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# Three Images of Trade: On the Place of Trade in a Theory of Global Justice

**Abstract:** Economic theory teaches that it is in every country's interest to trade. Trade is a voluntary activity among consenting parties. On this view, considerations of justice have little bearing on trade, and political philosophers concerned with global justice should stay largely silent on trade. According to a very different view that has recently gained prominence, international trade can only occur before the background of an international market reliance practice shaped by states. Trade is a shared activity among states, and all participating states have in principle equal claims to gains from trade. Trade then becomes a central topic for political philosophers. Both views are problematic. A third view about the role of trade in a theory of global justice is then presented, which gives pride of place to a (non-Marxian) notion of exploitation. The other two views should be abandoned.

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## 1

This paper advances a view about the role of trade in a theory of global justice that gives pride of place to a notion of exploitation.<sup>1</sup> We explore three images, or *moral ontologies* of international trade, one of which we recommend as philosophically preferred and develop in depth.<sup>2</sup> By the *moral ontology* of domain D, we mean a description of D that reveals what aspects of D matter, in what ways,

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<sup>2</sup> In this study “trade” is always “international trade.”

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for identifying moral principles that apply to D. As with any complex domain, several accounts of the moral ontology, or *images*, of trade are available. These images differ in how they describe the kind of agency involved in trade, and thus integrate trade differently into overall theories of global justice.

It is evident from the literature on global justice that philosophers find it hard to place trade within an overall approach to global justice. It is unclear how to locate trade on the ideal/non-ideal spectrum, whether trade should be governed by substantive principles about the distribution of gains or by procedural principles that prescribe how traders ought to interact, or how trade relates to a range of topics in the domain of global justice (human rights, justification of states, climate change). Establishing one image as superior is key to making progress on these issues, and it is by establishing one image as superior that we seek to make a case for trade having a particular place within an overall theory of global justice.

Any norms that would apply to trade depend on how it is modelled (how we describe what actors matter for trading, and how). We capture that thought by talking about the moral ontology of trade. Image 1 is held by many economists and thereby is strongly present in public life. On that view, trade consists of a myriad of transactions through which individuals and companies further their interests. Fairness considerations enter at most by way of rectifying failures and wrongful starting points of markets. According to Image 2, proposed by James (2012), gains from trading are a joint product to which all participating states have equal claims – except that each may reserve for itself what it could obtain in autarky.

Image 1 is an individual-transactions-based view. It emphasizes the role of individual traders and captures their interaction in such a way that there is little room for moral considerations. Image 2 is states-based, describing trade as a set of exchanges before the background of *market reliance practices*. Maintained by states these practices guarantee that transactions are completed, as well as that participants can trust that there will be markets in the future. Emphasizing the significance of states and the practical inescapability of the global trading system for states, Image 2 finds much room for moral considerations. According to James's development of Image 2, trade becomes central to an account of global justice.

James charges Image 1 with “revisionism:” by overemphasizing the role of individuals and companies it misrepresents the nature of trade and obscures how moral considerations enter. An assessment of trade must focus on the institutional background before which interactions among individuals and companies occur. Image 2 does so. But Image 2 too has problems: in spite of its emphasis on the role of states it does not allow for a plausible characterization of their role in a theory of fairness in trade. Yet since both images have much *ex ante* plausibility, exploring how they fail greatly helps with investigating the morality of trade.

Our Image 3 is an amalgam in terms of moral ontology. It takes seriously the role of various entities for determining moral principles that apply to trade (especially states, individuals and companies). Whereas Image 1 stresses the nature of trade as an activity among “consenting adults” that minimizes the role of morality, and Image 2 emphasizes the role of states in the maintenance of trade and proposes an equal division among states of the trade surplus, we champion ideas of *exploitation* and make room for the whole range of actors involved in trade. States, companies, individuals and other entities might exploit each other, and thus this amalgam image appropriately recognizes the relevance of the various actors whose role the other images respectively (over-)emphasize. We need a view of exploitation broad enough to capture the complexity of the phenomena.

We have two main purposes. First of all, we wish to show that, as Image 3 has it, it is through an account of exploitation that trade should be integrated into a theory of global justice. Philosophical theories are weakest where they criticize competitors, but our aim is high: we argue that Images 1 and 2 should be abandoned. Secondly, we offer an account of exploitation to show how to think about fairness in trade within a theory of global justice. Section 2 discusses Image 1 and explains why it is flawed. Section 3 does the same for Image 2. Section 4 elaborates on our discussions of Images 1 and 2. Section 5 introduces Image 3 and offers reasons why it is preferable to the other two. Sections 6–8 present an account of exploitation. Section 9 adds some useful distinctions to that discussion. Section 10 revisits our major theme (to find a place for trade in a theory of global justice) by explaining why considerations of exploitation arise in ideal theory.<sup>3</sup>

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<sup>3</sup> A few points for clarification: (1) Images of trade are concerned with the agency constitutive of trading. For that reason questions about the connection between trade and the environment and between trade and animals are not part of our discussion. (2) We seek to explore the place of trade in a theory of global justice. We are taking for granted that if justice applies to trade, then it would be because trade is one *ground of justice* in the sense of Risse (2012). That is, the interactions constitutive of trade are the kind of context in which particular principles of justice arguably apply. Put differently, we are taking for granted that if justice applies to trade, then there are principles that apply *specifically* to trade. This rules out an understanding of trade as merely contributing to the realization of independently given principles of global justice. The main contenders that need to be discussed then are the views captured by the three images we distinguish, that no particular principles apply to trade after all (Image 1), that principles apply that concern the distribution of gains from trade (Image 2), and that merely procedural principles apply (Image 3). (3) Let us make a connection to the discussion about trade in Risse (2012), chapter 14. Risse argues for the following principle pertaining to subjection to the international trade regime as a ground of justice: the distribution of gains from trade among states is just only if no country enjoys gains that come “at the expense” of people involved in the trade. These gains come *at the expense* of certain people if either (a) their contributions to the production of goods or the provision of services for export do not make them better off (than

## 2

Image 1 views trade as a set of numerous individual transactions. Trade occurs within the market system, which coordinates activities through interactions among buyers and sellers. Markets enable each person to choose from among a range of ways of leading her life. But people must consider that their choices divert resources from others. They must decide in light of such costs what they want most.

