An overview of qualified market access and its application in the European Union's GSP+ scheme can be found in Herzog & Walton (2014). A version of the idea is also employed in Fair Trade (cf. Walton 2010).

Thus, questions similar to those in this chapter can be asked about whether the aim of improving the position of the less advantaged gives individuals a reason to purchase Fair Trade goods, on which see Walton (2012; 2013).

⁷ The system may also reduce the incentive and feasibility of lowering labour standards to gain a comparative advantage.

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