Index

access as distribuenda, 79
Acemoglu, Daren, 236
affirmative action, 152
African Charter of Human and People’s Rights, 41
African Group, 193
agency boundedly responsible agents, 75–76, 96–97
human rights and, 29–30, 31–32
agency costs, 246
Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) benefits of, 119
Doha Declaration on TRIPS and Public Health, 193
fair competition in, 119
health care and, 280–281
HIV/AIDS and, 281
overview, 193
“TRIPS Plus,” 193
agricultural trade, 189, 191–192
Aid-for-Trade, 182
American Convention on Human Rights, 41
American Society of International Law, 12
Anghie, Anthony, 264, 266
antidumping law, 145–146, 147
antitrust law “commodification” in, 95
in United States, 145
apparel trade, 173
Argentina, S&D in, 170
Aristotle, 14
Arneson, Richard, 48
Arrow, Kenneth, 185
Australia, GATT waivers and, 168
autonomy, 94
balance of payments, 136, 284
bargaining, fairness in, 117–118
Basic Rights (Shue), 38
“Battle in Seattle,” 185–186
Beitz, Charles, 9, 28
Ben-David, Dan, 228
Bentham, Jeremy, 11
Berlin, Isaiah, 30
Bhagwati, Jagdish, 292–293
Bhopal incident, 23, 282
bilateral trade agreements, 192–193
bioinformatics, 189
“black boxes,” 11
Blake, Michael, 10, 290
“blame game” and poverty, 183
border security, 189–190
Botswana, economic success in, 180
“bottom billion,” 265, 266
boundedly responsible agents, 75–76, 96–97
Bourdieu, Pierre, 293
Boyne, Rob, 272
Brazil economic growth in, 182
S&D in, 170, 171
uneven economic development in, 182–183
British Hegelians, 14, 29
Brock, Gillian, 41, 60
Buchanan, Allen, 243–245, 246
Buffet, Warren, 270
Cairns Group, 191, 192
Canada, GSP and, 174
Caney, Simon, 53, 246
capital markets, fairness in, 121–125
Carens, Joseph, 51
Caribbean Basin Initiative (CBI), 173, 176–177
Caribbean Community (CARICOM), 190, 192
Casal, Paula, 62
causation as economic concept, 275
Ceylon, S&D in, 170, 171
charity, 270–271
Chile
debt in, 265
S&D in, 170, 171
China
economic growth in, 182
economic success in, 180
reserves, 265–266
"clash of civilizations," 189
Coase, Ronald, 11
Coe, David T., 230–231
Cold War, 265
"commodification"
in antitrust law, 95
of charity, 270–271
overview, 90, 94–95
in pollution law, 95
in securities law, 95
communitarianism, 7–8
comparative advantage, 2, 12–13, 225, 227
comparative justice, 157–158, 185
comparative transnational competencies, 96–98
competition, fairness in, 119–120
completeness
defined, 55
distribution mechanisms and, 90–92
conditionality, 285
Condorcet, Marquis de, 11
conglomerate theory of justice, 157
Congo (Democratic Republic), debt in, 265
consequentialism, 54, 103, 257–258
constitutionization
of human rights, 40
of trade policy, 196, 198
constructivist analysis, 180, 188–190, 198
contract law
autonomy in, 94
contractualism, 8–9, 114
conventional morality, 144
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 36
core endowments, 89–90
corporate social responsibility, 156
cosmopolitanism
"demandingness" of, 34–35
global equality of opportunity as variant of, 47–48
human rights and, 255
nation-state focus compared, 33–34, 37, 156
overview, 6–7, 27–29, 287–289
Cotonou Agreement, 171–172
countervailing duty law, 145–146, 147
credit, role in neoliberalism, 265
cuba, infant industry protection and, 135
cultural logic of late capitalism, 269–271
Customary International Law: A New Theory with Practical Applications (Lepard), 5–6
democracy
equal positive freedom and democratic participation, 33
global equality of opportunity, objections to, 63–67
human rights and democratic participation, 57–58, 41–43
democratic governance
bilateral trade agreements and, 192–193
border security and, 189–190
constructivist analysis and, 180, 188–190, 198
coordination challenges, 191, 193
deliberation and, 190
economic differentiation, 191–192
economic analysis and, 186, 191–193, 198
equality jurisprudence and, 187–188, 196–198
indeterminacy and, 187, 195–196
mercantilism and, 189
national security and, 189–190
overview, 19–20, 198, 291
parallel tracks for trade negotiations and, 192–193
as proceduralist distributive justice, 185–188
Rawlsian approach, 187, 194
regional trade agreements and, 192–193
social and economic rights as basis for, 194–195
transaction costs, 191–193
Index