Some celebrated results of economic theory support the attractiveness of markets for coordinating human activities. The First Fundamental Welfare Theorem shows that under certain assumptions economic activity generates a Pareto-optimal price system. The Second Fundamental Welfare Theorem shows that in perfectly competitive markets, each Pareto-optimal outcome is achievable with a suitable distribution of initial endowments. So “the best” distribution is achievable through free exchange, assuming only that distribution leaves no social waste.<sup>4</sup> In addition, trade theory teaches that each nation should produce goods for which it has a comparative advantage and use them to exchange other goods.

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if they were not producing those goods at all) to an extent warranted by the value of these contributions (and they did not voluntarily accept such an arrangement), or (b) their involvement in the trade has emerged through human rights violations (e.g. they are coerced into working in the relevant industries), or both. The “to-the-extent” addition in (a) ensures that those who lose out may still have complaints even if they gain from trade. Condition (b) ensures that they may still have complaints if their contributions are adequately valued. This discussion is not well developed in Risse (2012). The present discussion fills this gap. Specifically, it is condition (a) that the present discussion develops. The defence of Image 3 can be taken as a vindication of the approach to fairness in trade in Risse (2012). Our discussion also builds on Risse and Wollner (2013). That piece engages in detail with James (2012) and explains why his path-breaking approach fails. James is present here as well, but we are after bigger fish. We argue that a whole type of approach instantiated by James (2012) fails and explain how one should think instead about fairness in trade within a theory of global justice. (4) In terms of moral ontology, Image 3 is an amalgam of Images 1 and 2; that is, it acknowledges the relevance of all the different entities for a moral assessment of trade. One might say that for this reason we do not need to provide an extensive discussion of the kind of approach provided by James. After all, if we are right about the ontology, approaches in terms of substantive principles are no longer available. But we wish to take Image 2 seriously on its own terms. It is flawed both in terms of its underlying ontology and in terms of the kind of approach to justice in trade that it proposes. At this stage of the debate about trade it is important to be clear about that.

<sup>4</sup> For discussion of just what these theorems show about markets, see Gibbard (1985) and Sen (1985). For a recent discussion of what should not be on the market, see Satz (2010).

Image 1 emphasizes the role of (a myriad of) individual actors in the creation of collectively optimal outcomes. Defenders may not think the various assumptions behind this theory – which we do not need to spell out – hold in reality, or that states actually play as little a role as seems to be the case from the fact that we could explain Image 1 without talking about states. Moral ontology is a normative enterprise. This market-based system is one way of offering such an ontology (especially) of trade. Individuals and companies each have good reason to trade. Considerations of fairness or justice have a hard time getting started.

James considers Image 1 “revisionist” for omitting the fundamental role of states in maintaining trade. Only states can ensure the transactions constitutive of trade can occur. They provide structures that render trade predictable and reliable so that individuals and companies feel confident about the future and continue to invest in trade-related activities. They do so by creating domestic and international institutions that together constitute *market reliance practices*. A core point of Image 1 is that market participants unilaterally have reason to trade. As the saying goes, one state’s hampering trade by blocking its harbour gives nobody else a reason to do so.<sup>5</sup> However, states would not benefit from clear harbours if there were no partners with whom to have reliable exchanges. Trade can occur only if traders feel assured that they will be paid and that there will continue to be markets.

### 3

James rightly rejects Image 1. Conceivably, market reliance practices can evolve through the actions of individuals. One may think of equilibria in infinitely repeated games. Such equilibria are maintained because coalitions punish defectors to maintain socially desirable outcomes. But in our world, and those near in logical space, states are needed to create the background structure before which exchange can reliably occur at the large scale it has assumed.

According to Image 2, trade is best understood as an activity among states. At least that is what matters most in terms of how considerations of justice apply. Trade delivers gains beyond what states could accrue in autarky. Think of all gains from trade as a totality. Each state may remove what it could generate

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<sup>5</sup> Terms-of-trade gains associated with trade liberalization might be negative but positive efficiency gains can be expected to dominate even in cases of unilateral liberalization. See, for example, Lawrence and Bradford (2004), chapter 4.

in autarky. The rest (the surplus), adjusted for endowments, is divided equally among participating states. James thinks equality has immediate intuitive appeal here. Different agents jointly produce a surplus. What is thus being generated (minus gains in autarky) belongs to all.

However, this approach too is implausible. Crucially, in an interconnected world we cannot identify any baseline of autarky that could plausibly identify what states can consider *theirs* and thus do not need to share. What countries are good at now (thus could provide under autarky) reflects centuries, even millennia, of exchanges that shape the present. James's view succeeds only if we can isolate what states can do by themselves in a way that does not already reflect results of past trading. That is impossible in our world.<sup>6</sup>

One may think Image 2 would apply to a hitherto disconnected world of galactic empires that now start trading. But even then Image 2 is implausible. While the autarky baseline now applies, some empires may plausibly reject equal division of the surplus. That would happen unless all empires contribute roughly equally to the volume of trade. Marginal contributors should not have the same claim as major engines of trade.

The general difficulty for Image 2 is this. Interconnectedness is necessary for it to be appropriate for trading partners to demand an equal share. But interconnectedness will normally undermine the plausibility of autarky as reference point for determining what states do not need to share. "Normally:" except in worlds where interconnectedness does not over time shape trade potential, which is an unlikely scenario. But if, on the other hand, autarky does plausibly determine what each state need not share, there will generally be no reasons for states to accept equal division. The overall view "autarky as baseline plus equality in dividing the surplus" fails because the conditions that make the autarky part sensible do not render the equality part sensible, and vice versa.

Perhaps we can revise Image 2 by dropping equal division. The surplus can be divided in terms of "how much each country enables others to do once they start trading." While this approach works for galactic empires, the implausibility of Image 2 for our world stems from the autarky baseline, not the manner of dividing the surplus. One may impose an integration threshold to avoid scenarios where countries claim an equal share although they are only loosely integrated into the trading. But this would not help because the source of trouble is the autarky baseline. Another response is that we can choose an autarky reference point pragmatically. James thinks the decline of trade between the world wars provides such a point. But a bad patch does not undermine the point

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<sup>6</sup> See Risse and Wollner (2013) for elaboration.

that the capacities that enable states to trade, both before and after, have arisen from past interaction.<sup>7</sup>

Alternatively (a third response), one could find a better way of drawing a line between what constitutes the surplus and what states need not share. But once there is a presumption that gains are common, it is hard to see how states could be exempted *other than* by insisting they could obtain certain outcomes without trade. A fourth response is that each country could pay the rest of the world for their contributions to its capacities. Once compensation has been paid, every country could remove from the common pool all gains it could obtain if it withdrew from trading. But this idea presupposes a reference point to explain what else would have happened to the country if outside factors had failed to shape economic development at some point. But there is no way of understanding even approximately how else history would have turned out.

