

Towards a Realistic Utopia: Ideal Theory and Global Economic Justice in the Law of Peoples

Liberal states, and the transnational corporations (TNCs) originating within them, have participated in and benefitted from the exploitation and domination of developing states, undermining their sovereignty and economic security. This has been used as a jumping-off point for criticism of John Rawls's Law of Peoples (LoP). How, his critics ask, can we reconcile the realities of liberal interference and economic oligopoly with Rawls's sanguine analysis of liberal decency in the LoP? Principles presupposing the tendency towards reciprocity and the ability of all parties to enter, exit, and control their participation in global markets seem doomed to failure.

This criticism has taken several related forms. According to Allen Buchanan, the LoP offers "a set of rules for a vanished Westphalian world," ignoring the role of the global basic structure ("GBS").¹ Laura Valentini criticizes the "badly used" idealizations which posit, and depend upon the existence of, non-existent well-ordered liberal peoples.² And Philip Pettit sees the LoP as ignoring "the pre-conditions that must be fulfilled to make...a regime of respect possible" insofar as it leaves out the ways in which powerful economic actors dominate less affluent states.³

These authors suggest that the LoP is unable to account for the realities of a global economy. Rawls, on their view, solves the problem of global injustice by fiat. He begins with well-ordered peoples and weakly integrated global markets, and then stipulates that the relationship between them would not lead to the destabilizing tendencies and injustices that currently exist. On this view, the global economy will be just because the peoples comprising it will be just, economic ties will be sufficiently weak to avoid threats to self-sufficiency, and historical barriers to justice will be eliminated. However, such peoples do not exist, and weakly integrated markets have been long left behind. Because of this the LoP provides inadequate principles, leaving in place the incentives and power dynamics that allow for domination and exploitation.

The response, however, ought not be to relegate the LoP to the dustbin of political philosophy. The failure of the LoP was not a failure *of*, but a failure *within*, ideal theory. Rawls's ideal theory, as advanced in his domestic analysis, has the tools needed to articulate the conditions for an international realistic utopia. An analysis of his use of domestic idealizations—and a recognition of the deep

¹ Allen Buchanan, 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World,' *Ethics*, 110 (2000), 697-721, at p. 701.

² Laura Valentini, 'On the Apparent Paradox of Ideal Theory,' *Journal of Political Philosophy*, 17 (2009), 332-355, at p. 352.

³ Philip Pettit, 'A Republican Law of Peoples,' *European Journal of Political Theory*, 9 (2010), 70-94, at p. 73.

dependence between principles of justice and the development of ideal persons—can help provide a path for a reinterpretation of idealizations in the LoP.

Rawls was cautious in his deployment of idealized persons domestically. They were only posited on the condition that the chosen principles would, in a society well-ordered around them, reliably lead to the comparable development of actual persons. Persons born in a society organized around principles of justice should become citizens with a sense of justice. And they should be willing to endorse, and able to follow, the principles and laws regulating their practice.

Evaluating whether this is feasible involves looking at the threats to justice and stability likely to arise even with ideal citizens. The principles—and the relevant conception of background justice—must be sufficient to solve the assurance problem, prevent perverse incentives from arising, mitigate against the accumulation of bargaining advantage, and provide the conditions wherein reciprocal relationships between persons will likely arise. The problem is *not* principles built around reciprocal relationships between idealized persons, but rather principles which fail to provide the conditions under which idealized persons are likely to arise, persist, and cooperate.

Because the LoP fails to offer these conditions, it fails to be realistic. As Valentini notes, it involves badly used idealizations which persist throughout the development of principles, and on which the principles rely. However, the modifications needed to render the idealizations appropriate are minimal and do no damage to the overall theory. Utopian idealizations can be realistic if the tools required for their actualization are included. The theory should be designed with ideal persons in mind, aiming at rules and principles which they could endorse. But it must also be designed with an eye towards the conditions needed for such persons—fragile and rare as history has shown them to be—to exist and flourish.

In this paper I develop Rawls's ideal theory and show how the LoP can be modified in response to these concerns. First, I consider the common threads tying these criticisms together. Because the idealizations of well-ordered peoples and a Westphalian practice are badly used, the principles permit the exploitation and domination of the least-advantaged. Second, I develop Rawls's method of ideal theory, highlighting the perspective of citizens (or well-ordered peoples). From this perspective, principles must help create the conditions for them to exist and be instituted such that they ensure stable cooperation. Badly used idealizations fail to do one or both of these. Third, I discuss the importance of working out which threats to stability and the development of persons are likely to exist within the practice. The global economy involves deeply integrated markets of transnational production and distribution, and hence poses novel problems which must be addressed in ideal theory.

Fourth, I evaluate three threats to persons and stability that are likely to persist in ideal theory: the effects of specialization in less dynamic segments of the global economy, inequalities in bargaining power, and global climate change. And fifth, I propose five principles that can help render the utopian promise of the LoP realistic.

I. Westphalian Rules for a Transnational Economy

The rules of global trade significantly impact the autonomy and economic success of low- and middle-income countries. Moreover, even affluent liberal countries are not immune to the effects of the GBS.⁴ They are not isolated monads, capable of fully determining their own internal policies and economic distributions.⁵ Instead, they exist within a confluence of pressures impacting their domestic policies and their engagement in global markets. For example, globally integrated markets leave borders porous to the movements of capital—including both financial and industrial sectors. This not only undermines self-sufficiency, leaving success contingent upon the activities of foreign actors, it also leaves states “reluctant to institute more egalitarian redistributive policies...if they fear this will lead to a flight of capital.”⁶

The GBS involves, in addition to the powerful pull of itinerant TNCs and foreign capital investments, “regional and international economic agreements..., an increasingly global system of private property rights..., and a set of international and regional legal institutions and agencies.”⁷ Treaties, tariffs, TNC bargaining power, intellectual property law, and the policies of international organizations all constrain what states can do, both internationally and domestically. Within this context, “being well-governed does not ensure either economic self-sufficiency or distributional autonomy.”⁸ The GBS can even “help foster or at least sustain just the sort of elitist, inefficient, and corrupt government that Rawls assumes is the cause of poor economic performance.”⁹ The causal relationship is not, therefore, merely one where unjust actors create an unjust GBS. Instead, an unjust GBS can undermine the decency of its members.

⁴ See David Held, “The Transformation of Political Community: Rethinking Democracy in the Context of Globalization,” *Democracy’s Edges*, eds. I. Shapiro & C. Hacker-Cordón (Cambridge: Cambridge University Press, 1999).

