Manipulation and the grounds of institutional obligation: an argument for international equality

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Abstract

According to one influential argument on state-centered conceptions of justice, the domestic coercion inherent in state authority is illegitimate unless states ensure the equality of their citizens. In this paper, I argue that while state coercion is not present in international politics, there may still be phenomena that give rise to the political value of equality. I claim that morally objectionable manipulation may occur within international politics, and that this problem recommends an egalitarian solution. Manipulation occurs when one agent takes control of another agent’s actions, either through impairing the other’s capacity to act or through taking advantage of such impairment. I use the WTO as a case to illustrate how more powerful members of international institutions may sometimes manipulate less powerful members. Although political theory cannot settle empirical questions about such phenomena, it can raise questions that are intelligible through existing approaches to international politics. I argue that the prospect of manipulation introduces new relevance to political value of equality internationally.

Keywords: justice; equality; manipulation; trade; WTO

Equality is fundamentally relational and pattern sensitive. It is relational in that equality cannot be assessed with respect to a single agent, but only with respect to an agent in comparison with others. It is pattern sensitive in that it refers to the distribution of some attribute across a set of agents. To say that equality is a political value is to say that the equal distribution of some good across some population of agents is something that political institutions have reason to secure. A distributive principle is egalitarian if its acceptance is motivated by equality as a political value.

This abstract characterization of an egalitarian distributive principle leaves much to be decided. It takes no stand, for example, on what the currency of equality should be—that is, what good ought to be equally distributed. But this abstraction can be

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helpful in formulating a question of justice: When is equality—in some sense—a political value? I will use the term statism about justice to name the thesis that equality is only a political value within sovereign states.\textsuperscript{1} If statism is true, an egalitarian principle of distributive justice is only needed for deciding the allocation of resources within political states. According to cosmopolitanism about justice, equality arises as a concern between all persons on the earth.\textsuperscript{2} Accordingly, we ought to accept some global egalitarian principle of distribution.

The last few years have witnessed a vociferous debate between statists and cosmopolitans, with plenty of other philosophers adopting middle ground positions.\textsuperscript{3} That debate is impossible to review here, but it has produced a challenge to international egalitarianism that calls attention to the empirical facts about international institutions. International egalitarianism has been challenged by two kinds of skepticism: first, that there is no morally relevant phenomenon that could give rise to a political concern for equality; and second, that if there were such a phenomenon, it would not exist internationally. This twofold skepticism suggests an avenue for proceeding. We must identify some phenomenon that could make equality an appropriate political concern. And then we must investigate whether that phenomenon exists internationally.

The challenge is partly normative and partly empirical. Normatively, the statist challenge seeks some philosophical avenue of showing how equality could become a political value. Empirically, it seeks to explain how this way of grounding the political value of equality might apply in some actual international setting(s).

My project in this paper is to begin such an investigation, taking the World Trade Organization (WTO) as an illustrative case. I will develop the following argument. For any two moral agents, it is wrong for one to manipulate the other. I explain the moral wrongness of manipulation elsewhere, but the intuitive idea requires no detailed background.\textsuperscript{4} Looking at contemporary international relations theory and the WTO, in particular, I argue that wrongful manipulation may occur in distinctively international domains. Agents in international politics are vulnerable to manipulation in virtue of unequal relationships, making equality morally important within these institutions. Although this essay will stop short of specifying exactly what institutional form this equality should take, it should be at least sufficient for actors in international institutions to act without being unduly influenced by others.

I will proceed as follows. First, I will sketch a theoretical argument connecting manipulation to international egalitarianism. Next, I elaborate and specify a conception of manipulation, which I then apply to the WTO. I situate this argument within contemporary international relations theory, suggesting that a constructivist approach to international politics can help illuminate the potential for wrongful manipulation among states with shared identity. But even if international institutions merely provide information and do not shape identity, manipulation may still be normatively salient. Finally, I will answer various objections to my argument. The surprising outcome is that egalitarian norms may be better supported by the aims of some international institutions than they are by the domestic institutions of countries like the United States. This conclusion turns on its head the statist
presumption that although egalitarianism may be justified within sovereign political states, it is not justified between them.

THE DISTRIBUTE STRATEGY FOR INTERNATIONAL EQUALITY

The argument for statism about justice connects the state’s coerciveness with the moral demand for an egalitarian principle of distribution. For now, I will just try to quickly show its intuitive appeal. Consider two cases. First, imagine an industrial factory that is located on a large river upstream from a nearby town. The factory has a policy of dumping its waste into the river. Unfortunately, this pollutes the river, undermining the quality of the water available to the town for use and recreation. Because the factory’s policy harms the town, there is prima facie reason to think that it is morally wrong. There are two candidate strategies for correcting this wrong. The factory could desist dumping, and pay some sort of compensation to the town. Or, it could continue dumping, but also combine its policy of dumping with a series of transfers of wealth to the town, which would then justify its policy of dumping as part of a package that, on the whole, benefited everyone. The first strategy is restorative in focus, while the second is distributive. I will not discuss the considerations that might favor one over the other. Either strategy might defuse the prima facie wrongness of the company’s policy.

Now, the second case. A political state coerces the people living within it. Because they are partly responsible for the state’s actions, the citizens of the state are implicated in responsibility for coercing each other. We have independent moral reason to think that coercion is prima facie wrong. However, the state also has two strategies for defusing this charge. It could stop coercing and provide some compensation to those coerced. Or, it could provide some benefit to those who were subject to the coercion as part of a package that, on the whole, could be justified to everyone. By hypothesis, this package would involve securing the equal standing of each of the state’s citizens, so that all could feel secure in their ability to participate in deciding the state’s activities. If someone coerces you, you have a complaint against them. If the state coerces you, you have a complaint against the state. But if the state coerces you in a way that somehow gives you an equal say in the coercion that state carries out, then there is no individual who has more power to coerce than you, and so your complaint is defused. As before, one strategy is restorative, the other distributive. I will again not discuss which strategy is superior; it will suffice to note that state coercion is a fact of modern political life, so the distributive strategy has received greater attention.

Notice that in both cases, the distributive strategy becomes viable in a similar way. An action or activity is prima facie wrong, but can be justified by being paired with a set of policies that provide a benefit to those who would otherwise have a moral claim that the action or activity be stopped. In the case of the state, the benefit required has been understood (by egalitarian liberals anyway) to include a concern for equality.

Can the distributive strategy work internationally? An affirmative reply requires first finding some activity or action within rule-abiding international trade that is prima facie wrong. This is the ‘feature’ of international politics demanded by the statistist challenge. Defenders of statism doubt that there is any such feature.5
I grant for the sake of the argument that coercion does not provide a basis for international egalitarianism, that contracts do not create any further distributive obligations, and that the obligations owed to all humanity do not include a concern for equality.\textsuperscript{6} I propose instead to show that manipulation in international politics creates a concern for equality. The basic idea is to co-opt the statist’s own strategy for grounding an egalitarian principle. The statist began with an action-type that is \textit{prima facie} wrong in a simple, personal case. It is (ordinarily) wrong for one person to coerce another, understanding coercion as the use of force or violence or credible conditional threat of such use. Beginning with this moral insight, the statist inferred that it would be wrong for states to use coercion for the same reasons, except if some justification for such coercion could be provided. Securing political equality—at least according to the statist’s supposition—defuses the moral complaint against coercion.

Analogously, we may begin with a simple, personal case of what I will call manipulation, and then investigate the prospects for investigating the resulting principle to political cases. One agent (A) manipulates another (B) when A causes B to act in a way that A desires, and A causes B’s action in a way that bypasses or interferes with B’s rational capacities. I acknowledge for now that the language of ‘bypassing’ is mere metaphor, but in the next section I will give content to that metaphor. Manipulating another person is wrong because it takes control of another person’s choices, thereby displacing that person as the author of her own actions. The prospect of manipulation is heightened in relationships in which persons share some kind of identity with each other. Family ties, nationalist sentiment, and even personal friendships create well-known sources of vulnerability to the demands of other persons, facilitating concomitant possibilities for some persons to exercise control over the actions of other persons.

If manipulation is present in international politics, then it offers a candidate answer to the statist challenge. Like coercion, it is \textit{prima facie} wrong, but might be justified as part of a package including a benefit to those subject to it. Also like coercion, the resulting package might include the provision of equality—in some sense yet to be specified—between agents. If your actions might be controlled in part by other agents, but you have equal opportunity of controlling their actions, then the resulting environment is—I will suggest—perhaps not one in which any agent has a complaint against another agent. This may be because the environment is one in which shared identity creates mutually valuing relationships. Alternatively, the environment may remain a competitive one, but competition might be rendered morally acceptable. If the prospect of manipulation could support some egalitarian principle, it would show how to ground the political value of equality internationally.