One might say, finally, that our discussion establishes that, in light of the significance of interconnectedness, states should not exclude *any* gains from the common pool. Globalists and non-relationists (in the sense of Risse (2012), chapter 1), or those who are known as cosmopolitans, would argue along such lines. However, that move leads to a bigger debate that should not be decided in terms of the moral ontology of trade. That debate is about whether states are justifiable at all. James (2012) and Risse (2012) both argue – in similar ways – that a world of states is justified. But then it would be absurd if *all* trade policy were geared towards a common stock so that any given state could benefit only via a scheme to divide up a total that depends on each state's policies.

This would be “absurd” not in the sense that there is a contradiction between the idea of a justified state and the insistence that all gains from trade be shared, or that states would then become unviable. After all, states would receive their share of the common pool. It would be absurd in the sense that it is pointless to have states unless each state has some basic control over policy domains that sustain it. States should not be entirely deprived of control over who immigrates, over who enters its service, or of the design of the social system. Nor then should they be entirely deprived of control over the results of trade policy.

Anybody who thinks states are in principle justified should agree that they should have a certain integrity by having a measure of control over core policy

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<sup>7</sup> Perhaps we should not talk about a “bad patch” within *existing* practices. Perhaps we should say the interwar low in trade relations indicates that a new kind of practice has emerged since WWII. But if we wanted to say that the practices themselves have changed we would still need to accommodate the basic facts of global interconnectedness that have given rise to present production capacities.

areas. The specific way in which lacking such control in the domain of trade policy would become problematic is that there would be no connection between a state's improving its industrial base, its infrastructure or anything else that feeds into trade policy, on the one hand, and increased income from trade, on the other. Bad policies elsewhere could reduce overall gains from trade in any given period. Such a situation would be unfair to the state in question, undermine policy incentives and indeed jeopardize its integrity as a collective entity in the sense that it would deprive the state of control over its economic trajectory by benefiting from some of the very policies for whose implementation it is responsible.

In light of this fifth point we should revisit James's pragmatic manner of offering a reference point of autarky. James might insist that if one accepts the basic justifiability of states, one *must* draw a distinction between what states can claim as genuinely theirs and what should be considered part of a common pool. In an interconnected world, this distinction can only be pragmatic. This response would be plausible *were* we already convinced that Image 2 is correct. But that is what is at stake. That such a pragmatic response becomes necessary shows that James's approach generates inchoate theorizing.

We have reached an important result in our quest for a place for trade in a theory of global justice. It has been to prepare for this result that we have developed a detailed response to James. Within a view of global justice that takes a system of states as justified, it is implausible to think of gains from trade as something to be divided up in whole or in part among states. For either what states need not add to the common pool is an empty set, or it is not. If it is, we contradict the basic assumption of the justifiability of states. Otherwise we need a viable distinction between gains that states can count as genuinely theirs, and gains they cannot so count. But then interconnectedness leaves no plausible way of proceeding. So we should avoid one avenue to assess what fairness in trade requires (assuming we grant the justifiability of states and limit our theorizing to an interconnected world). That avenue is to look for substantive principles that assign to states a share in the overall amount of trade they generate. It behoves us at this stage to explore *procedural* approaches, that is, approaches that formulate principles in a way that gives a central role to the ways in which traders, states or other entities involved should not be treated. This leads to ideas about *exploitation*.<sup>8</sup>

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**8** To clarify the reasoning here: First of all, we do not assume that the plausibility of Image 3 simply logically follows from the failures of Images 1 and 2. In Section 5 we explain why we prefer Image 3 to the other two, and the failures of the other two are among the reasons we offer. But all three images capture intuitively plausible views on trade, and in the absence of



## 4

Recall that the moral ontology of domain  $D$  is a description of  $D$  that shows what elements of that description are most relevant, and in what ways, to determine the principles that apply to  $D$ . For any reasonably complex domain, there will be a range of *prima facie* plausible ways of doing this. Images 1 and 2 have variations. Even adding Image 3 will not exhaust the range of plausible ways of offering a moral ontology of trade. Let us say a few words about variations of Images 1 and 2 to show that our results are robust across such variations.

Variations of Image 1 might make more room for states. Or they could recognize that the institutional reality of trade involves entities other than individuals and companies. But they would insist that such entities (especially the WTO) are merely a practical necessity, for instance to curtail lobbies. Or they may permit that market transactions generate further-reaching moral considerations than captured by Image 1 as developed. But the point of Image 1 and its variations is that trade involves a large set of participants who agree to exchanges. As far as normative theory is concerned, by downplaying the importance of cooperative or coercive background structures for trade and the incapability of a world trade regime, Image 1 downplays the ways in which moral considerations bear on trade.

Versions of Image 2 may make more room for the importance of individual traders, or characterize the role of states (or other entities) differently, or propose principles that do not require major revisions of common principles of domestic justice. Nonetheless, as far as normative theory is concerned, its point is that the myriad of transactions that constitute trade occur within shared compliance structures largely maintained by states. We must then explore the kind of cooperative or coercive structure that is thereby generated and is a given for weaker states. Next we must explore what principles could justify such structures to those subject to them. By emphasizing the significance of background

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further plausible contenders, deficits with the other two contenders speak in favour of the third assuming the third can avoid them. Should additional images be proposed (that would be genuine contenders under the assumptions which frame our approach), we might have to revisit our arguments. But given the state of the art in the discussion about fairness in trade this concession should not be counted against our way of proceeding. Also, we are using the term “procedural” by way of contrast with James-style approaches that apply distributive principles directly to the overall heap of gains from trade. “Procedural” approaches in the intended sense are those that make the gains from trade crucially dependent on how the participants in trade have been treated in the trading. One way or another, distributive principles may still enter as these ideas spelled out in detail, but they would not apply to the overall of heap of gains from trade.