⁵ See Peter Dietsch, “Tax Competition and Global Background Justice,” *Journal of Political Philosophy*, 22 (2014), 150-177, at p. 155.

⁶ Buchanan 2000, p. 702.

⁷ *Ibid.*, p. 706.

⁸ *Ibid.*, p. 705.

⁹ *Ibid.*, p. 709.

The GBS has such serious effects partly because it involves not merely global trade, but production, labor movement, and investment. As Hye-Ryoung Kang notes, the GBS involves a complex and integrated market wherein “liberal, decent, and indecent peoples receive benefits and burdens based on location and class in global trade.”¹⁰ States do not produce goods domestically and then meet as equals in global markets. Rather, production, funding of projects, and deployment of labor all take place between states, organizations, and TNCs. The situation of states in relation to one another, to their specializations in global markets, and to TNCs has profound effects. It can leave them in more or less dynamic markets, affect their bargaining power, and modify the incentive structure for segments of their population.

Valentini raises concerns about the perverse incentives generated within the GBS. As she notes, “the international borrowing and resource privileges” incentivize a cycle of violent regime change and a disincentivize building the infrastructure needed for more dynamic economic growth. Unequal power and an incentive to benefit one’s citizens, and satisfy the demands of domestic capital, also affects WTO negotiations, where “liberal societies take advantage of their superior bargaining power and negotiate ‘terms of cooperation’ that are particularly ‘burdensome’ to less powerful nations.”¹¹ The rules of the practice and the rational interests of the parties create an incentive structure that is inhospitable to community and the flourishing of the least-advantaged.

The rules in particular, and the GBS more broadly, are not given by nature, but can be traced to the actions and agreements made between the members of the practice. Wealthy states exercise power within international organizations, over treaties, and in direct trade agreements. And TNCs are directly responsible for their decisions as to where to locate and which demands to place on host countries. Accordingly, we might think that global economic injustice stems from the unjust nature of global actors. If they were Rawls’s well-ordered peoples, then the background rules and the incentives generated within the practice might be different.¹²

According to Valentini, Rawls’s LoP fails to be a realistic partly for this reason. The LoP begins with self-contained, well-ordered peoples seeking rules for a practice with fair background conditions. However, “because real-world societies are not well-ordered, such a background does not exist, and

¹⁰ Hye Ryoung Kang, ‘Can Rawls’s Nonideal Theory Save his Ideal Theory?’ *Social Theory and Practice*, 42 (2016), 32-56, at p. 44.

¹¹ Valentini 2009, p. 348.

¹² Combining this insight with that offered by Buchanan, we see a mutual interaction between the nature of the parties and the rules governing the practice. Just members help generate just rules, and just rules help promote the development of just members.

it is precisely its absence that gives rise to the question of international justice.”¹³ Without well-ordered peoples we cannot have just background conditions. And without just background conditions we cannot have a just system of global production and trade. Since we lack well-ordered peoples, we lack just background conditions and hence lack a just global economy.

Contrary to Rawls’s Westphalian assumptions, states are not self-contained actors barely removed from autarky. And, unlike well-ordered peoples, they are not just. These two idealizations are, according to Valentini, the source of LoP’s failures. They are “badly used” idealizations,” involving false predicates that are both permanent and necessary for the conclusions drawn. Good idealizations, by contrast, “do not assume but prescribe” the ideal.¹⁴ They are either temporary and merely used for theory construction, as is the case with the idealizations of the original position, or they are prescriptions for how we should relate to one another, as with the requirement of non-discrimination that is a part of *fair equality of opportunity*. The LoP builds principles around, yet fails to promote the existence of, well-ordered peoples and just background conditions. It offers rules for a vanished Westphalian order inhabited by imaginary well-ordered peoples.

In addition to being unable to promote the ideal, the principles are inadequate for the needs of states here and now. They do not provide a feasible target, or a set of ideals that we can deploy to solve conflicts in a global market. And, after all, one of the primary roles for ideal principles of justice is to serve as a guiding light, drawn from our common culture, to which we can point when our practice begins to break down.¹⁵ They cannot play this role if the idealizations used in their construction are both wholly incompatible with the world as it is and necessary for the feasibility of the principles chosen.

Modeling the LoP around peoples both self-sufficient and well-ordered—when states are no longer the former and still far from the latter—leaves it unable to offer guidance in a globalized economy. The principles lack the tools with which to address, let alone resolve, predictable injustices or threats to stability. If we merely applied the “eight familiar principles” from the LoP to the existing global order, the deep integration and lack of decency among members would leave weaker states

¹³ Ibid., p. 351.

¹⁴ Ibid., p. 353.

¹⁵ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), p. 44.

susceptible to exploitation and outside control.¹⁶ They would lack protection from predictable threats and remain prone to mistreatment.

As Pettit suggests, this all but guarantees the domination of the least-advantaged. Domination, or “a relationship in which one party exercises alien control over another,” occurs whenever any agent is capable of ensuring that another acts as it sees fit, regardless of whether or not it chooses to use such power.¹⁷ What matters is whether the dominated party changes their behavior in response to the expected behavior of the dominant.

Domination can involve states, TNCs, or international organizations.¹⁸ States can dominate through military intervention, bribery, tariffs, or selling off currency.¹⁹ TNCs can dominate by threatening to leave—or not enter—if they are not offered their preferred labor and environmental laws.²⁰ And international organizations can dominate by denying otherwise universal benefits, including withholding or increasing the interest rates of loans, if nations fail to comply with neoliberal policies.²¹ Leaving power in the hands of imperfectly just actors, without adequate protections against the unjust use of power, undermines the autonomy of less affluent nations.

If the LoP is to offer a conception of justice that can be used to settle actual and predictable conflicts it must provide principles that directly engage with the economic issues of a deeply integrated transnational economy. After all, this is the world in which states now find themselves and is one that is with us for the foreseeable future. However, this raises difficult questions for Rawlsians. Ideal theory cannot become bogged down in the details of existing injustice. A conception built in response to injustice will be unable to move us beyond the realities of our current global order. It trades its utopian promise for gritty realism. At the same time, we must also avoid an ideal theory completely divorced from reality, exchanging realism for the hopes of an unachievable utopia. Accordingly, we will need a clear explanation as to which elements of the current practice, and which threats to stability and development, are to be included in ideal theory.

