

Privileges and the Allocation of Resources: How Global Economic Interdependence Can Change the Scope of Equality¹

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Resumen: numerosas teorías han intentado, en los últimos años, proporcionar bases adecuadas para trazar una distinción entre los deberes de justicia que mantenemos hacia nuestros conciudadanos, por un lado, y hacia los ciudadanos de otros países, por el otro. La teoría de la coacción de Michael Blake ha supuesto uno de los esfuerzos más relevantes en ese sentido. No obstante, el desarrollo reciente de las relaciones internacionales puede minar la capacidad de una teoría de la coacción como la de Blake para trazar una línea coherente entre la justicia distributiva doméstica y la global. Es cierto que, independientemente de la densidad de las relaciones económicas internacionales de hoy, la coacción que estas ejercen sobre los individuos sigue estando lejos de ser tan organizada y predecible como la del Estado. Sin embargo, en este artículo defenderé la idea de que si la interdependencia económica global afecta las vidas de los ciudadanos de manera suficientemente profunda, el hecho de que esta no esté institucionalizada de la misma forma que la del Estado no debería impedir que las mismas obligaciones de justicia que existen a nivel doméstico aparezcan también en el plano internacional.

Palabras clave: Coacción — interdependencia económica — privación relativa — igualdad — representación política

Abstract: many theories have attempted, in recent years, to provide adequate grounds for a distinction between duties of justice owed to co-citizens, on the one hand, and to foreigners, on the other. Michael Blake's coercion theory has been one of the most prominent of such attempts. Nevertheless, modern developments in international economic relations can undermine the ability of a coercion theory like Blake's to draw a consistent line between distributive justice at home and abroad. It is true that, regardless of how dense international economic relations are nowadays, the coercion they exercise on individuals is still far from being as organised and predictable as the state's. Nonetheless, in this paper I will argue that if global economic interdependence impacts the lives of individuals pervasively enough, the fact that it's not as institutionalised as the state's shouldn't impede that the same distributive justice duties that hold domestically also arise internationally.

Keywords: Coercion — economic interdependence — relative deprivation — equality — political representation

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John Rawls's *Law of Peoples* (2001) has been, since its publication, the ground for many attempts to distinguish between our distributive justice duties towards fellow citizens, on the one hand, and towards foreigners, on the other. Nonetheless, cosmopolitans have often found different ways to oppose Rawls's view by focusing, for instance, on the implications of the global economic order. Thus, they have built their disagreement with Rawls from the works of Thomas Pogge (1989, *et. al.*) and Charles Beitz (1999, *et. al.*), among others, by means of arguing that justice demands the same for fellow citizens and for foreigners. On the opposite side, statisticians have tried to defend Rawls's position that duties of justice vary between fellow citizens and foreigners, on different grounds. One of such attempts has used the liability of co-citizens to a common set of coercive institutions to support the claim that fellow citizens owe each other deeper obligations of justice (see Blake, 2001 and Nagel, 2005). I will focus here on Michael Blake's proposal in that direction.

Blake's basic idea is that a concern with relative economic shares –economic inequality– is a “plausible interpretation of liberal principles” only when those principles are applied to individuals who share liability to the same “coercive network of governance” (*ibid.*). That doesn't discard at all other duties of justice towards foreigners. Nevertheless, for those individuals with whom we share only “common humanity”, we should be exclusively preoccupied with the threshold to “decent human functioning”, and not with their relative position with respect to each other (*ibid.*: 259 and 271). Among the many reasons why Blake considers coercion the cornerstone of duties of global and domestic justice, I will draw on his account of private law, which for him is relevant insofar as it coercively defines which resources go to what activities (*ibid.*: 282). Given this resource-allocating function of private law, that can affect each citizen's opportunities to pursue her life plans, all those who are liable to a coercive government must have equal abilities to influence its policies (*ibid.*: 284).

