

Université de Montréal

**Cosmopolitanism and Confrontation:
Realizing Consumer Responsibility in a Globalized
Marketplace**

par

Duncan Hart CAMERON

Département de philosophie
Faculté des arts et des sciences

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Realizing Consumer Responsibility in a Globalized Marketplace

présenté par :

Duncan Hart Cameron

a été évalué par un jury composé des personnes suivantes :

Peter Dietsch

.....
président-rapporteur

Ryoa Chung

.....
directrice de recherche

Christian Nadeau

.....
membre du jury

Résumé

Ce mémoire explore des façons de conceptualiser la responsabilité dans des cas où des individus contribuent de façon peu significative à des torts collectifs éloignés. Pour contextualiser la discussion, la relation entre des actes de consommation et la perpétuation des « sweatshops » dans l'industrie des textiles et des chaussures est utilisée. Une approche basée sur les droits humains est déployée pour définir le tort qui est présent dans les usines de textiles et une conceptualisation de la connection est proposée selon la notion de la structure sociale. Guidé par la notion de « unstructured collective harms » proposée par Christopher Kutz, et en comparaison avec des notions de responsabilité qui mettent la responsabilité nationale en premier plan, les conclusions qui sont offertes ici sont centrées sur l'importance de la confrontation du consommateur pour remédier aux effets du problème d'action collective qui est au coeur de la création des torts collectifs lointains. Finalement, l'importance du cosmopolitanisme comme une façon de stabiliser des théories de responsabilité à travers les frontières est mis en évidence.

Mots clés: Philosophie, responsabilité, responsabilité collective, cosmopolitanisme, sweatshops

Abstract

This paper explores ways of conceptualizing responsibility in cases where individual agents contribute in marginal ways to a distant collective harm. To contextualize the discussion, the relationship between consumer acts and the perpetuation of sweatshop labour in the Textiles, Clothing, and Footwear Industry has been focused upon. A human rights framework is adopted to define the harm that occurs on sweatshop floors and an understanding of connection to the harm has been proposed using the concept of social structure. Guided by the notion of unstructured collective harms, defined by Christopher Kutz, and in contrast to so called nation-centred approaches to responsibility, the conclusions here centre on the need to confront individuals with their contributions to distant collective harms as a way of countering the collective action problem that leads to distant collective harms. Finally, the importance of cosmopolitanism, as a way of stabilizing accounts of responsibility across borders, is emphasized.

Key words: Philosophy, responsibility, collective responsibility, cosmopolitanism, sweatshops

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Abbreviations

1. Multinational Corporations.....(MNCs)
2. Textiles, Clothing, Footwear.....(TCF)

*To Catherine: I could not have done this without
you....*

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Introduction

The process of economic globalization has been well documented and discussed at length by many writers, thinkers, politicians, and activists. And while global trade has existed for hundreds of years, the past five decades have seen an unprecedented increase in the integration of domestic and regional economies into the global economic structure by virtue of new networks of communication, transportation, and trade.¹ Trade barriers have fallen and new sources of labour and materials have been created worldwide, leading to a relocalisation of manufacturing centres and changes in the way that many consumer goods are produced. International institutions like the IMF, World Bank, and GATT- WTO have been created with the mandate of managing the increase in international trade and the state has seen its role diminished from the unquestioned regulator of domestic economic policy to one of many actors negotiating the rules of business on its soil.² The globalization of business has meant that shifts in employment, manufacturing, and consumption occur across a multitude of different countries rather than being restricted to one region or country.

If the increase in connectedness between economic actors raises moral questions regarding the nature of these connections, the increased ability of individuals to affect distant others within shared global cooperative schemes has challenged conceptions of responsibility that would restrict the domain of individual responsibility to the nation-state. How, then, should we conceptualize individual moral responsibility for marginal contributions to distant collective outcomes when these contributions are not performed with the intent to help or to

*The use of “his\her” in this paper is gender neutral.

¹ Jagdish Bhagwati, *In Defense of Globalization* (Oxford: Oxford University Press, 2004), 3-7.

² For an interesting analysis of the concept of “overlapping sovereignties” in a globalized economy—or the negotiation between international economic institutions and the State over domestic economic policy—see Shalini Randeria, “The State of Globalization: Legal Plurality, Overlapping Sovereignties and Ambiguous Alliances Between Civil Society and the Cunning State in India”, *Theory, Culture and Society*, 24 (2007): 1-33

harm? The capacity for aggregated individual contributions to impact our environment and our social spheres is great. Does this capacity dictate that we conceptualize individual moral responsibility in different ways, thereby extending the sphere of individual moral concern to encompass marginal contributions to distant outcomes?

The responses that I will provide to these questions will be contextualized by a study of consumer responsibility for harms that occur in sweatshops that produce goods in the Textiles, Clothing, and Footwear (TCF) industry, and this against the backdrop of a world dominated by nation-states. What I will propose is that the best way to account for these types of collective harms, i.e., where individuals contribute in marginal ways to harms that occur in other nations, is by challenging a nation-centred approach to responsibility with a moral cosmopolitan account of justice that can stabilize theories of responsibility across borders while simultaneously recuperating the role of the state as an essential aid in the realization of responsibility on the individual level. This directs us towards the conclusion that, if we hope to include consumers in accounts of responsibility for distant economic harms, then it will be necessary to develop an understanding of a global community that is underwritten by a basic cosmopolitan conception of morality while involving the state in solutions that enable consumers to exercise their individual moral reasoning in ways that can promote more positive collective outcomes.

While I maintain a focus on consumer responsibility for harm in TCF sweatshops as a way of contextualizing this work, my goal is not to question the essential justice of globalization. Rather I hope to explore ways to engage a sense of consumer responsibility for distant harms in order to develop a framework that effectively harnesses and directs individual marginal contributions towards more positive outcomes within shared global cooperative schemes. In terms of sweatshops, effectively engaging consumer responsibility for sweatshop labour can be another arrow in the quiver of those concerned with improving working

conditions worldwide in the TCF industry without countering the overall economic benefits that globalization has brought about. More generally, the framework that I develop here could also apply to similar types of collective harms in environmental and social domains.

The structure of the paper is the following. In chapter one, I will contrast a nation-centred account of responsibility with what Christopher Kutz defines as *unstructured collective harms*. Kutz' account of this type of harm provides a plausible conceptual explanation for the role that consumers play in the perpetuation of sweatshop labour and clearly challenges the resources of nation-centred approaches to responsibility. I will also use Kutz's account to provide guidelines for generating solutions to this type of harm. In chapter two, I will begin to build an account of consumer responsibility by conceptualizing the harm of sweatshop labour according to a human rights model proposed by Joel Feinberg. Chapter three continues in this vein by proposing ways that consumers can conceptualize their connection to distant sweatshop workers and deepen their understanding of their participation in collective ventures, both in terms of their role as economic actors and according to the concept of social structure. Chapter four seeks to define consumer responsibility and the role that nation-states play in the realization of this responsibility on an individual level. Chapter four will address the importance of confrontation in the creation of stable and coherent moments where consumers can effectively bring their individual moral reasoning to bear on the problem of sweatshop labour, thus increasing the potential that individual consumer acts will be directed toward more positive collective outcomes.

Before beginning, I will address some methodological concerns. First, human rights are a fundamental concept in the model that I will present here, both in the definition of harm and the conceptualization of responsibility. I have chosen to use a human rights framework in this work for pragmatic reasons. Human rights represents a moral standard that is widely recognized and accepted: nearly every

country in the world has ratified a rights-based treaty in some form and a large majority of countries have adopted labour standards that utilize rights-based language.³ The broad acceptance of human rights internationally has implications for the institution of the state-regulated solutions that I will propose later on. The confluence of human rights models with current trends in international law strengthens this methodological choice. Furthermore, my focus in this paper is to develop a coherent model of responsibility for the relatively well-resourced global consumer whose collective consumer purchasing power represents a significant portion of the world's purchasing power. I assume that the well-resourced consumer in question sympathizes with human rights as an acceptable moral concept. The use of human rights can be criticized as being culturally derived and therefore problematic from the point of view of those who experience harm in sweatshops but do not acknowledge human rights in a morally significant way. In this way, the model that I will develop contains a distinct western, liberal bias. This could lead to the theorization of harm into existence according to a set of moral criteria that does not resonate with the actual sufferers of the supposed harm. While this is problematic, I believe that the broad consensus on human rights in the international community goes a long way to countering this effect within the context of the argument developed here.

There are three senses of responsibility that are of particular importance in this work: role-responsibility, legal responsibility, and moral responsibility. The sense of role-responsibility has been defined by H.L.A Hart as a “‘sphere of responsibility’ requiring care and attention over a protracted period of time.”⁴ It is assigned to an individual occupying an office or role in society and a failure to

³ Jody Heymann and Alison Earle, *Raising the Global Floor: Dismantling the Myth That We Can't Afford Good Working Conditions For Everyone* (Stanford: Stanford University Press, 2010), 101-114; the “ILO Declaration on Social Justice for a Fair Globalization”, The International Labour Organization, accessed August 2, 2010, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_099766.pdf, 6-7.

⁴ H.L.A Hart, *Punishment and Responsibility* (Oxford: Clarendon Press, 1968), 213

effectively address those objects in the sphere of responsibility can leave one open to blame. Leif Wenar uses a sense of role-responsibility similar to Hart, writing that “If you are responsible for something, then [...] it is *up to you* to take care of it. If you do take care of it, you have discharged your responsibility. If you do not, you may be subject to blame or punishment.”⁵ Wenar applies role-responsibility, coupled with a “least cost” rule of rectification, to the question of institutional responsibility for severe poverty in the world. I will consider applying the notion of role-responsibility particularly at the national level. For example, we might say that part of the role-responsibility of the state is to protect the rights of its citizens.

I will rely mainly on a moral understanding of responsibility that is important to distinguish from legal responsibility. Some of the same criteria used for imputing legal responsibility to an individual or a collective will be used in the models of moral responsibility that I will discuss. These criteria include causal connection to the harm, certain epistemic conditions such as knowledge of the consequences of one’s action, and blameworthy action. However, the two senses of responsibility remain very different. Legal responsibility is subject to change depending on legal jurisdictions or whether particular laws are written or repealed. In contrast, using a definition of moral responsibility in this work involves seeking a sense of responsibility that is not subject to the same “arbitrariness and policy-dependence”⁶ to which legal responsibility is subject.

Grappling with moral responsibility is a way of seeking a conceptual account of responsibility that is more stable, fundamental, and general than its legal counterpart. However, as Joel Feinberg points out, formulating rules for moral responsibility can draw us into the inner world of individuals where conceptual accounts of moral rules may not readily apply and attempts to escape the relativity

⁵ Leif Wenar, “Responsibility and Severe Poverty” in *Freedom from Poverty as a Human Right*, ed. Thomas Pogge (Oxford: UNESCO and Oxford University Press 2007), 2.

⁶ Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press 1970), 34.

of law may confront us with the arbitrariness of luck.⁷ I cannot hope to develop a comprehensive moral doctrine here that could effectively respond to the drawbacks of moral responsibility that Feinberg brings up. Rather, my project involves the recognition that legal systems are incapable of fully accounting for the harms that I am concerned with because the diversity of legal jurisdictions that come to bear on the actors involved in perpetuating sweatshop labour causes a diffusion of responsibility and a lack of accountability. Law plays an important role in solving collective problems but law has limitations when multiple jurisdictions are involved, which is why I believe a conception of moral responsibility may be more appropriate for addressing the problem at hand.

To reconcile the tension between legal and moral responsibility, without having to rely on a single comprehensive moral system, I will work with a set of moral concepts—in this case human rights—that resonate with individuals in a variety of different contexts, that resonate with current trends in global law, and that contain conceptual tools that might enable individuals to coherently account for moral responsibility across borders. The interplay of moral and legal senses of responsibility, conjoined with the role of the state in defining and protecting individual rights, will be an important component of this paper.

The sense of moral responsibility that I will focus on here has parallels with legal models of responsibility and is, generally, a stable and coherent component of individual moral reasoning. Moral responsibility in this context is based upon a backward-looking accountability that requires the fulfillment of certain criteria in order to be fully realized. For instance, to be morally responsible for a harmful outcome, causal factors must link an agent to the creation of the harm. Furthermore, epistemic conditions must have been fulfilled such that it can be shown that the agent was clearly confronted with a morally significant choice and that the agent could apprehend the consequences of the options available to her.

⁷ Ibid., 37.

Finally, the agent, conscious of the moral import of his choices, must have nevertheless freely chosen to conduct himself in a way that causes the morally significant outcome. When these conditions hold, the agent can be held responsible for the harm in ways that are, supposedly, proportional to his contribution. Accountability in this sense means being open to imputations of blame or faultiness and being required to make redress or to change behaviour in order to avoid similar contributions to harm in the future. I will use the term “moral responsibility” rather than “moral accountability” in this paper. If I use the term “consumer responsibility” or simply “responsibility” it will be in the “moral responsibility” sense described above. Use of the role-responsibility sense will be clearly identified throughout the paper as will any reference to legal responsibility.

Chapter 1 – The Nation-State, Unstructured Collective Harms, and Sweatshops

Conceptualizing consumer responsibility for sweatshop harm is a difficult endeavour because typical models of individual responsibility are at odds with the collective features of the harm. Furthermore, adequately engaging individuals in solutions requires the recuperation of individual models of responsibility in stable and coherent ways, despite this dissonance. In order to proceed with the project laid out in this paper, I will address some of the main stumbling blocks that prevent an adequate conceptualization of consumer responsibility, beginning with the restriction of moral responsibility to the nation-state. I will contrast a general nation-centred account of responsibility with the main features of unstructured collective harms in order to show the need for extending the moral sphere of individuals beyond borders. Consequently, the limits of a purely nation-centred approach to responsibility will be exposed. Finally, I will also show how consumer responsibility for sweatshop labour can be adequately conceptualized in terms of unstructured collective harms.

Nation-Centred Accounts of Responsibility

Who is responsible for the protection of individual moral rights? In a world dominated by the nation-state, it is the nation-state itself that is often invoked as the most important guarantor of individual moral rights. In turn, borders are often invoked as the most relevant boundary of responsibility. From this perspective, individual actions are contained and regulated by the actions of the state and collective harms are most adequately addressed with reference to national membership. Before exploring the limitations of this perspective, I would like to clarify how a general nation-centred approach to responsibility operates.