II. The Realism and Utopianism of Rawlsian Ideal Theory

¹⁶ While Rawls claims that more robust rules and institutions would be worked out later, this is unsatisfying. First, it leaves the ideal unspecified in the LoP. Principles cannot, then, guide us here and now. Second, it leaves rules and institutions to be worked out by actual persons. This permits distortion by bargaining power and perverse incentives.

¹⁷ Pettit 2010, p. 73.

¹⁸ *Ibid.*, p. 77.

¹⁹ *Ibid.*, p. 77.

²⁰ *Ibid.*, p. 78.

²¹ *Ibid.*, p. 79.

Determining which elements of the global practice persist in ideal theory requires getting clear on the method of ideal theory. This will involve a look into the nature of the idealizations used, the stages of ideal theory, and the purposes of the idealizations. It will also involve a comparison between Rawls's domestic and international uses of ideal theory. In light of this discussion, I propose an explanation as to when idealizations are "badly used." While all idealizations involve: a) a model-conception, replete with false predicates of the person or practice, where b) the model-conception is necessary for the justification of the principles chosen, in badly used idealizations c) the principles chosen are not normally sufficient to promote the existence and perpetuation of the persons and practice to the level of the model-conceptions. Good idealizations posit a utopian vision of a practice and its members and then ensure that the mutual interaction between them will be generally sufficient to see both actualized. They are assumed, prescribed, and promoted. They are assumed in order to construct a utopian theory, and they are prescribed as a goal that we must reach. Adequate conceptions provide the tools with which to promote these prescriptions.

The LoP involves badly used idealizations. It fails to include principles sufficient to see the practice and its members reach the ideals around which they were modeled. Domestically, the instantiation of the principles is normally sufficient to ensure the development of citizens with a sense of justice and prevent serious threats to stability. This helps ensure a society well-ordered around the chosen principles. Accordingly, unlike the LoP, it offers a realistic utopia.

The derivation of Rawls's principles of justice involves, domestically and internationally, three distinct perspectives. These perspectives—the first two of which are idealized—are used to shape the conception of justice and to ensure that the principles are both realistic and utopian. The first perspective is the parties to the agreement. The second is the persons for whom principles are chosen. And the third is you and I, here and now.²²

The first perspective is made up by the parties to the agreement in the original position. They are fictional representatives who make a rational choice within parameters modeling what we take to be reasonable restrictions on knowledge in a fair agreement. Their role is to deliberate free from the biases of actual people—biases derived from knowing one's situated interests and having been raised in and shaped by a particular practice. Domestically they represent the interests of citizens. In the LoP they represent well-ordered peoples.

²² Rawls 2005, p. 28.

The persons occupying the second perspective are imagined as living within a society well-ordered around the chosen principles. They help test the principles with and against human nature. They are citizens with a sense of justice domestically and well-ordered liberal peoples internationally and are who we hope to become if given the proper conditions under which to develop.

This perspective is the focus of Rawls' two-part argument from the original position.²³ In the first part, Rawls assumes the existence of ideal persons and then asks whether the principles of justice would, given such persons, promote a viable ideal. It abstracts away from human psychology, including the problem of envy, the special psychologies, and the possibility of noncompliance. If a conception of justice is able to satisfy the interests of ideal persons—and can serve as the basis of a just society in the fortunate event that society is populated by them—then it passes the first test.

The second part of the argument investigates the likelihood of such persons arising and complying with a conception of justice, asking “whether the conception arrived at is feasible in view of the circumstances of human life.”²⁴ It does so by looking at the public political culture realized by the chosen principles of justice as well as “the desirable effects that this culture has on citizens' political character”.²⁵ A feasible conception must normally generate and sustain citizens with a sense of justice who do not suffer from envy or the special psychologies and who regularly comply, thus rendering the practice stable.

This suggests three roles associated with the second perspective. First, principles must be able to form the basis of a just and stable society in the fortunate event that it is inhabited by ideal persons. Second, principles must be capable of promoting and sustaining the existence of such persons, fighting against the tendency towards the special psychologies. And third, principles must be instituted in such a way that ideal persons would regularly comply.

Since citizens and well-ordered peoples possess a morality, and desire to cooperate on conditions of reciprocity, this first role helps promote the utopian promise of ideal theory. It guarantees that the requirement that principles be agreeable to us, here and now, does not leave the conception too closely tied to the desires of persons shaped by an unjust basic structure. It forces us to ask about the instantiation of principles when persons lack the special psychologies, accept a conception of justice, and are disposed to engage on conditions of reciprocity.²⁶ This permits an us to evaluate the merits of a conception as such, independent of contingent injustices.

²³ John Rawls, *Justice as Fairness: A Restatement* (Cambridge, Mass.: Harvard University Press, 2001), p. 88.

²⁴ John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 144.

²⁵ Rawls 2001, p. 118.

²⁶ The special psychologies are destabilizing and anti-social tendencies, including envy, spite, and an aversion to risk.

The second and third roles played by the second perspective ensure that the principles are realistic. The second shows that ideal persons are not just fictions but are likely to arise within a society organized around the chosen principles. After all, citizens—and well-ordered peoples—do not automatically develop. They must be cultivated, or at least given the conditions within which their development normally occurs. The third emphasizes that principles must be capable of securing a stable and just society in the fortunate event that it is inhabited by such persons. Jointly, these two roles show that “given certain assumptions specifying a reasonable human psychology and the normal conditions of human life, those who grow up under just institutions...acquire a reasoned and informed allegiance to those institutions sufficient to render them stable.”²⁷ A just social order helps give rise to ideal citizens, who then help ensure the stability of the practice.

Any feasible principles must be agreeable to those in the third perspective: you and I, here and now. This perspective plays two roles in theory construction. On the front end, the original position models our CMJs regarding fair agreements. For example, we believe that agreements are unfair when some parties can use their superior bargaining power to ensure that agreements fit their particular interests. On the back end, principles are only acceptable if they track our CMJs about justice, or if they would be endorsed instead of our CMJs given a conflict between them.²⁸ They must fit with, or help reshape and clarify, our deepest convictions. After all, it is you and I, here and now, that must work towards the ideal, and use it as guidance in our nonideal world.

Both the domestic and international arguments rely upon the same perspectives, though tailored to accommodate the differences in subject matter. And the perspectives are used to perform the same functions in generating principles of justice. However, unlike the domestic case, Rawls does not fully satisfy any of the three roles of the second perspective in the LoP.