Some have argued that coercion theory is the “most promising” way for Rawlsian anti-cosmopolitans to ground their claims (Abizadeh, 2007: 345). Whether this is right or wrong, I will not discuss here. Neither will I try to question equality as a principle of redistribution, nor whether there should be any redistribution at all. For the sake of argument, I will take all that for granted and deal with Blake's position directly. According to Blake, whenever the state allocates resources it's affecting each citizen's life chances, and private law allows some forms of “advantage-taking” to influence contractual outcomes and prohibits others (*ibid.*: 278). This leads Blake to claim that relative shares should not have the effect of allowing certain state members to arrange economic institutions for their own benefit, therefore awarding *privileges* for themselves (*ibid.*).

In this essay I will argue that, given modern well-known developments in global economic interdependence, if Blake cares to avoid excessive advantage-taking from arising as a consequence of private law, he should also accept that a concern for relative shares should exist globally. In the first section, I will refer to different manifestations of economic interdependence that I believe should make

us worry about relative deprivation internationally, for the same reasons why Blake believes we should care about it within the borders of each state. The second section will deal with Blake's view of international coercion, which takes states to be the only actors exercising it upon each other (Blake, 2011: 567). As a consequence of that assumption, Blake believes that, aside from granting decent levels of autonomy to everybody, global justice only demands that every state is free from coercion by any other state. I will challenge this account of global relations, as I will try to argue that even if each state's government negotiates international trade agreements and regulations, equality should hold among citizens, and not only among states, in order for privileges not to arise in the global realm. Furthermore, I believe Blake gives too much weight to the particular form coercion takes within states as we know them nowadays. For the sake of consistency, I will affirm that he should grant that the same reasons why coercion gives rise to a concern with relative shares domestically also hold internationally. In the third section I will try to draw a line between institutional design and global distributive justice. Even if our world continues to be a world of states, as it seems likely, persons should be equally well-off in order for privileges not to arise when governments negotiate international trade agreements and regulations.

ECONOMIC INTERDEPENDENCE AND HOW GLOBAL INSTITUTIONS ALLOCATE RESOURCES

Different practices and institutions have emerged in the global arena, especially towards the second half of the 20th century, that create a network of interdependence among their many participants. As Pogge has put it, the global economic system is an «extremely complex network of agreements and treaties about trade, investment, loans, patents, copyrights, trademarks, taxation, labour standards, environmental protection, use of seared resources and much else» (2001: 12). These connections of interdependence have a great capacity to produce benefits and burdens (Beitz, 1999: 152). I will now refer to some examples of how common global economic practices allocate resources and produce such benefits and burdens.

First, international economic institutions create incentives for economic behaviour. As Young points out, international practices and regulations encourage people in affluent countries to purchase products made through deep violations of human rights (2004: 375). At the same time, American corporations have systematically transferred significant portions of their capitalisation to places where labour costs are lower (Beitz, 1999: 144). Both consumer habits and the behaviour of certain corporations are means by which citizens and institutions in richer countries can have a deep impact in the standard of living of people in less developed areas of the world. Our current international economic order tends to incentivise practices that permit to take advantage from great income inequality. Preferential Trade Agreements (PTAs), for example, have the capacity to increase inequality both internationally, as they have reassured that trade flows to those countries with a

higher disposition to lower their employment and consumer law standards, and domestically, as their distributional (often obscured) effects include regressing shifts in the distribution of wealth, which has flown to a small number of the largest, most powerful, firms (Khan, 2014: 424). Thus, the combined action of powerful corporations and the trade interests of developed countries has contributed to incentivise behaviours in global markets that increase inequalities among those who live in affluent states and those who don't.

Second, changes in the price of some commodities can profoundly affect the lives and well-being of people living in certain states (Young, 2000: 248) that had nothing to do with the decision in question. Agricultural subsidies are a good example of how domestic governmental policies can impact people no matter whether they're citizens of the state or not. For instance, funds transferred by EU and US institutions to support local farmers have undercut the ability of farmers in other (generally poorer) countries to compete (Caney, 2008: 503). This shows how trade, finance, investment and production, which are global in their implications, operate to make some people benefit more than others (see Young, *ibid.*) while those most negatively affected by them cannot take part in relevant decision-making processes.