structures for trade, Image 2 opens up the trade domain for moral discourse. But thinking of trade as providing a large heap of gains of which a certain amount (possibly all) must be divided up among participating states generates inchoate theorizing.<sup>9</sup>

Although we reject Image 2, we endorse James's characterization of the practices that provide the background structure to trade. Trade is essential for people to make a living. Those practices constitute well-organized coercive and cooperative international structures that could be arranged in multifarious ways. It is in light of these points that trade is a *ground of justice* (in the sense of Risse (2012)). That is why we can talk interchangeably about *fairness* and *justice* in trade. But James's characterization also shows that trade is nothing like a Rawlsian basic structure. While it does generate structures that are coercive and cooperative, the manner in which they are is very different and much thinner than in states.<sup>10</sup>

## 5

Here is a sketch of Image 3. Trade involves states, individuals, businesses, international organizations and perhaps other entities. It is before the background of market reliance practices maintained by states and international organizations (primarily the WTO) that individuals and companies trade, making a multitude of decisions that position them on markets. The moral ontology of trade must properly recognize all these entities. By doing do, Image 3 is an amalgam of the other images. It may not sound like a deep insight that a proper

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<sup>9</sup> One might object that talk about “images” of trade runs together two topics that should be kept separate: “actors of trade” and “moral considerations that apply to trade.” But as we just discussed, in the case of Image 1 it is the fact that a myriad of voluntary transactions is largely constitutive of trade that makes it hard to see how moral considerations would apply. In the case of Image 2, it is the fact that background structures are largely constitutive of trade that creates space for moral considerations. These two images capture *plausible combinations* of views on which actors matter most in a moral assessment of trade and on which principles should apply to trade. Little would be gained by choosing the more systematic approach that starts by keeping actors and principles separate. One would then arrive at our images via a more circuitous route. It is for good reason that Images 1 and 2 are present in the debate about the morality of trade, but we are not, for instance, discussing a view that would agree with James on the importance of state structures for trade but nonetheless insist that no substantial principles apply to trade.

<sup>10</sup> For more discussion, see Risse (2012), chapters 2 and 3. Following Ronzoni (2009) and Abizadeh (2007) one might want to argue that a Rawlsian basic structure *ought* to be created internationally. But given that fairness in trade can be secured in other ways there is no reason to think so.

moral ontology of trade must recognize states, individuals, corporations and so on. But Images 1 and 2 make only some of them central.

Exploitation occurs among all these entities. States can take unfair advantage of each other. Bigger states can exploit their bargaining power in negotiations, bilaterally or within the WTO. Unfair advantage taking occurs between individuals, for instance when on employment markets one party takes unfair advantage of another's weakness. It occurs between companies and individuals if companies disregard safety standards and pay wages whose minimal size is due to bargaining power. Conversely, individuals exploit companies if, say, a financial officer takes advantage of a flaw in the accounting system to embezzle money. Individuals exploit a state by cheating on welfare provisions.

We recommend Image 3 for three reasons. First of all, Image 3 improves on the other two where they are deficient. Image 1 is subject to a revisionism charge. Image 3 recognizes the importance of states for maintaining the practices that sustain trade. In light of this stage-setting significance of states it is straightforward that it is primarily the shared obligation of states to make sure no exploitation occurs in the trade domain. So Image 3 easily avoids the revisionism charge. Image 2 falls into inchoate theorizing by being guided by the idea that gains from trade must be divided among states. That charge too is easily avoided since our guiding idea is more procedural and less substantive. That Image 3 improves on Images 1 and 2 in these ways is important in light of the initial plausibility of those views.<sup>11</sup>

A second point in support of Image 3 is the following. A core aspect of exploitation is that it may occur even if everybody's fate is improved through the activity in question, and even if everybody participates voluntarily. Trade

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**11** The account of exploitation below involves references to distributions. But identifying a particular transaction as exploitative does not presuppose a unique substantive account of what a just outcome would look like. A principle prohibiting unfair advantage is different from a principle identifying a particular distribution as required by fairness or justice. Two thoughts explain why. Firstly, judgments of exploitation are negative rather than positive, i.e. they identify a moral defect rather than spell out a requirement. Two theorists may disagree on what the just outcome of a transaction looks like and agree that the transaction is an instance of exploitation, partly in virtue of its outcome being deficient from the point of view of justice or fairness. The unfair advantage rich country A takes of poor country B may count as exploitation regardless of whether or not a morally innocent transaction would have to satisfy distributive standards  $x$  or  $y$ . Secondly, the moral demand not to exploit may be satisfied in several ways. In the extreme case, the demand not to exploit could be satisfied by not transacting at all. But more importantly for the context of trade, the demand not to exploit does not require that a particular distribution between the transacting partners be achieved. A range of different distributions of the benefits of a transaction – say an auction or an instance of trade – is compatible with that transaction being non-exploitative.

exhibits these features of the more general type of interaction and exchange where exploitation has proven to be a powerful tool of analysis.

The third reason is that Image 3 can (and can only) be embedded into an overall theory of global justice in a way that accommodates an important insight, to wit, that not all duties that arise *in the context of trade* arise *from trading*. Let us explain how one reaches that insight, and what this has to do with Image 3. Many people think those who produce their clothes should not work in buildings that could easily collapse, or that those who grow their coffee should earn enough to get by and not be abused. We are linked to them through trade, and many people think this generates special duties.

Upon reflection most such people also care about those who run the store where workers buy provisions, and who might be in equally dire straits. Or about railway workers who have nothing to do with the trade but who too might be badly off. The point is to make sure everybody has enough. But then we are no longer talking about obligations from trading, but about duties of humanity that apply to everybody regardless of trade. That such duties hold generally does not mean every individual must attend to every other. The duty-holder is humanity as a whole, and some way of dividing up obligations is needed. Trade generates obligations of its own but one aspect of trade is that it alerts us to some people's plight, or selects agents who in a given case should shoulder burdens associated with general duties. So in this case, duties arising *in the context of trading* – to shoulder responsibilities for people with whom we are linked through trade – do not arise *from the trading*.