**MANIPULATION AND MORALITY**

Manipulation, as I have described it, involves making someone do something by bypassing or interfering with their rational capacities.\textsuperscript{7} Consider a few cases from the philosophical literature:
a. An elderly parent in ill health threatens to commit suicide unless their adult child agrees to live nearby.8

b. An acquaintance waits till their wealthy neighbor is predictably asleep at the end of a long workday, and then calls with an urgent request to borrow money. The neighbor, groggy and startled, agrees without thinking.

c. An evil scientist places an electrode in her victim's brain, allowing her to change the victim's course of action by remote control if the victim's actions ever depart from what the scientist wants. Otherwise, the victim's actions are not interfered with.9

d. Tom Sawyer manipulates his friends when he feigns enthusiasm at the prospect of whitewashing a fence so as to induce them to do it for him.10

e. One roommate requests that another give them a ride to the airport early in the morning. When her roommate complains that she will be asleep at that hour, the roommate counters, 'But we are friends!'

Some of the actions in cases (a)–(e) seem obviously wrong. Planting an electrode in another's brain to control their actions violates most any plausible moral theory. Using one's friendship with another person to secure a ride to the airport in the early morning may be acceptable, but if we imagine someone asking for such a favor too often, or asking for it while failing to reciprocate when one's friend needs a similar favor, then we may change our moral judgment.

Taking for granting that there is something morally concerning in these cases, it may be noted that they are not all morally concerning for exactly the same reasons. Planting a mind-control device threatens to bypass another's rational capacity directly—by replacing the agent's exercise of that capacity with an external stimulus. Calling someone to ask for money at a time when they are predictably groggy or distracted does not prevent them from exercising a rational capacity to deliberate, but it does seek to take advantage of the temporary partial incapacity of the target manipulee. The manipulative action still seeks to circumvent the active rational attention of the target, and in this way bypasses the other agent's rational capacities.

Others of these cases interfere with the target agent’s actions by attaching penalties to certain choices. However, these are not cases of what might be called pure coercion—that is, the use or credible conditional threat of force or violence. Instead, the threatened penalties count as penalties in virtue of features of the target agent's identity. Because the child shares an identity with her parent, she is vulnerable to the parent’s threat of a self-inflicted harm, and so the parent can use this threat to subvert the child’s decision-making. The roommate desiring a ride to the airport threatens nothing at all, but only seeks to use a shared identity with another person to determine that person’s action.

Although the cases listed above all seem wrong, or else potentially wrong, there is nothing in principle wrong with modifying how another person will act. We influence each other’s actions all the time, through persuasion, through creating and responding to incentives, and through altering the circumstances in which other people act. However, some ways of causing others to act differently than they otherwise would do
seem morally salient, and in these cases that the conception of manipulation seeks to capture. When we accuse someone of manipulating another person, we are suggesting they did something which they had moral reason not to do.

To see this point, compare the concept of manipulation with the related moral concept of exploitation. Very generally, exploitation is thought of as ‘taking unfair advantage of another person’, or as making use of another person in a way that extracts benefits from them for oneself.\footnote{Exploitation is concerned with using people in a way that produces a certain objectionable distribution of goods. Manipulation is concerned with using people in a way that takes a certain objectionable control over their action. Exploitation is motivated by an ideal of \textit{fairness}: it is good for resources to be distributed in a way that is fair. Manipulation is motivated by an ideal of \textit{agency}: it is good for persons to be in control of their own actions. Of course, fairness itself is controversial (there are a variety of theories of fairness), and so to say that exploitation is (often) is not to settle what counts as fair. Likewise, there are a variety of theories about the value of agency, and what counts as objectionable manipulation will in part depend on the details of why controlling one’s one actions is valuable. Just as there are many ways of influencing another’s action that are not objectionably manipulative, there are also many ways of benefiting from an exchange with another person that are not objectionably unfair.\footnote{The important point is that these facts are not skeptical about the value of fairness or agency. Just as many egalitarian theories converge on the view that fairness if morally important, so also many liberal theories of morality converge of the view that agency is morally relevant. Perhaps, agency is morally important because persons have a right to autonomy, or because controlling one’s own actions has good consequences, or because choice itself is valuable in some way, but this question does not need to be settled to accept the claim that manipulating another person is wrong. It would be satisfying to have a clear criterion for when influencing another’s action counted as manipulating them, but such clarity can only be bought at the price of inciting independent philosophical controversy. So, I will maintain a slightly more flexible conception of manipulation, with the attendant acknowledgement that applying it will require making judgments that are sensitive to the details of particular cases. That rough conception is:

A manipulates B when A takes control of B’s choice, where ‘takes control’ may mean either:

1. that A undermines B’s use of B’s rational capacities or takes advantage of a situation in which B’s capacities are independently undermined, or
2. that A changes or attempts to change the reason-giving features of some aspect of B’s identity, or takes advantage of a situation in which B’s reasons are biased in A’s favor.

Hereafter, I will refer to instances of (1) as \textit{capacity manipulation} and to instances of (2) as \textit{reason manipulation}. This abstract, stipulative definition combines various elements from philosophical analyses of manipulation that capture different aspects of A takes control of B’s choice, where ‘takes control’ may mean either:

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Hereafter, I will refer to instances of (1) as \textit{capacity manipulation} and to instances of (2) as \textit{reason manipulation}. This abstract, stipulative definition combines various elements from philosophical analyses of manipulation that capture different aspects of
of the moral phenomenon. Briefly consider how it would handle the paradigm cases described at the beginning of this section. Controlling another’s action by implanting an electrode in their brain undermines that agent’s use of their rational capacities; intentionally asking a favor when someone is groggy takes advantage of those capacities being undermined. Threatening oneself if a loved one does not do as you demand uses a valuing relationship in ways that change another’s reasons for action, thereby making them act differently than they otherwise would have. Feigning enthusiasm for chores might cause others to judge that have reasons for some activity which they would otherwise not regard as reason-giving. Demanding that another act ‘because we’re friends’ changes the meaning of a relationship that partly constitutes the other person’s identity.

Broadly speaking, then, there are two fundamental ways in which morally objectionable manipulation might be carried out. First, an agent may impair the exercise of another agent’s rational capacities, or induce or invite the agent to act at a time when their capacities are otherwise impaired. The crucial idea here is that agent is manipulated, rather than merely influenced, because they are acting in a compromised way. Their actions are not completely their own. Second, an agent may use features of another agent’s identity to change how the latter agent would act. The idea here is that an agent is manipulated, rather than merely persuaded, when their reasons for acting are objectionably created or controlled by another agent. Their reasons are not completely their own.

So much for conceptual elaboration. In the next section, I will investigate how this conception of manipulation might be expanded from first-personal cases utilized by philosophers to cases of interest to international political theory. To do this, I will focus on the WTO. The reason for this is that the WTO presents a hard case for a theory of international egalitarianism. With formal decision procedures that require unanimity for ratifying agreements, each member state occupies a position of apparent equality. Each member has equal rights as a member of the organization, and the institutions are set up in a way that would appear to favor deliberation and consensus-seeking. It appears to be exactly the kind of institution that statists have in mind when they suggest that the agreements reached by international bodies are freely and non-coercively entered into, so it would be puzzling to think that they generated any norms beyond those explicitly agreed to by treaty.

**MANIPULATION IN INTERNATIONAL POLITICS**

This section will consider how, and whether, morally objectionable manipulation might occur in one particular international organization—the WTO. Inquiry into this question will be divided into two ways. First, I maintain the distinction between capacity manipulation and reason manipulation, considering them in that order. Second, I will distinguish between two projects: trying to show how the concept of manipulation could be employed in a setting such as the WTO; and trying to show that, in practice, manipulation within the WTO is empirically plausible.
These projects are both relevant to the present discussion, but they differ in significant ways. As described in the first section, statists are generally skeptical of—or else ignore entirely—the possibility something like manipulation could even possibly occur in international politics. The most central aim of this paper is just to allay this conceptual form of skepticism. To this end, I will begin by surveying WTO history for illustrative cases of each sub-type of manipulation. Although normative political theorists frequently use hypothetical examples for establishing conceptual possibility, using historical cases will better assuage worries about whether the international world being described sufficiently resembles the one that actually obtains. It will show that manipulation at least could occur in international politics, even if it does not regularly occur, or might only occur under highly specific conditions. This preliminary conclusion would already cast doubt on the statist’s exclusion of justice from international politics, since it would show that the statist had elided the available logical space.

I will also briefly consider whether these forms of manipulation are actually empirically plausible within the WTO. The empirical discussion will be highly tentative. Although my speculation will be constrained by the related empirical literature, my effort here is not to carry out a comprehensive, determinate analysis of whether the states engage in manipulation within the WTO. Rather, my effort is to see whether there is any evidence that manipulative interaction might be taking place, with the idea that such evidence, in light of the attendant normative case, could help to guide future normative and positive scholarship. Given these goals, the empirical discussion will be more a plausibility probe for a normatively salient hypothesis than an even-handed examination. In short, the aim of the current paper is to establish a position within international political theory, rather than to pass judgment on any existing international organization.

**Capacity manipulation: conceptual possibility**

If there were manipulation in international politics, what might it look like? One way to approach this conceptual question is to consider moral claims made by actual agents in international politics. Bracketing the truth of these claims, they might still help show what would be wrong with certain action-types. Although actors may have a diversity of reasons for asserting moral claims against other actors, such claims offer a starting point to thinking about what moral phenomena might be present. Although they may not be constrained by norms of truth or sincerity, moral agents often make claims that are at least morally intelligible—that deploy concepts that can be understood and appreciated by their intended audiences.