209
desirability of development, 269
developing countries
  bilateral trade agreements, 192–193
  coordination challenges, 191, 193
  economic differentiation, 191–192
  GATT claims, 132–133
  parallel tracks for trade negotiations, 192–193
  post-GATT position on S&D, 167–172
  pre-GATT position on S&D, 164–167
  regional trade agreements, 192–193
  S&D in, 137–139, 162–164
tariffs in, 162

Developing Countries in the GATT Legal System (Hudec), 147, 178
development
  desirability of, 269
  metanarrative of, 268–269
  neoliberalism and, 264–265, 266
  polarization and, 268–269
  unsustainability of, 269
Dewey, John, 29
dictators, 249–254
Dillon Round, 129–130, 137, 140
diplomatic focus on global justice, 156
direct foreign investment, regulation of, 284–285
discrimination laws
  consequentialism and, 54–55
  process neutrality in, 94
distribution mechanisms
  comparative transnational competencies, 96–98
  completeness challenges, 90–92
  core endowments and, 89–90
  efficiency challenges, 92–93
  entry neutrality and, 86, 89
  instantiability challenges, 88–93
  normative law and economics as, 82–84
  opportunity-egalitarianism model (See opportunity-egalitarianism model)
  overview, 80–81, 98–99
  process neutrality and, 86
  Rawlsian justice theory and, 82
  real opportunity-spreading, 85–88
  transnational law, role of, 93–96
  utilitarianism as, 81–82
  distributive structure of global justice “addicts,” 76–77
  boundedly responsible agents, 75–76
  circumstances of, 71, 73
claims and, 73
distribuenda, 73, 77–79
distributees, 73, 74–77
distributors, 74
maximization and equalization, relationship with, 68–71
mechanisms (See distribution mechanisms)
  opportunity and access, 79
  opportunity-egalitarianism model (See opportunity-egalitarianism model)
  overview, 15–16, 71–72, 98–99, 289
  “patients,” 76–77
  preferences or interests and, 73
  resources and wealth, 78–79
  scarcity and, 73
  tax policy and, 97
  welfare and well-being, 77–78
Doha Declaration on TRIPS and Public Health, 193
Doha Round, 151, 186, 187–188, 193, 198
Dunoff, Jeffrey L., 18–19, 272, 290–291, 293, 294

EC–Bananas case, 197–198
economic democratization, 42–43
economic analysis, 186, 191–193, 195
EC–Tariff Preferences case, 18, 149–151, 196–197, 198
EEC. See European Economic Community (EEC)
efficiency and distribution mechanisms, 92–93, 97
egalitarianism, 54, 65. See also opportunity-egalitarianism model
Egypt, S&D in, 194
“embedded liberalism,” 111
empirical analysis, 278
endogeneity effect, 177
endogenous comparative advantage, 225–227
Enhanced Integrated Framework for Trade Related Technical Assistance (EIF), 181–182
entry neutrality, 86, 89, 94
epistemic communities, 42
equal division Walrasian equilibrium (EDWEs), 87
equality as value, 148–149
equality jurisprudence, 187–188, 196–198
equalization, relationship with maximization and distribution, 68–71
equal positive freedom, 28–29, 31–32, 33
footwear, 173
formal equality of opportunity, 48, 50–51
“Fortress Europe,” 189
Fortune, 270
Freeman, Samuel, 49
free trade
benefits of, 232, 237–238
caveats re, 222–228
comparative advantage and, 225, 227
defined, 223
dictatorships and, 249–254
distributionism versus, 257
economic literature re, 237–238
endogenous comparative advantage and, 225–227
fair trade versus, 118–119
human rights and, 255–256
institutions, importance of, 234–235, 237
mercantilism contrasted, 246–247
overview, 20–21, 217–219, 258–260, 292
philosophical hostility toward, 239–249
poverty alleviation through, 223–225, 228
protectionism versus, 257
“stolen goods” problem and, 249–254
WTO policy toward, 222
Friedman, Milton, 196
functional analysis problems, 276–277
Gabon, S&D in, 175
The Gap, 270
Garcia, Frank, 186, 187, 194
Gates, Bill, 270, 271
GATT. See General Agreement on Tariffs and Trade (GATT)
General Agreement on Tariffs and Trade (GATT)
balance of payments, 116
democratic governance in (See democratic governance)
developing-country claims, 132–133
Enabling Clause, 130, 142, 149–150
equality and, 148–149
escape clause, 136
fairness and, 108
foundering context, 123
infant industry protection, 135
morality and, 129–131, 132
Programme of Action, 168–169
quotas, 136
S&D and, 283