Duties of humanity – or of shared citizenship – arise even if no charge of exploitation arises, even if trade ceases. So not all duties in the context of trade arise from trading. Let us show why our account can (only) be embedded into an overall theory of global justice in a way that accommodates that insight. Crucially, as we extend Image 3 to such a theory, we must note that talk about exploitation among states, individuals, and so on, much as talk about trade presupposes the existence of individuals and states (and possibly other entities, such as corporations, whose importance is recognized by Image 3). In ideal theory, theorizing about trade as captured by Image 3 – and this is a simple consequence of the fact that the moral ontology of Image 3 includes individuals, states, etc., instead of limiting itself to either individuals or states – must therefore assume we know what is owed to human beings as such, and what is required as a matter of justice within states (and perhaps other things covered by justice, such a collective ownership of the earth).<sup>12</sup>

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<sup>12</sup> Following Rawls, we take ideal theorizing to mean not what a group of saints would do, but what a group of well-nourished and well-motivated people would do.

In a world of states, obligations from trading arise *only* when obligations of common humanity and shared citizenship (as well as duties arising from the existence of multiple states) *also* arise. An extension of Image 3 into a full theory of global justice must be done in such a way that we treat obligations from trading as arising *in addition* to duties of humanity, shared citizenship and possibly others. If we apply this way of extending Image 3 to the situation of factory or plantation workers we find that such an application reflects the aforementioned insight. We must ask then about what justice requires among fellow-citizens or in virtue of common humanity. Avoiding exploitation is required beyond what justice requires on other grounds. So Image 3 can, and can only, be extended into a theory of global justice in a way that generates a properly nuanced analysis of problems arising in the context of trade. Image 3 sensibly captures moral deliberation about trade.<sup>13</sup>

## 6

Image 3 is only as plausible as the accompanying account of *exploitation*. Marxist theory – most commonly associated with the term – uses it to describe the appropriation of surplus labour by capitalists who own the means of production. Recent Marxist thinking has been about assessing what Marx had in mind, whether he uses several notions of exploitation, whether what he says is tenable and whether contemporary Marxists should care. The upshot is that the notion has been relegated from a central role in capturing the relationship between workers and capitalists to a concept that is at best secondary (perhaps by picking out exchanges that occur before an unjust background, where the nature of the injustice is pertinent) and at worst hopelessly intertwined with the labour theory of value most theorists now consider defunct.<sup>14</sup>

Time and again philosophers have formulated a notion of exploitation outside of Marxist theory. The Marxist notion might then be recast within a broader

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**13** One may wonder whether concerns of exploitation still arise in ideal theory. Perhaps once the other obligations are satisfied, nothing needs to be said specifically about trade. The place of trade in a theory of global justice would then be limited to non-ideal theory. Section 10 addresses this point.

**14** For the recent Marxist debate, see e.g. Cohen (1979) (who argues that exploitation can be captured without the labour theory of value) and Roemer (1985) (who argues that Marxists should not be concerned with exploitation). For exploitation in Marx, see also Holmstrom (1997), Arneson (1981), Buchanan (1979) and Wolff (1999). For an overview, see Wertheimer and Zwolinski (2012).

debate (Wolff 1999). What unifies different conceptions is that they somehow capture *unfair advantage taking*. We argue that exploitation has a proper place within a theory of global justice, namely when it comes to thinking about the normative requirements that apply to trade.

We proceed in two steps. First of all, we offer general remarks about exploitation and elaborate on why it lends itself to capturing requirements of fairness in trade. We embrace an ecumenical approach: different conceptions capture independent concerns that nonetheless all fall under the concept of exploitation. There are multiple ways of taking unfair advantage and correspondingly many reasons why it is wrong. One should expect that a unified account will be rather abstract and can be further specified in various ways.

Secondly, we introduce and briefly defend three conceptions of exploitation and argue that they all have moral purchase on trade. We discuss Hillel Steiner's (1984) rights-based conception, Robert Goodin's (1987) vulnerability conception and Nicholas Vrousalis's (2013) account of exploitation as domination. Trade may be exploitative if the nature of the transaction depends on a previous rights violation (Steiner), if one partner plays for advantage where it is inappropriate (Goodin) or if the trade relationship is one of domination for self-enrichment (Vrousalis). This ecumenical approach unifies and makes sense of many intuitive moral complaints about trade.<sup>15</sup> We also show how, in the spirit of Image 3, our approach recognizes both interactions and structures as morally relevant and explains how trade generates obligations for different entities.

## 7

Exploitation is a complex notion with descriptive and normative components. The descriptive component delineates the concept and determines when acts are exploitative. The normative component captures its wrongness. Different conceptions identify different acts or relationships as exploitative and offer competing accounts of the wrongness involved. Advocates of one conception turn against alternatives if those fail to register what they consider exploitative

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<sup>15</sup> One does not have to think of these different conceptions as on par with each other and there are circumstances under which advocates of an ecumenical account may have to develop a priority ranking of moral concerns. But regardless of what conception one finds independently plausible, (non-)exploitation offers standards and principles to think about fairness in trade within our proposed Image 3. We also accept that there could be forms of unfairness that occur in trading that do not amount to exploitation.

phenomena or to account properly for what is wrong with exploitation. We proceed differently.

To exploit somebody is to take unfair advantage of her. This colloquial account generally implies a claim about an act or interaction as well as a claim about an outcome, distribution or transfer that arises on account of the interaction. Exploitation is a moral defect of a distribution and its history that cannot be readily reduced to a defect of either the distribution or its history. The defect of a history or interaction that would count as *coercive* or *oppressive* becomes *exploitative* if it generates a particular outcome and brings about a certain distribution or transfer of benefits. The defect of a distribution that would count as *unfair* becomes *exploitative* if it arises from a certain kind of interaction.<sup>16</sup>

So we define exploitation as a transfer T or a distribution D between two parties A and B, which arise as a consequence of an interaction I, enabled by some *ex ante* features F, violating some moral principle P such that the moral defect cannot be readily reduced to a defect of either T, D, I or F.