These differences in the distribution of benefits and burdens are commonly regarded as the result of power differentials between states. The regulative framework of World Bank credits, on which many developing countries rely and that has been set by industrial countries, represents a good example of rules that are coercively imposed upon weaker states globally (Beitz, 1999: 147). Now, coercion doesn't always appear in the form of direct force and the threat of sanctions by stronger states. For instance, international tax policy derives less from the application of general guiding principles than from a combination of economic power and the pragmatic need to promote cross border activity to enhance domestic welfare through international trade and investment (Cockfield, 2005: 151). The more a vulnerable state depends on maintaining trade relations, the less potential such a state will have for exiting (or refusing to enter) a commercial relationship unharmed³, since, as Hirschman (1945: 31) famously proclaimed, bargaining power is strongly dependent on each of the parties' capacity to leave the relation at the lowest risk possible. In addition, international economic relations take place in the context of an imbalance in the capacity to adapt to the conditions of the global economy, so that stronger actors can coerce weaker ones by establishing more and more demanding regulative frameworks (Hurrell, 2001: 43). All these are particular examples of how strong states can coerce weaker ones to accept a certain set of rules and standards that favours developed countries, by means of the threat to withdraw from trade relations.

³ Albert O. Hirschman's remarks on how exit opportunities influence bargaining power differentials in foreign trade were exceptionally applied to the institution of marriage by Susan Moller Okin in *Justice, Gender and the Family*, New York: Basic Books, 1989.

INTERNATIONAL SYSTEMIC COERCION: INTERDEPENDENCE BEYOND INTERSTATE ACTION

Even though Blake acknowledges that rules and practices governing global economic interdependence (regarding, for instance, the non-voluntary membership in the World Trade Organisation) are the result of coercion between states (2011: 557), he also claims that such coercion shouldn't lead to the existence of egalitarian duties towards foreigners. The main reason for this is that in the global realm coercion takes place "horizontally", that is, on a *state-to-state* basis, so that there's no single agent that can exercise coercion in a vertical way, as the state's government does domestically (*ibid.*: 566). Though international horizontal coercion demands that we develop some distributive justice principles, such principles need to be, for Blake, directed towards eliminating, and not justifying, coercion, so that every state in the world is granted "democratic self-government" (*ibid.*: 567). Blake doesn't reflect much on this principle, but it's clear that it will not necessarily include (though it could prompt it if it was an unavoidable consequence of democratic self-government⁴) equality among citizens from different states. It could perfectly be the case, at least theoretically, that two states differed in their citizens' income or well being, but both were able to act according to democratic self-government, so that we have no reason to disapprove of this form of inequality, in the eyes of Blake (*ibid.*: 570). Even if we need further justice requirements (democratic self-government) than our mere connection by common humanity would demand (sufficient levels of autonomy guaranteed to all persons, regardless of how states related to each other)⁵, Blake believes there's still no need for a concern about relative deprivation among persons to arise globally.

Now, if coercion only took place internationally on a *state-to-state* basis, perhaps getting rid of horizontal coercion, as Blake proposes, would suffice to put the global economic system's unfair allocation of resources to an end. But, from my perspective, Blake's view of international coercion simplifies things too much. Coercion takes place internationally in ways that go beyond agreements and interac-

⁴ Blake acknowledges that we could value material equality internationally, but only as far as its absence was incompatible with the democratic self-government demanded by justice in the global realm (see Blake, 2011: 567). This means that, by means of democratic self-government we could reach, as a sort of *side effect*, material equality among citizens of different states. Nevertheless, this doesn't mean that Blake accepts cosmopolitan conclusions at all. Rather, he claims that his view of global justice could lead to such a result, even if states continued to be the only agents exercising the type of coercion that prompts a concern for relative deprivation. Even if material equality arose among both co-citizens and foreigners, that wouldn't be as a consequence of our need to be preoccupied by relative deprivation globally, but rather of the elimination of unjustified coercion exercised by powerful countries over weaker ones.