Rawls does not assume either that citizens exist or that they will strictly comply with principles of justice. Rather, acceptable principles must, embedded in the basic structure, help move away from the destabilizing tendencies of the special psychologies, promote the development of citizens, and provide them with reasons to generally comply.²⁹ If a conception of justice is unable to satisfy these goals it must be rejected as unrealistic.

Perhaps the most important requirement is that persons raised in a society well-ordered around principles of justice must tend towards full moral development. While all persons have a

²⁷ Rawls 2001, p. 185.

²⁸ Rawls 1971, pp. 19-21, 383, 579.

²⁹ See generally Rawls 1971, pp. 138, 261, & 454; Rawls 2001, pp. 56 & 112; and Rawls 2005, pgs. 77, 141, & 293.

natural capacity for a sense of justice, this capacity only becomes reliably actualized under certain conditions. Specifically, “those who grow up under just basic institutions acquire a sense of justice and an allegiance to the institutions.”³⁰ With a just family, reciprocity between co-citizens, and a just basic structure, citizens will reliably develop fellow-feeling and a respect for the principles of justice. Yet this cannot be taken for granted, natural though it may be. Each stage of moral development—the moralities of authority, association, and principle—depends upon just institutions and reciprocity between members.³¹

Rawls does not take our psychology as rigidly fixed but recognizes the deep relationship between our nature and the world in which we are raised and live. Rather than entering society with antecedently given desires and preferences, “[t]he social system shapes the wants and aspirations its citizens come to have...[and] an economic system is not only an institutional device for satisfying existing wants, but a way of fashioning them in the future.”³² Accordingly, Rawls does not ask whether humans *as such* could live according to the principles chosen. The question is “whether citizens, in view of their likely interests and ends shaped by the basic structure, can be relied upon to comply with just institutions.”³³ If not, the principles are unrealistic.

Ideal citizens must be developed by a just social order and protected against the predictable threats that would arise even for people possessing a sense of justice. They must be cultivated and supported in conditions conducive to their existence. And without them, ideal principles are unattainable. They require too much of persons who lack the sense of justice, and the community built upon trust and reciprocity. Accordingly, it is only by carefully working out the conditions under which persons reliably develop that a just society can become anything other than hopelessly utopian. To use Thomas Baldwin’s articulation of this point, “[t]here is a virtuous circle between just institutions and moral development...institutions and sentiments reinforce one another.”³⁴ Neither fully developed citizens nor a fully just practice can exist in a vacuum. Each depends upon the other, and both are articulated with this mutual interaction in mind.

Moreover, even ideal citizens cannot always be relied upon to follow just laws. First, some otherwise just demands would be too great a burden or would be epistemically inaccessible. This is

³⁰ Rawls 2005, p. 142.

³¹ *Ibid.*, pp. 491-494.

³² *Ibid.*, p. 269.

³³ Rawls 2001, p. 136.

³⁴ Thomas Baldwin, ‘Rawls and Moral Psychology’, *Oxford Studies in Metaethics*, ed. By Russ Shafer-Landau (Oxford: Oxford University Press, 2008), 247-270 at p. 262.

partly why distributive questions must be left to background justice. Second, even citizens would require the existence of coercive sanctions “as a stabilizing device.”³⁵ Given that citizens are not naive altruists, even “[i]n a well-ordered society, sanctions are needed to solve the assurance problem.”³⁶

While ideal theory in the pejorative sense would be beyond justice—needing neither background principles nor coercion—this is not Rawls’s theory. Rawls does not sacrifice realism for utopianism. Rather, the goal is to show that principles could, when instantiated, create a world that approximates the ideal. According to D.C. Matthew, “[a]lthough Rawls does . . . assume full compliance, he does not do so to set compliance issues aside; the opposite is true. He sets full compliance as a kind of standard and proposes that theories of justice should be evaluated, in part, by how well they meet this standard.”³⁷ Compliance is assumed in order to test the merits of the theory with citizens who regularly comply. But then this assumption is tested, and any theory unable to generate compliance for the right reasons is rejected.

While the LoP requires “a parallel process that leads peoples . . . to accept willingly and to act upon” the principles chosen, insufficient attention is given to developing the conditions under which this will reasonably result.³⁸ It also fails to promote the conditions for the development and persistence of well-ordered peoples. This poses problems for the realism of the LoP. After all, well-ordered peoples are no more common or natural—and in fact seem significantly rarer—than ideal citizens. And the assurance problem is as serious internationally as it is domestically.

If the LoP is unable to help promote the existence of ideal peoples and does not offer principles which can help solve the assurance problem, then its principles would be rejected by well-ordered peoples. Even if the principles offered are otherwise just, and compatible with the values of peoples, their inability to meet these two requirements means they are not viable principles for helping secure a society of decent peoples. The LoP fails to perform any of the three roles attached to the third perspective, and hence cannot be the basis of a realistic utopia.

III. Defining and Protecting the Practice in Ideal Theory

In order to serve as a reasonable ideal, principles must be agreeable to ideal persons, support their existence, and solve the assurance problem between them. This tells us which *kinds* of concerns are relevant in ideal theory, but not what they will look like in any given practice. What persons need to

³⁵ Rawls 1971, p. 241.

³⁶ *Ibid.*, p. 269.

³⁷ D.C. Matthew ‘Rawls’s Ideal Theory: A Clarification and Defense,’ *Res Publica*, (forthcoming), 1-19 at p.12.

³⁸ John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 2003), p. 44.

develop and persist, and what is required to solve the assurance problem, will depend upon predictable threats to development and stability within a practice.

To determine whether a conception of justice is successful in meeting these challenges requires knowing which threats are likely to arise within the practice under consideration. The needs of persons participating in a voluntary association differ from those of persons living in a coercive state. And the needs of states existing in conditions of autarky differ from those who are either in a voluntary though robust economic practice or who are subjects of a global state.

If we understand the global practice as Westphalian—involving independent and self-sufficient states seeking to protect their own sovereignty—then we will have a restricted focus. We might, with Rawls, worry primarily about just war and when, if at all, it is permissible to interfere in the internal affairs of other states. If, on the other hand, it involves robust integration in production and trade, with considerable movement in labor, wealth, and TNCs, then we will have a more expansive set of threats and concerns. Justice in production and distribution might be foregrounded, as will questions about the realities of internal sovereignty in light of the movement of capital and labor. We must investigate whether the global economy threatens the ability of nations to satisfy their obligations to their citizens and whether perverse incentives that threaten the stability and justice of the practice will predictably arise.