Joel Feinberg provides a liberal account of the moral relationship between the individual and the state in *Harm to Others*. Feinberg suggests that the moral sense of rights relates to those rights claims we have against others to refrain from

harming us in some way and that these rights claims often entail a corresponding enforcement right against the state to provide a means to protect the moral rights of its citizens.⁸ Furthermore, moral and enforcement rights claims will often overlap with legal rights within a society. For example, if I have a moral right not to be murdered then I can also identify a corresponding enforcement right against the state that requires the state to put measures into place to prevent me from being murdered. In this case, the moral right to not be murdered will most likely be codified into a similar legal right guaranteed by the state. Effective state intervention, then, can be key in the fulfilment of individual moral rights. Furthermore, we can understand the responsibility of the state to protect the moral rights of its citizens in terms of role-responsibility. The state has the role-responsibility to respect the enforcement claims of its citizens, or in other words, the “sphere of responsibility” of the state extends to include the protection of the moral rights of its citizens. How the state attends to its role-responsibility is not specified. We can assume that the state must attend to this role-responsibility in some way and hold it accountable when it fails. To continue in this vein, with regards to neighbouring states, the jurisdiction of one state delineates its “sphere of responsibility” against the “sphere of responsibility” of other nation-states. Individual moral rights, as a universal and general concept, are nevertheless protected through devolved national action. The international community, operating on a model of nation-centred responsibility, must grapple with difficult questions of accountability when a state fails in its role-responsibility to protect the individual moral rights of its citizens.

With regards to the actions of individuals, responsibility for harm is best located within the state on the nation-centred approach. Individual contributors to distant harm can limit their understanding of personal responsibility to their national borders. In a framework where the moral rights of individuals are guaranteed by virtue of enforcement claims on the state, it is the responsibility of

⁸ Joel Feinberg, *Harm to Others*. (Oxford: Oxford University Press, 1984), 110.

the state institutions where the harm takes place to manage damage to individuals, despite distant contributions. On this account, if harm occurs it is often due to a breakdown in the institutional structure of the state and it is remedied by strengthening those same structures. For instance, John Rawls, in *The Law of Peoples*, develops a nation-centred account of responsibility that captures this focus on the quality of domestic institutional structure.⁹ Rawls extends many of the features of justice as fairness to the international domain in an attempt to define the basic laws that would govern a society of peoples in a world beset with diversity. The *Law of Peoples* argues for a theoretical structure that would enable the achievement of a realistic utopia over time. In Rawls's vision, a continuous process of domestic institutional development in line with the liberal democratic model of justice and a coherent set of international rules for managing conflict would allow inter-societal relations to progressively improve and stabilize. However, whereas Rawls uses an individual normative approach in his accounts of domestic justice, in the *Law of Peoples* he insists on the necessity of the state system and uses "peoples"—which he believes capture moral motives such as mutual respect and reciprocity—as his most fundamental unit of analysis. He begins with considerations of ideal theory where he employs a contractualist method, including two separate rounds of the original position involving liberal societies and then decent hierarchical societies, to generate a set of eight laws that he believes would be the subject of consensus amongst well-ordered peoples and that could form the basis of an adequate Law of Peoples. In the third part of his book, Rawls considers questions of non-ideal theory relating to burdened societies, outlaw states, and benevolent absolutisms. This third part encompasses issues like just war principles and a duty to aid societies in need. The Rawlsian approach in the *Law of Peoples* captures the notion that responsibility for the rectification of harms should fall within national borders. While distant others may affect each other in significant ways and collective acts may have considerable impact, Rawls nevertheless emphasizes state institutional structure as the most important

⁹ John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press 1999), 105-112.

ingredient in the development of a just society. The moral relationship between the individual and the state in liberal societies acts as the normative model for the best organization of a society and as the means of working out an adequate institutional structure for the prevention and rectification of harm. In this way, responsibility for improving domestic institutional structure falls primarily on the concerned nation, with outside nation-states mainly providing assistance to burdened societies that is aimed at helping the burdened society in its efforts to improve its institutional structure.

Another formulation of the Rawlsian position is the Institutional Thesis defended by Mathias Risse. Risse based the Institutions Thesis on the work of Rawls and a number of other thinkers including Douglass North and David Landes. The Thesis can be summarized in the following way.

Growth and prosperity depend on the quality of institutions, such as stable property rights, rule of law, bureaucratic capacity, appropriate regulatory structures to curtail at least the worst forms of fraud, anti-competitive behaviour, and graft, quality and independence of courts, but also cohesiveness of society, existence of trust and social cooperation, and thus overall quality of civil society.¹⁰

Risse employs the Institutional Thesis alongside Feinberg's model of harm in *Harm to Others* in his article "How Does the Global Order Harm the Poor" to argue that the global order, specifically as it is characterized by Thomas Pogge, does not harm the global poor because the global order does not set back the interests of the global poor in a measurable way nor does the global order wrong them in a rights-based sense. In essence, Risse maintains that the quality of domestic institutions is the most important factor in the wealth and well-being of a nation, not the effects of the global order. The Institutional Thesis, then, refers to the position already laid out by Rawls in the *Law of People* that the quality of

¹⁰ Mathias Risse, "How Does the Global Harm the Poor?" *Philosophy and Public Affairs* 33 (2005): 355. See note 7 on the same page for a list of authors that were consulted in the development of the Institutional Thesis. Risse originally developed the Thesis in "What We Owe to the Global Poor", *Journal of Ethics* 9 (2005): 81-117.

domestic institutions plays the most important role in assuring justice and security in the domestic sphere and for the creation (or lack) of wealth for peoples within national boundaries. Like Rawls, Risse emphasizes the role-responsibility of the state for the rectification of harms within its jurisdiction. If national institutions are strong, it is possible to regulate and respond to harms. As national institutional structures weaken, harms are left unregulated and they perpetuate and worsen. If national institutions were never strong in the first place, then many harms occur that require remedying. The remedy comes in the form of a strengthening of these same institutions. This position becomes problematic when it is applied to the rectification of harms that are defined in terms of individual moral rights but where the violators of the rights are distant others. In cases like this, the violators are not within the jurisdiction of the state yet the affected state is still role-responsible for rectifying the harm. In other words, distant contributors are absolved of individual responsibility for the harms to which they may contribute while states are left to rectify a problem that may be beyond their control. The concept of unstructured collective harm is particularly problematic for nation-centred approaches in this way.

Unstructured Collective Harms

In his book *Complicity: Ethics and Law for a Collective Age*, Christopher Kutz calls “unstructured collective harms” a type of harm that results from the unorganized collective acts of individuals who inhabit the same system.¹¹ The features that Kutz lays out for this type of harm and his criteria for an adequate solution will help to guide the discussion in this paper. I will describe the main features of this type of harm before discussing ways that Kutz theorizes solutions.

For Kutz, unstructured collective harms arise from the confluence of individual actions that are connected together within the same system. The individual contributors within the system rarely act with the intention to cause

¹¹ Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: New York, Cambridge University Press 2001), 166-203.

harm. However, the aggregation of individual non-intentional acts results in a harmful outcome elsewhere in the system, often distant from the contributors. Furthermore, each individual contributes in marginal ways to the ultimate harm that results, thus undermining accounts of responsibility on the individual level. Kutz uses an environmental example—the pollution caused by the use of freon-based air conditioners in cars—to illustrate. In the example, individual car owners engage in the morally neutral act of driving their car and using their air conditioning system. Each driver inhabits the same system, in this case the environment writ large, and it is the features of the environment that connect the actions of air conditioner users to the individuals who suffer the results of air conditioner use. Environmental mechanisms, such as the atmosphere that receives the freon, the biochemical reactions that lead to a breakdown in the ozone layer, wind and other factors cause the effects of the released freon to be felt by others in particular corners of the world, often far from the site of freon use. In this way, the environmental system mediates the unstructured collective harm by interacting with individual actions to produce a harm that was individually unintended. Within this system, none of the drivers intends to cause environmental harm in a direct sense nor can an individual make a significant difference on his own because each contribution is marginal. One driver who ceases to use his air conditioner cannot prevent the collective harm from occurring nor can one individual who uses an air conditioner create the harm in the first place. No single person can be said to have intentionally acted in an inexcusable manner such that a hole in the ozone layer resulted. Rather, it is the collective use of air conditioners that leads to the creation and perpetuation of the harm.

The marginal contributions, and the diffuse causality of the harm, makes the establishment of accountability difficult. As Kutz points out, there is “no outcome that can be identified with the agent’s will”¹² either individually or collectively. While no individual can be found faulty, the aggregate of “drivers

¹² Ibid., 169.

who use air conditioners” does not possess the traits of agency required to impute collective responsibility for the environmental harm, even though the damage caused by the aggregate of marginal individual contributions exists and can often be significant. The collective in question—the aggregate of individual contributors—is unstructured in the sense that it does not possess a clear decision-making process with which to organize itself and with which we can properly impute it with agential qualities.¹³ In order to hold all drivers who use air conditioners responsible as a whole, some level of group organization is required. The lack of group-agency precludes what Kutz refers to as “holistic” solutions. Instead, it requires an exploration of ways to effectively engage individuals in collective endeavours to counter the harms.

Kutz uses game theory to show how collective action problems arise in cases of unstructured collective harms. In a system where compliance means avoiding the act that contributes to harm and defection means performing an act that contributes to harm, Kutz demonstrates how individuals are likely to defect when they pursue rational choices in cases where there is little assurance that others will comply. In other words, when a driver has little assurance that other drivers will cease using their air conditioners as a way of preventing collective environmental harm, then he will be unlikely to cease himself. To stabilize these types of collective action problems, Kutz explores the use of what Amartya Sen calls “Assurance Games” where political tools are used—in the form of incentives or sanctions—to provide greater assurance to the participants that universal compliance is likely to occur. However, Kutz points out that Assurance Game schemes are not sufficient on their own to ensure compliance and are often very expensive. He suggests that political solutions should be bolstered with a moral dimension whereby individuals adopt a conception of harm that includes “deeper,

¹³ For a discussion of the ways that collectives can be considered group-agents that are capable of bearing collective responsibility as a whole, see Peter French “The Corporation as a Moral Person”, *American Philosophical Quarterly*, 16 (1979): 207-215; Philip Pettit, “Responsibility Incorporated” *Ethics*, 117 (2007) 171-201 ; and J. Angelo Corlett, “Collective Moral Responsibility,” *Journal of Social Philosophy*, 32 (2001): 573-584.

systemic forms of collective action”¹⁴ such as a culture or a way of life and character-based motives for action. The attention to systemic connections to the harm and character-based considerations leads participants to attach moral disvalue to defection. The added “moral cost” of defection increases the overall cost of defection and, coupled with Assurance Schemes, helps to motivate individuals to comply. In this way, Kutz focuses on solutions that are psychologically stable and that have resources to help enlarge an individual’s view of collective harms. By exploiting some of the same mechanisms that cause unstructured collective harms—such as the aggregation of individual efforts—Kutz suggests that we can engage individuals in a collective venture that leads to more positive outcomes. For instance, individuals can pose symbolic actions such that they feel that they are being consistent with a positive, individual character-based view of morality that includes the notion of not participating in the perpetuation of the unstructured collective harm.

Consumer acts in the TCF industry demonstrate many of the characteristics of unstructured collective harms. First, consumers in the TCF industry represent an unorganized collective that is spread out over many different countries. Consumers, as a whole, do not possess a decision-making system that they can utilize to direct their collective power in conscious ways. Rather, collective power operates as a function of the aggregation of individual consumer choices. Second, consumers contribute to the plight of workers in marginal ways by virtue of the act of purchasing products produced in sweatshops. These purchases, when aggregated, direct production in particular ways. Consumer demand stimulates the production of goods. Competition drives down the price of goods. Consumer response to low prices helps to increase competitiveness in an already competitive industry, thus contributing to the perpetuation of sweatshops that offer the cheapest labour costs. Third, the economic actors that are involved in TCF exchanges inhabit the same system of economic cooperation. This means that collective

¹⁴ Kutz, *Complicity*, 167.

action, whether consciously pursued or not, can have significant effects on other actors within the system by virtue of mediating factors. Finally, when we consider how a consumer might conceptualize his responsibility for sweatshops based on a typical model of individual responsibility, the application of the concept of unstructured collective harms seems to apply even more appropriately. It is part of the nature of unstructured collective harms that individual conceptions of responsibility are undermined by the diffuse causality and multiple layers of accountability that characterize international systems of cooperation.

Theorizing consumer responsibility for sweatshop labour involves a tension between individual conceptions of consumer responsibility, the empirical effects of international systems of cooperation, and the need to work within the boundaries of individual moral reasoning in order to generate solutions. To elaborate on why this is the case, consider the following model of individual responsibility proposed by Philip Pettit in *Responsibility Incorporated*. Pettit's model is useful because it includes some basic, and feasible, criteria for understanding responsibility in both moral and legal senses without relying on overtly legal language.

Value relevance.—He or she is an autonomous agent and faces a value relevant choice involving the possibility of doing something good or bad or right or wrong.

Value judgment.—The agent has the understanding and access to evidence required for being able to make judgments about the relative value of such options.

Value sensitivity.—The person has the control necessary for being able to choose between options on the basis of judgments about their value.¹⁵

Let us assume that each of the preceding three criteria must be fulfilled for an individual's sense of responsibility to be fully engaged and for imputations of responsibility to be relevant. In Pettit's model, it is assumed that the agent is confronted with a morally relevant choice that puts him on a path where he must

¹⁵ Philip Pettit, "Responsibility Incorporated", *Ethics*, 117 (2007): 175, emphasis authors.

either choose to perform an act that will cause harm or choose to perform an act that will not cause harm and therefore the agent has the capacity to affect the outcome one way or another. If the agent is capable of being confronted with morally relevant choices, including the contribution or non-contribution to a harm, and if the agent can understand the consequences of the choices that he is confronted with and he has the control necessary to choose one way or another, then we can properly say that the agent is responsible for his choice and the outcome that results.