Index

footwear, 173
formal equality of opportunity, 48, 50–51
“Fortress Europe,” 189
Fortune, 270
Freeman, Samuel, 49
free trade
benefits of, 232, 237–238
caveats re, 222–228
comparative advantage and, 225, 227
defined, 223
dictatorships and, 249–254
distributionism versus, 257
economic literature re, 237–238
endogenous comparative advantage and, 225–227
fair trade versus, 118–119
human rights and, 255–256
institutions, importance of, 234–235, 237
mercantilism contrasted, 246–247
overview, 20–21, 217–219, 258–260, 292
philosophical hostility toward, 239–249
poverty alleviation through, 223–225, 228
protectionism versus, 257
“stolen goods” problem and, 249–254
WTO policy toward, 222
Friedman, Milton, 196
functional analysis problems, 276–277
Gabon, S&D in, 175
The Gap, 270
Garcia, Frank, 186, 187, 194
Gates, Bill, 270, 271
GATT. See General Agreement on Tariffs and Trade (GATT)
General Agreement on Tariffs and Trade (GATT)
balance of payments, 116
democratic governance in (See democratic governance)
developing-country claims, 132–133
Enabling Clause, 130, 142, 149–150
equality and, 148–149
escape clause, 136
fairness and, 108
foundering context, 123
infant industry protection, 135
morality and, 129–131, 132
Programme of Action, 168–169
quotas, 136
S&D and, 283

300

Escobar, Arturo, 264–265
ethics and economics, 99
EU. See European Union (EU)
European Convention on Human Rights, 41
European Court of Justice, 44
European Economic Community (EEC)
GSP and, 173–174
MFN, and erosion of, 138, 141–142
reciprocal concessions and, 141
S&D in, 130, 158
tariffs in, 171–172
European Free Trade Area (EFTA), 142
European Union (EU)
Council of Ministers, 44
European Parliament, 44, 64–65
Rawls on, 233
reciprocal agreements in, 50–51
regionalization in, 40–41
Everything But Arms (EBA), 176–177
experimentation, 198
explanation condition, 107
exploitation, 120–121

fairness
absolutely external principles, 104
in capital markets, 121–125
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
dependent issues, 102, 116–121
examples from international economic law, 106–109
external principles, 100–101, 102–106
fair bargaining, 117–118
fair competition, 119–120
fair play, 117
fair trade versus free trade, 118–119
fair wages, 120–121
GATT and, 108
internal principles, 101, 102–109
moralized interpretivism and, 105, 115
mutual market reliance as social practice, 102, 109–116
overview, 16–17, 100–102, 289
as political concept, 279, 280
pure interpretivism and, 104
pure moralism and, 105
relatively external principles, 104
of rules, 106–109
structural equity, 100, 102, 109–110, 111–113, 114–115, 122–122
in trade, 109–116, 142–145
feminism, 32–33
fetishism, 79, 81
Index

Generalized System of Preferences (GSP) 72
Generalized System of Preferences (GSP) benefits of, 176–177
Canada and, 174
EEC and, 173–174
overview, 129–130
S&D and, 283–284
substantive equality under, 108
United States and, 141, 142, 173, 174
Gewirth, Alan, 32
Giddens, Anthony, 188
global equality of opportunity (GEO) 233
globalization, 233
philosophical foundations of, 47–54
practical considerations, 54–63
practice, objections based on, 55–57
relational theory and, 51–52
substantive, 49–52
“sufficientarianism” and, 44–45, 50, 51, 54, 62–63, 67
global governance, 156
globalization, 233, 246–247, 292–293
Globalizing Democracy and Human Rights (Gould), 38, 194–195
global taxation, 41
Greenwald, Bruce, 229–230
Grossman, Gene, 150
Grotius, Hugo, 2, 5
GSP. See Generalized System of Preferences (GSP)
Habermas, Jürgen, 192, 195
Hart, H.L.A., 144
Hart, Oliver D., 92
Havana Conference, 136
health care
TRIPS and, 280–281
universal health care, 221
Heckscher-Ohlin model, 226–227, 231–232
Hegel, G.W.F., 14, 31
Helpman, Elhanan, 230–231
HIV/AIDS, 23, 281, 282
Hobbes, Thomas, 2, 9, 11, 103, 156–157
Hockett, Robert C., 15–16, 287–288, 289–290
Hoffman, Marci, 4
Holocaust, 268
Hong Kong, economic success in, 180
Hudec, Robert, 17, 18, 123, 131–132, 133–134, 135, 139, 140, 142–148, 149, 152, 178, 194, 195
Human Development Index, 58–59, 191
humanitarian aid, 156
human rights
agency and, 29–30, 31–32
constitutionalization of, 40
cosmopolitanism and, 255
democratic participation and, 37–38, 41–43
as external principle, 104
free trade and, 255–256
global justice and, 33–39
global taxation and, 41
impact assessments, 39–40
incorporation of different approaches, 37
as internal principle, 104
international law, in, 36–37
juridification of, 40
labor standards and, 41
non-state actors and, 38–39
overview, 1–2, 13–14, 27–29, 288
philosophical conception of, 29–33
practical considerations, 39–43
regionalization and, 40–41
United States, absence from agreements, 36
Huntington, Samuel, 189