Understanding exploitation along these lines is plausible for two reasons. Firstly, it captures the structure of ordinary claims about exploitation. Paradigmatically the moral defect of exploitation lies in the joint occurrence of a particular process and a particular outcome.<sup>17</sup> Secondly, it helps explain the nature of the disagreement among competing conceptions. Different conceptions argue about what interaction I must involve for exploitation to occur, for instance, whether the victim is forced to interact. They also disagree on what type of outcome, distribution D or transfer T characterizes exploitation, that is, on whether there must be a net transfer, or whether the distribution must be such that relative position of the exploiter improves through the transaction. Similarly, different conceptions disagree on what *ex ante* features F could give rise to exploitation, for instance, whether a feature for which the would-be victim is herself responsible may do so. Finally they argue about the source of the wrongness, the principle P violated by exploitation.<sup>18</sup>

Again, advocates of one conception turn against a rival if that rival considers cases as non-exploitative that should count as exploitation. However, it does not

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**16** One may wonder why we would not define exploitation away by reducing its wrongness to a combination of other kinds of wrongness as just sketched. The answer is that the multiplicity of different conceptions of exploitation indicates that it is the *combination* of a moral defect of a distribution and its history that is so ubiquitous. In a kindred spirit, Vrousalis (2013) speaks of exploitation as a distinct wrong “in the conceptual realm between coercion and unfairness” (p. 151).

**17** There might still be plausible accounts of exploitation that do not fit this general pattern.

**18** For more on this subject see Wertheimer (1999) and Wertheimer and Zwolinski (2012).

follow from the fact that an account fails to explain what is wrong with one instance of exploitation that it also fails to explain what is wrong with another. This is where our ecumenical approach enters. Different things may be wrong with exploitation. In some cases one principle is violated, in another case a different one is, and sometimes multiple principles are. Rather than thinking of competing accounts as offering necessary and sufficient conditions of exploitation and identifying a unique source of its wrongness, we see them as offering sufficient conditions and as spelling out one way in which exploitation might be wrong.<sup>19</sup>

Consider an analogy. Philosophers offer different accounts of what is wrong with material inequality (e.g. O'Neill 2008; Scanlon 2003). Some argue inequality is problematic because it might jeopardize our equal standing as citizens It would be wrong to infer from the fact that (a) there are cases where inequality is morally problematic without our equal standing being at stake that (b) the fact that inequality threatens equal citizenship does not make inequality wrong. That kind of threat is not the only thing that makes inequality problematic. But just as there are many ways in which material inequality might be problematic, there are many ways in which exploitation might be. A monist account is unlikely to capture them all.<sup>20</sup>

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**19** This approach gives rise to a difficulty in the context of ensuring that transactions are non-exploitative. A transaction identified as non-exploitative by one account, e.g. a transaction at competitive market price, may be ruled out as exploitative by another account, e.g. because basic needs go unmet. There are various ways of addressing this difficulty. One may insist that there are multiple necessary conditions for a transaction to count as non-exploitative, e.g. a transaction is non-exploitative only if it takes place at market price and basic needs of those transacting are met. Consequently, there might be more exploitation than non-ecumenical accounts admit and sometimes, there might not be a non-exploitative way of transacting. One may also argue that choosing between two courses of action, one criterion is more important than another such that one transaction (e.g. meeting basic needs) is preferable to another (e.g. taking place at market price) from the point of view of (non-)exploitation.

**20** Compare our approach to Wolff (1999). Exploitation, for Wolff, amounts to taking advantage of another's vulnerability without proper regard for effects on the other. What it means to have proper regard can be developed differently, with Kantian, Aristotelian or utilitarian twists. *Kantian* exploitation is to use another's circumstances to obtain her compliance with a situation where some gain at the expense of others by either not benefitting them at all or by not benefitting them sufficiently. *Aristotelian* exploitation is to use such circumstances to obtain compliance with a situation that interferes with people's flourishing. In the *utilitarian* case compliance inflicts avoidable suffering. Wolff's approach draws on a similar idea to ours: to identify a general problem characteristic of exploitation and to spell it out along different lines. But the general problem behind exploitation is even broader than Wolff permits, and there is a greater range of conceptions that develop the general notion than he permits. In a spirit similar to Wolff's, Mayer (2007b) distinguishes among three classes of exploiters. Exploiters do not benefit their victims at all, do not benefit them sufficiently, or do not benefit them authentically.



## 8

Consider three conceptions of exploitation and how they have purchase on trade. To begin with, Steiner develops a conception based on a (left-)libertarian theory of property rights (1984, 1987). A voluntary transaction or exchange is exploitative if it involves (a) a property rights violation prior to or during the exchange and (b) an unequal exchange between parties in the sense that one party receives less than what she would receive had the violation not occurred. The victim of exploitation may differ from the victim of the original violation, and the exploiter may not be the original violator. In Steiner's example Red is the victim of exploitation:

Consider an auction. Red wishes to sell her right in X, and White and Blue each wish to purchase it. White bids but Blue outbids him and, so, gets X. Two conditions are required for this transaction to be a stark-budget liberalism exploitation. One is that White would have outbid Blue. The other is that the reason why White did not outbid Blue is that someone's rights had previously been violated. And the result is that Red gets less than she would have received for her X and is, to that extent, exploited by Blue. (1987, p. 133)

The exploiter does not violate property rights. He takes advantage of a violation committed by somebody else. The wrong in exploitation is to benefit from an unrectified wrong, combining the wrongness of the original violation with a subsequent transfer or distribution. Complaints against exploitation may thus be understood as complaints against *taking advantage of a wrong*.

Many moral complaints in the context of trade fit that bill. We can use Steiner's approach to explain how such complaints can be understood in terms of exploitation. His theory accounts for (at least) two important kinds of complaint where even though a trading partner is better off on account of the interaction, she benefits less than she could have were it not for independent violations. Firstly, Steiner can account for the complaint that domestic workers may have if their wages fall as a result of foreign competition.<sup>21</sup> Suppose domestic manufacturing workers receive hourly wages of £7.50 because foreign companies offer the parts these workers produce at a very low price. Without competition domestic workers would receive £12.50. If rights violations help make the foreign parts cheaper – wages are low because of forced labour, say – the domestic workers are exploited. Even though the company does not violate rights, it exploits its workers because those benefit less from the exchange of labour for wages than they otherwise would as a consequence of a violation.

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<sup>21</sup> See, for example, the discussion of the “pauper labor argument” in Risse (2007).

Secondly, consider a developing country farmer who sells products to a local buyer, say, a miner, on the village market. Suppose the farmer would get more for if the miner could afford to pay more. Suppose the miner has low purchasing power because militias steal some of his wages. The farmer benefits from her exchange, but is worse off than she otherwise would be as a consequence of a rights violation. The farmer is a victim of exploitation.