Unfortunately, the interaction between consumers and TCF workers distorts this model and weakens arguments for consumer responsibility. For instance, to fulfil the *value-relevance* criteria, the “autonomous agent”—autonomous in the sense of possessing free will—must be faced with a choice that is of legitimate moral import where the agent can either pursue a good or a bad course of action. From the consumer perspective in the TCF industry, *value-relevance* is undermined because the choices that consumers are faced with are often benign in character. Individual purchases of shoes or clothing do not typically carry moral weight for consumers and therefore these consumer acts are not often considered to be moral choices as such. In terms of *value-judgment*, the agent must be capable of understanding the consequences of the different choices that might be made and also have access to the information required to make an informed choice. These epistemic criteria are crucial for imputing responsibility. If the agent is either incapable of understanding the importance of the choices available or lacks information to discern the consequences of one choice over another, responsibility is forfeited. Consumer *value-judgement* is undermined because individual consumers cannot coherently grasp the effect that they have on distant others due to the diffusion of causality and the unclear connections between consumer goods and the harm itself. Some research by individual consumers can shore this gap, but it remains difficult to know with certainty that we are causing harm, and in turn, it becomes easy to disregard the information that we have acquired. Finally, *value-*

sensitivity, the ability of the agent to realize one choice or another based on the understanding they possess of its moral consequences, is undermined most notably because of the lack of knowledge regarding the harm but also for very practical reasons. Some consumers are constrained by a lack of choice. They may have every intention or desire to make ethical purchases but a lack of more ethical options or a lack of purchasing power to afford more ethical options undermines the intention.

However, the ways that individual moral responsibility are undermined does not prevent the conceptualization of consumer responsibility in the TCF industry. Rather, the points at which individual conceptions of responsibility are undermined highlights areas that need to be adequately addressed by theory. For instance, conceptualizing in a coherent way the harm of sweatshop labour and the connection that consumers have to the harm is a first step toward strengthening the applicability of the criteria in Pettit's model and therefore engaging individual conceptions of responsibility. The next step is to propose ways that these coherent theorizations can be brought to bear on individual moral reasoning in a reasonable manner and such that more positive acts are facilitated.

Let us recall for a moment the nation-centred approach to responsibility and its tension with the phenomenon of unstructured collective harms. Role-responsibility for sweatshops rests upon the shoulders of the nation where the sweatshops are housed but the creation and perpetuation of sweatshops are not due solely to domestic factors: many actors—including consumers—contribute to the processes that bring about harm on sweatshop floors. What is unique about contemporary sweatshops is their subscription within extensive international networks of economic cooperation. Tension arises, then, between the subscription of responsibility to the national institutions of the affected state and the contributions to the harm by actors that are not accountable to these institutions and/or are operating beyond the national boundaries of the country that houses the sweatshop. This state of affairs seems to necessitate a theory of responsibility that takes the

international sphere into account and that allows for all contributors to the harm to be addressed, even if those contributors are individuals contributing in marginal ways. And the form that the extended responsibility takes is critical. Many practical reasons can be invoked in support of the limitation of personal responsibility to the boundaries of their respective state. After all, being held responsible for the effects of all of our actions, even those effects that we did not intend, would be very demanding. An individual could never fully discharge his responsibilities within such a demanding system. However, the extension of individual responsibility can be proportional to the abilities of the individual to act. In this way, the relegation of responsibility for sweatshops to the affected nation-state is not a theoretical necessity but rather a consequence of the inexistence of adequate moments where individuals can exercise their moral reasoning, in stable and coherent ways, and then consciously direct their individual contributions towards collective solutions, rather than collective harms. Consequently, the state institutions of contributors can be utilized to realize consumer responsibility in such a way as to engage consumers in collective solutions.

To be effective, collective solutions must operate coherently on the individual level, be morally relevant, and feasible. First, individual consumers must reproach themselves for contributing to unstructured collective harms and identify affirmatively with efforts to prevent them. Second, individuals, in their role as consumers, must understand themselves as contributors to harms that occur beyond their national boundaries by virtue of international systems of economic cooperation. These contributions, in turn, must be considered to be morally relevant. Finally, consumers must have access to tools that enable them to bring their moral reasoning to bear on the moral dimensions of their purchases in a structured, clear, and feasible moment. Inspired in part by the work of Kutz, I thus outline three standards for the development of an effective solution—psychological feasibility, social connection across borders, and political tools of “confrontation.” These tools, while allowing for consumer autonomy, should also contain some

elements of an Assurance Scheme whereby the impression that other consumers will make ethical purchases is increased, thus increasing the likelihood that any individual consumer will make an ethical purchase. I will suggest that the state, using tools of confrontation, is best suited to this task.

a) Psychological Feasibility

Kutz emphasizes the importance of developing solutions that are stable and coherent to individuals upon reflection. Individual motivations to solve unstructured collective harms

must be psychologically feasible, which is to say that they must be internalizable and stable under reflection. In other words, the theoretical, individualistic challenge places constraints upon practical, systemic solutions. Feasible motivations must be grounded in structures of moral reasoning, namely conceptions of wrongdoing and accountability.¹⁶

The constraint of psychological feasibility arises because of the non-agential qualities of the collective involved in creating the harm. In unstructured collective harms, responsibility is divested most effectively to the individual level because we cannot hold the collective responsible as a whole and the harm erupts from individual, non-intentional contributions. The approach that is developed in this paper must operate coherently on the individual level. Applying a theoretical structure that retains many of the features of an individual model of responsibility, including notions of faultiness and backward-looking accountability, are key because these ways of apprehending contributions to harm are coherent within individual conceptions of moral reasoning and they are effective for motivating individual action. In line with this criterion, I have chosen to use a human rights framework extensively in this paper for reasons which I addressed in the introduction of this paper.

¹⁶ Kutz, *Complicity*, 177.

b) Social Connection Across National Boundaries

Adequately theorizing the connections that we have across national boundaries is a crucial component of the framework that I will propose here. The popular position that limits moral responsibility to shared national institutional networks represents an obstacle to the resolution of unstructured collective harms. Accounting for how we are connected with others in significant ways despite a lack of shared national institutions is essential for individuals to grasp how their actions in one context may significantly contribute to the life conditions of others, elsewhere. I will theorize ways that individuals can understand their connection to these harms in a meaningful way, focusing mainly on the concept of social structure.

c) Political Tools that Enable “Confrontation”

The use of political tools to aid in assurance of universal compliance is an important point that Kutz explicates. My approach here is not only to focus on ways to increase compliance but also on the need to confront individual contributors with the harm to which they are linked and to provide more clearly defined moments where individuals can bring their moral reasoning to bear on the choices they make. Political tools that involve confronting individuals with their participation in unstructured collective harms represent a way of increasing a sense of universal compliance—because individuals know that others are confronted in similar ways—but it also provides a means of bringing moral import to individual decisions that would otherwise go unconsidered. Later in this paper, I will explore possible practical recommendations for tools that involve confrontation, and that are regulated by the state. These standards will form the basis of my approach to unstructured collective harms in the TCF industry. I will now turn my attention to a conceptualization of harm.

Chapter 2 – Conceptualizing the Harm

To account for consumer responsibility, it is crucial to define the harm itself in terms that resonate with the conceptions of morality of most relatively well-resourced consumers. A conceptualization of harm on sweatshop floors must be clear, stable, and coherent if consumers are to accept that they have a responsibility for the state of affairs. I will return to the the work of Joel Feinberg in *Harm to Others* to address this issue.

Harm

Feinberg distinguishes three senses of harm. The first sense is what he calls a derivative sense whereby anything that is “shattered”, “ruptured”, “burned”, or in any way “damaged” in a manner that is contrary to the interests of its possessor can be considered harmed. It is derivative because the harm visited upon the object is interpreted in relation to the interests of the possessor and not solely in relation to the well-being of the object itself. Feinberg dismisses this first sense of harm because of its derivative character and focuses instead on the two final senses as being constitutive of our concept of harm.

The second sense of harm concerns the “thwarting, setting back, or defeating of an interest” where interest is defined as having a “stake” in something—for example a company, a career, a family, a friendship—in such a way that one gains or loses relative to the condition of the thing in which one has an interest.¹⁷ The larger the interest in the object of interest, the greater the loss when that interest is thwarted or set back. In Feinberg’s example, if a company in which I have invested only a few shares collapses, I may not feel terribly worse off but if I lose my job, the well-being of my family and the future of my career may be threatened in such a way that I experience a much greater sense of loss. A person’s interests can be set back for a variety reasons, including natural disasters or bad luck, but Feinberg points out that a person’s interests are only thwarted in

¹⁷ Feinberg, *Harm to Others*, 33-4.

the legal sense when they are “... ‘invaded’ by human beings, either by [one]self acting negligently or perversely, or by others, singly, or in groups and organizations” and “the test for whether such an invasion has in fact set back an interest is whether that interest is in a worse condition than it would have otherwise been in had the invasion not occurred at all”.¹⁸

Feinberg’s distinction between welfare interests and ulterior interests is important to a consideration of his third sense of harm as well as our discussion of human rights in relation to the TCF industry. He categorizes ulterior interests as the goals, aspirations, and projects that we develop over our lives, that become important to us, and that we desire to see accomplished. Welfare interests are a more basic kind of interest. They are general and their harmonious fulfillment is a necessary step in the pursuit of other ulterior interests. Feinberg writes that

In this category are interests in the foreseeable interval of one’s life, and the interests in one’s own physical health and vigor, the integrity and normal functioning of one’s own body, the absence of absorbing pain and suffering grotesque disfigurement, minimal intellectual acuity, emotional stability, the absence of groundless anxieties and resentments, the capacity to engage normally in social intercourse and to enjoy and maintain friendships, at least minimal income and financial security, a tolerable social and physical environment, and a certain freedom from interference and coercion.... They are the “basic requisites of a man’s well-being”, but by no means the whole of that well-being itself.¹⁹

Depending on a person’s circumstances, welfare interests may be a person’s only interests. If one experiences a great deal of hardship, surviving by addressing one’s welfare interests might be one’s only, and most pressing, concern. What is more, it is possible to envision overlap and inter-relations between different welfare interests. They must be taken together, because “... welfare interests, taken together, are only as strong as their weakest link”.²⁰ In other words, a strong heart

¹⁸ Ibid., p.34

¹⁹ Ibid., p.37

²⁰ Ibid., p.37

does not make up for a lack of food any more than a steady minimal income can assure safety in a police state. Furthermore, Feinberg suggests that impeding welfare interests represents the most serious harm that can be visited upon a person. This can be explained in one way by the basic and necessary nature of welfare interests: for example, if I were to impede an individual's access to a minimal income, I would be causing a great deal more harm than if I simply impede the purchase of the newest model of car. However, the severity of impeding someone's welfare interests is best explicated by the confluence of welfare interests with basic moral claims.

The welfare interests then are grounds for valid claims against others (moral rights) *par excellence*. They are reasonable interests reasonably ascribed, if not to every person in the world without exception, at least to the standard person that must always be before the legislator's eye.²¹

As the grounds for the moral claims that we have against others, welfare interests provide a bar that helps us to measure both when an individual is being impeded from pursuing their primary (welfare) interests and how this relates to being wronged. As the basis of valid and universal moral claims, we can identify basic moral rights that correspond to these welfare interests. This is important when we consider the third sense of harm that Feinberg illustrates.

The third sense of harm is distinguishable from the second sense by its focus on being wronged which in turn is understood in terms of rights violations.

To say that A has harmed B in this sense is to say much the same thing as that A has wronged B, or treated him unjustly. One person *wrongs* another when his indefensible (unjustifiable and inexcusable) conduct violates the others right, and in all but certain very special cases such conduct will also invade the other's interest and thus be harmful in the sense already explained.²²

²¹ Ibid., p.112

²² Ibid., p.34

Being wronged in this case refers to a standard of rights that we bear and that require respect. Feinberg argues that our understanding of harm must include the overlap of both the second and third sense of harm, so if we are wronged but no setback in our interest is measured, or if we experience a setback in our interests with no corresponding wrong, then a harm has not occurred. This is a crucial point: the existence of a harm may hang on our ability to measure both of these two aspects in the experience of the victim. However, in the case of the thwarting of welfare interests, a wrong is necessarily present because of the intrinsic nature of welfare interests and their connection to basic moral rights. This explains my focus on harms that involve a setback in welfare interests: they are the more dire and the more easily identified cases of harm.

It should be noted that the process that I am laying out for identifying harm is not a case of identifying wrongs with the violation of *legal* rights—an avenue that Feinberg warns against²³. Rather, this is a process of identifying harm with the violation of moral rights that are themselves understood in terms of a setback in a universal set of basic interests (welfare interests), that concord with a conception of basic moral rights that we all possess, and that we can claim against others. As we have seen, moral rights are often accompanied by enforcement rights that themselves found claims against the state, but these may or may not be codified into law and therefore moral rights may or may not be legal rights. As Feinberg explains, associating harm with a violation of legal rights would be circular: we would be required to measure harm according to pre-existing legal rights but legal rights are designed in the first place in an attempt to prevent harm.

The preceding framework provides a clear method for understanding and conceptualizing harm. It captures most western intuitions regarding the moral relationship between individuals and the state in liberal societies and it gives us a framework to begin to work out responsibility. Setbacks in welfare interests and their corresponding rights violation direct responsibility to the state for failing to

²³ Ibid., p.110-111

meet enforcement claims against it where individual perpetrators, responsible in clear sense for a rights violation, can be identified. I would now like to apply this framework to the case of sweatshops in a schematic way in order to better understand harm in that context. I will suspend, momentarily, the question of whether this model applies to acts that exceed borders in order to address that question in greater detail in the next chapter. For now, I will assume that Feinberg's model is sound and apply it, in a straightforward way, to sweatshop labour.

