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Rethinking a Defense of Sweatshops

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ABSTRACT

In this paper, I criticize Benjamin Powell's alleged comprehensive moral defense of sweatshops in his book *Out of Poverty: Sweatshops and the Global Economy* New York: Cambridge University Press, 2014. I argue that his book is not comprehensive, for it fails to argue against his strongest moral opponent. Through two examples that I call "bullying" and "half rescue," I argue that sweatshop employees are not being treated in accordance with the minimal moral treatment that they all deserve by virtue of the fact that they are persons. I also argue that we all have a moral duty to set up those institutions, policies and laws that can help sweatshop employees get this minimal moral treatment that they deserve. In addition, I contend that sweatshops no longer should be seen as the "first rung on the ladder out of extreme poverty." Rather, it is more likely that sweatshops in today's global economy keep the poor in poverty and cover up the fact that multinational enterprises can involve sweatshop employees in endless schemes that pit poor people against other poor people, ensuring that none of them will get the treatment that they deserve as persons.

Keywords: Powell, Sweatshops, Morality, Human Rights, Bullying, Half Rescue, Minimal Moral Treatment

RESUME

Dans cet article, je critique la prétendue défense morale des ateliers de misère de Benjamin Powell dans son livre *Out of Poverty: Sweatshops and the Global Economy* New York: Cambridge University Press, 2014. J'affirme que son livre n'est pas exhaustif, car il ne débat pas avec son plus fort adversaire moral. À travers deux exemples que j'appelle «intimidation» et «demi-sauvetage», je soutiens que les employés des ateliers clandestins ne sont pas traités conformément au traitement moral minimal qu'ils méritent tous, du fait qu'ils sont des personnes. Je soutiens également que nous avons tous le devoir moral de mettre en place ces institutions politiques et lois qui peuvent aider les employés des ateliers clandestins à obtenir ce traitement moral minimal qu'ils méritent. De plus, je soutiens que les ateliers clandestins ne devraient plus être considérés comme le «premier échelon de la pauvreté extrême». Au contraire, il est plus probable que les ateliers clandestins, dans l'économie mondiale actuelle, maintiennent les pauvres dans la pauvreté et dissimulent le fait que les entreprises multinationales peuvent impliquer les employés des ateliers clandestins dans des projets sans fin qui opposent les pauvres à d'autres pauvres, en veillant à ce qu'aucun d'entre eux ne reçoive le traitement qu'il mérite en tant que personne.

Mots-clés: Powell, Ateliers de misère, Moralité, Droits de l'homme, Intimidation, Demi-sauvetage, Traitement moral minimal

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1. INTROUCTION

In *Out of Poverty: Sweatshops and the Global Economy*, Benjamin Powell claims to present “a comprehensive defense of sweatshops” (2014: 3). In this paper, I argue that three of Powell’s arguments are unpersuasive. As a result, his defense of sweatshops fails. I also contend that rather than sweatshops the most important component that helps people out of poverty is the right kind of collaboration and commitment between the wealthy and the poor. The poor need wealthy allies. They do not need sweatshops.

In the two sections below, I first present Powell’s arguments, and then I criticize those arguments. I argue that Powell’s argument is not comprehensive or persuasive for a number of reasons, one of which is that he fails to address his strongest moral opponent. Specifically, he fails to argue against the claim that, morally speaking, sweatshop employees are not being treated as they deserve to be treated by virtue of the fact that they are persons. In the second section below, I also offer good reasons to think that sweatshops today no longer offer the poor a path out of poverty. Rather, it is more likely that sweatshops in today’s global economy keep the poor in poverty and cover up the fact that sweatshop employees are not getting what they deserve in virtue of the fact that they are persons. Powell contends that “Sweatshops are the first rung on the ladder out of extreme poverty” (2014: 113).¹ I believe that this metaphor supports a kind of hazing. It emphasizes the oppressive slogan “we did it that way, so you must too.” This metaphor is a metaphor for a statist world. Just as our attitudes and research should change about the possibility of global justice, so too should our attitudes and research change about whether sweatshops are necessary to escape poverty.²

2. POWELL’S THREE ARGUMENTS IN DEFENSE OF SWEATHSHOPS

Powell relies upon the following three moral arguments in defense of sweatshops. Importantly, I think that anyone who morally defends sweatshops relies on at least one of the following three arguments.