The reality is that deeply integrated markets, involving global production and distribution, are as ineliminable a part of our world as is work in the domestic case. We could, of course, imagine policy changes that lead to the (relative) abolition of work. We could similarly imagine a set of policies and actions that lead the dissolution of global trade. However, each would be the creation of a new *kind* of practice and would not be a matter of rendering our current practice just.³⁹

Although a full analysis of the nature of practices, and the ways in which practices are differentiated, is beyond the scope of this project, a brief account is necessary. I understand practices to be distinguished primarily from the perspective of the persons comprising them.⁴⁰ Specifically, practices are marked out by, at least, the degree of autonomy exercised by agents, the kinds of agents participating in the practice, and the purposes for which they are coming together. Autonomy is primarily affected by whether or not the practice involves coercion, how coercion is exercised, and whether or not participation is voluntary. The kind of agents involved and the goods for which people

³⁹ Moreover, unless the principles actually change the practice, eliminating these relationships, then the contingency of trade cannot be used to show the irrelevance of trade in ideal theory.

⁴⁰ Practices are, after all, organized by people for particular purposes. It is from the perspective of these values, and the ways in which people relate within them, that we should evaluate practices.

come together affect how the parties relate to one another, the kinds of concerns that arise, and the values implicated by participation.

The global practice, as it stands, is largely nonvoluntary. Transnational production and global trade are ubiquitous, acquiescence to WTO rules largely inescapable, and the movement of labor and capital affects every state, regardless of their preferences. The practice, as noted by Michael Blake, lacks a vertically coercive form of governance, but involves, instead, only the pressures and demands made by powerful members.⁴¹ These members are relatively flexible TNCs, states, individuals—particularly insofar as capital moves to them and incentivizes their movement across borders—and international organizations. And the practice involves production, financing, and distribution of goods. These are the basic elements of the global practice. And insofar as we are trying to promote an ideal theoretic picture of the practice, these should remain relatively constant.⁴²

Rawls's Westphalian description of the global practice is, then, idealized. It would constitute a different practice than the current globalized economy. Moreover, unless the principles of justice offered are able to *both* promote the development of well-ordered peoples and provide them with the conditions needed to return to relative self-sufficiency, then this idealized conception of the practice will also be inadequate. The “eight familiar principles” from the LoP are unable to satisfy either goal. Thus, the idealization is badly used.

Given the deep integration in production and distribution, and the effects of the rules of global trade on states and individuals, the interpretation of the practice must emphasize its economic elements. Many of the most severe global conflicts, and the direst threats to stable cooperation, are tied to broadly economic concerns.⁴³ And while states are technically free to choose whether to participate in the global economy, the exit costs would be too severe for many to bear.⁴⁴ Moreover, to choose not to engage in the global economy is considerably more demanding than merely to refrain from trading. To prevent a potential exodus of citizens fleeing to more dynamic economies, they might have to close their borders to emigrants. To prevent TNCs and international finance markets from affecting their internal economy, they will have to close their borders to capital and refuse loans from

⁴¹ Michael Blake, ‘Coercion and Egalitarian Justice’ *The Monist*, 94, 4 (2016), 555-570, at p. 568

⁴² If we cannot render the practice just without instituting a coercive governing body, fully eliminating capital or labor mobility, or relegating production solely to the domestic sphere, then we should begin to take up these issues. However, this is to abandon the project of justifying our current practice and is to move towards creating a new one.

⁴³ This is not to say that economic concerns exhaust the scope of international justice. Rather, it is to note that they are primary threats to the practice, and largely absent in Rawls's LoP.

⁴⁴ In much the same way, individuals within the state can “withdraw” from economic cooperation. Homesteading is always an option, even if it will involve costs that are too steep for most to see it as viable.

international organizations. And they would have to prevent any domestic companies from engaging in international production and distribution. As such, they will have a hard time refusing to participate and most lack the power to do anything other than acquiesce to current rules. Therefore, any feasible conception of justice must offer rules that can render this practice just as a matter of ideal theory.

Adequate principles must be responsive to the realities of an integrated global economy. The GBS exists, has significant effects on members, and eliminating it would constitute a shift to a new kind of practice. Principles be capable of providing the conditions under which well-ordered peoples would predictably arise. This involves eliminating threats to their existence—including elements of the global practice that affect domestic autonomy and segment the interests of populations. It also involves providing the positive conditions needed for the development of a stable and peaceful system of global cooperation, where friendly-feeling and trust are likely to develop. Finally, principles must also protect against the predictable threats to stability, providing solutions to the global assurance problem.

Over the remainder of the paper I will describe the predictable threats to the practice and present a few potential principles that can help render the current practice reasonably just. However, this process is, for our global practice, imperfect. Unlike the domestic case, there are no existing institutions that can solve the assurance problem. We lack external sanctions which can change the incentive structure of all parties, helping us come to rely on others to do their part. To render the practice perfectly just might require the development of a system of global governance. This question, however, is beyond the scope of the current project. My aim is to suggest what is required in order to render our current practice approximately just and stable, and to indicate which concerns must be addressed even in ideal theory.

IV. Threats to Well-Ordered Peoples

While there are many features of a global economy that might, even in ideal theory, pose problems for well-ordered peoples, including for their development, I will focus on what is likely a small subset in this section. First, the pressures and limitations of specialization in the global economy. Second, the effects of the weaker bargaining power of the least-advantaged. And, third, the collective action problem of climate change. These threats do not depend upon particularly malicious actors, nor do they depend upon historical injustices. Rather, they are a part of the internal logic of a global capitalist economy and must be dealt with in ideal theory.

Global trade did not, of course, begin with a level playing field. It was preceded, and developed alongside, expropriation, exploitation, and domination. The legacy of this injustice persists and taints the practice. However, even bracketing historical injustice and dire poverty, states enter at different levels of development and internal infrastructure. Some will have made decisions to pursue economic growth at the expense of other values, whereas others will have pursued domestic projects less conducive to the large-scale infrastructure and development that is beneficial in global markets.⁴⁵ These decisions, often made well before this era of globalization, will impact their status in a global economy.