Harm and Sweatshops

In the conceptualization of sweatshop labour as a harm, it is advisable, as Feinberg warns, to avoid the pitfall of applying a purely legal standard. Legal rights are subject to changes and variations and they cannot constitute an effective means of judging the existence of a harm in an absolute manner. To understand how sweatshop labour is a harm, we are best served by referencing a more general concept, in this case welfare interests and basic moral rights. Proceeding in this way implies the use of a minimum standard, or floor, where the constituent parts of the standard are the notions of welfare interests and, in particular, basic economic human rights. When conditions on a factory floor set back welfare interests in a measurable and important way *and* basic economic human rights are not respected, conditions in the factory can be categorized as harmful. If conditions improve such that the worker's relevant welfare interests are no longer set back and basic economic rights are respected then the categorization of the factory conditions as harmful can be lifted. Operating according to this type of minimum standard helps to clarify the existence of harm for consumers separately from the reception of benefits for the work. Workers may not have many work options available to them and they may receive some earnings from sweatshop labour that help them survive but these facts can be kept separate from the existence of harm. The use of a minimum standard for the definition of harm allows consumers to apprehend the harm of sweatshop labour *despite* the existence of benefits and *despite* the lack of

viable alternatives, thus motivating consumer action in a more coherent way. Let us see not only how sweatshop conditions set back or thwart the welfare interest of workers in realizing basic financial, emotional, physical, intellectual, and social well-being, but also how they violate basic economic human rights.

Consider the following definition of sweatshops proposed by Arnold and Hartman.

Sweatshops are defined as any workplace in which workers are typically subject to two or more of the following conditions: systematic forced overtime; systematic health and safety risks that stem from negligence or the wilful disregard of employee welfare; coercion; systematic deception that places workers at risk; underpayment of earnings; and income for a 48 h[our] work week less than the overall poverty rate for that country (one who suffers from overall poverty lacks the income necessary to satisfy one's basic non-food needs such as shelter and basic health care).²⁴

All of these factors constitute obstacles for workers in the achievement of minimal levels of well-being, whether that well-being is understood in terms of an adequate family life, good health, financial stability, intellectual development or any number of other conceptions. In terms of welfare interests, the interest in one's own health and vigour and the interest in a tolerable social and physical environment are thwarted by systematic health and safety risks in sweatshops and disregard for employee welfare. An interest in a minimal income and financial security are set back by the underpayment of earnings and wages below the overall poverty rate. Coercion and deception in sweatshops thwart one's interest in living free from these types of interference and so on. Alleviating any of these conditions would mean alleviating a burden on workers.

Coupled with a setback or thwarting of interests, the aforementioned conditions also violate our best understandings of basic economic human rights.

²⁴ D.G Arnold and , L.P. Hartman "Beyond Sweatshops: Positive Deviancy and Global Labour Practices", *Business Ethics: A European Review*, 14 (2005) : 207. See Ellen Israel Rosen, *Making Sweatshops: The Globalization of the U.S. Apparel Industry* (Berkeley: University of California Press, 2002), chapter 2 and Naomi Klein, *No Logo* (New York: Picador 1999), especially chapter 9, for empirical accounts of the working conditions in TCF sweatshops.

For instance, articles 22-24 of the Declaration of Human Rights seeks to define certain basic economic rights such as favourable work conditions, equitable pay, and reasonable hours.²⁵ These basic economic rights have been elaborated upon in a number of international documents and treaties, most notably by the International Labour Organization and their notion of “decent work”.²⁶ The conditions in sweatshops, regardless of the legal or national jurisdiction where those sweatshops happen to occur, simply do not meet the moral standards set out in our most clearly defined conceptions of basic economic human rights or in terms of general welfare interests. In this way, sweatshop labour conditions can be considered harmful to workers.

The fulfilment of welfare interests and basic economic human rights establishes a minimum standard by which we can establish whether certain work conditions are acceptable or not. By defining the conditions in these terms, those who contribute to the harm of sweatshop labour can begin to conceptualize their responsibility for alleviating these conditions in relation to their contributions. However, concluding that certain conditions are harmful carries significant normative weight and raises questions regarding our moral duties to intervene or prevent the harmful conditions. Consequently, objections exist that would seek to undermine arguments for the harmfulness of sweatshop labour or restrict the extent of our duties to respond. I will address one prominent argument here that focuses on the relative benefits gained by sweatshop workers who perform this kind of labour and the autonomy of the workers to choose a form of employment as a means of arguing against interventions to prevent sweatshop labour. I will show that this objection does not speak to the essential harmfulness of sweatshop labour itself thus directing consumer attention away from their duties to avoid contributing to harm. Furthermore, I will suggest that interventions to prevent

²⁵ “The Universal Declaration of Human Rights”, accessed June 24, 2010, <http://www.un.org/en/documents/udhr/index.shtml#a21>

²⁶ “Decent Work”, International Labour Organization, accessed August 2, 2010, http://www.ilo.org/global/About_the_ILO/Mainpillars/WhatisDecentWork/lang--en/index.htm

harm need not require the eradication of factory work altogether: interventions that improve work standards and economic growth can go hand in hand. Presenting intervention in sweatshop labour as an either / or choice—meaning a choice between the complete eradication of sweatshop labour or the acceptance of the status quo—constrains consumers from adequately conceptualizing their responsibility.

Matt Zwolinski provides a defense of non-intervention in sweatshop labour. His presentation is useful because his work involves an attempt to represent a vast number of arguments in support of a stance of non-intervention in sweatshops. He focuses his argument on the importance that choice plays in our moral evaluations and he summarizes the core of his approach in the following way.

1. Most sweatshop workers choose to accept the conditions of their employment, even if their choice is made from among a severely constrained set of options.
2. The fact that they choose the conditions of their employment from within a constrained set of options is strong evidence that they view it as their most-preferred option (within that set).
3. The fact that they view it as their most-preferred option is strong evidence that we will harm them by taking that option away.
4. It is also plausible that sweatshop workers' choice to accept the conditions of their employment is sufficiently autonomous that taking the option of sweatshop labor away from them would be a violation of their autonomy.
5. All else being equal, it is wrong to harm people or to violate their autonomy.
6. Therefore, all else being equal, it is wrong to take away the option of sweatshop labor from workers who would otherwise choose to engage in it.²⁷

²⁷ Matt Zwolinski "Sweatshops, Choice, and Exploitation", *Business Ethics Quarterly*, 17 (2007): 695.

To discuss Zwolinski's argument, I will use the same method that he employs and separate it into two parts. Part one, including premises (1), (2), and (3) constitutes an argument based on preference. The preference argument can be summarized in the following way. Within the set of work options available to potential sweatshop workers, sweatshop work represents a difficult, but preferred, employment option for individuals. This preference suggests that the workers receive real benefits from the work and it would be wrong to deny them those benefits. For instance, Naila Kabeer points out that workers in TCF factories, who are predominantly women, consider their employment to be a better, safer, and more reliable option than the domestic or agricultural work that they would otherwise be consigned to perform.²⁸ Also, many women working in sweatshops gain valuable bargaining power within their couple because of the income they gain from the work, however small or unreliable the pay might be or however difficult the conditions might be. Taking away this preferred option causes harm to the workers. Of course, it may be empirically correct that sweatshop labour represents a better work option for most sweatshop labourers compared to competing jobs. This fact does not negate the advantages of intervention nor does it address the essential harmfulness of sweatshop labour as such. Competing work options for sweatshop labourers, and sweatshop labour itself, can still be harmful according to a baseline standard of welfare interests and basic economic human rights even though sweatshop labour is potentially *less* harmful than other work options. The fact that workers prefer the benefits of sweatshop labour to the benefits procured from other forms of work available to them—while sweatshop labour itself remains essentially harmful—only highlights the need to improve work standards overall to a morally acceptable level so that a large number of workers in the world do not have to choose from the most palatable poison when they seek employment. To achieve this requires economic development, but as Jody Heymann and Alison Earle have demonstrated, this economic development

²⁸ See Naila Kabeer "Globalization, Labour Standards, and Women's Rights: Dilemmas of Collective (In) Action in an Interdependent World", *Feminist Economics*, 10 (2004): 3-35.

can come with acceptable work standards.²⁹ What is important to retain for consumers when they are evaluating the harm of sweatshop labour is the baseline judgement that it is, in fact, harmful regardless of whether the workers consider it to be a preferred option. Finally, the interventions proposed in this paper do not seek to remove the preferred choice of workers but rather focus on engaging consumers in projects that stimulate improved regulation on sweatshop floors.

The second part of Zwolinski's argument focuses on autonomy and the role that autonomous choice plays in our normative accounts of harm. Zwolinski suggests that the autonomous choice of a specific set of conditions can change our moral stance on those circumstances even if the conditions seem harmful. With premises (4) and (5), Zwolinski asks us to consider the implications of violating the autonomy of workers by taking away a work option that they chose autonomously. This claim does not address the essential harmfulness of sweatshop labour either. In fact, implicit in Zwolinski's argument is the notion that sweatshop labour *is* harmful in some way but that it would be *more* harmful to interfere in the perpetuation of sweatshop labour because such an act would transgress the preferences and autonomous choices of workers. Zwolinski does not attempt to use choice to place the harmfulness of sweatshop labour in question. Rather, he argues that violating preferences and disregarding autonomy is, in some way, more harmful than the work conditions themselves, thus necessitating a position of non-interference. With regards to Feinberg's definition of harm, we cannot say that it is in the worker's interest to work in sweatshops in order to sustain themselves—it being their preferred option—therefore negating the possibility that a setback in interests has occurred and undermining the existence of harm. This line of argumentation ignores the fundamental role that the concept of welfare interests and moral rights play in Feinberg's definition. Our welfare interests and basic moral rights must be addressed before pursuing more complex projects. Even though sweatshop work may provide a *better way* of pursuing these welfare

²⁹ Heymann and Earle, *Raising the Global Floor*, especially chapters 2 and 3.

interests relative to other options, the work itself can remain harmful in a baseline sense because those welfare interests fail to be fulfilled and basic economic human rights continue to be violated. In terms of Zwolinski's position, what we are left with is an evaluation of the extent to which violating preferences and autonomy is more harmful than the conditions themselves, a strategy that asks us to weigh the harmfulness of the conditions in sweatshops against the harmfulness of an intervention. In terms of autonomy, this argument gains its force from the level of autonomy that the workers possess when they choose to accept sweatshop conditions. To undermine the second part of Zwolinski's argument, we would need to identify substantial constraints on workers that could erode their autonomy, thus making sweatshop work a non-consensual, and therefore more forcefully harmful, act. This makes the argument based on autonomy a matter of degree. It is possible to imagine a purely autonomous choice as it is possible to imagine increasingly reduced autonomy as the number or strength of constraints increases. As constraints mount—and they could include limited work options, poverty, and poor health—autonomy is reduced and the force of Zwolinski's position is weakened. I will not address in detail here the empirical conditions that contribute to the entry of most individuals in sweatshops. However, it is possible to imagine a number of constraints in the lives of workers that could undermine cases for a straightforward autonomous choice, constraints that Zwolinski readily admits in premises (1) and (2). And if very little autonomy is exercised by workers when they enter sweatshops, it is more difficult to say that an intervention would be harmful in a way that is more significant than the harm caused by the work conditions themselves. Furthermore, Zwolinski's method of proceeding would have us overlook the benefits that workers might experience by working under better conditions. Intervention need not mean cessation; rather, an intervention could include better regulation in order to implement better work standards. This type of intervention, which western workers experience everyday in the form of state-run agencies and unions, would seem to be a desirable trade-off for a limited violation of autonomy.

To conclude, we are left with a case where sweatshop labour can be considered harmful in a morally significant way according to a baseline conception of harmfulness. It is very important to keep this baseline evaluation in mind in order to develop a coherent conceptualization of consumer responsibility. Consumers need to maintain their focus on the ways in which sweatshop labour falls below a baseline understanding of decent work in order to begin to conceptualize their responsibility to respond in order to improve or prevent these conditions. Entering into debates regarding trade-offs between the benefits of working in a sweatshop versus the benefits of not having the choice to work in sweatshops can easily distract consumers from the essentially harmful conditions of these factories and draw us into an either / or strategy where taking responsibility for the harm on factory floors is equated with the cessation of sweatshops—and the removal of all benefits—something that may not be the case.

I believe the previous account is a plausible and coherent way for consumers to conceptualize sweatshop labour as harmful. Before entering a discussion of consumer responsibility for this harm, it is important to address ways that consumers can understand their connection to this harm.

Chapter 3 – Conceptualizing Connection

Up to this point, I have not offered a defense for why the framework of harm that has been presented earlier should apply across borders. After all, Feinberg's conception of harm was developed within the context of the nation-state, not as a model that necessarily applies internationally. To be fully consistent with Feinberg's model would be to relegate responsibility for sweatshops to the affected state, in terms of a role-responsibility of the state to assure that minimal work standards are respected for its citizens. However, as we shall see, the nature of the global TCF industry and unstructured collective harms is such that consumers are connected to workers via international systems of economic cooperation and social structures that cross borders. This means that the aggregate effects of the acts of consumers can influence distant others in significant ways, thus giving rise to the problem of conceptualizing consumer responsibility beyond nation-centred approaches while leaving the previous conceptualization of harm intact. To explain how the proposed understanding of harm need not change despite the international character of consumer implication in sweatshop labour, it is necessary to show how consumers can understand all individuals to be bearers of basic economic human rights, and therefore agents capable of suffering harm. To do this, I will first elaborate on the role that moral cosmopolitanism plays in conceptions of consumer responsibility. Next, I will propose different ways that consumers can understand their connection to sweatshop harm in economic terms. A discussion will follow of the ways that the concept of social structure can deepen consumer understanding of their participation in, deeper, collective ventures. After all, while it may be possible to define the harm of sweatshop labour in a coherent way according to a baseline standard, and then to extend this standard internationally with a cosmopolitan thesis, the existence of the harm remains meaningless to consumers—and therefore beyond the range of their understanding of personal responsibility—if there is no adequate way of conceptualizing consumer connection to it.

Moral Cosmopolitanism

To provide an account of the moral foundations of connection that consumers have with sweatshop workers in a rights-based system, I will propose that weak versions of moral cosmopolitanism are both necessary and sufficient to extend the moral sphere of consumers to distant others. If in the eyes of consumers sweatshop workers are possible sufferers of harm and plausible connections between these actors can be established, then accounts of responsibility become possible. Let us start with a basic account of moral cosmopolitanism.