⁵ Back in 2001, Blake claimed that "a concern for relative deprivation becomes an implication of liberal thought only when individuals share more than common humanity" (259-260). Of course, there's still a lot of room regarding what human beings share that is more than "common humanity", yet less than the coercive institutions of the state, since many kinds of connections could arise with an intensity that fluctuates between each point. One could perfectly wonder what kinds of justice concerns would arise from different levels of connection between individuals by means of the different intensity of the coercive institutions they share. Nevertheless, I do not intend to do that like that here.

tions between states. Within the global domain, even if there are no analogous conditions to those in which coercion happens domestically, a unified system of legal principles and rules that includes, for instance, property laws regulating how resources may be harvested from international waters, is in play (Tan, 2006: 330). Even though these laws were initially agreed by states, their affirmation no longer stems from historical agreement, but from general acceptance by the international society, so that they can come to generate expectations on their own for all its lawful members (*ibid.*: 332). All these laws and principles create a system that goes beyond punctual agreements by states, and so makes it insufficient to eliminate horizontal *state-to-state* coercion. Once international laws are created, they acquire life of their own and later governments have no power to overturn them (Caney, 2008: 498). Even if a given state decided, at some point, to withdraw its formal consent from international agreements, their ongoing effects would still constrain its actions.

In the global realm, regardless of the absence of a single coercive agent of the sort of the state, the interplay of certain institutions and practices can allocate resources and affect fundamentally the lives of individuals. Coercion takes place globally by means of a “system of rules” that includes a broad set of phenomena ranging from formal institutions to informal social practices, stable patterns of interaction or a combination of these (Valentini, 2011: 212). Global coercion, in this sense, amounts to a type of what Valentini has categorised as “systemic coercion” (*ibid.*). In contrast with “interactional coercion”, characterised by the presence of a single agent coercing others, it’s impossible to attribute systemic coercion to a unitary institution (*ibid.*: 213). Within this system of global relations, many actors such as consumers, producers and owners, who often have conflicting interests (Wenar, 2001: 91), interact in a way that determines relevantly each agent’s relative shares.

Systemic and interactional coercion affect people’s lives in very different ways and, so, I believe Blake is right to point out that, even if coercion exists internationally, global institutions do not engage in the “same sort” (see Blake, 2001: 265) of coercive practices on persons as the state. Nevertheless, I am doubtful as to whether we should give a lot of importance (if any) to the particular formal ways in which coercion takes place, as long as it affects individuals’ relative shares in a morally significant way. If the motives why private law is connected with distributive justice also hold within international institutions, there’s no point in focusing on the particularities of the mechanisms by which domestic coercion operates. Why should we accept, as Blake’s coercion theory of global justice implies, that what’s sauce for the goose *is not* sauce for the gander? As Abizadeh points out, private law gives rise to distributive justice concerns because it regulates fundamental forms of social cooperation through enforcing an economic regime and creating entitlements to material holdings (2007: 355-6). If that is the case, coercively enforced interstate institutions and regimes that regulate the terms of production, exchange and distribution should prompt such concerns as well (*ibid.*).

Blake sometimes appears to defend his account of coercion theory on the basis that it has been a useful tool to distinguish between the local norms of dis-

tributive justice and the universal norms of respect for autonomy (see, for instance, Blake, 2011: 565). But it's very unclear why the usefulness of a theory to justify the status quo should be of any relevance from the point of view of justice. It's true that Blake's statism is a convenient way to support 'The institutional framework operating nowadays (Caney, 2008: 507), but one must wonder what moral grounds compel us to defend the status quo –at least in relation with our concern about the relative position of foreigners- in the first place.