Consider a historical case from the Doha Round of negotiations. After holding out longer than any other state against signing the Doha Round, India’s then Commerce Minister, Murasoli Maran, accused powerful countries of wrongly coercing weaker ones:

[T]he draft Ministerial Declaration is neither fair nor just to the viewpoints of many developing countries including my own on certain key issues. It is a negation of all that was said by a significant number of developing countries and least-developing
The only conclusion that could be drawn is that the developing countries have little say in the agenda setting of the WTO. It appears that the whole process was a mere formality and we are being coerced against our will.  

Maran is not accusing developed countries of coercing less developed ones in the same way that a state coerces its citizens. Physical force is not credibly threatened (or threatened at all) in response to non-compliance with demands. Instead, the coercion Maran objects to the exclusion of developing countries from having a say in deciding the agenda. In effect, his suggestion is that less powerful countries like his own are manipulated by more powerful ones. Their opportunity to rationally deliberate on the options available to them has been impaired at the time when they must decide how to act. He asserts that this is enough to make it true that Indian decision makers had been forced to act against their will.

To be clear, I am not claiming that Maran’s accusation is correct, or even that his narrative is probative. Rather, my point is to illustrate an example of capacity manipulation. The idea implicit in Maran’s accusation is that the agency of small states is impaired in a morally relevant way—that is, in a way that furnishes grounds for complaint or blame toward developed countries. His complaint is based on the agency of small states being impaired, and developed states taking advantage of this impairment. Regardless of whether Maran is correct, he offers a complaint that is at least intelligible.

So far, I have suggested that such claims can be understood by anyone with a suitably common moral vocabulary. But why think that they amount to anything as specific as capacity manipulation? Again, the Doha meeting is illustrative. At Doha, negotiations continued late into the night on multiple days, forcing the delegations from less developed countries to work grueling hours. Delegations from rich countries, on the other hand, were better equipped with a larger number of negotiators, and were able to send in fresh representatives at any hour. An African delegate surmised the advantage this conferred:

> It was as though the other side were on steroids. They stagger their countless negotiators and they seemed to be more awake as the night went by. This was the second all-night meeting. In contrast, because our delegations were small, we were not able to stagger our negotiators. After forty hours of continuous talks, our ministers gave in to things out of sheer exhaustion. This is a critical part of the developed countries’ strategy.

Rich delegations held other advantages, including a superior knowledge of their subject matter and the technical rules by which the negotiation was conducted.

The present focus is on whether these phenomena constitute capacity manipulation. Again, set aside considerations of veracity. Capacity manipulation does not require that one agent bring about another agent’s being in a deliberatively impaired condition. Like the friend who calls for a favor when the recipient of the request is likely to groggy, it is sufficient that one take advantage of a situation in which another’s capacities are attenuated. Suffering from fatigue or stress, as the developing countries’
negotiators were, offers others an opportunity for capacity manipulation. Moreover, as the passage above indicates, this was at least putatively part of the strategy of more powerful countries. They sought to gain advantage-conferring concessions from others whose capacities were impaired. This is the essence of capacity manipulation.

There is evidence that such accusations may have, at least historically, had a basis in fact. Over a decade ago, Richard Steinberg argued that bargaining at the WTO can be either ‘law-based’ or ‘power-based’. When decision-making is law-based, formal procedures are used in a sincere search for consensus that will be pareto-improving. When decision-making is power-based, decisions do not reflect the formal equality of members and may not be pareto-improving.

It is tempting to think that avenues of power-based bargaining would be blocked by the consensus-oriented rules governing the WTO. Furthermore, even if the official rules did not present an obstacle to power-based bargaining, one might think that less powerful countries would resist manipulative offers, even if such offers were in their interest. Experimental results have shown that actors are often unwilling to accept favorable offers when they perceive them as distributing benefits unfairly. If less developed countries acted in this way, they could prevent more powerful countries from exploiting them.

According to Steinberg, powerful countries have two tools at their disposal to overcome obstacles to power-based bargaining. First, powerful states can use asymmetrical bargaining to produce a consensus around outcomes that disproportionately favor themselves. Asymmetrical bargaining occurs when a powerful actor secures the consent of a less powerful one to a general agreement by offering an inducement specifically (and exclusively) to the party whose agreement is sought. In this way, the weak state receives a ‘side-payment’ that makes up for losses incurred in supporting the ‘consensus’. Admittedly, this does not look like coercion. The weak state only takes the side-payment if it is in its interest to do so. The problem is that a system-wide advantage for the rich is created, as rich countries can use side-payments to poor ones in an effort to break up resistance to agreements that are not in the interests of less developed states. After the WTO’s meeting in Doha, one delegate from less developed state complained of the inability of poor states to maintain a collectively desirable resistance to rich:

We [developing countries] do really well when the basketball game begins. We work as a team, score consistently, have a healthy lead ... Just when the game starts to heat up and really get exciting ... we collapse.

Coordination problems among poor states thereby create opportunities for rich states to exploit their greater market share to the detriment of already less well-off trading partners. Despite initial agreements among less developed countries with common interests, resisting the power of rich states is difficult to achieve in the face of tempting side-payments. As another delegate from a developing country remarked after Doha, ‘At the end of the day, it’s your own economic interest you have to watch’.

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Capacity manipulation: empirical sketch
Although recent evidence suggests that developing countries have begun to fare better, studies of the WTO’s dispute settlement system indicate that legal disputes within the WTO may continue to provide occasions for powerful states to manipulate less powerful states. A study of 380 GATT/WTO disputes from 1980 to 2000 found that developing countries gained concessions 63% of the time, in comparison to 72% of the time for developing countries.\textsuperscript{25} Not only is it relatively more difficult for poor countries to reach favorable agreements, it is also difficult for them to navigate the WTO’s dispute settlement mechanism to have agreements enforced.\textsuperscript{26} A more recent survey of all WTO members found that while 48% of respondents believed that the advantages of powerful members derived from considerations of market power, 88% believed that advantages of powerful members followed from greater legal capacity.\textsuperscript{27} Ironically, measures taken to favor poor countries may also increase legal complexity, potentially exacerbating these effects.\textsuperscript{28}

Indicators like these at least raise the worry—as one IR scholar puts it—that ‘the playing field is not entirely level’.\textsuperscript{29} Even if this is true, it is not obvious if or how such facts would create a moral concern. After all, this opinion is rendered in the midst of an article primarily aimed at showing how WTO membership does improve a country’s chance of a favorable resolution to trade disputes.\textsuperscript{30} However, even if it is counterfactually true that developing states would be worse off without the WTO, the WTO’s procedures may still be creating objectionable opportunities for manipulation. If developing states do worse in filing or settling disputes because they lack the legal capacity to negotiate the system successful, then powerful states are—in effect—the beneficiaries of small states’ inability to exercise the capacity to pursue legally available actions. For this to be morally concerning, it is not necessary that powerful states induce or perpetuate this incapacity. One lesson from cases (a)\textendash(e) above was that one need not create a rational impairment in order to take advantage of it for manipulation. If I call you to ask a favor when I know you half asleep, I am trying to manipulate you even if I was not the person who made you stay up all night before my call. Powerful states intentionally interact with weaker states in a situation where the latter are deliberatively impaired, and their gains from this interaction come at a cost to their trading partners. On the view elaborated in the previous section, this means that powerful states are manipulating weaker states.

One might counter that the legal incapacity of developing countries is not a defect of the WTO procedures, themselves. A response to this objection is that if differences in legal capacity affect how states may act within those procedures, then the resulting disparity in what states can do will be relevantly connected to the institution. A second reply is to observe that some aspects of the institution do seem directly responsible for making some actors more vulnerable than others. For example, under the Dispute Settlement Understanding, a complainant may be authorized to ‘suspend concessions’ against a state found to be in violation—in effect allowing the complainant to raise tariffs against a non-compliant trading partner. Problematically, the threat of suspending concessions is only meaningful if that threat imposes
a non-trivial burden on the offending country. If a complainant state’s market share is small, threats of raising tariffs are unlikely to hold much sway. So it is unsurprising that developing countries do not generally retaliate, even when authorized. Large countries, on the other hand, have at least an effective threat of retaliation. Joseph Conti records the following assessment from an interview with an Argentinean official in Geneva:

Developing countries don’t have much option but to comply. Maybe we delayed a little bit, but in the end, we knew we had no option but to comply because the pressure of eventual retaliations on us is strong. But, the problem is with the compliance by big trade partners like the U.S. and EC, and in that sense, we are a little bit disappointed, because—I do not dare to say that it’s a total lack of compliance, but it’s a concern—it’s a concern.

Granting the empirical premise that large countries can threaten retaliatory suspension of concessions in a way that small countries cannot, we can now observe an avenue for manipulation. Small countries cannot credibly retaliate in a way that imposes costs on trading partners, and so there is less point to threatening retaliation at all. This difference suggests that a domain of action made available to larger states through the WTO’s procedures is not meaningfully available to small states. The agency of small states is institutionally constrained in a way that makes it more likely that large states will be able to get small states to act in ways favorable to the former’s interests. On the other hand, small states lack the corresponding leverage with large states. In straightforward terms, large states can more easily make small states do things. Large states are empowered to manipulate weaker states within the WTO.