Thomas Pogge, a prominent defender of liberal cosmopolitanism, writes that “[m]oral cosmopolitanism holds that all persons stand in certain moral relations to one another: we are required to respect one another’s status as ultimate units of moral concern”, a definition which he notes captures three essential characteristics of moral cosmopolitanism: it is individualistic, general, and universal.³⁰ It focuses on the individual as the primary unit of moral concern—for instance, as the bearer of certain inalienable rights—it applies to all individuals equally, and it is general in the sense that it is applied globally. Conversely, in his discussion of the concept, Charles Beitz writes that

The force of moral cosmopolitanism is clearest when we consider what it rules out: cosmopolitanism stands opposed to any views that limits the scope of justification to the members of particular types of groups, whether identified by shared political values, communal histories, or ethnic characteristics.³¹

Beitz highlights the inclusiveness of moral cosmopolitanism and its incompatibility with approaches that limit moral considerations to the boundaries of the state. However, he points out that moral cosmopolitanism is inconclusive when we begin to ask what kind of treatment it requires in a substantial sense, for

³⁰ Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity, 2008) : 175, italics are the authors.

³¹ Charles Beitz, “Cosmopolitanism and Global Justice”, *Journal of Ethics*, 9 (2005): 17.

instance whether that treatment be egalitarian, global re-distribution, or desert-based considerations. The indeterminacy of moral cosmopolitanism, in terms of what it requires of us, is clearly a limitation of the approach when it is applied in certain contexts, especially institutional design. Beitz suggests that some of this indeterminacy can be addressed by distinguishing more clearly between different versions of moral cosmopolitanism. Following the thought of a number of writers, Beitz notes the distinction between “weak” and “strong” or “radical” and “mild” versions of moral cosmopolitanism.³² For instance, in *National Responsibility and Global Justice*, David Miller writes that “...weak cosmopolitanism requires that we show equal moral concern for human beings everywhere, while strong cosmopolitanism goes beyond this to demand that we should afford them equal *treatment*, in a substantive sense.³³ For Miller, “weak” versions of cosmopolitanism are “...in the first place a claim about moral value”³⁴ and do not fall prey to the same contentions that arise from the more substantive demands of stronger versions. On the contrary, weak versions of moral cosmopolitanism have broad appeal and are relatively uncontroversial. But, if we discount stronger versions of the moral cosmopolitanism thesis because of the indeterminacy that they require, are we left with a notion that is useful in the context that concerns us here? Or, do weak versions lack the resources for stabilizing consumer responsibility in an adequate way?

To begin, within a framework that defines harm according to human rights, it is necessary to adopt a premise that supports the claim that all individuals are

³² Beitz points out that a number of authors have made similar distinctions between these two poles of cosmopolitanism including Samuel Scheffler in “Conceptions of Cosmopolitanism,” pp.114-115, Simon Caney in “Review Article: International Distributive Justice,” pp.975-976 and David Miller in “The Limits of Cosmopolitan Justice,” in David R. Mapel and Terry Nardin (eds.), *International Society* (Princeton: Princeton University Press, 1999): 166.

³³ David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007): 43-44. I have decided to focus here on a more recent formulation of the weak versus strong distinction adopted by Miller.

³⁴ *Ibid.*, p.28

bearers of human rights in a legitimate and substantial way. Without the aforementioned premise, consumers cannot adequately conceive of distant others as potential sufferers of harm. If human rights only applied to particular groups, a clear conceptual contradiction would arise between the purported universality of human rights and its application according to group membership. To move beyond this contradiction, a weak moral cosmopolitan position is necessary. In the same way, weak moral cosmopolitanism is sufficient to underwrite the idea that all individuals are possessors of welfare interests and basic economic human rights, regardless of nationality, and therefore potential sufferers of harm. This enables a conception of harm, based on human rights, to be extended internationally. Furthermore, in terms of consumer responsibility in the context of individual contributions to a collective problem, weak moral cosmopolitanism establishes a connection between distant others and the consumer. Operating within individual moral reasoning, individual consumers can conceive of distant others as potential sufferers in the same way as they themselves are potential sufferers, thus establishing psychologically stable moral relationship between themselves and sweatshop workers. While the sweatshop might exist in a different country, weak moral cosmopolitanism suggests that we are all capable of experiencing the harm of sweatshop labour in the same way. As a consumer, if I contribute by my actions—even marginally—to distant suffering, the case for responsibility on my part is both stronger and psychologically more stable if I can relate to this suffering rather than believing myself to be immune to it. Consumers can stay within the boundaries of weaker versions in order to conceptualize ways that the connections they have with distant others enables their acts to contribute to harm. Giving equal moral concern to others is enough, within the restricted sphere of action of the consumer and within the current economic order, to give moral character to the marginal contributions that consumers make and thereby provide the possibility for consumers to exercise their moral reasoning in ways that contribute instead to positive, rather than harmful, outcomes. Next, I would like to discuss structural connections between consumers and sweatshop harm in more detail.

Structural Connection

Weak moral cosmopolitanism is sufficient to extend the moral sphere of consumers to include the effect of their actions on distant others but a more detailed treatment of the actual connections between consumers and sweatshops is still required. It is important to establish whether, and in what ways, the actual economic and social connections between these actors provide the *capacity* for consumers to affect the situation of distant workers. To do this, I will first outline how the structural conditions that are prevalent in the TCF industry and in the global economy increase the likelihood that workers will experience sweatshop conditions. I will discuss how the concept of social structure enables consumers to better understand the ways that they participate in the reproduction of these structures and how, collectively, consumers can influence change in these structures. This will provide a more complete account of consumer connection to sweatshops.

We can begin an account of connection in the TCF industry by reiterating some of the basic features of economic globalization. As we have seen, the intensification of economic interaction that has occurred over the past five decades has created industries where economic activity is not restrained to regions or countries but instead spans the globe. This trend became evident in the TCF industry as early as 2000 when the Tripartite Meeting on Labour Practices dubbed it a global, “one-world employer”.

...global inasmuch as production activities are worldwide and connected through various arrangements and strategic decisions to serve the world market; global in so far as trade, which is expanding more rapidly than the average of the manufacturing sector, is highly influenced by the changing characteristics of international competitiveness and the relocation strategies implemented by global companies; and global because the geographical distribution of world employment is affected by the rapid changes in

production and trade. TCF industries can be regarded, accordingly, as a “one-world employer”.³⁵

The nature of the TCF industry as a “one-world” employer is such that employment, production, and consumption are linked together into global systems of trade. This suggests that consumer selection of some products—based on taste, price, or other factors—stimulates an increased production of that product beyond regional and national boundaries. For instance, multinational corporations (MNCs) respond to consumer choices by increasing or decreasing their production to meet demand. These increases or decreases affect manufacturing of the product, through sub-contracting, in different manufacturing zones across the world. Consumers can stimulate new markets, contribute to the eradication of markets, or perpetuate existing markets, by exercising their choice collectively. On the ground, this means that manufacturing contracts, and therefore employment opportunities, are increased or decreased partly due to the collective purchasing choices made by consumers all over the world. How should consumers understand how their choices gain moral weight beyond simply being a function of the use of their purchasing power in a global industry?

We begin to perceive a moral character to the relationship between consumers and workers when we consider how structural conditions in the global TCF industry increase the likelihood that workers will experience sweatshop conditions. For instance, it is common for MNCs to shift their manufacturing contracts to those countries where labour conditions are lax in order to increase profits. This can place some downward pressure on states to decrease labour regulations. Against the backdrop of economic globalization, countries are

³⁵ From “Labour Practices in the Footwear, Leather, Textiles, and Clothing Industry: Report for Discussion at the Tripartite Meeting on Labour Practices in the Footwear, Leather, Textiles, and Clothing Industry, Geneva 2000”, International Labour Organisation, accessed June 30, 2010, <http://www.ilo.org/public/english/dialogue/sector/techmeet/tlfi00/tlfi-r.pdf>

encouraged to use their comparative advantage in order to integrate into the global economy in ways that are most advantageous and productive for their particular set of circumstances. In the TCF industry, the comparative advantage of many low-income countries is a large supply of inexpensive labour. The result, globally, has been a shift in manufacturing from higher-income countries to lower-income countries as MNCs “out-source” production to areas in the world where their products can be produced more cheaply.³⁶ An example of this trend is the creation of Economic Processing Zones (EPZs) in low-income countries as a way of attracting more foreign investment to domestic manufacturing centres.³⁷ The outsourcing of labour to low-income countries has led, in some instances, to access to a set of jobs for some that would otherwise have been unavailable. However, many of these jobs have been categorized as sweatshop labour. Different conditions contribute to this problem. For instance, the institutional networks of many low-income countries remain weak, reducing the ability of these countries to enforce effective labour standards even when national law or international treaties have been adopted domestically for this purpose. In other cases, low-income countries have been encouraged to decrease labour regulation in order to more effectively integrate into the global economy, with increased income inequality and poorer work conditions as a result.³⁸ Many of the structural conditions that exacerbate the problem of sweatshop labour are beyond the control of individual consumers. Clearly, consumers cannot control the domestic policy of distant countries or the

³⁶ D.G Arnold and , L.P. Hartman, ``Beyond Sweatshops: Positive Deviancy and Global Labour Practices``, 207.

³⁷ “Export processing zones (EPZs) are industrial parks set up in certain countries to attract foreign and domestic investment in export industries. They use tax incentives and dedicated infrastructure to lower entry and operating costs for enterprises which would not otherwise have considered investing in that country.” See International Labour Organisation, http://www.ilo.org/public/english/dialogue/sector/techmeet/tmlfi00/tmlfir.htm#_Toc488740561 . accessed August 2, 2010.

³⁸ See Narcis Serra and Joseph E. Stiglitz, eds., *The Washington Consensus Reconsidered: Towards a New Global Governance* (Oxford, Toronto: Oxford University Press, 2008): 10-11. The editors explain how increased labour market flexibility, prescribed by the Washington Consensus, has often led to greater inequality in incomes overall.

actions of global economic institutions. However, some structural aspects of the TCF industry are within the collective sphere of control of consumers. To deepen our account of the ways that consumers participate and influence structures within the TCF industry, I will turn to the work of Iris Marion Young and her Social Connection Model.

In her article "Responsibility and Global Justice: A Social Connection Model", Young builds her account of the moral significance of global connections on the work of Charles Beitz and Onora O'Neill. Young cites Beitz' work in *Political Theory and International Relations*, explaining how Beitz challenged the Rawlsian restriction of obligations of justice to shared national institutions by virtue of the economic processes and dense relationships that link us together across borders, thus grounding duties of justice that apply globally and raising the need for the development of institutions to regulate those relationships in sufficient ways.³⁹ Next, Young builds on Onora O'Neill's claim that the scope of our moral obligations extends to all those whom we assume through the conduct of our affairs, referencing O'Neill's claim that the increased connection brought about by globalization is such that

... our actions assume these others as a condition for our own actions... we have made practical moral commitments to them by virtue of our actions. That is, even when we are not conscious of or when we actively deny a moral relationship to these other people, to the extent that our actions depend on the assumption that distant others are doing certain things, we have obligations of justice in relation to them.⁴⁰

O'Neill's position requires us to think about our obligations to those whose cooperation is essential to the production and reproduction of our life situation.

³⁹ Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model", *Social Philosophy and Policy Foundation*, 23 (2006): p.105.

⁴⁰ Ibid., 106. Young references Onora O'Neill's work in *Faces of Hunger* (London: Allen, 1985) and *Toward Justice and Virtue* (Cambridge: Cambridge University Press, 1996): chapter 4 to support this claim.

Without the cooperation of distant others, however tacit and unconscious it may be, we simply cannot access many of the goods that we desire in our lives.

At this point, Young is attempting to establish how our connections to distant others gain moral significance. To deepen the account of the moral significance of these connections, Young suggests ways that our actions gain greater influence over the life situation of distant others by proposing the concept of social structure and structural injustice. She bases the concept of social structure on the work of a diverse group of theorists, beginning with Peter Blau and Pierre Bourdieu, who stress that social structure is “multidimensional space” or “fields on which individuals stand in varying positions in relation to one another offering possibilities for interpretation and action” and that social structure “...consists in the connections among those positions and their relationships, and the way the attributes of positions internally constitute one another through those relationships.”⁴¹ She uses examples like racial or ethnic relations that, in the context of sweatshop labour, renders some workers more vulnerable to exclusion or domination than others. It is the relationships between the different positions, and the specific attributes of the positions, that can enable or constrain the options of the individual. However, Young continues by pointing out that social structure is not an entity that exists separately from social agents. Rather, she follows Anthony Giddens in suggesting that social structure “exists only in the action and interaction of persons; it exists not as a state, but as a process” and that individuals reproduce social structures by forming actions based on knowledge of preexisting structures “...because they act according to rules and expectations and because their relationally constituted positions make or do not make certain resources available to them.”⁴² Young adds Jean-Paul Sartre’s concept of the *practico-inert* to this account, which she explains as the background conditions of future action or “the conditions under which actors act, a collective outcome of action which is often

⁴¹ Young, “Responsibility and Global Justice: A Social Connection Model”, 112.

⁴² Ibid., 112-113.

impressed onto the physical environment” such as socio-historical effects on human action that constrain or enable future action in specific ways.⁴³ The focus on social structure reduces the importance of individual intentional action or societal rules as the primary conditions for action. Young distances herself from the effects of intentional action by agents, instead highlighting the ways that “structured social action and interaction [...] have collective results that no one intends, results that may be counter to the best intentions of the actors”.⁴⁴ She refers to the unintentional results of collective action as *counter-finalities*, again following Sartre. The notion of *counter-finalities* is particularly adept at capturing the nature of consumer relationships with sweatshop labour and we can see parallels here between this concept and the concept of unstructured collective harms. Young and Kutz point out that structural conditions create situations where unintended collective effects arise from individual, relatively benign actions. But, where Young plays down the importance of intentional action, Kutz will attempt to recuperate intentional action as a way of solving unstructured harms. This focus on individual agency represents a split between the two theories, and I will return to the problem in the next chapter when I consider responsibility.

Social structure serves to “expand or contract” the opportunities of individuals. It enables certain sets of options for some while constraining or limiting a range of options for others. Within these structures, structural injustice can result when

... social processes put large categories of persons under systematic threat of domination and deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities.⁴⁵

⁴³ Ibid., 113.