A. Do No Harm

First, Powell presents a “do no harm to others” argument (2014: 138).³ Generally speaking, there is a basic moral intuition that people ought to refrain from taking actions that harm others. Applying this “do no harm” argument to sweatshops, Powell makes the following two claims: (1) sweatshops help poor people rather than harm them and (2) boycotting sweatshop products or creating wage and hour laws or safety laws that regulate sweatshops often results in harming sweatshop employees.

Regarding Powell’s first claim, arguably, sweatshops help people in poverty because they offer them a better job than they would otherwise be able to obtain. Since sweatshops offer a potential worker more money - and thus more ability to buy food, water, shelter, and

¹ Here, Powell is quoting and agreeing with Jeffrey Sachs (2005: 11).

² For a good starting point and debate on the possibility of global justice, see Nagel (2005), Julius (2006), and Cohen and Sabel (2006).

³ Of course, the moral principle “do no harm to others” was made famous by John Stuart Mill in “On Liberty.”

medicine - than they would otherwise receive, arguably sweatshops aid rather than harm people in poverty. Throughout his book, Powell repeatedly claims that sweatshops offer the poor their best realistic, achievable alternative (2014: xv, 2-7, 47, 111, 137). According to Powell, examples of a sweatshop employee's alternatives are working in agriculture, scavenging in dumps, and prostitution.⁴ These alternatives often pay less, are more dangerous, and often offer the poor worse working conditions than sweatshops.

Regarding Powell's second claim, he argues that often the actions that people take to change or eliminate sweatshops ultimately end up harming the poor, i.e. the very people that the activists are trying to help. As evidence, Powell points to examples in which boycotting sweatshop products or creating wage and hour laws have resulted in the closing of sweatshops and the laying off of sweatshop employees (2014: Chapter 3). Those actions have thus resulted in putting sweatshop employees out of work, the very people who need a job to survive. Powell rightfully points out that labor unions in developed States support this activism not primarily because they care about sweatshop employees but because doing so helps those unions obtain more work and more members. Labor unions in developed States are keenly aware that if the costs of doing business in developing States increase, this increase presents an opportunity for unions in developed States to do that work and increase membership. In response to advocates who argue that people should boycott sweatshop products or petition their governments to mandate increases in wages and better working conditions, Powell joins David Henderson in stating, "Someone who intentionally gets you fired is not your friend" (2014: 33-34).

B. The Argument From Liberty (Voluntary Actions are Moral Actions)

The second argument begins from liberty. Voluntary actions are often considered moral, as long as they do no harm to others. There is a strong moral presumption in favor of liberty. Credible moral theories support at least some amount of autonomy for the individual. Most moral theories protect a robust amount. As a result, when people freely choose an action that does no harm to others, there is a strong presumption that the action is considered moral in part because it does no harm to others and in part because it is an exercise of their liberty. Many people believe that a fundamental component of a moral life is being able to choose the life that one wants to live without interference from others. Protecting liberty then is considered a moral priority. For example, the freedom to contract for employment is considered a fundamental, morally protected liberty.

Powell argues that when sweatshop employees accept the offer of employment from the sweatshop owner, they are exercising their liberty and their freedom to contract for employment. He argues that we should all morally support a person's choice to accept work voluntarily that makes their life better; we should respect one's freedom to contract, especially when that choice results in a better life for that individual.⁵ According to Powell, this is precisely what sweatshops do. Powell contends that those who try to eliminate

⁴ It is the "best realistic alternative" claim or put another way "other options are worse" that leads liberals like *New York Times* columnist Nicholas Kristof to write in support of sweatshops (Kristoff 2004, 2009 and 2009).