None of this is to suggest that a system of international trade regulated through institutions such as the WTO is not in the interest of even the poorest countries. Although some philosophers have argued that the global order is harming the poor by depriving them of resources that they would counterfactually obtain in the absence of existing global institutions, social scientists have underscored that poor counties have much to gain through trade. Even slight corrections to protectionist policies can make an impact on global hunger, for example. And institutions such as the WTO have been instrumental in facilitating a general trend toward trade liberalization. The problem with manipulation is not that some agents are being harmed rather than benefited, or even that the distribution of benefits is unfair. The complaint is that some agents are not able to act as they otherwise would, allowing them to be used to the advantage of other agents. As in the first-personal cases considered previously, manipulation is the violation of an ideal of agency, rather than an ideal of fairness.

There is some evidence that despite important improvements, the potential for capacity manipulation remains present within the WTO. For example, in October 2014, the United States and Brazil settled a dispute with United States agreeing to pay Brazil 300 million dollars after the WTO ruled in favor of the latter. Between 1995 and 2002, the United States had subsidized crop producers with more than 30 billion dollars, a portion of which went to cotton producers, suppressing global
cotton prices. Subsidies on cotton thereby violated WTO rules. With its hefty one-time payment, the United States induced Brazil to withdraw its complaint, resolving the dispute.

According to the WTO’s procedures, settlements should not maintain practices that violate the rights of other members. However, by paying Brazil to withdraw its complaint, the United States was able to maintain policies that also harmed poor cotton-producing countries in Africa. In principle, these countries could also file suits, but doing so is costly and requires technical competence. So the outcome is that the United States can continue subsidies in violation of WTO rules because would-be complainants lack the capacity to file a case. Emerging social science indicates that this kind of maneuver, in which a rich state placates a poorer complainant at the expense of still poorer third parties, may not be uncommon in WTO. In fact, the problem may be getting worse. As rising powers like Brazil and India begin to behave more like rich countries, small states may find themselves ‘increasingly alone at a time when they are much more vulnerable as a result of increasing integration in the world economy’. Abandoned by their former allies, they are unable to act—and so—easily manipulated in ways that advantage rich states.

**Reason manipulation: conceptual possibility**

Reason manipulation occurs when an agent can exercise capacities relevant to action, but the agent somehow identifies and acts on reasons that benefit a manipulating agent, as opposed to the acting agent. This may be because the manipulating agent changes the manipulated agent’s reasons, or undermines the manipulated agent’s epistemic access to their reasons.

To illustrate, it will again help to borrow a case from the Doha negotiations. At Doha, key players like US Trade Representative Robert Zoellick also enjoyed a special clout conferred by their international prominence. One delegate even suggested that some ministers at Doha were ‘so in awe’ of figures such as Zoellick and WTO Director-General Pascal Lamy that they became ‘oblivious to their obligations’. Playing on the celebrity-induced awe of representatives impairs their ability to deliberate. While not overtly deceptive, mesmerizing another agent is a familiar way of manipulating. In this case, the capacities of manipulated parties are not undermined, but they still fail to act as they would in the absence of any manipulating agent. This is because the reasons that they see as relevant have been altered.

Sometimes, manipulating agents may do this intentionally. Consider an exchange between USTR Zoellick and a delegate from the developing world. After delegate’s position was sharply criticized during a meeting with USTR negotiators, the delegate complained that such comments were ‘not reflective’ of the type of dialog normally engaged in by two ‘friendly’ nations. In reply, the delegate was told by a US official that the USTR was in the process of making list of nations with which the United States was friends, and that the delegate’s country was ‘most certainly’ not on it. Zoellick then expressed his hope that the country would be more helpful in the future. The implication of this exchange appears to be that the prospect of a ‘friendly’ relationship would be helped by greater accommodation. Insinuating as much
represents an attempt to change the way another agent was acting through changing the reasons relevant to action.

**Reason manipulation: empirical sketch**

The WTO has taken steps to redress some of the empirical problems associated with what I have here called capacity manipulation. For example, there is evidence that some poor countries been more successful in bringing cases against stronger opponents through receiving formal assistance from the WTO. Unfortunately, solving one potential source of manipulation may sometimes only create another. Even if small states can gain legal victories though exercising capacities to act as formally equal members of the WTO, they must then be able to parlay these victories into tangible gains. As noted above, the ‘legal capacity’ to successfully bring claims depends not just on technical know-how, but also on a network of informal relationships, practices, and information. Powerful countries have delegations with large, experienced staffs, which can sustain an institutional memory of this information as individual members rotate. The same is seldom true for small states. Conti observes,

> [T]he WTO system requires developing personal relationships useful for informally gathering information, again reaffirming that expertise in the context of the WTO is more than knowledge of the written law, but also includes diplomatic work building and maintaining social and professional relationships.

The dependence of successful action on personal relationships creates a kind of dilemma for smaller states. On the one hand, a deficit in these relationships imposes an obvious limit on a state’s legal capacity, and so on its ability to rationally seek its own interests within the WTO. Perhaps tellingly, the fact that poorer countries do relatively worse during the consultation period that precedes WTO rules may suggest the continuing relevance of informal and reputational dimensions of power. On the other hand, receiving assistance in developing legal capacity may make states vulnerable to kind institutional socialization biased toward the interests of the powerful. Without a suitably neutral conception of ‘technical assistance’, wealthy countries can use formally ‘educational’ tools to inculcate attitudes that favor their own interests. In this way, ‘material and ideational resources’ can be utilized together to effect a ‘mobilization of bias’ against already weaker states.

This more ideational mode of influence suggests the presence of reason manipulation. Strong states may try to manipulate weaker states through undermining or taking advantage of weaker states’ incapacities, and they may also try to directly control the reasons that weaker states have to act on. They may do this through trying to shift the identities of weaker states through ideational tools involved with seemingly neutral training or socialization, or they may try to do so by imposing or adumbrating the imposition of penalties. Tom Sawyer manipulated his friends by inducing them to believe that doing his chores would be fun. The worry here is roughly analogous: assistance in developing the legal capacity of poorer countries may not be neutral with respect to the interests of those providing the assistance.
I will again conclude with an illustrative case—Costa Rica’s effort to file a claim against the United States after the latter imposed unilateral restrictions on imported Costa Rican textiles. Costa Rica’s effort to file a claim against the United States after the latter imposed unilateral restrictions on imported Costa Rican textiles. The Costa Rican Ministry of Trade, motivated by the United States’ attempt to ignore a previously negotiated agreement, favored filing a claim against the WTO’s dispute settlement process. Fearing that a rupture in relations with the United States was much more important than being able to act on their interests in the local case, the Costa Rican Ministry of Foreign Affairs, as well as Costa Rica’s Washington Embassy, opposed the case, accusing its proponents of being ‘theoretical’ and ‘romantic’ in their approach to trade. Costa Rican trade lawyers proceeded by trying to secure the support of other countries whose own textile industries were adversely affected by US policy, but all potential co-claimants declined, citing their own inability to secure sufficient domestic support for a legal case against the United States. As it happened, Costa Rica had a team of lawyers who were trained at top schools and possessed the technical skills to bring the case, without much institutional support (and even with internal and external institutional opposition). Costa Rica not only won its case, but its success in early efforts had the double benefit of furnishing a greater legal and technical capacity, enabling greater future participation as well. Such episodes provide a valuable ‘pathway to experience’ for developing countries within the WTO.

Although this is a case of a developing state being empowered to act as it chose, rather than having its action controlled by more powerful agents, it is illustrative of the risks of manipulation because it shows how contingent a non-manipulative outcome can be. Even before it faced official US opposition, Costa Rican officials who wanted to file faced opposition based merely on the potential for repercussions with the United States (though these fears later proved incorrect). It was able to do this only because it happened to have well-trained and motivated legal staff who understood the details of the case, and regarded it as a clear winner. In short, there were any number of ways in which the Costa Rican action might have failed. Even though Costa Rica had the capacity to bring the legal action, there were many sources of reasons not to do so. These reasons favored the US interest, and followed from the Costa Rican relationship with the United States. Countries without similarly fortunate advantages may continue to face difficult-to-observe challenges in participating within the WTO.

MANIPULATION AND INTERNATIONAL POLITICAL THEORY

So far, this essay has argued that manipulation, which is wrong in inter-personal contexts, is likewise both empirically possible and morally wrong in international contexts. One might wonder, however, whether anything like the personal associations that make manipulation a moral concern among individuals could exist internationally. Recall that in cases (a)–(e), manipulation often occurred because two persons shared a common identity—friendship, members of the same family, or the like. Relationships create the environment in which we worry about manipulating others, or being manipulated.
Against this, one might object that there is some theoretical reason to doubt that international politics involves such relationships. An old and venerable tradition in the study of international politics holds that anarchy within the international domain casts a long shadow of doubt over the possibility of cooperative relationships among states. Survival trumps all other interests, and the result is that the considerations on which states can act are tightly constrained. A world like this one—the world of international realism—provides barren ground on which few relationships could grow. The realist world is one where conflict is always looming on the horizon. In John Mearsheimer’s evocative image, it makes sense of the fact that ‘for every neck, there are two hands to choke it’.