This antecedent inequality in development, infrastructure, and wealth affects the available options and likelihood of success within global markets. One concern is the likely dependence of less developed economies on primary commodities. In 2002, Oxfam remarked that “[m]ore than fifty developing countries depend on three or fewer such commodities for more than half of their export earnings.”⁴⁶ According to UNCTAD, “the number of...countries that derived at least 60 per cent of their merchandise export earnings from primary commodities...stood at 110 out of 202 countries for which data was available.”⁴⁷ Such commodities do not lead to significant infrastructural growth, are not high-yield, and are heavily impacted by foreign subsidies and tariffs.⁴⁸ They can also lead to “appreciation of the domestic currency” thereby making “non-commodity export sectors, such as manufacturing, less competitive.”⁴⁹ From this position, it is hard to see how such states can feasibly hope to become competitive in more dynamic markets. Stuck in primary commodity markets, the wealth and development promised by globalization will largely pass them by.

Dependence upon primary commodities can also have dire implications. As Thomas Pogge notes, it can lead to violence, political instability, as well as leaders who look more to foreign capital and less to the needs of their citizens.⁵⁰ According to Paul Collier, the empirical evidence supports the thesis that “primary commodity dependence tends to produce poor governance.”⁵¹ It is even positively

⁴⁵ While it is important to protect the ability of a people to decide their own development, to permit the effects of decisions made before the era of market integration to determine success in global markets is unreasonable.

⁴⁶ Oxfam, *Rigged Rules and Double Standards: trade, globalization, and the fight against poverty*, (2002), p. 13. <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/112391/cr-rigged-rules-double-standards-010502-summ-en.pdf?sequence=19>.

⁴⁷ UNCTAD, *Commodity dependence, growth, and human development: Background document to the Commodities and Development Report*, (2017), p. 5. https://unctad.org/en/PublicationsLibrary/suc2017d5_en.pdf.

⁴⁸ Oxfam 2002, p. 71.

⁴⁹ UNCTAD 2017, p. 8.

⁵⁰ Thomas W. Pogge, “Assisting” the global poor?, *The Ethics of Assistance: Morality and the Distant Needy*, ed. D.K. Chatterjee (Cambridge: Cambridge University Press, 2004), pp. 260–88.

⁵¹ Paul Collier, *Primary Commodity Dependence and Africa's Future*, (2002), World Bank, p. 6.

correlated with civil war. Nations dependent upon primary commodities have a 20% chance of a civil war within any given five-year period, whereas non-dependent nations have a 1% chance during a five-year period.⁵² One explanation from UNCTAD is that such dependence leads to conflict over “the control of rents associated with primary commodities.”⁵³ The small and concentrated rent-heavy sectors of the economy focuses attention away from other sections of the economy and creates conflict over who controls the revenue derived from them.⁵⁴

States entering global trade with primary commodity dependence, less wealth, and a less dynamic and variegated domestic economy have less bargaining power. This is exacerbated as they become more dependent upon primary commodity exports, foreign capital, and the jobs provided by TNCs. An effect of dependence and unequal bargaining power is proneness to the terms and conditions on offer. This can bring about a loss of autonomy.⁵⁵ But a more tangible concern is the effect of unequal bargaining power on the benefits and burdens of trade.

One predictable result of unequal wealth and bargaining power is the use of protectionist tariffs and subsidies by affluent states. As of the 2002 Oxfam report, protectionist tariffs resulted in an annual loss to developing states of “\$100bn a year—twice as much as they receive in aid.”⁵⁶ At the same time, subsidies were given to farmers in affluent states at a rate of more than \$1bn a day. These lead to overproduction, and “the resulting surpluses are dumped on world markets with the help or yet more subsidies.”⁵⁷ Lacking the wealth to subsidize low cost goods, poor economies cannot compete with the products of affluent, western states. And so long as affluent states bear duties towards their own citizens, and the requirements of fair trade are unsettled, subsidies and tariffs that disproportionately impact less affluent states will be the norm.

In addition to lacking bargaining power in relation to powerful states, less affluent states are also prone in their engagements with TNCs. Corporations enter these relationships seeking relaxed labor and environmental protections, as well as decreased tax rates. Developing states benefit from the resulting increase in jobs, tax revenue, and infrastructural development. While TNCs can always maintain current sites, or move to more flexible countries, poorer states have few options. Unable to simply generate replacements for the production and jobs provided, and desiring to increase

⁵² Ibid., p. 7.

⁵³ UNCTAD 2007, p. 8.

⁵⁴ This does not depend upon the existence of bad actors. Rather, the incentive structure itself affects the desires and rational choices of people affected by it.

⁵⁵ Charles Beitz, ‘Justice and International Relations,’ *Philosophy and Public Affairs* 4, (1975), 360-389, at p. 374.

⁵⁶ Oxfam 2002, p. 5.

⁵⁷ Ibid., p. 11.

employment and domestic wealth, this leaves more power in the hands of TNCs. And the disparity in bargaining power increases as they become more dependent upon TNCs. The result is foreign TNCs having some measure of control over their policies.

The effects of unequal bargaining power trickles down to citizens. The competition for TNCs can depress wages—or at least keep them from rising with productivity and development.⁵⁸ It can weaken environmental protections, with externalities often borne by the poorest citizens. And the suppressed tax rates pursued by TNCs lead to a diminished pool of social resources. Moreover, the precarity brought on by the exit power of TNCs means that any benefits are easily lost. This process leads to workers being “treated as a subcontracted component rather than as a fixture internal to employer organizations.”⁵⁹ Labor, and environmental externalities, become bargaining chips between states anxious for growth and TNCs eager to cut production costs.

This ties into the third threat: climate change. Stephen Gardiner has called global climate change a “perfect moral storm.” It is so named because of the confluence of three moral “storms”: the global, the intergenerational, and the theoretical. The theoretical storm involves concerns regarding “scientific uncertainty, intergenerational equity, contingent persons, nonhuman natures and animals” and how these exacerbate the problems already present in the global and intergenerational storms.⁶⁰ The complexity of climate change makes it “easy to engage in *manipulative* or *self-deceptive* behavior.”⁶¹ It becomes easy to rationalize our behavior by pointing to alleged uncertainties or other “storms.” The global and intergenerational storms involve the dispersion of causes and effects, the fragmentation of agency, and institutional inadequacy. Emissions are spatially diffuse and have temporal lag in some of their effects. Those emitting greenhouse gases are fragmented both geographically and temporally, with nations and TNCs emitting over both space and time. Finally, there are no existing institutions which can compel nations and TNCs to curb their emissions, and no possible institutions that can force temporally distant actors do so either.

The lack of community and governance eliminate the two easiest solutions to collective action problems. Without the force of social approbation, with the ability to shunt responsibility from states to TNC or vice versa, and without coercive sanctions, there is little to compel global actors to forego

⁵⁸ Ibid., p. 79.