⁴⁴ Ibid., 114.

⁴⁵ Ibid., 114.

We recognize structural harms when the constraint on a group of individuals' range of options becomes dire, systematic, and predictable. Furthermore, Young notes that structural systems are maintained, not only by institutional rules and norms, but also by sets of incentives and sanctions that make some courses of action more attractive or less costly or other courses of action particularly costly.⁴⁶ In turn, these sets of incentives and sanctions are reproduced by a variety of actions taken by individuals. Consumers who participate in the TCF industry direct their monetary contributions toward the profitability of sweatshop labour while the act of purchasing sweatshop goods, without considerations of the moral nature of the purchase, condones the acceptability of sweatshop labour and helps to perpetuate social structures that subjects some workers in the world to otherwise morally unacceptable working conditions for the benefit of relatively rich consumers, based mainly on the lottery of birthplace. As consumers, the act of purchasing sweatshop products represents a very real action that implicates consumers in a system that is structured in ways that increase the likelihood of sweatshop labour. A lack of contestation of the social structures that enable sweatshops only serves to deepen consumer implication. In this way, consumers participate in the reproduction of social structures that perpetuate sweatshop labour through a variety of means, whether it be economic acts or cultural practices. By becoming consciously aware of the social structures that they inhabit, consumers can begin to understand how their actions—which may have seemed previously benign—take on moral significance. Furthermore, consumers can begin to realize the ways that changes in their consumer behaviour can bring about changes in the social structures that connect them to distant harms. Young categorizes responsibility for the positive, collective modification of social structures in a particular way, and I will address her conceptualization in the following chapter. For now, I would like to dwell longer on the nature of connections between consumers and sweatshops.

⁴⁶ Ibid., 114.

Speaking strictly in terms of the economic role of consumers, the entire structure of the global TCF industry is clearly beyond the control of any individual consumer but the collective purchases of consumers can have an important influence on particular structures. Individually, consumer purchases are marginal but collectively these purchases can have an important influence. Economically, purchases in the TCF industry send very real signals to the global economy that help to maintain particular sets of incentives that in turn help to reinforce the structures that perpetuate sweatshops. In this case, the incentives take the form of profitability. Hypothetically, if consumers refused to purchase any goods that were made in sweatshops (assuming, of course, that a set of conditions existed that aided in the realization of this type of collective choice) then the alignment of incentives within the structures that surround sweatshop labour would change. In a word, sweatshop labour would no longer be profitable because the engine that drives the profitability—consumers—would have directed their collective power in different ways. The collective power of consumers would serve to re-align important incentives in the TCF industry, thereby motivating other actors in the system to change their behaviour and leading to overall changes in the structures that surrounding sweatshops. A change in incentives could lead to the creation of new structures that *decrease* the likelihood of sweatshop labour. And while the purchasing act itself is relevant for its collective effect on the incentives that help guide the actions of other economic actors (such as MNCs, global institutions, and states) a conscious social contestation of the structures that perpetuate sweatshops strengthens the movement toward sweat-free industry.

In this optic, it becomes possible to affect distant others by virtue of the social structures that connect individuals together. Furthermore, by becoming aware of the social structures that they inhabit, consumers can begin to take steps to affect distant others in more positive ways by trying to change those same social structures. By focusing on the effect of consumer choice on the manufacturing decisions of multinationals, consumers can proceed in the following way. First, multinationals must respect the criteria that consumers use to choose one product

over another—whether those criteria include taste, price, or trendiness, for example—in order to remain competitive. Second, if consumers collectively applied a set of moral criteria to the selection of goods—including a stipulation that basic economic human rights be respected in the manufacturing process—then multinationals might respond by diverting more resources to programs of regulation in order to assure that work conditions on shop floors improve in order to meet consumer demand and to remain competitive. This would simultaneously contribute to positive change in existing structures. Along these same lines, consumer efforts to voice the reasons behind their application of moral criteria to their purchases can be seen as real attempts to change the social structures that connect these actors. In other words, the act of including moral criteria in the selection of products changes the relationship between consumers and workers in order to include a wider set of moral considerations. In line with Kutz, social structure provides resources for understanding consumer participation and implication in “deeper, systemic forms of collective action” and the consumer *capacity* for affecting change within this system. This requires that consumers consider the collective effects of their actions and expand their considerations beyond the singular moment of purchase. In turn, “...the moral significance of preexisting networks of collaboration...”⁴⁷ is reinforced, thus increasing the potential that individuals will include a moral dimension in their deliberations in order to account for their collective responsibility.

On a final note, in terms of sweatshops, the incentives that require modification are not difficult to identify. It is profit that leads the major actors in the TCF industry to act in ways that reproduce structures that perpetuate sweatshops. The challenge lies in organizing collective consumer action in such a way that the profitability of sweatshop labour will be modified and other, morally acceptable work conditions will be supported. To achieve this, a conceptualization of consumer responsibility is required that motivates consumers to contest the

⁴⁷ Kutz, *Complicity*, 189.

social structures that they participate in and to change their purchasing behaviour. In the next chapter, I will explore ways to approach consumer responsibility by addressing, in particular, the collective action problem that is at the heart of consumer support for sweatshops and the role that confrontation plays in addressing this effect.

Chapter 4 – Conceptualizing Responsibility

The final chapter of this work addresses the primary concern of this paper: a conceptualization of consumer responsibility within global systems of cooperation, specifically with regards to sweatshop labour. In the previous chapters, I have proposed plausible ways that consumers can understand the harm of sweatshop labour and their connection to it. The question remains, however, as to whether consumers are, in fact, responsible for sweatshop labour in a meaningful sense. Furthermore, a plausible way of conceptualizing that responsibility is still lacking.

I would like to begin by reiterating certain positions that have already been addressed. First, while it makes sense to conceptualize harm according to a human rights model with a baseline measurement, such as one founded on the framework proposed by Feinberg, extending responsibility for harm beyond borders requires an extra step. We have seen that a weak moral cosmopolitan position is both necessary and sufficient to achieve this. Nation-centred approaches to responsibility tend to restrain accounts of responsibility for guaranteeing individual moral rights to actions of the state in the form of enforcement claims. Two inter-related conditions challenge a purely nation-centred account of responsibility for sweatshop labour. First, the phenomenon of sweatshops that is subscribed within a system of global economic cooperation in which states have an incentive to disrespect basic economic moral rights in order to increase foreign investment in the domestic manufacturing sector. This problem can be attenuated by government institutions that have difficulty enforcing high labour standards. Furthermore, the influence of global market forces on state policy undermines the ability of the state to adequately regulate the working conditions of sweatshop workers on their soil. Second, and more particularly to the role that consumers play, contributions to sweatshop labour come from a variety of places that are beyond the borders and the jurisdiction of the affected state. In the case of consumer contributions, these contributions are individually marginal but nevertheless significant when aggregated. If we direct responsibility for the rectification of harm in sweatshops

to the affected state under these two conditions, our enterprise will be doomed to failure. The global economic system that envelops states provides few incentives for affected states to increase regulation while significant contributors to the harm—such as consumers—are left unaddressed.

Within complex systems that connect actors together in the TCF industry, it is challenging to conceptualize consumer responsibility in a way that is stable, coherent, and manageable such that individuals can bring their moral reasoning to bear on the problem and clearly direct their purchasing power in more positive ways. The following will be an attempt to construct just such a conceptualization. Ironically, we shall see that problems associated with the distribution of responsibility take us full circle to the requirement that the nation-state intervene in order to support collective solutions.

Shared Responsibility, Fault, and Acknowledgment Problems

For a given collectively created outcome, if every contributor is responsible then it becomes easy for individuals to evade responsibility. This is the challenge of collective responsibility: when individuals act collectively to bring about an outcome that could only have been brought about collectively, individual models of responsibility are undermined and individuals can escape direct responsibility. Unstructured collective harms suffer acutely from this problem. How do we conceptualize responsibility in this case? I will briefly explore some solutions.

One response to this problem is imputing responsibility to the individual by virtue of their membership in the collective.⁴⁸ In this way, any consumer act automatically brings with it membership in the collective of consumers. Once an individual has become a member of the collective of consumers he is exposed to

⁴⁸ Authors who have explored this concept, and the conditions for disassociating oneself from group responsibility are Gary McGary, “Morality and Collective Liability” *Journal of Value Inquiry*, 20 (1986), 157-65 and, more recently, Juha Raikka, “On Disassociating Oneself from Collective Responsibility,” *Social Theory and Practice*, 23 (1997), 1-9.

responsibility for outcomes brought about by a specific subset of consumers. This approach has the virtue of clarifying those who are responsible from those who are not, i.e., by virtue of those who consume and those who don't, but obvious problems result. Unfortunately, membership in the group of "consumers" is so vast that imputing individual responsibility solely on the basis of membership is not coherent. Furthermore, responsibility based on membership in this case does not take individual actions into account. Some individual consumer acts contribute more directly to a given harm than others. If we are trying to discern responsibility for a given harm, the distinction between which acts contribute more closely to the harm and those that do not is an important distinction to maintain. While causal patterns are difficult to follow in the TCF industry, for example, we can still distinguish some acts that are more relevant to the creation of the harm than others. One final concern involves disassociation. The process of disassociating oneself from the collective of consumers, in order to avoid responsibility for the harm caused by a subset of the collective, is too demanding. To begin with, an individual becomes a consumer by purchasing goods. To rescind one's membership in the collective of consumers would require one to cease purchasing goods and such an act is so demanding as to be absurd. An alternative, in the TCF industry, would be to denounce the purchase of sweatshop goods by other consumers while refraining from these purchases oneself in order to disassociate from responsibility based on membership. However, denouncing the acts of other consumers, and consuming in turn, still generates membership in the collective of consumers, thus exposing oneself to responsibility based on the membership approach. Finally, it remains unclear how the collective, or individuals, are made to pay on this account. Overall, the conceptualization of consumer responsibility based on membership seems inadequate for our purposes.

Other forms of collective responsibility might be more appropriate. For instance, we can consider the collective to be responsible as a whole, rather than individuals. This type of "holistic" solution treats the collective of consumers as a single agent and forces the collective to pay, as a whole, for the harm that it brings

about rather than devolving responsibility to individuals. This approach has the advantage of clearly identifying a single responsible agent—and it is assumed requiring that the collective resources of the agent be directed toward rectification. Unfortunately, as we have seen in chapter one, consumers, as a collective, do not possess the necessary organization and decision-making process to be considered a single moral agent and therefore imputations of collective responsibility of this sort are irrelevant. Finally, if consumers were held responsible as a whole, the distinction would be lost between individual acts that contribute to sweatshops and those individual acts that do not. Individual consumers, on this view, may not be able to coherently grasp their personal implication in the collective problem and therefore conceptualizing their personal responsibility and understanding how to change their individual behaviour will be difficult.

Another way to proceed would be to distribute responsibility among the individual members of the collective in proportion to their contributions to the harmful outcome, no matter how small or marginal these contributions might be, as opposed to holding the collective responsible as a whole. This kind of shared responsibility is defended by Larry May in his book *Sharing Responsibility* where he argues that community members should extend their conception of responsibility to include a range of individual contributions to harm, including shame, regret, and taint, rather than an exclusive focus on guilt.⁴⁹ This type of shared responsibility seems appropriate in the case of consumer responsibility. On this account, consumers can understand their responsibility for sweatshop labour in terms of the purchases that they make, the attitudes of western “consumerism” that they maintain, and the collective impact of the range of these individual actions on others. Furthermore, a notion of a collectively created harm is retained because the harm in question could not have been brought about, it is assumed, without the individual contributions of each member. Consumers can see themselves as members of a community that brings about a collective result and

⁴⁹ Larry May, *Sharing Responsibility*. (Chicago: Chicago University Press 1992): 1.

therefore can develop a sense of accountability for their individual contributions to this collective result.

While shared responsibility might be an adequate way of accounting for consumer responsibility for sweatshop labour, an important question remains regarding individual motivation within this form of collective responsibility. If consumers adopt an understanding of their responsibility as being shared, will such a conceptualization be sufficient to motivate action or to engage a sense of fault that might lead consumers to change their behaviour in substantial ways? Or, will the indeterminateness of this form of responsibility allow individuals to shirk their personal responsibility? Without some binding sense of personal fault for a distant harm, and an appropriately structured moment in which to discharge individual responsibility, can even those consumers who recognize their shared responsibility be expected to take action in more positive ways? What resources will they possess to direct their action in more positive ways? Contrary to a sense of shared responsibility, perhaps an unavoidable sense of moral fault is required in order to kickstart the moral reasoning of consumers and incite changes in behaviour. Otherwise, it becomes easy to avoid acknowledging one's responsibility, especially if the required changes in behaviour are inconvenient. Without a binding sense of fault, it may become easy for individuals to deny their implication in the harm and to become free riders on the efforts of others to prevent the collective harm. However, invoking more stringent notions of fault in the case of consumer responsibility can become highly problematic and undermine the project of consumer responsibility entirely. To explain, consider the following, stringent, legal understanding of fault presented by Feinberg. On this presentation, the entire project of consumer responsibility falls like a house of cards and individual consumers easily wriggle out of any personal implication in the harm.

...it will go without saying that, only people who, without good reason, voluntarily break the law—only those whose harmful conduct was *unexcused and unjustified*—should be convicted and punished. These are the only people of who can truly be said that the harm is “their fault,” the only persons who are “to blame for it”, the only persons without

exculpating “defense”. Excused or justified wrongdoing is not wrongdoing at all, and without wrongdoing there is no “harming”, however severe the harm that might have resulted.⁵⁰

On this view, for punishment to be justifiable, the agent must have acted in a way that is not only unexcused and unjustified—which assumes that the agent chose to act in such a way with regards to the options available to him, a premise that further assumes that the agent understood those options and their consequences—but also that the agent’s actions are *clearly* and irrefutably connected to the outcome. Actions that did not intend to cause harm, such as marginal contributions to collective acts that result in a harmful outcome, *are* excusable and justifiable on the individual level because the agent never intended harm and because the agent could not apprehend the effects of his individual acts when aggregated with other, similar acts. While consumer responsibility does not involve punishment or the breaking of a law, many individuals will follow this form of reasoning when reflecting on their moral responsibility for sweatshop labour. Did I *cause* the harm? Did I *intend* to harm anyone? Am I *blameworthy* or at *fault*? Answering negatively to these questions leads to a sense of vindication by the consumer and is therefore unlikely to motivate changes in purchasing behaviour. This, coupled with free rider problems, threatens the viability of shared responsibility as an adequate conceptualization of consumer responsibility in the TCF industry.