If this realist picture of the world is correct, it would tell in favor of the statist account of justice that this paper has aimed to undermine. As an entry in international political theory, the present essay cannot settle such questions. Instead, it is one of the projects of political theory to highlight moral phenomena that might be present in international politics, and to call for greater empirical investigation. Even if the political theorist cannot show that the moral claims of state officials are true, it is interesting that they can be accounted for by an independently plausible moral theory. In other words, it is interesting that they can be rendered morally intelligible.

In this section, I will sketch two different ways of approaching international relations that inform how manipulation might be possible within international politics. The two broad approaches include liberal institutionalism and constructivism. The first of these, liberal institutionalism, holds that membership in international organizations matters—in part—as a way of securing information. Although it is a simplification of the view, I will assume that liberal institutionalists hold that states have interests or preferences which they pursue by taking the rational means to satisfy them. Actors follow a ‘logic of consequences’. Liberal institutionalism, at least in this simple form, finds cooperation to be possible among state actors if it is independently in the interest of each participant. Because liberal institutionalism affirms the distributive relevance of international institutions, the actions taken by states within these institutions are at least eligible for moral relevance. Moreover, the institution may impinge upon states’ interests, and so also on the interests of individual citizens. In consequence, institutions meaningfully affect the actions available to states, and correspondingly the actions that state actors engage in. The relevance of institutions to state action carries with it the possibility of manipulation among state actors. Institutions allow states to act together, but if some states act have more information that is relevant to a shared action, or are more able to act than another state, they can use these advantages to manipulate other actors. They may do impair the deliberative environment in which another state acts, or they may take advantage of some other actors’ incapacity to deliberate or act, and so cause that actor to do something they otherwise would not do. If liberal institutionalism has explanatory power in understanding international relations, then at least some forms of manipulation will be possible. In particular, those types of
manipulation involving the use or misuse of rational capacities to act will be possible within international institutions.

It may be more difficult to show that the other half of manipulation, involving the alteration of another actor’s identity, is possible internationally. However, if a broadly constructivist lens on international relations is used, then this type of manipulation may also be present. If states can share an identity with other states, then they might be capable not only of manipulation involving the impairment of rational capacities, but they might also be able to modify the reasons other states have for acting. If so, the opportunities for manipulation would be expanded further.

Constructivists in international relations suppose that states can have a ‘collective identity’, determined by the ‘practices that define that identity and lead other actors to recognize it’. Membership within a group governed by such an identity involves recognizing certain constitutive norms as authoritative in practical deliberation. If I value myself as a member of a certain group, the norms that I regard as constitutive of membership within that group will be among those that I might implicitly accept as appropriate for regulating my actions. If so, I have a stake in the group’s identity. When groups of persons are large and diverse, institutions help to determine which identities are adopted among groups. When the European Union sets out what norms must be kept to be allowed into the club, as it has in its Copenhagen Criteria, states whose members or elites desire entry will have incentives to make these norms their own. For example, the European Union requires that new members be democratic, and the resulting democratic norm has been seen as motivating the acceptance of international election monitoring within countries who desire that their elections be perceived externally as legitimate. If the shared identity obtains, it will provide a deliberative shortcut in evaluating options in the conduct of French and German policy—for example, by ruling out options incompatible with the shared understanding of what is required by being ‘European’.

Identity can guide action in several ways. First, certain actions may be encouraged and others discouraged through the mechanisms of ‘back-patting’ and ‘shaming’. When an actor self-identifies with a given audience, that audience’s disapproval of a course of action can shame the actor into avoiding it. The authority invested in the audience by the actor’s identification allows its disapproval to create a psychologically aversive ‘social opprobrium’ for the agent. Second, members of groups who share a common identity can use ‘normative suasion’ to settle disputes, finding common ground through discussion and argument rather than the simple overlap of each party’s respective self-interested aims. This point can be put in a number of different ways: agents with a shared identity follow a ‘logic of appropriateness’; they ‘argue’ rather than ‘bargain’; they regard obligations to the group as ‘valorized’ by an ethical character. Parsing exactly how these distinctions should be understood has been a tricky matter, although the common currency among them is that parties are concerned with ‘what is true’ or ‘what is right’, rather than exclusively focused on what is good for them.

Shared identities form around a specifically political mode of association—within international organizations. Such institutions, complete with their own procedures
and norms of conduct, are more than just agreements or regimes. As ongoing organizations, they tie members together in an ongoing common project, complete with its own ‘legal personality’. Just how much influence do such associative ties have on the aims and actions of members? There is some evidence that the socialization effects of shared institutional memberships are significant, at least over the longer term.\textsuperscript{63}

For the purposes of this paper, state identity may be understood either in reductive or non-reductive terms. Reductionists favor an explanation of state identity in terms of the identities of individual persons who compose the state. If one regards non-reductive state identity as metaphysically problematic, the group-level identity facts I will be relying on here may be heard as reductive to identities constituted by institutionally mediated relationships among persons. However, IR scholars have developed sophisticated ways of treated states themselves as agents—both morally and causally. The state is thought by some to be an independent moral agent because it displays an identity distinct from its constitutive parts, and because it has the capacity to rational deliberate about action.\textsuperscript{64} Against the possibility of a simple reduction from the group to its constituents, some maintain that the identities of individual persons are shaped in part by the group.\textsuperscript{65} So reduction from one structure to another may prove impossible. Part of the case for attributing moral responsibility to states is the premise that states display ‘corporate agency’, such that the individuals who comprise it can display a unified sort of collective intentionality, and collective or corporate desires.\textsuperscript{66}

On a constructivist approach, states can form relationships with each other. Because actors with international organizations sometimes share an identity, there are occasions for using the logic of appropriateness to exert normative pressure on other actors. In first-personal cases discussed earlier, these relationships create opportunities for manipulation. Of course, whether such occasions arise with the WTO depend on whether membership in the WTO is sufficient for sharing an identity. Admittedly, most literature on shared state identity focus on the European Union, where sources of identity convergence are more robust. I do not make any claims about what conditions are jointly sufficient for sharing an identity. The mere fact of shared membership in an organization is almost certainly not sufficient.\textsuperscript{67} Rather, the point of this section has just been to sketch the availability of general approaches to IR in which manipulation by state actors could be possible in some cases. There is, however, beginning to be some evidence on shared identity within the WTO. In particular, state actors engaged in process of argumentation display processes of norm convergence which are indicative of shared identity—which creates the possibility of reason manipulation.\textsuperscript{68} Although some scholars have recently pointed to the need for more constructivist work on the WTO, there is some evidence that the WTO provides a social environment in which ideational forces shape new trading identities.\textsuperscript{69} Because WTO provisions can affect all parts of a country’s legal system that could affect trade with other states, it has a deep as well as pervasive reach. It would not be surprising, then, if it did impinge on facts about state identity. As David Singh Grewal writes, the WTO exemplifies a ‘form of sociability with
literally global reach’. This section has underscored another impetus for pursuing this research: its possible moral importance. At least one purpose of political theory is to identify what normative phenomena might exist, and to call for greater empirical consideration to these areas.

**OBJECTIONS TO AN INTERNATIONAL EQUALITY**

In this final section, I will assume that manipulation exists internationally—such as in the WTO. Why, then, think that this provides a basis for egalitarianism? Manipulation is a moral wrong, but it may be addressed by possible solutions besides egalitarianism. While this point is correct, recall the abstract theoretical framework offered in the first section. If an institution creates a systematic wrong, one way it can compensate for that wrong is by providing restoration to the wronged party. Sometimes, though, this is impossible. There is no way—at least in modern political society—of doing away with state coercion. Nor is there any way—if the preceding sections are correct—of doing away with the possibility of manipulation in international trade. But securing political equality can defuse some of the moral complaint with coercion. Similarly, securing equality among actors can defuse some of the moral complaint with manipulation. An egalitarian principle might be part of a package through which the prospect of international manipulation could be justified. If the equality of less powerful parties within international organizations (like the WTO) was secured, it would remove a basis for complaint when negotiations ended unfavorably. Representatives might still try to manipulate each other, but the moral seriousness of this manipulation would be contained.

An important question to ask is: How? Or, in more words: What kind of equality is needed to make interaction within international organizations like the WTO morally acceptable? Answering this question will likely require something analogous to the extensive discussion of the ‘currency’ of equality domestically. Abstractly, domestic justice is thought to require political equality, but it is a further question whether that equality is secured through resources, welfare, capabilities, or something else. Determining how equality should be implemented within the WTO will require greater normative and empirical scrutiny than can be provided here.

Setting aside questions about the currency of equality, I will address two objections before concluding. The first challenges whether manipulation of this kind is actually wrong. Why should states expect anything other than a tough bargaining arena where others will use whatever strategic means available to get the better of trade deals? Second, even if manipulation between states is morally wrong, why think that this is a specifically political problem? People do morally wrong things for which there is no possible political redress, simply because offenders occasionally have rights to do wrong. Why suppose that just because it is wrong for strong states to manipulate weak ones, there is a justification for enforcing a political solution that requires states to co-exist more equitably with each other?