⁵⁹ William Robinson, *A Theory of Global Capitalism: Production, Class, and State in a Transnational World* (Baltimore, Maryland: The John Hopkins University Press, 2004), p. 42.

⁶⁰ Stephen Gardiner ‘A Perfect Moral Storm: Climate Change, Intergenerational Ethics, and the Problem of Moral Corruption’ *Environmental Values* 15 (2006), 397-413, at p. 407.

⁶¹ Ibid., p. 408

their short-term rational interest. The incentive structure that serves to undermine fairness and prevent the development of trust and fellow-feeling will have considerable effects on the behavior of states and TNCs.

Principles of justice will not alone be sufficient to end the threat of climate change. Otherwise it would not be a “perfect moral storm.” Implementation and assurance are still sizable obstacles to justice, even with well-intentioned actors. However, the purpose of raising the problem of climate change is not to suggest that principles can solve the problem. The goal is to point out that collective action problems—particularly the greatest current threat to the world, anthropogenic climate change—cannot be resolved simply by positing well-ordered peoples. Such peoples would still struggle to meet the requirements of climate justice. And, more importantly, their development and persistence will be threatened by these problems.

Well-ordered peoples, without principles articulating the conditions for climate justice, and without measures for solving the assurance problem, are not equipped for this task. Even in ideal theory there will be questions about how much each state can emit. There will be questions of whether the less developed have a right to develop, whether the more developed have a duty to decrease or merely maintain current emissions, and of responsibility for emissions generated by global production and trade. And even well-ordered peoples would struggle to significantly decrease emissions without assurance that others are doing so as well.

Moreover, unless well-ordered peoples will not have TNCs, or unless such TNCs necessarily engage with other global actors on the same terms that govern behavior within the state, then the problem will persist even if the two previous issues are resolved. A society seeking to reduce emissions domestically might enact considerable environmental protections, demanding green technology be used in domestic production and shipping. However, TNCs will still have an interest in pursuing cheaper strategies. If this means moving operations to a country with weaker emissions standards, and with cheaper production, then this is what we should expect. As such, unless other states are similarly committed to reducing emissions, steps would have to be taken to restrict their mobility.

A society of well-ordered peoples will struggle to develop, or persist, in such a world. With the costs of climate change being borne by their citizens, unsettled and contradictory demands being made on them to reduce emissions, and uncertainty over whether others are doing their part, community and trust are unlikely to develop. States will struggle to curtail internal development when

others are not doing their part.⁶² And conflicts between the interests of different segments of the population will likely arise. These might include conflicts between those with more or less capital, communities more or less affected by climate change, or groups placing greater value on development or the natural environment.

This is a more generalizable problem and involves each of the threats listed above. The difficulties faced in meeting international justice will affect domestic justice, and vice versa. Just as there is, per Baldwin, a virtuous circle between just practices and just members, so too is there a vicious circle between unjust practices and unjust members. A fully just domestic society is unlikely to develop when the rules of global trade create perverse incentives and create divisions of interests within the state. The conflict between the interests of TNCs and the least-advantaged citizens within the state will be hard to resolve when the policies benefiting TNCs also benefit other sections of the population. A just practice needs just members, and just members cannot be expected absent a just practice.

V. Principles for the Global Practice

The global economy involves a number of predictable threats to stability, autonomy, and community. Inequalities and differential development between states affect where they enter markets, as well as their bargaining power within them. And, just as with the domestic economy, these inequalities will tend to increase over time. Unequal development and wealth, TNC mobility, and incompletely democratic international organizations create the conditions for domination. And the nested level of obligations, with TNCs having duties to their shareholders and states to their own citizens, will provide an incentive structure that is often at odds other global actors, and incompatible with a global community.⁶³ These threats will, without clear principles, threaten the well-orderedness of peoples and reciprocal relationships between them.

Given this, ideal theory requires more explicit principles of global economic justice. However, at this stage these can be no more precise than the big-picture ideals that Rawls presented with his “two principles” of domestic justice or the “eight familiar” principles from the LoP. They should provide a target at which persons can aim, both in their individual actions and in the creation of treaties

⁶² While the United States is not quite well-ordered, we can at least point to conflicts here as examples. People feel a not entirely unreasonable hostility when being asked to sacrifice their job, cheaper power, or their way of life when others are not doing the same, or when they feel it will not make a difference.

⁶³ Moreover, the division between TNC and state will also pose problems even if the latter is well-ordered. First, it is unclear that the well-orderedness of a society eliminates TNCs or transfers to the TNCs within it. Second, even if TNCs share the features of their societies, it is not clear that these will carry over to their global activities. This is especially true given the incentive structure of the global economy.

and cooperative arrangements. And they should serve as a common reference point in the adjudication of conflicting claims between states, TNCs, and international organizations. But they will not be a full articulation of the laws and rules that should regulate a global economy.

I suggest that in the original position, the representatives of well-ordered peoples⁶⁴ will want to protect domestic sovereignty against the threats posed by an integrated global economy. They will want to ensure that they are not trapped into low-yield specializations, including primary commodity markets. They will be concerned about unequal bargaining power. And they will want to foreground the problem of global climate change. They will, ultimately, want to ensure that the members of the practice are able to relate on conditions of reciprocity in perpetuity and be given the tools with which to exercise power in relationships with TNCs, international organizations, and more affluent states.

Given the threats described throughout this paper, they will settle on something like the following five principles. First, TNCs must meet a global minimum regarding wages, worker protections, and environmental regulations. This floor should be flexible, and the details worked out when restrictions on knowledge have been lifted. A tentative proposal is that the minimum wage be set halfway between the minimum wage of their home state (either their legal domicile, the country of origin, or where they sell the majority of their products) and the minimum wage of the state where production is located. And the minimum worker and environmental protections must, without going below those set by the state in question, be at least to the level of those of their home state. By setting a floor for wages, as well as environmental and workplace standards, the bargaining power of TNCs is diminished, and states are less incentivized to compete by racing to the bottom. By attaching these floors solely to TNC activities, we avoid illiberally placing demands on the internal policies of states. And by having a variable floor for wages, connected to the minimum wage of the host state, we avoid disincentivizing foreign production.

Second, international organizations must be democratized. This involves equal representation, assistance with funding an equal number of trained agents to advocate for their interests, and an end to top-down loan conditions which place demands on internal economic development or strategies. The aim is to help prevent domination and to ensure that all feel represented by international organizations.