Utilizing a strict notion of fault gives room for consumers to excuse themselves by focusing attention on those who did act in unexcused and unjustified ways. This, in turn, can bring theorizations back to the role-responsibility of the state. For instance, sweatshop owners and managers on the factory floor who act coercively and instil harmful working conditions are most clearly at fault in the stringent way suggested above. In turn, responsibility for rectifying the harm reverts to the affected state and individual consumer contributions are left unchecked and continue to have an important collective impact. Meanwhile,

⁵⁰ Feinberg, *Harm to Others*, 109, emphasis mine.

important systemic factors are unaddressed. Those owners and managers who are held at fault will argue vehemently that they are forced to run sweatshops because of the intense pressure of the TCF industry.⁵¹ Often operating at the edge of solvency, these owners have little incentive or means to increase wages, decrease hours, or improve the physical state of their workplace. Furthermore, focusing fault on managers and owners does not address the role of MNCs that drove the global market sub-contracting to the lowest bidder in order to save on production costs or states that create EPZ zones where labour regulations and taxes are lowered in order to attract investment. The actions of MNCs and states, just like owners and managers on the shop floors, make sense in the context of the vast systems of cooperation—and the sanctions and incentives of this system—that link all these actors together. Yet, focusing too strongly on structural reasons for the creation of harm only raises another problem: the overdetermination of systemic causes which also leads to the dilution of a personal sense of responsibility. Although structural factors are clearly very important, focusing too strongly on the role of structural factors can lead consumers to attribute too much fault to the system itself, rather than their own contributions.

In her Social Connection Model, Young suggests that the foundation of individual responsibility for structural injustice is the participation of individuals in the production and reproduction of social structures rather than individual intention or direct causal creation of harm.

Individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects [...] Within this scheme of social cooperation, each of us expects justice towards ourselves, and others can legitimately make claims on us.⁵²

⁵¹ Young, “Responsibility and Global Justice: A Social Connection Model”, 110-11.

⁵² *Ibid.*, 119.

Young understands this responsibility, not according to a backward-looking liability model which would include some sense of fault for the wrongs that occur but rather in terms of a forward-looking model of responsibility. This forward-looking responsibility skirts the notion of fault and requires that the individual focus instead on future rectification via political engagements that change social structures in positive ways. This understanding of responsibility requires that individuals work to acknowledge the social structures that they inhabit and then take steps to engage collectively to alter these structures. Unfortunately, if we explain the causes of harm largely in terms of systemic relationships, and then evacuate notions of fault from our conceptualizations of responsibility in exchange for a more forward-looking notion, then problems of acknowledgment arise that make the experience and discharge of responsibility difficult on the individual level. In general, for the individual, focusing on structural causes for harm can facilitate a “shrugging off” of responsibility and an attribution of responsibility to systemic causes rather than engaging individual moral conceptions of fault and blame in order to motivate substantial changes in individual behaviour.

Jacob Schiff explores the problems of acknowledgment that are likely to arise in relation to Young’s work in his article “Confronting Political Responsibility: the Problem of Acknowledgment”. Schiff employs an experiential approach, similar to the approach that informs much of Young’s work on the Social Connection Model, to develop his claims. The first limitation he identifies in the Social Connection Model is the likelihood of “thoughtlessness”, a phenomenon which he believes would arise due to the limitation that we, as consumers, have in our ability to “confront our implication in, and therefore our responsibility for, structural injustice”.⁵³ Every hasty consumer purchase of a product that was made in a sweatshop is an example of this kind of thoughtlessness. The purchases seem benign and harmless, and no information

⁵³ Jacob Schiff, “Confronting Political Responsibility: the Problem of Acknowledgment”, *Hypatia*, 23, (2008): 104.

exists that confronts the consumer with conditions under which the product was made, so it becomes easy to not think about the possibility of sweatshop labour or to contemplate consumer implication in the types of social structures that perpetuate sweatshop harm. Without a clear, uniform, reliable, and repetitive moment where consumers are confronted with their implication in the perpetuation of sweatshop labour, individual consumers will find it difficult to engage the forward-looking responsibility that Young proposes, or any type of responsibility at all.

Schiff also identifies the problem of “bad faith” which is a “form of lying to oneself” whereby we conceal the truth about structural injustice from ourselves through the use of elaborate lies.⁵⁴ Bad faith problems are perpetuated by inconsistent information regarding the exact nature of the harm and consumer connection too it. Consumers may have been exposed to information about the working conditions in sweatshops. They may be aware that the problem exists and that many of the products that they purchase were probably made by a distant sweatshop worker. However, in the absence of uniform and reliable information that clearly indicates that the product in their hands was made in a sweatshop, consumers might develop lies in order to avoid the inconvenience of changing their habits. For instance, consumers might think “sure sweatshops are bad, but at least the workers are getting paid *something*” or “If I don’t buy this product, their work will have been for nothing” or “I don’t really know for sure where this was made, or by whom. How can I be sure the worker was mistreated?” Acting in bad faith, in this way, can be understandable considering consumers do not always have access to information at the point of purchase that would make this way of thinking difficult. Furthermore, the comparative cheapness of sweatshop products, and a lack of ethical alternatives, promotes bad faith purchasing.

Finally, Schiff considers “misrecognition” caused but the spatial distances between the harm of sweatshop labour and our experience of our implication in it.

⁵⁴ Ibid., 105.

In other words, political and social arrangements mediate consumer exposure to the harm to the extent that consumers are limited in their ability to sustain exposure to the harm at a level that would enable them to fully acknowledge their implication. This leads to routine misrecognition of consumer responsibility and an inability to sustain the experience necessary to motivate action.⁵⁵ To counter problems of misrecognition, consumers would be required to be consistently confronted with clear, uniform, and reliable information regarding their implication in the perpetuation of sweatshop labour. Constant confrontation with sweatshop harm reduces the chances that misrecognition problems will occur. Furthermore, constant confrontation decreases the experiential sense of distance by making the suffering of distant others, and consumer connection to this suffering, more real and more relevant to the experience of the consumer.

Shared consumer responsibility, and forward-looking notions of responsibility that focus too strongly on structural factors for sweatshop labour, appear to be undermined by a lack of fault and the presence of acknowledgement problems. Should the notion of consumer responsibility, in the absence of viable alternatives, be abandoned altogether? Perhaps another concept would be more appropriate, in lieu of responsibility. It might be more appropriate to focus on charity, for instance. In this optic, consumers would be absolved of responsibility for sweatshop harm and could continue with their purchasing habits unfazed. Instead, to meet the requirements of morality, they could donate a certain percentage of their income to non-profit or charitable organizations that address the problem of sweatshop labour in other ways, perhaps by promoting unionization or by supplementing the income of sweatshop workers. Peter Singer has defended the morality of charitable donations in a number of important works, building his arguments around his famous proposition that "...if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable

⁵⁵ Ibid., 110.

moral importance, we ought, morally, to do it.”⁵⁶ Singer suggests that we each have a personal, moral imperative to give some of our income away to charity because of the great impact that our donation can have on the lives of the extremely poor in contrast to the relatively small impact that the sum will have on our lives as affluent western citizens. Singer employs straightforward consequentialist reasoning based on the notion of marginal utility: as relatively rich individuals, amount X will have a small impact on our overall well-being, relative to our overall income. Conversely, that same amount X can have an enormous impact on the life of a single extremely poor individual if it is used by a charitable organization or non-profit to combat preventable diseases, to operate on a cataract, or to provide food, for example. For Singer, to act morally is to donate amount X to charity rather than to keep it for oneself. This is a compelling argument, but why should it be applied only to charitable donations? As we have seen, there are plausible reasons for believing that consumers *contribute* to sweatshop labour and that consumers have the *capacity* to stimulate positive change in the TCF industry by changing their purchasing habits and contesting the social structures that perpetuate sweatshops. The contributions of consumers to the harm and the capacity to bring about change within the global system that enables the harm suggests a moral *responsibility*. The challenge is creating a moment where individuals can adequately realize their individual responsibility.

Confrontation and the Realization of Consumer Responsibility

In the previous chapter, a conceptualization of consumer responsibility that is theoretically sound *and* useful in terms of motivating significant changes in consumer behaviour was not found. Shared responsibility contained some aspects that seemed promising, but a conceptualization of consumer responsibility based solely on shared responsibility displayed weaknesses in terms of motivating

⁵⁶ Peter Singer, “Famine, Affluence, and Morality”, *Philosophy and Public Affairs*, 1, (1971) : 231. Singer reiterates this position in *One World* (London: Yale University Press 2002), chapter 5. More recently, in 2009, Singer has explored the morality of giving to charity in *The Life You Can Save: Acting Now To End World Poverty* published in Canada by Random House.

changes in individual behaviour when considered in contrast with notions of fault. On the other hand, structural factors proved to be essential for understanding how sweatshops are created but an overdetermination of the causal role of structural factors, by consumers, leads to acknowledgment problems that perpetuate unstructured collective harm. Neither account—shared responsibility or structural factors—succeeds in recuperating fault in a meaningful way on the individual level. Finally, it was suggested that the entire project of consumer responsibility could be abandoned in exchange for a focus on the concept of charity. However, the causal role of consumers in the creation of a collective harm by virtue of their consumer acts suggests that responsibility is an appropriate avenue to explore. In the following pages, I will suggest that a search for a single conceptualization of consumer responsibility is problematic. Rather, I will focus on ways of addressing the collective action problem that is at the heart of unstructured collective harms in the TCF industry. Instead of conceptualizing consumer responsibility in a particular way, I will suggest that the goal should be to implement tools that help individuals to apprehend, or realize, their responsibility for distant economic harms on an individual level, and according to individual conceptualizations, thereby addressing the collective action problem that leads to the creation of unstructured collective harms in the first place. I will suggest that, by providing an adequate moment where individuals can bring their moral reasoning to bear on their contributions to sweatshop harm, individual consumers will be more capable of conceptualizing their responsibility in accordance with a range of considerations including the unacceptability of the harm itself, their connection to the harm, a sense of fault derived from benefitting from another's suffering, a sense of duty to avoid harming others and a duty to prevent others from being harmed, consequentialist reasoning, and the moral dissuasion of others. This individual realization of responsibility can lead to more effective changes in behaviour. A system of confrontation, most likely regulated by the state, can provide the type of stable moment that is required.

Another way of understanding the dialogue between Young's Social Connection Model and Schiff's criticisms regarding problems of acknowledgment is that individual agency, when participating in vast systems of cooperation, remains present but becomes "alienated" by the effects of collective action. It can be difficult for individuals to discern their role in bringing about a collective harm because the primary methods we use to reason about our role in harms—such as models of individual moral reasoning that stress immediacy and direct connection—are undermined by the diffuse causal chain that connect individual acts to harms in distant factories, the mediation of institutions, and the distorting effect that aggregated collective action has on intentional action.⁵⁷ There is, therefore, a certain latent quality to individual responsibility for unstructured collective harms, when individuals reflect upon their role in the harm, that is caused by the dissonance between individual models of moral reasoning and unorganized collective action. It can only be addressed by limiting the sense of alienation experienced by contributors.

Addressing the alienation of contributors serves to realize the unstructured collective harm in an experiential sense, thus aiding in the motivation of solutions. By consistently confronting consumers at the point of purchase with information regarding the conditions under which the product they seek to purchase was made, individual alienation can be reduced and acknowledgment problems avoided. Consider a system of "social labelling" regulated by a western state that is home to a large number of relatively well-resourced consumers. TCF goods within the state borders would carry a label which included not only the location where the product was manufactured but also a clear indication of whether the product was made under sweatshop conditions or not.⁵⁸ Each consumer, when they are deciding

⁵⁷ For an excellent account of the limitations of individual moral reasoning in a globalized world that has many of the features of the "alienation" that I refer to here, see Samuel Scheffler "Individual Responsibility in a Global Age", *Social Philosophy and Policy*, 12, (1995), 219-236.

⁵⁸ Clearly, a problem arises here regarding the lack of regulation in sweatshops. If sweatshops occur partly because of a lack of regulation, how could a vast certification program be mounted that reliably measures and reports the conditions under which each product was made? One response

whether to purchase the product or not, would be confronted with the label. The information on the label would help to lower the incidence of acknowledgment problems and contribute to a more informed process of moral reasoning. Tools that utilize confrontation are already present in other industries and could inspire the system(s) used in the TCF industry. For instance, tobacco products are adorned with labels and pictures that clearly define the harm caused by smoking. In the Canadian food industry, all products have extensive labels including detailed nutritional information and the location where the product was produced. Confrontation is becoming a widely used tool in western societies to adequately inform consumers about the products they buy. In the TCF industry, this kind of certification could provide consumers with consistent, reliable, and uniform information which they can use as the basis for their consumer choices. If consumers are confronted at the point of purchase with information regarding the conditions of the workers who made the product, the sense of distance between the consumer and the harm is reduced. The consumer is confronted with a clearer moral choice—whether to support or perpetuate sweatshop labour or whether to benefit from the suffering of others versus the potential to contribute to collective solutions by abstaining and/or switching to sweat-free goods. Furthermore, using confrontation in this way provides a context where individuals can symbolically act in ways that contribute to collective solutions within the boundaries of a reasonable understanding of individual responsibility and action, in this case the point of purchase. Consumer responsibility does not exceed a reasonable sphere of individual action when it is restricted in this way while conceptualizations based on shared responsibility or forward-looking accounts of responsibility are highly demanding on the individual and contain fewer resources for individuals to reason

could be to certify negatively. In other words, each product that has not been reliably certified as “sweat-free” would bear a label to that effect, i.e, “not sweat-free”. This is perhaps not as effective, from the perspective of confronting consumers, as a label that clearly indicates that the product was made in a sweatshop but such a label would still enable a more effective confrontation than no label at all. A labelling system that operates on a “sweat-free” or not basis, although it falls prey to a “guilty until proven innocent” mode of thinking, could still provide important stimulation to the relevant actors to increase regulation.

about their particular role in the creation of sweatshops. Arguing for a more extensive form of responsibility would exceed reasonable expectations on the individual and lead to conceptualizations of responsibility that are feasible on the psychological level.