⁵ See Kates 2015, for an explication and rejection of what he calls the "Choice Argument" used by defenders of sweatshops to defend the claim that sweatshops are morally permissible.

sweatshops unjustly interfere with a person's freedom to choose work that they want to perform and unjustly interfere with allowing them to accept work that gives them a better life (2014: 37).

C. Understanding the Process of Development (An Historical Argument)

If poor States are to become wealthy States, must their economies pass through an economic stage of development that necessarily includes sweatshops? Powell's third argument in defense of sweatshops posits a kind of economic law that could be said to contain three parts. There is (1) a historical piece, (2) a universal economic law or "a law of economics" (2014: xvi) that is revealed by history, and (3) a reliance on a consequentialist moral argument. Putting these together, the argument can be summarized as follows: History reveals that all wealthy States on their way to becoming wealthy States experienced a stage of development that included sweatshops, and as a result, one can conclude that to help poor people in poor States we should all support sweatshops (2014: 5-7, Chapter 9). For Powell, history reveals that sweatshops are "the first rung on the ladder out of extreme poverty" (2014: 113), and thus all developing States should utilize sweatshops to become a developed State, denying citizens of developing States sweatshops is denying them the path out of poverty.

Powell's moral defense of sweatshops appears credible and strong. According to Powell, sweatshops aid the poor. They help them buy more of life's necessities, e.g. food, water, shelter and medicine. Sweatshop work is, in a sense, chosen by the employees. The employees are free to leave and find other work. Arguably, sweatshop workers want that work because it offers them a better life. They take the sweatshop job rather than an alternative. Finally, if sweatshops really are a kind of natural stage in the economic development of any State – if this is part of, or consistent with, "a law of economics," then arguably sweatshops are "the" way out of poverty.

3. CRITICISM OF POWELL'S THREE ARGUMENTS

Powell's argument, however, is unpersuasive, and his defense of sweatshops is not comprehensive. We should not defend sweatshops morally, even though Powell is definitely right that we should be careful when taking actions that would eliminate or change them, so as not to cause more harm overall. Making sure that one does not cause more harm overall is certainly an important moral consideration. However, it does not follow from the fact that we should not stop buying sweatshop products (because more harm might occur) that sweatshops are therefore morally defensible. Instead, it could easily be the case that sweatshops are immoral but attempts to eliminate them might make matters worse, morally speaking. Only after determining whether sweatshops are immoral, should one look to see if they can be improved upon or eliminated without causing more harm overall.⁶

⁶ There is a parallel argument here with determining whether armed humanitarian intervention is morally permissible. It may be that a State is illegitimate because it does immoral things to its citizens, e.g. it routinely violates their basic human rights. However, it does not follow that we should intervene, militarily, if we think intervening is likely to make matters worse, e.g. cause more human rights violations.

My criticism of Powell's alleged comprehensive defense of sweatshops begins with two examples below. The first I call "bullying," and the second I call "half rescue."

A. *"Bullying"*

Imagine that there is a bully at an elementary school that intimidates a classmate every single day by making fun of the victim and by encouraging other classmates to exclude the victim from popular social groups. If a teacher at the school intervenes by creating a policy that allows the bully to engage in this kind of intimidation only one day a week rather than every single day, this new policy would not be morally defensible. This is true even if it also the case that 1) the teacher's policy aids the victim, 2) the policy results in a better life overall for the victim, and 3) the victim would, in a sense, choose that intervention given that the victim sees the teacher's new policy as the victim's best realistic alternative.

B. *"Half Rescue"*

"Half rescue" varies slightly. Imagine that you come upon a person who is drowning.