These objections share a common theme. The first asks why manipulation is a reason of the right kind to warrant a moral claim, and the second asks whether it is
reason of the right kind to ground a political demand. I will consider them in turn. The first objection calls for an explanation of why manipulation internationally is wrong. Here it is crucial to bear in mind two points from previous sections. From the second section: manipulation is wrong because it violates a fundamental moral ideal of human agency. I have not tried to specify why this ideal is morally important, because for present purposes it does not matter if the grounds of this value are Kantian, utilitarian, contractualist, or something else entirely. Regardless of the foundational facts, there is considerable moral convergence around the idea that persons have a significant interest in control over their own action, or, in a more philosophical parlance, ‘the value of choice’. Manipulation is wrong because it undermines this value. Because the objection is framed in terms of the intuitive acceptability of hard bargaining among states, the objector gets traction from an implicit asymmetry between the individual and the state. But as the previous section canvassed, there are two ways in which shifting image from individual to state does not blunt the moral complaint. As liberal institutionalists allow, the interests of individuals are mediated by state-level institutions, and the outcomes of international disputes impinge not only on the agency of states, but also on the individuals who comprise them. And as constructivists understand the state, the state itself may be an agent whose actions have moral relevance, and so the burden may be on the objector to provide an account of the asymmetry. Each theoretical lens helps to reveal one aspect of the moral concern. Manipulation in international politics may undermine the actions of states, and of individual persons with states. In short, there are adequate grounds for appreciating the moral force of the illustrative complaints offered by cases in the previous section.

The second objection asks why manipulation within international politics justifies political claims for equality. The simplest reply to this objection is that there is no non-political way of securing the conditions of acceptable moral interaction. Recall the example of the factory polluting a river. It might be possible for the factory to determine how much the pollution had cost to downstream residents, and so if it were to desist and pay compensation, this solution might be worked out without any political institutions. In contrast, the strategy of desisting and compensating was not available in the case of systematic state coercion, and so consequently the state must use the distributive strategy. Once the distributive strategy is deployed, there must be some institution to mediate the distribution of goods over time. So, the distributive strategy requires a political solution. And, as with state coercion, the prospects for manipulation in international institution cannot be resolved through desisting and compensating. Given the continuing prospects for future manipulation, only the distributive solution is available. As a result, the solution must again involve political institutions.

A second way of replying is through what might be called constructive interpretation of the WTO. To determine what kinds of considerations are politically relevant, a constructive interpretation identifies an object of interpretation, determines its basic aim or purpose, and finally considers what reforms might be needed for the aim or purpose to be better achieved. Interpreting political institutions has
been popular among defenders of liberal egalitarianism, who have attempted to explain what materials a constructive interpretation should consider. Leif Wenar proposes what Rawls called the ‘public political culture’, including the ‘political institutions and the public traditions of their interpretation, as well as historic texts and documents that have become part of common knowledge’. We may also look to the language used in constitutional or legislative texts, hoping to find information about political aims.

Could a constructive interpretation of the WTO provide evidence that manipulative tactics are impermissible in a way that triggers a political claim for equality? Consider three different possible institutional aims:

1. Promote Trade: The WTO aims to increase trade among its members.
2. Promote Development: The WTO aims to assist its poorer members in developing.
3. Promote Equality: The WTO aims to reduce economic inequality among its members.

To investigate, we must look to the features of the WTO that would give insight into its fundamental aims. Fortunately, there is considerable evidence about what those aims include, beginning with the preamble to the WTO Agreement, the organization’s founding document. According to the agreement, the WTO has three fundamental objectives: ‘raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of trade and goods in services’. If the WTO’s mission is to achieve the objectives set out in its founding document, then that mission must be one sensitive to the economic fortunes of its less developed members. The sensitivity toward the least well off may suggest the presence of obligations of cooperation, which are often used to underwrite egalitarian principles in statist views. So the aim of promoting equality may also be present. In practice, the three aims outlined above are apt to conflict. Equality is certainly not the WTO’s only institutional aim, and there are further, normatively significant questions about how various institutional values should be traded off against each other.

In part for this reason, a constructive interpretation of the WTO’s aims cannot be completed here. Nevertheless, there are at least some grounds for hypothesizing that the WTO has equality as an institutional aim. First, the WTO’s institutional structure—particularly in its Dispute Settlement System—appears designed to provide members with equal access to bringing claims and being heard by other members. Adjudication through the WTO prevents rich countries from simply ignoring the complaints of developing countries; instead, both sides must ‘make a consistent argument based on existing law’. Indeed, some interpreters have argued on this basis that ‘some commitment to the principles of procedural equality and fair hearing seems to be at the heart of the WTO DSS’. Within this interpretive frame, the actual exclusion of some developing countries from participation due to power imbalances fails to cohere with the implicit institutional aims.
Even self-consciously descriptive accounts of WTO law include ‘justice-as-equality’ as among the institution’s central goals.82

Furthermore, proposals for reform that stop short of equality run the risk of failing—even if ideally implemented—to correct the problems they would be intended to solve. This is because the threats of manipulation described above follow from relative power imbalances among member states. Proposals intended to empower member states to participate more fully, but without ensuring their equality, may in fact count as genuine improvements, but they might also be coopted by rich states. For example, if a proposal merely seeks to give poor states sufficient access, that access might be provided by the largess or instruction of powerful states. But this still leaves poor states in a relationship of domination with more powerful ones. Rich states cannot be expected to provide technical assistance in ways that prescind from their own interest, and neither can they be counted on to provide legal assistance contrary to their own legal aims.83

The concern for equality these interactions points toward one way of specifying the value of equality within the WTO. Equality is politically important in allowing all members to act within the WTO’s procedures. Formal procedural equality does not guarantee this, since manipulation can persist after formal equal has been secured. Neither will equality in resources or welfare guarantee protection against manipulation. This is because one state might be equal to another along these dimensions (however they are specified) while still lacking the capacity to act effectively within an international setting—perhaps due to a lack of informal standing, technical know-how, or some other deficiency. What is crucial, on the account given here, is that effective agency of all parties be protected. The specter of manipulation suggests that hierarchy in status, wealth, or skill could—in different contexts—undermine the ability to exercise capacities to act. This suggests that a kind of relational equality is called for, in which relationships of hierarchy and concomitant subjugation are replaced by relationships of equal standing.84 Spelling out this conception of equality within an international setting is beyond the scope of this essay, but will likely involve ensuring that some states do not have greater leverage to manipulate other states.

In part, developing equality within a constructive interpretation must be a further philosophical project. This is because constructive interpretation generally allows a final phase of external normative guidance. If an egalitarian interpretation represents one possible reconstruction, then independent moral reasons might be used to favor it. The point is that if legal and political philosophers are right about the interpretation, then the fact that an egalitarian interpretation of an institution would be morally better than a non-egalitarian interpretation can appropriately count in favor of adopting that interpretation.

Thus, even though the constructive interpretation gestured at here of the WTO is far from determinate, it is stronger than the Rawlsian interpretation of the United States’s domestic basic structure in two distinct ways. First, both the founding documents and implicit institutional aims of the WTO point toward some concern for the less well-off, which might be constructively interpreted as egalitarian.
This interpretive strategy is more direct than that used to justify the egalitarian reading of the United States’s basic structure.

A final point: it is easier to argue that the best interpretation of the WTO’s founding documents obligates the members of the WTO than it is to argue that the best interpretation of the US public political culture creates obligations for America’s citizens. Imagine a citizen of the United States asking, ‘I understand that the best interpretation of the public political culture supports a Rawlsian view of distributive justice, but why should that matter to me? I think that the Rawlsian view is mistaken, and if the best interpretation of the public political culture supports such a view, then so much the worse for the public political culture’. In short, there is a problem about why the public political culture should be normative for any particular member. Interestingly, the WTO may lack an analogous problem. Imagine if USTR’s office was confronted by a delegate from a less developed country about his manipulative tactics. The delegate might complain that the USTR’s strategy of pressuring less developed states into collectively sub-optimal agreements violated the best interpretation of the WTO’s founding principles. It would be strange for an American official to reply, ‘Well, yes, but who cares about that?’ in a way that it would not be strange to hear such a rejoinder from a citizen of the United States in the previous example. Differences in consent explain the asymmetry. The USTR would be unlikely to impugn a treaty to which its government was a willing party—even an instigator and promoter. The United States’s membership in the WTO is more obviously normative for the US policy making elites because US participation in the institution is more clearly voluntary.

CONCLUSION

Manipulation is one way persons can wrong each other. It is at least empirically plausible to think that manipulation can occur in international contexts. This argument was made from primarily constructivist viewpoint, but we need not insist upon it. Ideational and material factors combine in enabling strong states to influence the actions of weaker states with which they share institutional membership. Given the disparities of power within the WTO, wrongful manipulation may be conceptually helpful in appreciating the moral claims made by representatives of weaker states. If this empirical premise is valid, international organizations like the WTO are not just places where members bargain in a self-interested way, as statists about justice have assumed. Instead, they contain some of the same underlying features that statists have argued require egalitarian principles at the national level. They make poorer members vulnerable to domination, servility, and other associated costs of not being able to act as one wants.