Steiner's account builds on the significance of rights violations. One may worry that there can be wrongful advantage taking in trade even where no rights recognized by Steiner are violated. In response, one may expand the notion of rights beyond ownership rights (Steiner 2013). Or one may expand the understanding of the relevant wrongs to include other kinds of injustices, such as historical injustices or current background injustice. The substance of the exploitation account depends on certain debates about rights. But this also shows that the exploitation framework should appeal to theorists with different outlooks.

Consider another account. Goodin (1987) builds on the idea that one ought to protect the vulnerable. An exploitative exchange or transaction is one where one party uses its superior position to press for advantage against the vulnerable. Protecting the vulnerable requires that we suspend behaviour that is ordinarily appropriate and refrain from pressing our advantage. It is inappropriate to play for advantage when others are (a) not doing so, (b) unfit to do so or are no match to us, or (c) suffering a misfortune (pp. 185ff). This account captures our intuition about certain paradigmatic cases. The captain who refuses to rescue the drowning sailor unless he agrees to pay £10,000 exploits the sailor because he plays for advantage where one party is unfit to do so. So the vulnerability conception too identifies a particular wrong as distinctive: to exploit a person is to play for advantage where it is inappropriate (p. 184).<sup>22</sup> The wrong in these instances is captured by *exploitation as taking advantage of the vulnerable*.

Exploitation in trade as taking advantage of the vulnerable differs from exploitation as taking advantage of rights violations because there might be vulnerability without rights violations, and vice versa. A practice or interaction might be exploitative because one party is unfit to advance its interests in an adverse practice where each side seeks to maximize their gain. Poverty, lack of education or access to information may account for the unfitness where the party is an individual. Conditions of failing states, including a lack of functioning institutions, political control or effective regulation may account for unfitness where the actors are collectives. Moral problems suitably captured in the language of exploitation also arise in the context of trade if one party is “no

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<sup>22</sup> Wood (1995) also makes the notion of vulnerability central to exploitation.

match in games of advantage” in relative terms, for example if abilities and skills of one party are significantly inferior. Common worries about lack of expertise of developing country representatives in WTO negotiations raise problems of exploitation in this sense.

Consider a final account. Vrousalis (2013) proposes an account of exploitation as *domination for self-enrichment*. The exploiter instrumentalizes economic vulnerability to trigger an unreciprocated net transfer of goods in a way that is disrespectful of or offensive to the equal status of the exploited (p. 131). Three elements are central. The first two, vulnerability and power, are flip-sides of each other and concern the nature of the exploitative relationship. The victim is vulnerable in the sense that she lacks an important good she can only obtain from the exploiter (p. 134). The exploiter has power because he can get the victim to perform acts she otherwise would not do (p. 136). Exploitation occurs if exploiters instrumentalize vulnerability to appropriate benefits. Here Vrousalis’s account resembles Goodin’s. The third element concerns the wrongness. Exploitation is wrong because it is offensive to the equality of status of those in the exploitation relationship, and thus because it is disrespectful of the victim (p. 139). Vrousalis’s account too captures complaints about important instances of exploitation. For instance, Marxist complaints about capitalist exploitation register as complaints about relations of production that dominate workers.

Vrousalis’s account characterizes some structural deficits of the trading system as exploitative. Arguments that a particular practice or exchange is exploitative in this case proceed by (a) identifying a relationship where one party exercises power over another and instrumentalizes its vulnerability to extract a net benefit, and (b) spell out how doing so violates norms of equal standing and disrespects the victim. Let us consider two examples, one where the victim is an individual and one where the victim is a collective agent.

Firstly, consider a complaint frequently made against large corporations that employ workers at low wages and under adverse labour conditions. Often these forms of employment occur at locations with little effective regulation, featuring a non-unionized and desperate workforce with few options, whereas employers are in a powerful position, uniquely offering job opportunities, able to threaten relocation, and so on. In such a relationship, one party takes advantage of its power to get the other to do things it otherwise would not do. The attitudes expressed in such a relationship are disrespectful of the workers. There is no principle that employers who take advantage could enlist as an “embarrassment-free” (p. 140) justification. This suggests the relationship between workers and employers “fails to embody respect or recognition” (p. 140).

Secondly, consider a case where the victim is a group or collective agent. Some economists argue that trade liberalization may, under certain

circumstances, be detrimental to a country's prospects for growth and poverty alleviation (e.g. Rodrik 2007). Some such cases can be understood as exploitative. Powerful actors, states like the US or organizations like the WTO, that require particular institutional set-ups or the pursuit of specific trade and industrial policies detrimental to the prospects of weaker actors, engage in exploitation as domination. To the extent that they instrumentalize vulnerabilities, the relationship between the countries is exploitative by violating norms of respect and recognition.<sup>23</sup>

## 9

Let us make some additional distinctions that concern how exploitation occurs, rather than its nature. Jointly with the ideas adopted from the various conceptions of exploitation these terms provide the analytical tools to identify and characterize exploitative situations.

Suppose A exploits B. Mayer (2007a, 2007b) distinguish discretionary from structural exploitation. *Discretionary* exploitation occurs if A could avoid exploiting B at little cost. Otherwise exploitation is non-discretionary. A special case of non-discretionary exploitation is *structural* exploitation, which occurs if A's circumstances are such that she could not avoid exploiting B at low costs. A typical case of structural exploitation is that several people are locked in competition and suffer a loss if they stop exploiting. While the exploiters are at liberty to quit, doing so would be costly and not resolve the issue. Others would continue the exploitative practices, perhaps encouraged by the fact that the exploitation does not stand and fall with any given person's involvement. For the time being, exploitation might even be the right thing to do, the smaller

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**23** One might say that our approach, like James's, involves counterfactual assessments (e.g. of what things would be like without previous rights violations) but that we held against James that his approach could only be salvaged by appealing to counterfactuals that we have no way of assessing. In some cases we too will indeed encounter counterfactual statements, e.g. whether somebody's purchasing power would be low had there not been a previous rights violation, some of which we may have no way of assessing. Two points are worth noting in response. Firstly, James will have to rely on more complex counterfactuals than we do and it seems that in the case of exploitation the relevant comparative analysis could often be done. Secondly, unlike James, we are at liberty to simply admit that in some cases judgments about exploitation are unavailable. For James, complex counterfactual judgments are generally required, for us the need for complex counterfactual judgments merely arises in particular cases.

evil all things considered. Structural solutions are required to prevent or manage the conditions under which exploitation occurs.<sup>24</sup>

Mayer (2007a) offers the example of sweatshops producing for apparel retail. Both manufacturing and retail in the apparel business are highly competitive. Profit margins are small, businesses often fail and competitive pressure runs through every level. Structural exploitation is rampant. What, then, is the responsibility of companies (e.g. Nike)? First of all, Mayer proposes, companies should not tolerate additional discretionary exploitation, such as managers demanding sexual favours. Secondly, they should make sure labour law is obeyed and pressure governments to enforce rules uniformly. Third, they should do their fair share to fix the conditions that permit structural exploitation.