How that person came to be drowning is not related to you in anyway. You are not the cause of their dire circumstances. Rather than let them die, you make them an offer. You do not offer to save them by bringing them to shore, though you could do so easily. Instead, you propose that for \$100/hour you will give them food and fresh water periodically and a flotation device that keeps them in the water. In other words, you offer them enough supplies to keep them alive and treading water but not enough to help them make it to shore and thus not enough for them to be fully rescued or for them to rescue themselves, for if they are fully rescued you would lose your \$100/hour.

C. *The Overlap Between "Bullying" and "Half Rescue"*

It should be obvious that I contend that "bullying" and "half rescue" are morally indefensible, even though they meet the three criteria that Powell relies upon. In both of the examples, there is 1) an offer of aid, 2) a person is presented with their best realistic alternative, and 3) that person can exercise their liberty to choose that best, realistic alternative or they can choose to forego that alternative. It is not expected, however, that they would choose to forego it because the alternatives are worse. These two examples illustrate that these three criteria are insufficient. Of course, I have not yet argued that sweatshops are similar to "bullying" and "half rescue." But, I will. For now, note that it is true that "bullying" can be distinguished from "half rescue" in that in "bullying" a perpetrator is doing something to another person and they are informed that they must do that thing less than they were doing it previously. Whereas in "half rescue," there is no discussion of who or what caused the dire circumstances, rather the person offering aid simply seizes the circumstances and helps the person out, a little bit, for profit.

There are important points raised by these examples. The most important is that both examples, while distinguishable, include the basic moral idea that there is some minimal moral treatment that all persons deserve by virtue of the fact that one is a person. This is a fundamental moral intuition that supports many concepts of human rights. In the "bullying" case, the victim does not get what they deserve by the bully or under the teacher's new

policy, which is, at the very least, a bully free life. In the “half rescue” case, at a minimum, the drowning person deserves not to be kept in a perpetual state of treading water by another person, so that other person may profit. Rather, in virtue of the fact that they are a person, the drowning person deserves to be saved.

It is the important idea that there is some minimal moral treatment that all people deserve, which in turn places moral obligations on all of us and the institutions that we create and support (or fail to create), that is glaringly missing from Powell’s book and his alleged comprehensive defense of sweatshops.⁷ In his book, Powell fails to address the widely accepted idea that we all have moral obligations to set up institutions that help people obtain those things, e.g. food, shelter, and basic security - often considered basic human rights, necessary for a minimally decent life.⁸ Powell may disagree with this claim that there are such moral obligations to provide this minimal moral treatment or that we have obligations to fulfill and protect the basic human rights of all persons. But, even if he does disagree, the fact that his book completely ignores this important moral argument ensures that his moral defense of sweatshops is not comprehensive. By failing to address these ideas, Powell also fails to address his strongest opponent, and thus his defense is not comprehensive.

Let’s analyze the two examples above from the moral starting point that begins from the claim that there is some minimal moral treatment or minimal moral threshold that generates moral obligations on us and our institutions to fulfill and protect the basic human rights of all persons. Under this approach, it is not only the bully and the teacher in the “bullying” case who fail, morally speaking, arguably, it is also be the educational institution and those that support it, like other teachers, the principal of the school and possibly the parents of community that fail morally, for they all have some responsibility for maintaining and supporting an educational institution that accepts bullying, especially if it is well-known that bullying is being tolerated at the school.

The “half rescue” case is similarly at odds with people having moral obligations to provide some minimal moral treatment to others in large part because the person engaged in the half rescue has a strong interest against anyone implementing a full rescue, despite this being what that person deserves. In this example, a full rescue can be considered synonymous with

⁷ He does claim that slavery is immoral and that he does not support forced labor. Powell also claims that there may be background injustices that are keeping poor people poor. However, he is adamant that multinational enterprises that utilize sweatshops are most often not responsible for those background injustices, and they are not doing anything wrong when they “take advantage” of those circumstances. Rather than ask, “Are people getting what they deserve as persons?”, Powell repeated asks the comparative question, “How much better are the sweatshop jobs compared to the alternatives?” (2014: 47). The problem with relying on this comparative question for a defense of sweatshops, however, is - as the “bullying” case illustrates - a comparative analysis can simply be comparing two or more alternatives all of which are immoral.