The Idea of Justice (Sen), 293
IMF. See International Monetary Fund (IMF)
immigration, 61
impossibility of global equality of opportunity, 33–39
objections based on, 57–63
impossibility theorem, 185
India
economic growth in, 182
GATT and, 169
S&D in, 149–150, 151, 171
tariffs in, 172


<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>individuals-in-relations, 31</td>
</tr>
<tr>
<td>inequality, 219–220</td>
</tr>
<tr>
<td>infant industry protection, 135, 228–229</td>
</tr>
<tr>
<td>insurability challenges, 88–93</td>
</tr>
<tr>
<td>institutions, importance of, 9–11, 234–235, 237</td>
</tr>
<tr>
<td>intellectual property, 193</td>
</tr>
<tr>
<td>Inter-American Commission on Human Rights, 41</td>
</tr>
<tr>
<td>Inter-American Court of Human Rights, 41, 44</td>
</tr>
<tr>
<td>interdisciplinary approach to distributive justice</td>
</tr>
<tr>
<td>conditionality and, 285</td>
</tr>
<tr>
<td>direct foreign investment regulation of, 284–285</td>
</tr>
<tr>
<td>economics, limitations of, 277–278</td>
</tr>
<tr>
<td>health care, TRIPS and, 280–281</td>
</tr>
<tr>
<td>international torts, 282</td>
</tr>
<tr>
<td>overview, 4, 12, 22–23, 273–275, 286, 292</td>
</tr>
<tr>
<td>philosophy, limitations of, 275–277</td>
</tr>
<tr>
<td>politics, limitations of, 279–280</td>
</tr>
<tr>
<td>S&amp;D and, 283–284</td>
</tr>
<tr>
<td>international community concept, 8</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights (ICESCR), 36, 37–38, 41</td>
</tr>
<tr>
<td>international difference principle, 186, 194</td>
</tr>
<tr>
<td>international economic law. See neoliberalism</td>
</tr>
<tr>
<td>International Labor Organization (ILO), 41</td>
</tr>
<tr>
<td>international law and distributive justice, 3–6, 36–37</td>
</tr>
<tr>
<td>International Monetary Fund (IMF) conditionality, 285</td>
</tr>
<tr>
<td>governance in, 122</td>
</tr>
<tr>
<td>ITO compared, 123</td>
</tr>
<tr>
<td>lending policy, 22</td>
</tr>
<tr>
<td>neoliberalism and, 266</td>
</tr>
<tr>
<td>overview, 44</td>
</tr>
<tr>
<td>S&amp;D and, 23</td>
</tr>
<tr>
<td>trade policy, 124</td>
</tr>
<tr>
<td>international non-governmental organizations (INGOs), 38–39</td>
</tr>
<tr>
<td>international torts, 282</td>
</tr>
<tr>
<td>international trade lawyers, 218–219</td>
</tr>
<tr>
<td>International Trade Organization (ITO), 123, 129, 130, 138, 140, 143, 164–165</td>
</tr>
<tr>
<td>Irwin, Douglas, 113</td>
</tr>
<tr>
<td>Jackson, John H., 135–136, 143, 167</td>
</tr>
<tr>
<td>James, Aaron, 16–17, 289, 290, 294</td>
</tr>
<tr>
<td>Jameson, Frederic, 267, 269</td>
</tr>
<tr>
<td>Johnson, Simon, 236</td>
</tr>
<tr>
<td>Jolie, Angelina, 270, 271</td>
</tr>
<tr>
<td>Judt, Tony, 263–264, 267</td>
</tr>
<tr>
<td>juridification of human rights, 40</td>
</tr>
<tr>
<td>justice as political concept, 279, 280</td>
</tr>
<tr>
<td>justice subsidiarity, 275–277</td>
</tr>
<tr>
<td>Kaldor-Hicks efficiency, 92–93, 226–227</td>
</tr>
<tr>
<td>Kaldor-Hicks wealth maximization, 83, 84, 95</td>
</tr>
<tr>
<td>Kant, Immanuel, 9, 11, 14, 257</td>
</tr>
<tr>
<td>Kaplow, Louis, 280</td>
</tr>
<tr>