Attempting to redress these moral risks without equality may help, but it may also create new opportunities for the same schedule of moral concerns. This is because any proposal for reform that stops short of equality will leave some actors in a more powerful position than others, and it is precisely this disparity in power—in the presence of a shared relationship—that generated the moral concern in the first place.
This type of argument does not show that there is a truly global principle of egalitarian justice. Rather, it only argues for a principle of justice within the WTO. But this has the virtue of delimiting a principle along the lines of an institution that already exists and could act to align itself with the principle. Indeed, this moral aim even fits the existing institutional aims interpretable within the WTO. There should be some egalitarian principle of distribution applied to international organizations like the WTO.

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NOTES

1. See Thomas Nagel, ‘The Problem of Global Justice’, Philosophy & Public Affairs 33, no. 2 (2005): 113–47. Nagel’s paper sparked a considerable debate about global justice. Other defenders of broadly statist positions include: David Miller, National Responsibility and Global Justice (Oxford: Oxford University Press, 2007); Andrea Sangiovanni, ‘Global Justice, Reciprocity, and the State’, Philosophy & Public Affairs 35, no. 1 (2007): 3–39; Joseph Heath, ‘Rawls on Global Distributive Justice: A Defense’, in Global Justice, Global Institutions, ed. Daniel Weinstock (Calgary: University of Calgary Press, 2005), 193–226; Samuel Freeman, ‘The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice’, Social Philosophy and Policy 23, no. 1 (2006): 29–68; John Rawls, The Law of Peoples (Cambridge, MA: Harvard University Press, 1999); and Michael Blake, ‘Distributive Justice, State Coercion, and Autonomy’, Philosophy & Public Affairs 30, no. 3 (2002): 257–96.

2. See Simon Caney, Justice Beyond Borders: A Global Political Theory (Oxford: Oxford University Press, 2005); and Darrel Moellendorf, Cosmopolitan Justice (Boulder, CO: Westview Press, 2002).

3. For early and influential criticisms of Thomas Nagel, see A. J. Julius, ‘Nagel’s Atlas’, Philosophy & Public Affairs 34, no. 2 (2006): 1–17; and Joshua Cohen and Charles Sabel, ‘Extra Rempublicam Nulla Justitia?’ Philosophy & Public Affairs 34, no. 2 (2006): 147–75. See also Arash Abizadeh, ‘Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice’, Philosophy & Public Affairs 35, no. 4 (2007): 318–58; and Andreas Follesdal, ‘The Distributive Justice of a Global Basic Structure: A Category Mistake?’ Philosophy, Politics, & Economics 10, no. 1 (2011): 46–65.

4. For a helpful introduction to the philosophical literature on manipulation, see Christian Coons and Michael Weber, eds., Manipulation (Oxford: Oxford University Press, 2014).

5. This paragraph follows the argument in Nagel, ‘The Problem of Global Justice’.

6. For a more elaborate account of why coercion will not work for grounding global justice, see Ryan Pevnick, ‘Political Coercion and the Scope of Distributive Justice’, Political Studies 56, no. 2 (2008): 399–413.

7. My development of manipulation in this section is indebted to Sarah Buss, ‘Valuing Autonomy and Respecting Persons: Manipulation, Seduction, and the Basis of Moral Constraints’, Ethics 115 (2005): 195–235; Marcia Baron, ‘Manipulativeness’, Proceedings and Addresses of the American Philosophical Association 77, no. 2 (2003): 37–54; and Patricia Greenspan, ‘The Problem with Manipulation’, American Philosophical Quarterly 40, no. 2 (2003): 155–264.
8. Thomas Hill, ‘Autonomy and Benevolent Lies’, in Thomas Hill, ed., Autonomy and Self-Respect (Cambridge: Cambridge University Press, 1991): 25–42.

9. Such cases are the most famous philosophical paradigm of manipulation. See Harry Frankfurt, ‘Alternate Possibilities and Moral Responsibility’, Journal of Philosophy 66, no. 23 (1969): 829–39.

10. Patricia Greenspan, ‘The Problem with Manipulation’, American Philosophical Quarterly 40, no. 2 (2003): 155–264.

11. Cf. Richard Arneson, ‘Exploitation and Outcome’, Politics, Philosophy & Economics 12, no. 4 (2013): 392–412; and Michael Valdman, ‘A Theory of Wrongful Exploitation’, Philosopher’s Imprint 9, no. 6 (2009): 1–14.

12. These traditions date canonically to Kant, Groundwork for the Metaphysics of Morals in Mary Gregor, ed., Practical Philosophy (Cambridge: Cambridge University Press, 1996); and John Stuart Mill, On Liberty, ed. J. Gray (Oxford: Oxford University Press, 1991). More recently, see Thomas M. Scanlon, What We Owe to Each Other (Cambridge, MA: Harvard University Press, 1998).

13. Compare with Hill, ‘Autonomy and Benevolent Lies’.

14. Herein I have given a moralized definition of manipulation, so it will turn out that any instance of manipulation will also be something there is moral reason to avoid. I use the term ‘morally objectionable manipulation’ to make clear that it is the moral aspects of manipulation that are under consideration.

15. Nagel, ‘The Problem of Global Justice’, 141.

16. I am grateful to referees at Ethics & Global Politics for suggesting this structure.

17. Murasoli Maran, ctd. in Amrita Narlikar, ‘All’s Fair in Love and Trade?’, 189–204 in Donna Lee and Rorden Wilkinson, eds., The WTO after Hong Kong: Progress in, and Prospects for, the Doha Development Agenda (New York: Routledge, 2007), 198.

18. Unnamed delegate, ctd. in Jawara and Kwa, 104.

19. Ibid., 106.

20. Richard H. Steinberg, ‘In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO’, International Organization 56, no. 2 (2002): 339–74.

21. Ibid., 341.

22. Ibid., 345; Equity theory in social psychology holds that people desire to maximize their outcomes, but experience psychological discomfort when perceived outcomes are not similar for all individuals involved. See Americo Belviglia Zampetti, Fairness in the World Economy (Northampton, MA: Edward Elgar, 2006), 37.

23. Ctd. in Fatoumata Jawara and Aileen Kwa, Behind the Scenes at the WTO: The Real World of International Trade Negotiations (New York: Zed Books, 2003), 128.

24. Ibid., 181.

25. Cf. Marc Busch and Eric Reinhardt, ‘Developing Countries and the General Agreement on Tariff and Trade/World Trade Organization Dispute Settlement’, Journal of World Trade 37, no. 4 (2003): 917–35.

26. For discussion, see Jason Smith, ‘Inequality in International Trade? Developing Countries and Institutional Change in WTO Dispute Settlement’, Review of International Political Economy 11, no. 3 (2004): 542–73.

27. Marc L. Busch, Eric Reinhardt, and Gregory Shaffer, ‘Does Legal Capacity Matter? A Survey of WTO Members’, World Trade Review 8, no. 4 (2009): 559–77.

28. Cf. Smith, ‘Inequality in International Trade?’, 544.

29. Christina Davis, ‘Do WTO Rules Create a Level Playing Field for Developing Countries? Lessons from Peru and Vietnam’, in Negotiating Trade: Developing Countries in the WTO and NAFTA, ed. John Odell (Cambridge: Cambridge University Press, 2006), 219–56. Although Davis registers this concern, her overall view is that countries do better negotiating
through the legal structures of the WTO than they would do by trying to reach trade agreements outside of it.

30. Cf. Davis, ‘Do WTO Rules Create a Level Playing Field for Developing Countries?’.

31. William J. Davey, ‘Compliance Problems in WTO Dispute Settlement’, *Cornell Journal of International Law* 42 (2009): 119–28.

32. Joseph A. Conti, ‘Producing Legitimacy at the World Trade Organization: The Role of Expertise and Legal Capacity’, *Socioeconomic Review* 8, no. 1 (2010): 131–55.

33. On the importance of trade negotiations at the WTO, see Richard Baldwin and Simon Evenett, eds., *Next Steps: Getting Past the Doha Round Crisis* (London: Centre for Economic Policy Research, 2011).

34. Cf. Jagdish Bhawati, Pravin Krishna, and Arvind Pangariya, ‘The World Trade System: Trends and Challenges’, Working Paper, 2014, http://www.columbia.edu/~jb38/papers/pdf/paper1-the_world_trading_system.pdf (accessed August 6, 2015).

35. For an overview of this much-criticized agreement, see ‘U.S.-Brazil Cotton Deal Perpetuates an Unhealthy Status Quo of Subsidies’, *The Washington Post*, October 7, 2014, https://www.washingtonpost.com/opinions/us-brazil-cotton-deal-perpetuates-an-unhealthy-status-quo-of-subsidies/2014/10/07/d8346bf4-4b2a-11e4-891d-713f052086a0_story.html (accessed August 6, 2015). This case was suggested by a referee at *Ethics & Global Politics*.

36. Cf. Simon Evenett and Alejandro Jara, ‘Settling WTO Disputes without Solving the Problem: Abusing Compensation’, *Vox*, December 9, 2014, http://www.voxeu.org/article/settling-wto-disputes-without-solving-problem-abusing-compensation (accessed August 6, 2015).

37. Jeffrey Kucik and Krzysztof Pelc, ‘Measuring the Cost of Privacy: A Look at the Distributional Effects of Private Bargaining’, *British Journal of Political Science*, available online January 28, 2015.