Furthermore, powerful actors have strong interests in making coercion less identifiable so that it works better for their own benefit. The international *modus vivendi* has the effect of perpetuating the absence of effective mechanisms to create, enforce and apply international law (Pogge, 1989: 237). But that shouldn't be a reason to discard a concern for relative deprivation in the global realm, as sometimes justice can demand precisely more dense and organised forms of coercion. In fact, state coercion itself (of the sort Blake has in mind) can be understood as a response to freedom-threatening unconstrained capitalism, a form of systemic, yet lawless, coercion that might already exist prior to the state (Valentini, 2011: 212-5). Pevnick, for instance, refers to a prominent view within the literature of institutional development that suggests that social actors produce social institutions in the process of seeking distributive advantage in the conflict over substantive benefits (2008: 404). Of course, as he goes on to claim, if this is true and the extent to which interaction is governed by coercive institutions depends on the relevant pre-institutional power of each agent, it would be mistaken to claim that the same «powerful actors that have successfully and profitably blocked the development of coercive institutions governing capital flows» are also “excused” from attending to inequality between them and individuals in the same states where they invest (Pevnick, 2008: 406). Following a similar line of reasoning, Abizadeh has accused Blake of conflating the reasons why particular distributive justice duties should arise (“existence” conditions of justice) and the institutions and mechanisms that are necessary to materialise justice (“instrumental” conditions of justice, see 2007: 321). As a consequence, Blake's account of global justice allows the fact that powerful actors mistreat individuals by coercing them “lawlessly” to count as a reason for denying them a concern with relative deprivation (*ibid.*: 330 and 351).

The existence of private law on the domestic level, therefore, is one of the means by which the state makes the allocation of resources more identifiable and cognisable for individuals. As a consequence of the presence of private law institutions, citizens are able, domestically, to apprehend the ways in which the state allocates resources and -at least within democratic states- influence resource-allocating policies. In the global realm, in contrast, there is a lack of institutions that can be controlled by the rule of law or any democratic means, and powerful actors who, within the current framework can do and undo at will, keep on blocking the appearance of means of channelled coercion capable of enhancing greater levels of what Young calls “discernability” (see, 2004: 386). In this context, the fact that coercion takes place internationally in a systemic and also less identifiable way should constitute a reason for more *discernable* coercion to arise, rather than a disclaimer from any moral concern about relative deprivation. Worldwide, we con-

stantly face examples of failed states, of countries in which private actors impede an adequate enforcement of the rule of law and of institutional frameworks that make it impossible for individuals to discern and adequately apprehend the ways in which resources are allocated. Nevertheless, I believe that a liberal egalitarian conception of justice like Blake's would never accept that the uncertainty that exists in such situations could be yielded against those who demand equality among citizens of those countries to deny the appearance of a legitimate concern for relative deprivation.

STATE REPRESENTATION AND RELATIVE DEPRIVATION

Arguing, as I have done so far, that the coercive effects of nowadays' global economic interdependence should give rise to a concern with relative deprivation does not commit me (or anyone), though, to a defence of a particular institutional framework on the international level. Currently unconstrained global economic coercion could be institutionalised in many different ways. For example, solutions could go in the direction of new supranational regulations aimed at managing international fiscal or agricultural policy to reduce the negative effects of practices like international tax competition, and not necessarily towards a global Leviathan (Valentini, 2011: 218). The point is, nevertheless, that however we decide to institutionalise coercion internationally, citizens should be equally entitled, to the extent that they're all under the deeply pervasive influence of the same (diffuse) set of institutions and practices with the capacity to allocate resources, to participate and influence the processes by which global economic rules are adopted. This, I believe, should still hold even if states were to keep on acting as the representatives of their citizens in the negotiation of international treaties and other legal instruments. Some even believe that new forms of democracy on the international level have larger possibilities of success if they're channelled through stronger democratic institutions within states, in which it's less likely that delegation amounts to denying democratic control permanently (Dahl, 1994: 33).