<td>Kennedy Round, 129–130, 137–138, 140–141</td>
</tr>
<tr>
<td>Kenya, uneven economic development in, 182</td>
</tr>
<tr>
<td>Keynes, John Maynard, 124, 198</td>
</tr>
<tr>
<td>Klick, Jonathan, 20–21, 278, 292–293</td>
</tr>
<tr>
<td>knowledge accumulation, 250–251</td>
</tr>
<tr>
<td>Kojève, Alexandre, 31</td>
</tr>
<tr>
<td>Krugman, Paul, 13, 112, 120, 227</td>
</tr>
<tr>
<td>labor standards, 41</td>
</tr>
<tr>
<td>Langa, Pius, 65</td>
</tr>
<tr>
<td>Latin America, S&amp;D in, 138, 143, 166</td>
</tr>
<tr>
<td>Latin-American Free Trade Area (LAFTA), 130</td>
</tr>
<tr>
<td>The Law of Peoples (Rawls), 2, 9, 55</td>
</tr>
<tr>
<td>League of Nations, 123–124</td>
</tr>
<tr>
<td>leather trade, 173</td>
</tr>
<tr>
<td>Lebanon, S&amp;D in, 166</td>
</tr>
<tr>
<td>Lebanon-Syria Customs Union, 138, 143</td>
</tr>
<tr>
<td>legal arguments, need for, 294–295</td>
</tr>
<tr>
<td>legitimacy, objections to global equality of opportunity based on, 65–67</td>
</tr>
<tr>
<td>Lepard, Brian, 5–6</td>
</tr>
<tr>
<td>libertarianism, 54, 224, 244</td>
</tr>
<tr>
<td>Lim, Chin Leng, 17–18, 20, 157–158, 162, 178, 196–197, 209, 291, 294</td>
</tr>
<tr>
<td>Locke, John, 11, 103</td>
</tr>
<tr>
<td>Loewy, Michael, 228</td>
</tr>
<tr>
<td>Loriaux, Sylvie, 53</td>
</tr>
<tr>
<td>Lourde, Audre, 267</td>
</tr>
<tr>
<td>Lyotard, Jean-François, 267</td>
</tr>
<tr>
<td>Macpherson, C.B., 29</td>
</tr>
<tr>
<td>Madagascar, uneven economic development in, 182</td>
</tr>
<tr>
<td>mapping global justice, 158–159</td>
</tr>
<tr>
<td>market access, 283–284</td>
</tr>
<tr>
<td>Marks, Susan, 264, 266</td>
</tr>
<tr>
<td>Marx, Karl, 13, 14, 21, 22, 29, 31, 121, 262, 272</td>
</tr>
<tr>
<td>Marxist critique of neoliberalism, 267–267</td>
</tr>
<tr>
<td>Marx’s Social Ontology (Gould), 14, 30</td>
</tr>
</tbody>
</table>
maximization, relationship with distribution and equalization, 68–71
mercantilism
agency costs and, 246
criticisms of, 147–148, 241
democratic governance and, 189
in developed countries, 140
discursive contradictions in, 189
free trade contrasted, 246–247
zero-sum game, trade viewed as, 232–233
metanarratives, 267–269
Michelman, Frank, 185
military intervention, 156
Mill, John Stuart, 11
Millennium Development Goals (MDG), 262, 266, 270
Miller, David, 34, 57–59, 62
Mobutu Sese Seko, 265
models and structures, need for, 204
Moellendorf, Darrel, 52
Mootz, Francis, 3–4
morality
conventional morality, 144
GATT and, 129–131, 132
overview, 17–18, 129–131, 151–152, 290, 291
positive morality, 144
poverty, moral duty to alleviate, 239–240, 255–256
S&D, moral claims regarding, 162–165, 164, 172, 178
WTO and, 132
moralized interepetivism, 105, 115
moral skepticism, 145–148
most favored nation (MFN)
EEC and erosion of, 138, 141–142
equality and, 148–149
reciprocal concessions and, 139–141
S&D and, 129–130, 146, 170, 283
WTO and, 17
MTV, 270
mutual market reliance as social practice, 102, 109–116
Nagel, Thomas, 3, 6, 12, 23, 34, 240
naive maximization, 81–82, 93, 97
nationalism and protectionism, 258
national security, 289–290
natural law, 277
neoliberalism
in Cold War, 265
credit, role of, 265