38. Amrita Narlikar, ‘Editorial: Small States in Multilateral Economic Negotiations’, *The Commonwealth Journal of International Affairs* 100, no. 413 (2011): 135–9.

39. Conti, ‘Producing Legitimacy at the World Trade Organization’, 95.

40. Ibid., 160.

41. Christina Davis, *Why Adjudicate: Enforcing Trade Rules in the WTO* (Princeton, NJ: Princeton University Press, 2012), chap. 7.

42. Conti, ‘Producing Legitimacy at the World Trade Organization’.

43. Cf. Busch and Reinhardt, ‘Developing Countries and the General Agreement’. This is a central theme in Busch and Reinhardt’s argument.

44. Gregory Shaffer, ‘Power, Governance, and the WTO: A Comparative Institutional Approach’, in *Power in Global Governance*, eds. Michael Barnett and Raymond Duvall (Cambridge: Cambridge University Press, 2005), 130–160.

45. Ibid., 130–1.

46. For a discussion of this case, see John BreckenRidge, ‘Costa Rica’s Challenge to US Restrictions on the Import of Underwear’, in *Managing the Challenges of WTO Participation: 45 Case Studies*, eds. Peter Gallagher et al. (Cambridge: Cambridge University Press, 2005), 178–88.

47. Ibid., 184.

48. Cf. Christina Davis and Sarah Blodgett Bermeo, ‘Who Files? Developing Country Participation in GATT/WTO Adjudication’, *Journal of Politics* 71 (2009): 1033–49.

49. For discussion, ibid.

50. Classic entries in this tradition include Hans Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 6th ed., ed. Kenneth Thompson (New York: Kopf, 1985); Edward Hallett Carr, *The Twenty Years Crisis* (New York: Perennial, 2001 [1939]).

51. At least, according to defensive realism—probably the most common variant. For the canonical statement, see Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979).
52. John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton, 2001), 30.

53. Cf. Robert O. Keohane and Lisa L. Martin, ‘The Promise of Institutionalist Theory’, *International Security* 20, no. 1 (1995): 39–51.

54. Cf. James Fearon and Alexander Wendt, ‘Rationalism v. Constructivism: A Skeptical View’, in *Handbook of International Relations*, eds. Walter Carlsnaes, Thomas Risse, and Beth Simmons (London: Sage, 2002), chap. 3.

55. Rawi Abdelal et al., ‘Identity as a Variable’, *Perspectives on Politics* 4, no. 4 (2006): 695–711. My use of constructivist theory is meant to show that on one live research program, the relationships between states necessary to support an international egalitarianism are empirically plausible. The strength of this research program is a separate question.

56. Ian Lustick, Dan Miodownik, and Roy J. Eidelson, ‘Secessionism in Multicultural States: Does Sharing Power Prevent or Encourage It?’ *American Political Science Review* 98, no. 2 (2004): 209–29.

57. Cf. Judith Kelley, ‘Assessing the Complex Evolution of Norms: The Rise of International Election Monitoring’, *International Organization* 62 (2008): 221–55. For a constructivist understanding of the normativity of legitimacy, see Ian Hurd, ‘Legitimacy and Authority in International Politics’, *International Organization* 53, no. 2 (1999): 379–408.

58. See Abdelal et al., ‘Identity as a Variable’, 697–8.

59. Alastair Ian Johnston, ‘Treating International Institutions as Social Environments’, *International Studies Quarterly* 45 (2001): 487–515.

60. On ‘normative suasion’ as a mechanism, see Jeffrey T. Checkel, ‘International Institutions and Socialization in Europe: Introduction and Framework’, *International Organization* 59 (2005): 801–26.

61. James March and Johan Olsen, ‘The Institutional Dynamics of International Political Orders’, *International Organization* 52, no. 4 (1998): 943–69; Thomas Risse, ‘“Let’s Argue!”: Communicative Action in World Politics’, *International Organization* 54, no. 1 (2000): 1–39; and Abdelal et al., ‘Identity as a Variable’.

62. Cf. Diana Panke, ‘More Arguing Than Bargaining? The Institutional Designs of the European Convention and the Intergovernmental Conferences Compared’, *European Integration* 28, no. 4 (2006): 357–79.

63. See David H. Bearce and Stacy Bondanella, ‘Intergovernmental Organizations, Socialization, and Member-State Interest Convergence’, *International Organization* 61 (2007): 703–33. For a similar result from a different method, see David Rousseau and A. Maurit van der Veen, ‘The Emergence of a Shared Identity: An Agent-Based Computer Simulation of Idea Diffusion’, *Journal of Conflict Resolution* 49, no. 5 (2005): 686–712.

64. Toni Erskine, ‘Assigning Responsibilities to Institutional Moral Agents’, in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erksine (New York: Palgrave, 2003), 27.

65. Mervyn Frost, ‘Can Dispersed Practices be Held Ethically Accountable?’ *Global Society* 18, no. 1 (2004): 77–89.

66. Cf. Alex Wendt, ‘Why a World State is Inevitable’, *European Journal of International Relations* 9, no. 4 (2003): 491–542; and Alex Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999).

67. On the conditions under which organizations are more likely to have socializing effects on their members, see Alastair Ian Johnston, ‘Conclusions and Extensions: Toward Mid-Range Theorizing and Beyond Europe’, *International Organization* 59 (2005): 1013–44. To be clear, I do not claim that inferences about the WTO can be made from the prior discussion about the EU. The case that relationships matter in the way constructivists imagine is certainly much stronger for the EU than the WTO.
68. Jean-Frederic Morin, ‘Consensus-seeking, Distrust, and Rhetorical Entrapment: The WTO Decision on Access to Medicines’, European Journal of International Relations 16 (2010): 563–587.

69. Cf. John S. Odell, ‘Breaking Deadlocks in International Institutional Negotiations: The WTO, Seattle, and Doha’, International Studies Quarterly 53 (2009): 273–99; and Jane Ford, A Social Theory of the WTO (New York: Palgrave Macmillan, 2003).

70. See David Singh Grewal, Network Power: The Social Dynamics of Globalization (New Haven, CT: Yale University Press, 2008), 234. I am grateful to a reviewer for bringing this work to my attention.

71. This leaves open many significant questions about what the content of such an egalitarian principle might be, how it might be implemented, and what would be required for it to be institutionally efficacious. How, for example, could such a principle institutionally implemented in such a way that the benefits of the WTO would not flow mainly to rich countries? These are questions I cannot undertake here.

72. Although related, see Adam Chilton and Ryan W. Davis, ‘Equality, Procedural Justice, and the World Trade Organization’, Intercultural Human Rights Law Review 7 (2012): 277–327.

73. For a related discussion, see Alan Struder, ‘Deception Unraveled’, The Journal of Philosophy 102, no. 9 (2005): 458–73.

74. Cf. Scanlon, What We Owe To Each Other.

75. Ronald Dworkin, Law’s Empire (Cambridge, MA: Harvard University Press, 1986), Ch. 2. This approach has lately been developed by Aaron James, ‘Constructing Justice for Existing Practice: Rawls and the Status Quo’, Philosophy & Public Affairs 33, no. 3 (2005): 281–316; and Andrea Sangiovanni, ‘Justice and the Priority of Politics to Morality’, The Journal of Political Philosophy 16, no. 2 (2008): 137–64.

76. Leif Wenar, ‘The Unity of Rawls’s Work’, Journal of Moral Philosophy 1, no. 3 (2004): 265–75.

77. World Trade Organization, Agreement Establishing the World Trade Organization (Geneva: WTO Information and Media Relations Division, 1995).

78. Mary E. Footer, An Institutional and Normative Analysis of the World Trade Organization (Leiden: Martinus Nijhoff, 2006), 23–6.

79. Christina Davis, Why Adjudicate: Enforcing Trade Rules in the WTO (Princeton, NJ: Princeton University Press, 2012), 259.

80. Emanuel Ceva and Andrea Fracasso, ‘Seeking Mutual Understanding: A Discourse-Theoretical Analysis of the WTO Dispute Settlement System’, World Trade Review 9, no. 3 (2010): 457–85.

81. Cf. Ibid., 480.

82. Chios Charmody, ‘A Theory of WTO Law’, Journal of International Economic Law 11, no. 3 (2008): 527–57.

83. Cf. Shaffer, ‘Power, Governance, and the WTO’. See also Chad P. Brown and Rachel McCulloch, ‘Developing Countries, Dispute Settlement, and the Advisory Centre on WTO Law’, Journal of Trade and Economic Development 19 (2010): at 35.

84. An early forerunner of relational accounts of equality is Elizabeth Anderson, ‘What is the Point of Equality?’ Ethics 109, no. 2 (1999): 287–337. I am grateful to a reviewer for Ethics & Global Politics for pressing me to clarify this point.

85. For further discussion, see Ryan W. Davis, “Justice: Metaphysical, After All?” Ethical Theory and Moral Practice 14, no. 2 (2011): 207–222.

86. Cohen and Sabel doubt that participation in the WTO is voluntary for all states, as they believe that some states may have no minimally acceptable alternatives. See Cohen and Charles, ‘Extra Rempublicam Nulla Justitia’. However, it seems likely that participation is still relevantly voluntary for a powerful state like the United States.