In addition to discretionary and structural exploitation there is another notion that helps with assessments of how exploitation occurs. Let us say *C turns A into an exploiter* if there is a B whom A exploits structurally, and C is strongly causally responsible for the fact that A finds herself in the circumstances under which she exploits B. A, B and C are persons or other entities. C is “strongly causally responsible” if by commonsensical understanding C is selected for special consideration if we explore how the conditions arose under which A exploits B. The usual problems about causation arise, and need not deter us. To continue the case of the apparel business, companies might argue that others (perhaps governments) have created the circumstances under which they become structural exploiters. It is debatable whether capitalism as such turns some people into exploiters.

In combination with the ideas we took from different conceptions of exploitation, the terms in this section provide a framework that allows for a comprehensive analysis of exploitation. These terms also help with a problem that may arise in response to our approach. That problem is that in light of the various conceptions we have presented just about any interaction may be exploitative to some extent. Given that exploitation is unfair advantage taking, that consequence may not be altogether bizarre. Our lives are replete with unfair advantage taking. But both the multiplicity of conceptions and the terminology in this section help make this observation digestible by providing a nuanced understanding of exploitative situations. Different scenarios vary in the manners in, as well as the intensity to, which they are exploitative.

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<sup>24</sup> For the dilemmas involved in ending exploitation, see Mayer (2005). For the material in this section, see also Zwolinski (2006, 2007, 2012).

## 10

Let us conclude. We have made two main arguments. To begin with, we have explored the moral ontology of trade and defended Image 3. Moreover, we have explored how to think about the moral requirements generated by trade and defended an ecumenical understanding of exploitation. It is through such an account that trade should be integrated into a theory of global justice. The opponents have been defenders of Image 1, which minimizes the role of morality for trade, as well as defenders of Image 2, which conceptualizes fairness in trade in terms of a division of gains from trade among participating states. Both images should be abandoned.

We have introduced a notion of exploitation as unfair advantage taking that applies to all domains of life. One such domain is economic activity, and international trade in turn is part of economic activity. According to Risse (2012), for exploitation to be a concern of justice it must be connected to a ground of justice. One concern might be that exploitation becomes too ubiquitous. In Section 9, we pointed out that this by itself is not such a bizarre implication and that the vocabulary we introduced helps analyse different exploitative situations appropriately. But it should also be noted that not all exploitative situations generate problems of justice. To the extent that the ubiquity worry remains, additional thoughts on the assignment of duties of justice become necessary.<sup>25</sup>

Given our broad understanding of exploitation it will not always be wrong to exploit, all things considered, at least for the time being. It may even be the case that (structural) exploitation is required for now, as the moral cost of improvement. In other cases the right thing to say would be that some agents have a duty of justice to eradicate exploitation (because all things considered exploitation would be wrong/unjust in those cases), but other agents do not have to prioritize that matter. We hope to explore these matters in subsequent work.<sup>26</sup>

There is, however, another question with which we wish to conclude. We set out to make a proposal for the place of trade in a theory of global justice. It is

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<sup>25</sup> For discussion, also on the question of intervention in cases of violations, see Risse (2012, chapter 14, section 7).

<sup>26</sup> One may also wonder whether eradicating exploitation in trade would not commit us to far-reaching reforms of the international system that would require substantive redistribution. But there is no reason to think that wise institutional design and a willingness to take fairness in trade seriously would not suffice to eradicate exploitation. In any event, if they do not, it would be because of motivational failures. There would then be no prospects for even further-reaching changes.

clear how the terminology in our discussion of exploitation applies in *non-ideal* theory. But for the sake of completeness we should address a question about Section 5, whether exploitation also must be discussed in *ideal* theory, under circumstances when people are fully willing to comply with moral principles and deprivation does not prevent them from pursuing these principles. One might think that, once all principles of justice associated with common humanity, shared citizenship and possibly other grounds hold, fairness in trade too is realized. Principles of fairness in trade would then apply only in non-ideal theory.

But that would be wrong.<sup>27</sup> To see that, let us ask what a just world would be like overall. The Rawlsian principles (or something like them) would apply in each country. Principles of justice associated with other grounds also apply. For instance, human rights (in the sense of membership rights in the global order) would be realized. Every country would have its proper share of resources (*vis-à-vis* its population) if we think of ideal theory also as one that respects what can be reasonably expected rather than merely what is just. If the world were created in the image of ideal theory, there would still be markets. As demonstrated for instance by Gibbard (1985), arguments for markets only support a rather generic sort of market that makes clear to people that their choices impose costs on others and that helps with coordination. But they *do* support that much.

In a world created in the image of ideal theory there could still be plenty of discretionary exploitation. For instance, employers might underpay workers. A just society would prevent domestic non-discretionary exploitation but countries might exploit each other. The just world as we have discussed it so far (that is, without adding considerations of fairness in trade) might be an unequal world, with unequal bargaining power in trade negotiations. Possibly, people who work for multi-national corporations are exploited *vis-à-vis* workers in other countries. In some countries wages might be kept artificially low, in ways that do not violate standards of domestic justice but becomes problematic in international comparisons.

For these reasons, an account of exploitation is part of ideal theory. Ideal theory requires engagement with trade since principles of justice associated with other grounds do not take care of fairness in trade. The major thought we have

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<sup>27</sup> In what follows we are guided by the account of justice in ideal theory (and use the terminology of grounds of justice) in Risse (2012). Obviously, much of what is said there is controversial, and different views of what justice amounts to in ideal theory will respond differently to the question of whether exploitation could occur in ideal theory (i.e. whether specific principles of fairness in trade would have to be added to other principles in ideal theory).

articulated – the central idea behind Image 3 – is that it is through an account of exploitation that reflection on trade should become part of a theory of global justice, ideally and non-ideally, rather than in ways that Images 1 and 2 make central.

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