Index

303
cultural logic of late capitalism and, 269–271
defined, 247
development and, 264–265, 266
IMF and, 266
Marxist critique of, 263–267
metanarratives and, 267–269
overview, 21–22, 261–263, 272, 292
postmodernist critique of, 267–271
reserves, role of, 265–266
ruling classes in, 204
World Bank and, 266
WTO and, 266
neutrality condition, 107
Nigeria, S&D in, 171, 175
non-governmental organizations (NGOs), 64
non-relational theory and global equality of opportunity, 51–52
non-state actors and human rights, 38–39
normative law and economics, 82–84
normative theories of justice, 2–3
normative values in trade, 133–134
North, Douglass, 31, 235
North American Free Trade Agreement (NAFTA), 247–248, 284
Nozick, Robert, 156–157
Nussbaum, Martha, 15, 30, 53
Obama, Barack, 262
O’Neill, Onora, 2
“ontological security,” 188, 189, 190
opportunity as distribuenda, 79
opportunity-egalitarianism model
comparative transnational competencies, 96–98
completeness challenges, 90–92
core endowments and, 89–90
efficiency challenges, 92–93
entry neutrality and, 89
instability challenges, 88–93
overview, 93–99
real opportunity-spreading in, 85–88
transnational law, role of, 93–96
Oxfam, 44
Özdener, Çağlar, 176
Pakistan, tariffs in, 172
Papua New Guinea, GATT waivers and, 168
parallel tracks for trade negotiations, 192–193
Pareto efficiency, 92, 93, 221, 226
Index

Pashukanis, E.B., 264, 266
Patterson, Gardner, 167, 168
Philippines, tariffs in, 171–172
philosophical conception of human rights, 29–33
philosophical foundations of global equality of opportunity, 47–54
Pincione, Guido, 258
Pinochet, Augusto, 265
Pogge, Thomas, 10, 28, 29, 32, 34, 179, 239–242, 243, 246, 283
pollution law, “commodification” in, 256–258
political theory and distributive justice, 29
political strategies, need for, 204–205
See also democratic governance;
morality; political geography of global justice
property law, autonomy in, 94
protectionism
arguments against, 233–234
dangers of, 242–243, 248–249
fallacies of, 256–258
free trade versus, 257
infant industry protection, 135, 228–229
moral claims in favor of, 247–248
nationalism and, 258
as successful rent-seeking game, 245
tariffs (See tariffs)
as unsuccessful coordination game, 245
public education, entry neutrality in, 94
public insurance, entry neutrality in, 94
pure interpretivism, 104
pure liberalism, 105
quotas, 156
racial discrimination, 152
Rattansi, Ali, 272
Rawlsian justice theory, 82
realism, 277
real opportunity-spreading, 85–88
reciprocal concessions, 139–141, 253
Red Cross, 44
regionalization and human rights, 40–41
regional trade agreements, 192–193
Reinhardt, Eric, 176
relational theory and global equality of opportunity, 51–52
reserves, role in neoliberalism, 265–266
“resource curse,” 101
resources as distribuenda, 78–79
reverse discrimination, 132
Ricardian model, 225–226
Ricardo, David, 2, 215–226
Rittich, Kerry, 263, 266, 272
Robinson, James A., 216
Rodrik, Dani, 236
Rousseau, Jean-Jacques, 9, 11
rules of origin, 174
Sachs, Jeffrey, 236, 262
Scanlon, T.M., 8–9, 114, 115