Within a confrontation scheme, the criteria used to guide reasoning about individual responsibility are more coherently applied. According to Pettit's model of individual responsibility discussed in chapter one, confrontation in this way strengthens the *value-relevance* criteria by bringing moral significance to the purchase of TCF goods. Rather than following through with a seemingly benign purchasing act, the consumer is forced to reason about the moral significance of the purchase they are about to make because the information on the label clearly indicates that a moral dimension is present in the product. Injecting purchases with a moral dimension is crucial for engaging the individual moral reasoning of individuals. Consequently, an important moral ingredient is present that can aid in addressing the collective action problem that leads to consumer support for sweatshop labour, suggesting that compliance, in the form of avoidance of sweatshop products, could be increased. If the information at the point of purchase is reliable and uniform, then the *value-judgement* criteria is strengthened as well. Consumers will have reliable information at their disposal to decide which course of action to take: whether to purchase the product and to contribute to sweatshop labour or whether to refuse the purchase in order to avoid such a contribution. The consequences of each option are more easily discerned, thus making the purchase a more conscious moral act. Personal accounts of responsibility are more coherent in this way because it is harder for individuals to excuse themselves on the basis that they did not know that they were acting in a harmful way. The act of purchasing a sweatshop product will have been made consciously, with knowledge that the product was made under sweatshop conditions. There is still room for acknowledgment problems in a confrontation scheme, especially in cases where products are labelled as non sweat-free as opposed to a label that clearly indicates that the product was made in a sweatshop, but the prevalence of acknowledgment

problems would probably be reduced. For practical reasons, the state is best situated to provide reliable and uniform information on labels. Inconsistent or variable labels regulated by a number of different institutions—i.e., NGOs or non-profit organizations—could reduce consumer confidence in the information on the labels, thus increasing the potential for acknowledgment problems. Reliable and uniform information provided by a trusted institution—the state—would be more effective. In this scenario, the consumer is considered to have the control necessary, or the *value-sensitivity*, to make the choice between purchasing the product or not. Although some consumers may not have the financial resources to change to sweat-free goods (especially in cases where the availability of sweat-free goods is limited or the price is much higher), those who do have the resources to decline the purchase of sweatshop goods or switch to sweat-free goods possess the control necessary to fully realize a sense of responsibility. If consumers feel highly constrained, relative to the sacrifice required to change their purchasing habits, then a strong sense of responsibility will be undermined. Some latitude should be given in cases where consumers are financially constrained.

With the aforementioned criteria strengthened by the mechanism of confrontation, the experience of responsibility is also strengthened on the individual level. In other words, the epistemic gaps that limit individual consumers from fully apprehending their ability to affect far-off workers in TCF factories are addressed and the latent aspect of individual responsibility for unstructured collective harms is realized. Furthermore, an important characteristic of a confrontation scheme is the recuperation of a sense of fault which has the potential to engage individuals more meaningfully in solutions. This sense of fault could be derived from a number of different considerations. Because the harm involved in the sweatshop labour will be contrasted more starkly with the relative importance of the consumer good, consumers may gain a sense of fault based on the notion of benefitting from another's misery and contributing to that misery. By knowingly following through with the purchase of product labelled as "non sweat-free", the consumer is more likely to feel as though they have benefitted—in the form of low

prices, for example—from the harmful conditions that the manufacturing workers have endured and consequently, that they have contributed to that suffering by making a conscious act in support of those work conditions. Consequentialist reasoning might be adopted at this stage by the consumer in order to reason about the most ethical course of action. For instance, when considering the consequences of buying a sweatshop good or not, an individual might weigh the personal sacrifice involved in foregoing the purchase against the potential that their purchase could contribute to harm. Conversely, the consumer might weigh the sacrifice of changing to a sweat-free product versus the potential that their purchase of a sweat-free product contributes to solutions. If we apply the form of reasoning that Singer proposes with regards to donations to charity, the morally negligible sacrifice of purchasing a sweat-free product would appear to be outweighed by the potential that the purchase, when repeated, contributes to a diminution of sweatshops and an improvement in the lives of distant manufacturing workers. Consequentialist reasoning of this kind, when adopted by consumers in the context of a confrontation scheme, could enable individual marginal acts to be directed in ways that lead to morally acceptable collective outcomes.

If the label is structured in human rights language—specifically with reference to basic economic human rights—which I have argued is the most plausible system on which to conceptualize the harm, then fault is recuperated by the notion of transgressing a duty to avoid depriving others and not fulfilling a duty to protect others from deprivation. Consequently, individual responsibility for the harm can be coherently understood on the same basis. These types of duties, typically understood as a negative duty not to cause harm and a positive duty to prevent others from being harmed, is an effective way of motivating action because it implicates the individual in the act of violating the rights of others and it resonates with individual understandings of a duty to aid those in distress. The negative\positive dichotomy has been effectively undermined by contemporary philosophers, but the notion of transgressing duties to to preserve human rights continues to resonate strongly within western, liberal societies and are therefore

particularly useful in terms of structuring coherent individual reasoning about responsibility for harm. Henry Shue suggests that the fulfillment of a basic right, as well as most less basic rights, requires the performance, by individuals and institutions, of one or more the following kinds of correlative duties:

- I. To avoid depriving
- II. To protect from deprivation
 - 1. By enforcing duty (I) and
 - 2. By designing institutions that avoid the creation of strong incentives to violate duty (I).
- III. To aid the deprived
 - 1. Who are one's special responsibility,
 - 2. Who are victims of social failures in the performance of duties (I), (II-1), (II-2) and
 - 3. Who are victims of natural disasters.⁵⁹

When a product labelled “non sweat-free” is purchased, the consumer knowingly contributes, however marginally, to the perpetuation of incentives that structure global systems of trade in ways that promote sweatshop labour. Furthermore, they are making a conscious act in support of these working conditions, thus helping to reproduce the social structures that will enable sweatshops in the future. In this way, the consumer is participating in collective ventures that actively transgress the duty to avoid depriving others of their basic economic human rights. In this way, a basis for coherently conceptualizing individual responsibility for sweatshop labour is retained. While the action is not direct—i.e., the consumer is not physically harming a worker that is standing next to them, in the sense of a transgressing a negative duty not to harm others as it is commonly understood—the connection between the consumer act and the violation of the duty is made clearer for the consumer by the presence of the confrontation scheme. When other, less harmful, options are available, it seems plausible that a sense of fault will be generated by consciously acting in ways that contribute, rather than prevent, harm. Furthermore, the implication of the state in the

⁵⁹ Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S Foreign Policy* (Princeton: Princeton University Press, 1980): 60.

implementation of a social labelling system can be understood as an extension of duties (I) and (II). The use of government institutions to help inform and engage individual moral reasoning is an effective way to address the collective action problem that perpetuates consumer contributions to sweatshops. Redirecting marginal consumer acts towards positive collective outcomes in the TCF industry helps to realign the incentives present in the industry, thus stimulating institutional and structural change. Utilizing government institutions for this purpose is the most effective way to organize collective solutions and the utilization of institutions in this way is dictated by the structure of correlative duties.

Moral reasoning that adopts a consequentialist approach or an approach based on correlative duties aids individual consumers in the construction of coherent character-based accounts for their actions understood in terms of the virtuous participation in collective ventures that lead to the prevention of sweatshop labour abroad. These types of character-based accounts are essential, according to Kutz, for motivating and sustaining collective solutions to unstructured collective harms. Also, if all consumers are confronted in similar ways, there is the potential for an “Assurance Scheme” to arise where the moral dissuasion of others acts as a sanction and promotes the compliance of individual consumers, understood in terms of the avoidance of sweatshop goods or the purchasing of sweat-free goods. Each consumer becomes aware that others are similarly confronted and each consumer is aware that, if they purchase a product that is not labelled “sweat-free”, other consumers will be aware of their choice. Another element enters consumer reasoning that increases the chances of compliance: if they do not comply, they will be subject to the moral dissuasion of others. This increases the chances that consumers will buy sweat-free products by increasing the sense, among consumers generally, that others will discharge their responsibility as well. The presence of a labelling system regulated by government institutions lends credibility to this venture.

Ideally, changes in consumer purchasing trends that are brought about by confrontation schemes could stimulate larger markets for ethical products by creating incentives for MNCs to improve working conditions in the manufacturing centres where they sub-contract in order to meet consumer demand for certified goods. Furthermore, the desire for foreign investment in domestic manufacturing centres may lead to political pressure to improve state regulation of sweatshops. In this way, consumers could be effectively engaged in positive collective ventures to improve the working conditions of employees in manufacturing centres all over the world.

Conclusion

Throughout this work, I have tried to theorize ways that western consumers can understand their responsibility for distant harm in sweatshops. For pragmatic reasons, I have used a human rights framework to conceptualize the harm itself while arguing that a weak cosmopolitan thesis is required to extend the potential for suffering and our conceptions of responsibility beyond borders. Furthermore, I have explored how economic connections, subsumed under the concept of social structure, are adequate for consumers to understand their connection to sweatshop harm and the ways that they contribute to it. Responsibility, in turn, has been conceptualized within a context where individual consumers are confronted at the point of purchase by a system of social labelling that includes information regarding the nature of the conditions under which the desired product was made. Consumer responsibility, in this context, is conceptualized on an individual basis according to a number of considerations including notions of fault derived from benefitting from another's suffering, correlative duties to avoid harming others and to prevent harm, and a consequentialist calculation of the moral worth of the purchase versus the harm to which such a purchase could contribute. This provides a stable, appropriate moment for consumers to exercise their moral reasoning, complete with adequate information regarding the moral contours of the purchase, in order to decide whether they wish to support sweatshop labour with their purchasing power or not. Furthermore, the confrontation mechanism helps to recuperate a sense of fault in the consumer. This is useful for motivational reasons, while simultaneously acting as an assurance scheme that promotes the participation of individuals in collective endeavours that increase the likelihood that labour conditions will be improved in TCF factories overseas. Consumers confronted in this way are more likely to be subject to moral dissuasion from others, increasing the likelihood that sweatshop products will be avoided and sweat-free products

will be purchased, potentially stimulating more extensive certification efforts and creating more substantial sweat-free product lines to meet consumer demand.

Clearly, political obstacles remain that would hinder the adoption of a social labelling system designed to confront consumers in this way. To begin, adequately addressing the kind of unstructured collective harm described here through the development and implementation of a social labelling system like the one I propose, requires the intervention of the state. The information on the labels needs to be uniform, reliable, and clear, as well as applicable to all relevant goods. Currently, regulation of working conditions on sweatshop floors is lacking. More particularly, unilateral certification by a state, whereby a product is labelled “non-sweat-free” could easily be construed as a trade barrier. Under current WTO rules, unilateral decisions to label goods in this way would most likely be condemned. Although a labelling system would not block non-certified goods from a domestic market per se, the certification of certain goods as sweat-free and others as made under sweatshop conditions clearly constitutes a disadvantage for the non-certified goods in the eyes of consumers. Most high-income states are better positioned to provide certified goods produced in their manufacturing centres because of more extensive unionization and the existence of stronger regulatory agencies. Unilateral or multilateral action by a nation-state or nation-states to label TCF goods according to more stringent labour standards could be construed as a ploy to gain an advantage in the highly competitive TCF manufacturing industry. Not surprisingly, it has often been low-income countries that have lobbied for the exception of labour standards from the rules and regulations of organizations like the WTO on the basis that more stringent global labour standards would unfairly advantage more developed nations.⁶⁰

Further complicating the case for a labelling system is the product versus process distinction made by the WTO which serves to limit trade barriers to

⁶⁰ “Labour Standards: Consensus, Coherence, and Controversy” , World Trade Organization, accessed August 2, 2010, http://www.wto.org/english/thewto_e/whatis_e/tif_e/bey5_e.htm .

products that are of lower quality or of a significantly different type but not to products that are produced in different ways. Products that are made with different processes—whether that be t-shirts made with sweatshop labour or fur procured with steel-claw leg traps for example—are not subject to trade barriers if the product itself remains intrinsically the same as competing products. Therefore, two t-shirts that are virtually the same must be allowed into the same domestic markets regardless of whether one is “sweat-free” and the other was made in a sweatshop. The distinction between product vs. process appears to have been made expressly to prevent nation-states from erecting trade barriers under the guise of different processing methods, whether that includes human rights violations or not.⁶¹

Finally, the cost of certification would likely be passed on to the consumer, resulting in lower prices on non-certified goods. This is already the case with regards to the higher price of sweat-free goods. In the eyes of low-income nations that have had their TCF products certified non sweat-free, the advantage of a lower selling price may be little consolation. Conversely, consumers may resent the fact that they must bear the price for collective solutions that reduce the prevalence of sweatshops and this resentment may reduce the efficacy of confrontation schemes. However, regardless of these practical and political obstacles, what I have tried to do here is show that there is a legitimate theoretical basis for coherently understanding consumer responsibility for harms such as those that occur on sweatshop floors. As a general account of solutions to unstructured collective harms, the theory points to the need for tools that engage consumers on an individual basis—within a context whereby individual moral reasoning can be coherently engaged and responsibility discharged—in order in order to address collective action problems and to stimulate solutions. Furthermore, exploring consumer responsibility in this way suggests that, as our connections intensify across borders, we will be required to develop more complete accounts of responsibility as members of a single, global community, rather than members of

⁶¹ Peter Singer, *One World* (London: Yale University Press, 2002), 60.

national communities. After all, increasingly, the effects of our actions are not limited to the borders of our state and over a lifetime, the cumulative effects of our actions will have made a significant impact on distant others. Accepting responsibility for the effects of our contributions to collective outcomes is an important step towards becoming a responsible global citizen. Engaging our respective states in the implementation of systems that aid in the production of collective solutions can be one way to address the moral needs of our global community.

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