⁸ Here, I follow Henry Shue 1980 in thinking that “Basic rights are everyone’s minimum reasonable demands upon the rest of humanity” (1980: 19). There are, of course, other possible approaches, such as Charles Beitz’s claim that human rights are those rights that help us lead a dignified life and “human rights are the basic requirements of global justice. They describe conditions that the institutions of all domestic societies should strive to satisfy, whatever a society’s more comprehensive aims. And their violation identifies deficiencies that, if not made good locally, should command the attention and resources of the international community” (2013: 44).

fulfilling and protecting one's basic human rights or providing them with the minimal moral treatment that they deserve. The person getting a \$100/hour thus finds someone whose basic human rights are going unfulfilled or unprotected and instead of taking actions to rectify that moral harm, they attempt to maintain perpetual half rescues and ensure that anyone who is treading water never makes it to shore and never receives a full rescue. "Half rescue" can be seen as morally troubling for the following reasons. Arguably, the person performing a half rescue is (1) impeding a full rescue, (2) not working towards a full rescue, (3) has a strong interest in making sure a full rescue never occurs, and (4) has a strong interest in stopping a full rescue by others. Furthermore, like the bullying case where the responsibility for the bully extends beyond just the bully and the teacher, the people involved with maintaining institutions that support and allow half rescues are also morally implicated, for they are upholding policies (formal and informal) and laws that permit people to target others in ways that prevent them from getting what they deserve.

I contend then that sweatshop employers and those who contract with them resemble both the teacher in the bullying case and the person who seeks people out purposely to engage in half rescues.⁹ They often allow, if not foster, the intimidation of persons in the sweatshop because, at best, they consider this intimidation to be less harmful than that person was previously experiencing or would experience if the sweatshop did not exist; like the teacher, they justify their actions by arguing that they are helping someone out or lessening a harm or improving a person's situation. Also, like the person offering assistance, sweatshop employers and those who contract with them, have a strong, selfish interest to continue half rescues indefinitely, for reasons due only to profit. Further, they are against a full rescue. Indeed, if the laws allow, they will prevent a full rescue. They will prevent wage increases or improvements to working conditions. In fact, multinational enterprises that contract with sweatshops often believe that they have a moral duty to their shareholders to only maximize

⁹ My claim here agrees with, but is slightly different than, Jeremy Snyder's claim that the wrongness of sweatshops can be seen in the idea that multinational enterprises "exploit" the sweatshop employees, this exploitation is wrong, and because of their interactions with each other – their direct relationship, the multinational enterprise has a special duty to those employees. For Snyder "they are required to cede as much of their benefit from the interaction to their employees as is reasonably possible toward the end of their employees achieving a decent minimum standard of living" (2008: 396). Here, I am not claiming any special duty for a multinational enterprise. My claim is simpler. Rather, all persons have a duty to make sure that our institutions and our laws treat people with the minimal moral treatment that they deserve. Also, the wrongness in "bullying" is not necessarily exploitation but is simply targeting the weak, harming the weak and denying the poor what they deserve. In addition, because of the ongoing and indefinite nature of half rescues, half rescues are essentially an organized economic policy that can be considered similar to institutional "bullying" over a long period of time. That's wrong and a harm. We all have a duty to fix our institutions and laws that allow these actions, when and if we can (because these actions are immoral, we have a duty to find ways to stop and change them that do not create more harm overall). When describing the treatment of persons in sweatshops, Powell admits that sweatshops are places in which children are treated horribly, working conditions are "horrid" (2014: 63), there can be the threat of violence and harassment, workers receive low wages, and "sweatshops often have long and unpredictable working hours, a high risk of injuries on the job, and generally unhealthy working conditions. Sweatshops also deny lunch or bathroom breaks, verbally abuse workers, require overtime, and break local labor laws." (2014: 3)