postmodernist critique of neoliberalism, 207–271
post-national citizenship, 156
poverty
aid as flawed means of alleviating, 246
“blame game” and, 183
class, poor people as, 220–222
free trade, alleviation through, 223–225, 228
inequality distinguished, 219–220
mapping, 158–159
moral duty to alleviate, 239–240, 255–256
protectionism as flawed means of alleviating, 242–243
statistics, 153
WTO and, 222
practicality of global equality of opportunity, objections based on, 55–57
Prebisch, Raúl, 169
preference as philosophical concept, 278, 279–280
preferential treatment. See special and differential treatment (S&D)
proceduralist distributive justice, 185–188
process neutrality, 86, 94
See also democratic governance;
Schlag, Pierre, 268, 269, 272
Scitovsky Paradox, 84
S&D. See special and differential treatment (S&D)
securities law, “commodification” in, 95
Sen, Amartya, 10–11, 15, 19, 29, 30, 53, 156–157, 158, 224, 247, 293
Shavell, Steven, 280
Shrimp-Turtle I case, 196–197
Shue, Henry, 38
Singapore, economic success in, 180
Singer, Peter, 28, 264, 270–271
skepticism re distributive justice, 20–23, 292–293. See also free trade; interdisciplinary approach to distributive justice; neoliberalism
Smith, Adam, 211, 235, 245
Smoot-Hawley Tariff, 114, 166–167
social connections model, 34, 37
social contract, 31
social ontology, 31
Social Theory of International Politics
(Wendt), 188
de Soto, Hernando, 235, 237
South Africa
apartheid, 265
S&D in, 175
second generation rights in, 40
transformative constitutionalism in, 65
sovereignty, 2, 285
special and differential treatment (S&D), 134–142. See also specific nation
balance of payments, 116, 284
in developing countries, 157–139, 162–164
domestic policy, effect of, 178–181
in EEC, 130, 138
effectiveness of, 172–178
empirical studies, 176–177
exclusions from, 173
GATT and, 283
graduation, 173–174
GSP and, 283–284
historiographical issues regarding position of developing countries, 103–104
IMF and, 23
infant industry protection, 135
in Latin America, 138, 143, 166
market access, 283–284
MFN and, 129–130, 146, 170, 283
moral claims regarding, 162–163, 164, 172, 178
narrow concentration of, 175–176
post-GATT position of developing countries, 167–172
pre-GATT position of developing countries, 164–167
quotas, 136
reauthorization requirement, 174
reciprocal concessions, 139–141, 283
rules of origin, 174
underutilization of, 174
World Bank and, 23
WTO and, 23, 283–284
specialization and trade, 228–229
Stanley, Alessandra, 270
Stark, Barbara, 21, 22, 275, 292, 293
Stiglitz, Joseph, 42, 259–260, 265, 266, 293
“stolen goods” problem, 249–254
Stolper-Samuelson Theorem, 227
structural equity, 100, 102, 109–110, 111–113, 114–116, 121–122
subsidiarity, 98
subsistence, 35–36
substantive equality of opportunity, 48–52
sugar trade, 173
Sunstein, Cass, 268
Sutcliffe, Bob, 268–269
Sykes, Alan, 130
Syria, S&D in, 138, 143
Syria-Lebanon Customs Union, 138, 143
Taiwan, economic success in, 180
Tan, Kok-Chor, 246–247
tariffs
dangers of, 229–230, 231–232
in developing countries, 162
disputes involving, 171–172
Tesón, Fernando, 5, 20–21, 258, 278, 292–293
Thuemmer, Gunther, 198
Thailand
poverty in, 158
Tariffs in, 171–172
theoretical principles and ideas, need for, 293–294
See also distributive structure of global justice; fairness; global equality of opportunity (CEO); human rights
A Theory of Justice (Rawls), 48, 104
Thomas, Chantal, 19–20, 157–158, 291, 294
Tokyo Round, 120, 137
Topulos, Katherine, 4
Tort law, autonomy in, 94
Trachtman, Joel P., 22–23, 101, 202, 203, 205
Trade
in agriculture, 189, 191–192
in apparel, 173
constitutionalization of policy, 196, 198
fairness in, 114, 142–145
in footwear, 173
free trade (See free trade)
IMF policy, 124
in leather, 173
mutual market reliance as social practice, 102, 104–106
normative values in, 133–134
in petroleum, 173
S&D in (See special and differential treatment (S&D))
specialization and, 228–229