⁶⁴ As discussed above, the parties represent well-ordered peoples, but do not presume their existence. They choose principles which will normally be sufficient to ensure that the ideals are reached.

Third, tariffs and subsidies must be structured such that they are to the greatest advantage of the least-advantaged states.⁶⁵ This might mean severely curbing or eliminating tariffs on goods from the least-advantaged states, ending tariffs on certain goods from low-income countries, or having all tariffs agreed to by democratic organizations. The specifics would be determined by what, empirically, works to ensure fair access and equitable returns for low-income nations. Subsidies should similarly be evaluated by the effects that they have on the least-advantaged, fairness in markets, and the environment. Oxfam proposes banning export subsidies and restructuring farm subsidies with environmental and social costs in mind.⁶⁶ Regardless, the idea is that any subsidy negatively impacting the success of less affluent nations is therefore unfair.

Fourth, they would select background rules ensuring that states are not stuck in low-yield specializations. Entering into the global economy with less wealth and infrastructure can lead to a reliance on primary commodities. This can stunt development and lead to reinforcing inequalities in wealth and in bargaining power over time. To prevent this, a progressive tax on the gains from global trade should be instituted, with the revenue used to facilitate research, development, and infrastructural improvements in less-affluent states.⁶⁷

Fifth, the parties will select principles for climate change. Peoples will need a clear image as to what climate justice looks like and how they can adjudicate between conflicting and deeply contentious claims regarding emissions and development. Several promising proposals have been made, including the “equal shares” and “greenhouse development rights” principles discussed by Darrel Moellendorf.⁶⁸ My goal is not to select from these, or to propose alternatives. Rather, it is to suggest that because climate change would be a threat in ideal theory the parties would select principles with it in mind. Any proposal should be evaluated by whether it provides a sufficiently quick solution to the problem, whether it promotes a stable and reciprocal relationship between parties, and whether it permits adequate development by nations that are less affluent and that have contributed less to the problem.

These principles are to supplement Rawls’s eight from the LoP. The list provided is not meant to be exhaustive. There might be other principles, and the principles need further specification. The list is also not meant to be conclusive—perhaps others would work as well or better for resolving the

⁶⁵ As with Rawls’s difference principle, this involves the incentive of affluent members. If tariff and subsidy protections are so severe as to diminish the incentive of well-ordered peoples to engage in the global economy this would show that the demands are too strict.

⁶⁶ Oxfam 2002, pp. 11-12.

⁶⁷ This might also require a restructuring of intellectual property rights that is fair to less affluent states.

⁶⁸ Darrel Moellendorf, *Global Inequality Matters* (New York: Palgrave Macmillan, 2009), pp. 124-129.

threats arising in the global economy. It is only meant to be a tentative proposal pointing to issues that persist even in ideal theory and suggesting the kinds of steps that would need to be taken in response. The aim, as with any principles of global economic justice, is to provide principles that can serve as a public basis for settling conflicts and that can, if followed, promote community, stability, and the development of well-ordered peoples.

VI. Conclusion

Many of the problems currently afflicting nations in the global economy would persist in ideal theory. The problems associated with unequal antecedent wealth, dependence upon primary commodities, unequal bargaining power, and climate change do not depend upon malicious actors or nonideal circumstances. They are problems that will predictably arise within the global practice and must be explicitly prevented if a just society is to develop.

The failure to address these concerns will leave the members at odds with one another and will generate perverse incentives that undermine reciprocity and stable cooperation. A community built upon fellow-feeling and trust will be unlikely. This not only affects the attitudes that the members have towards one another, but it also leaves the assurance problem unsolvable.⁶⁹ Members will have little reason to fully trust one another and will rightly be suspicious of the actions undertaken by TNCs, affluent nations, and international organizations.

This can transfer to the domestic case and can undermine the hope for well-orderedness. If well-ordered peoples have a “morality” and are disposed to engage on terms of reciprocity, they will not likely exist in such a world. At the very least, their existence will be short-lived and will not be the norm. If TNCs and international organizations will use their bargaining power to affect the domestic policies of states, then we cannot rely on the decency of a political culture in determining domestic justice. Similarly, primary commodity dependence can lead to a divided and partially integrated domestic economy, with there being little incentive to develop the infrastructure for other markets and with taxation primarily being from a small cluster of the population.

There are two ways of resolving this problem within ideal theory. On the one hand, you can work out principles that are, once instituted and given the appropriate background support, normally sufficient to end the practice and the associated threats to stability and justice. This would mean choosing principles that could help push nations back to self-sufficiency. On the other hand, you can

⁶⁹ Absent a coercive mechanism, friendly-feeling and trust are the only other viable options.

work out principles which can render the practice *as it is* just. This would require principles that can promote the existence and persistence of well-ordered peoples and that can remove the predictable threats to fair and stable cooperation within the practice.

The principles of justice in the LoP are not capable of performing either role. They do not eliminate the GBS. Nor do they provide the conditions for the development of decent peoples and the move towards a fair global economy. They strike a position halfway between these two, positing—but not providing the conditions for—both self-sufficiency and decency. They assume the end of deeply integrated global markets as well as the beginning of well-ordered peoples.

By assuming these things, and not providing the conditions for their actualization, the LoP involves badly used idealizations. The first idealization is long gone. Westphalia, and its relatives, are permanently vanished.⁷⁰ The second idealization is not long gone but is a distant hope. And just as with the idealization of citizens domestically, they need the conditions for their development if this hope is to be more than quixotic. Absent global institutions capable of solving the assurance problem, such peoples may remain unrealistic. But they are given as much support as possible by working out the principles of justice needed within the practice of the global economy.

Having clearly articulated principles can help states progress towards achieving this ideal, making a reciprocal community more feasible and the development and persistence of well-ordered peoples plausible. With adequate principles, the idealizations of the LoP are no longer badly used. They no longer merely posit but prescribe and provide the tools for their actualization.

This closes the gap between Rawls's use of ideal theory domestic and international conceptions of justice. And, importantly, the gap was not one of substantive commitments and closing it does not require any serious theoretical revisions. To render the utopian hope of the LoP realistic requires no more than being attentive to the conditions needed for the development of states to the level of the well-ordered peoples that made up the second perspective in the LoP. This is something Rawls was deeply committed to domestically and could readily endorse internationally.

⁷⁰ Or, at least, no feasible policies that could be chosen in ideal theory could turn back the clocks.