profit and thus they believe that they have a moral duty to continue half rescues indefinitely. Also, note that any person engaged in a half rescue is spending great amounts of time ignoring or working against any duty to attempt a full rescue. All the time that they spend maintaining a half rescue (and trying to keep persons in half rescue predicaments) is time not spent toward helping to create laws and institutions that could facilitate a full rescue. Rather, they support those laws and institutions that permit them to perform only half rescues.

D. Objections and Responses to the Examples

I would imagine that Powell would object to the “bullying” example, claiming that sweatshops are not the continuation of a certain kind of harm, just less severe, to the poor. Sweatshops, Powell might argue, find people with their backs against the wall and move them a little bit away from the wall, i.e. give them a little distance or give them more liberty than they previously had. The reply to this objection is that the world’s poor are being harmed, if they are not being given the minimal moral treatment that they deserve, including goods and services that they are entitled to by virtue of the fact that they are persons, which the wealthy of the world could provide but does not.¹⁰ Not getting what one deserves as a person is a harm. Most people would call this an injustice, for “getting the treatment that one deserves” is often thought to be at the center of justice. Like the “bullying” case, while sweatshops may lessen that harm, they do not alleviate it and they likely cover up the fact that a harm is occurring. Second, again, note the overlap between “bullying” and “half rescue.” In short, “half rescues” become “bullying.” In “half rescue,” the person offering assistance actively targets a person that is not getting what they deserve in order to continue to treat them in ways less than they deserve for profit. Those targeting the victim, i.e. the person drowning, seek to ensure that the victim receives less than they deserve for as long as possible, motivated largely, if not solely, for selfish reasons. Targeting someone for selfish reasons to ensure that that person constantly gets less than what they deserve is at the center of bullying.

If Powell were providing a comprehensive defense of sweatshops as alleged, he would have to argue that sweatshops give people what they deserve as human beings, or that sweatshops treat people how they should be treated, morally speaking, given that they are persons. Additionally, he could argue that there is no minimal moral threshold or treatment that

¹⁰ Admittedly, the idea that the wealthy “could” provide jobs better than sweatshop jobs is difficult to substantiate, especially in a short paper. No doubt there are many practical hurdles to how the wealthy would go about providing better jobs. It would call for innovation, possibly subsidies or tax incentives and adjustments in our expectations. But, to find some optimism, in whether the wealthy could provide better jobs and better laws and better wages one only needs to look at the significant work done by Peter Singer and Thomas Pogge, who clearly state that helping the poor out of poverty would not take as much money as one might suppose. As Singer and Pogge claim, the lifestyle of the wealthy would not change much at all, even if they contributed (or were taxed) the money needed to help the poor, see Singer 2006 as seen at <https://www.nytimes.com/2006/12/17/magazine/17charity.t.html?mtrref=www.google.com&gwh=801509D02DC53BD7DD364AB19668D583&gwt=pay> and Pogge 2008, especially Chapter 8 and Pogge https://www2.ohchr.org/english/issues/poverty/expert/docs/Thomas_Pogge_Summary.pdf

sweatshops fail to meet or that there are no moral obligations on us and the institutions that we create that morally demands that we help the poor have their basic human rights fulfilled and protected. These moral arguments that Powell would have to make to put forth a comprehensive defense of sweatshops are difficult moral arguments. They require a theory of justice or property or a concept of human rights that does not require people to aid others so that all have their basic human rights fulfilled or secured.