in sugar, 173
in tuna, 173
uneven development of, 182–183
unilateral action in, 112–113
transaction costs, 191–193
transcendental justice, 156–157
transformative constitutionalism, 65
transnational law, role in distribution mechanisms, 93–96
transnational representation, 42
Treaty of Rome, 142
TRIPS Agreement
See Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)
“TRIPS Plus,” 193
tuna trade, 173
Turkey, economic success in, 180
Uganda, S&D in, 171
Union Caribite, 282
United Arab Republic, S&D in, 171
United Kingdom, imperial preferences in, 134, 165
United Nations
Conference on Trade and Development (UNCTAD), 141, 142, 169, 170, 179
General Assembly, 44
Global Compact, 44
Security Council, 44
Trusteeship System, 167–168
United States
affirmative action, 152
African Growth and Opportunity Act, 173, 175–177
Andean Trade Preferences Act, 173
Andean Trade Promotion and Drug Eradication Act, 173
antidumping law, 145–146, 147
antitrust law, 145
Caribbean Basin Initiative (CBI), 173, 176–177
Caribbean Basin Trade Partnership Act, 173
countervailing duty law, 145–146, 147
GATT waivers and, 167–168
GSP and, 141, 142, 173, 174
human rights agreements, absence from, 36
Interstate Commerce Clause, 145
Proposals for Expansion of World Trade and Employment, 164–165
rational discrimination, 152
reciprocal concessions and, 141
Smoot-Hawley Tariff, 134, 166–167
Suggested Charter for an International Trade Organization of the United Nations, 165
Trade Expansion Act of 1962, 129, 140
Universal Declaration of Human Rights, 56–58, 41
universal health care, 221
unsustainability of development, 269
Uruguay, reciprocal concessions and, 140
Uruguay Round, 156–157, 151, 198, 281
utilitarianism, 81–82, 103
Veblen, Theodore, 270
vertical site problems, 275–277
de Victoria, Francisco, 264
Vietnam, economic success in, 180
wages, fairness in, 120–121
Waldron, Jeremy, 5
“Washington Consensus,” 180, 183, 263, 272, 284
wealth as distribuenda, 78–79
Weber, Max, 188
Wein, Leif, 249–254
welfare as distribuenda, 77–78
well-being as distribuenda, 77–78
Wendt, Alexander, 188, 189, 190
Willets, Peter, 42
Wollstonecraft, Mary, 11
<table>
<thead>
<tr>
<th>World Bank</th>
<th>Economic growth, review of, 178–179</th>
</tr>
</thead>
<tbody>
<tr>
<td>conditionality, 285</td>
<td>neoliberalism and, 266</td>
</tr>
<tr>
<td>economic growth, review of, 178–179</td>
<td>overview, 44</td>
</tr>
<tr>
<td>poverty mapping, 158</td>
<td>S&amp;D and, 23</td>
</tr>
<tr>
<td>World Social Forum, 38–39</td>
<td></td>
</tr>
<tr>
<td>World Trade Organization (WTO), 44</td>
<td>agricultural negotiations, 189, 191–192</td>
</tr>
<tr>
<td>Aid-for Trade, 182</td>
<td></td>
</tr>
<tr>
<td>Appellate Body, 18, 149–151, 196–198</td>
<td>“Big Four,” 140</td>
</tr>
<tr>
<td>“club model,” 185–186, 192</td>
<td></td>
</tr>
<tr>
<td>democratic governance in (See democratic governance)</td>
<td>Dispute Settlement Body, 196, 197, 198</td>
</tr>
<tr>
<td>Dispute Settlement Body, 196, 197, 198</td>
<td>dispute settlement system, 106, 107</td>
</tr>
<tr>
<td>EC–Bananas case, 197–198</td>
<td></td>
</tr>
<tr>
<td>economics in, 12</td>
<td></td>
</tr>
<tr>
<td>equalitY and, 148–149</td>
<td></td>
</tr>
<tr>
<td>equality jurisprudence in, 196–198</td>
<td>Integrated Framework for Trade Related Technical Assistance (IF), 181</td>
</tr>
<tr>
<td>legitimacy of, 188</td>
<td></td>
</tr>
<tr>
<td>MFN and, 17</td>
<td></td>
</tr>
<tr>
<td>morality and, 132</td>
<td></td>
</tr>
<tr>
<td>neoliberalism and, 266</td>
<td></td>
</tr>
<tr>
<td>poverty and, 220–222</td>
<td></td>
</tr>
<tr>
<td>S&amp;D and, 23, 283–284</td>
<td></td>
</tr>
<tr>
<td>Shrimp-Turtle I case, 196–197</td>
<td>trade policy, 222</td>
</tr>
<tr>
<td>WTO. see World Trade Organization (WTO)</td>
<td>Young, Marion, 34</td>
</tr>
<tr>
<td>Zaire, debt in, 265</td>
<td></td>
</tr>
<tr>
<td>Zambia, uneven economic development in, 182</td>
<td></td>
</tr>
</tbody>
</table>