In a world of states in which national governments can bargain with each other the conditions of trade, citizens from different countries should still be equally able to pressure and influence their representatives. Actually, the form that representation takes should not undermine the existence of a concern with relative deprivation, since there can be a division of labour between different means of representation. Therefore, the fact that it's states who in the end sign international treaties does not affect the need for equality to arise globally (Tan, 2006: 334). Material inequality among citizens of different states might still prompt an unfair difference in their capacity to act in relevant ways that can condition the international decision making of their respective governments. That is especially the case for generally, as Pogge points out, economic inequality contributes significantly to the under-fulfilment of civil and political human rights associated with democratic government and the rule of law (Pogge, 2001: 8). More particularly, one could also imagine how, for instance, different levels of education (even assuming that all

were above the minimum required for autonomy) could generate diverging capacities among citizens to grasp adequate knowledge of the content of international treaties and regulations that states negotiate. This is the case, especially, if we take into account that trade policy is a highly complex area that makes it hard for people to participate meaningfully so that, for example, the EU discusses PTAs with developing countries asymmetrically in terms of technical and political power (Del Felice, 2012: 305-6).

In a context in which the role of PTAs is becoming increasingly prominent in shaping international and regional trade (Khan, 2014: 423) citizens of different states should have at least roughly equal capacities to pressure and influence their governments regarding the content of such treaties. The recent negotiation of the Canada-EU Comprehensive Economic and Trade Agreement (CETA) has proved that civil society campaigns can change the discussion of issues like public procurement and pharmaceutical patents, and can impede or delay the ultimate conclusion of a trade agreement (Trew, 2013: 569). Their lesser ability to raise well-informed claims to their respective governments can disadvantage some citizens in their capacity to condition the terms that the parties finally agree.

The need for an equal ability to influence the processes by which coercive institutions allocate resources plays an important role in Blake's remarks on why private law gives rise to a concern with relative deprivation (2001: 284). One of the reasons for this is the need to eliminate "advantage-taking" or, as I prefer to say, "privileges" when we decide what resources go to which activities (*ibid.*: 278). I accept, with Blake, that coercion plays an important role when we determine distributive duties because of its impact in the relative shares of individuals. Nevertheless, the reasons that explain why coercion gives rise to a concern for relative deprivation have also served to other types of theories like "domination", "political participation" or "pervasive impact" (see Caney, 2008: 490) to ground their claims about distributive justice. Even within institutions whose nature cannot be regarded as coercive, to the extent that coercion theory relies on the deep, immediate and pervasive impact that certain arrangements have on people's holdings and life prospects (see Sangiovanni, 2012: 84) to explain what distributive duties are owed to individuals, impartiality and consistency demand, from my point of view, that, wherever those circumstances appear, coercion theorists like Blake accept the emergence of a concern with relative shares. Furthermore, wherever coercive institutions allocate resources in ways that determine each person's relative shares no matter in what *form*, coercion theorists should grant, as well, that justice demands equality in order to avoid unfair privileges and advantages.

CONCLUSIONS

In this paper I have engaged with some of the reasons why Blake's coercion theory of global distributive justice demands that a concern about relative deprivation arises only within state institutions. Along these pages I have tried to defend that if we take such reasons as the grounds that make state coercion relevant, we should

care about relative deprivation also internationally. Institutions and practices that play a major role in global economic interdependence have an enormous capacity to decide what resources go where. As a consequence, even if the way they distribute benefits and burdens is one of a different *sort* from that of the state, formalism alone shouldn't be a morally relevant reason to recognise different distributive entitlements to citizens and foreigners. Nonetheless, even if I am right to suggest that taking the reasons why coercion matters within nation states seriously leads to an acknowledgement of egalitarian duties towards foreigners, neither coercion theorists, nor statists in general should despair, as there might still be more promising ways to claim that we owe different things to co-citizens and aliens.

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