Arguably, because Powell does not provide these important moral arguments in his book, his book merely provides a kind of libertarian moral justification of sweatshops, persuasive only to other libertarians. In other words, Powell's book, while interesting and raises good points, should not convince those who do not agree with his libertarian approach. Stated another way, his argument should not persuade a person who agrees: (1) that there is some minimal moral treatment, e.g. a set of basic human rights, that all people deserve by virtue of the fact that they are persons; (2) sweatshops do not provide their employees with the minimal moral treatment that those employees deserve by virtue of the fact that that employee is a person; and (3) importantly, if and when possible, people who are more fortunate than the sweatshop employees have moral obligations to help those employees be treated in accordance with that minimal moral treatment, for that is what they deserve as persons. All three of these points run counter to Powell's position, and they all are widely accepted, morally speaking. Yet, Powell does not address them. Arguably, not only does leaving these moral arguments out of his book make his book noncomprehensive, it leaves Powell open to the charge that his book is a bit deceptive, for he is not transparent that his alleged comprehensive defense is a libertarian defense.

E. Powell's Consequentialist Moral Argument: Sweatshops and a Law of Economics

What about Powell's consequentialist moral argument that incorporates a kind of natural law claiming that sweatshops are a necessary part of the economic development of any State? (2014: 121). In many ways this is the hardest argument to criticize. It is difficult to criticize because it relies on historical, empirical data to predict the future, and Powell is an economist. I am a philosopher. But, while I am not an economist, I can examine questions related to causation and what it is that people highlight as important -- or see as salient -- in the causal chains that they examine. Powell puts sweatshops as a significant contributor on the causal chain to becoming a wealthy State. I am doubtful that just because sweatshops have worked in the past for some States they will always work in the future for all States.

Here, I raise points that call into doubt the utility of sweatshops, i.e. I call into doubt that since sweatshops have worked in the past they will work in the future. The points below importantly focus on the idea that there are many catalysts for social movements, and it often takes more than one to bring about significant change. It is not likely that sweatshops alone turn a developing State into a developed State. Additional characteristics are likely needed, and many of them I contend are notably absent from the global markets in which the sweatshops of today operate.¹¹ As a result, while sweatshops may have aided past States in

¹¹ Powell does also state that "sweatshops by themselves are not enough." However, he thinks the other factor that is needed is "An institutional environment that protects private property and economic freedom...." (2014: 137). He does not explore this other factor or the kinds of factors I list here.

their economic development, there are good reasons to think that the sweatshops of today no longer offer a way forward for those in poverty.

What are these additional characteristics or “causes” that helped sweatshops turn a developing State into a developed State? One such characteristic is simply having poverty at your door step. In the past, employers and their families had to see and meet with their employees. Some employees were the employer’s friends. Some employers had children who were friends with their employee’s children. Employers and employees actually saw and had to recognize or acknowledge each other. The more distant workers are the less connected employers and workers are, the less there is a community that feels as if they are working together, the less a bond between them forms. The closer in proximity one is, arguably, the more motivated one is to treat them with respect or to give them more than what they ask for – for good work or good deeds done, including more than what the law requires. Also, in the past, in a statist world where sovereignty is paramount, a strong sense of patriotism may have forced a kind fellow feeling that forged a community and motivated philanthropy from within, especially between employers and their workers. Arguably, people tend to give more aid when they can see the results and feel the impact of their aid directly (in their neighborhood and towns). Also, it would not be surprising to find that people give more, or are more generous, when they are more likely to receive praise from their fellow citizens for doing so. In a statist world, business owners who helped their workers were also seen as helping their fellow citizens and often received praise for doing so. They received awards from their community. They were thought of as important community leaders. School children are taught to admire and be inspired by them. With multinational enterprises, the worker is an “other” not a fellow citizen. They are distant. They are often thought to be not like us. The worker is far away, often of a different race or thought of as belonging to a different culture and community, and the heads of multinational enterprises, along with their shareholders, do not see themselves as sharing a community with them.

Similarly, in the past, those who get rich in their communities often take pride in their community. That pride can result in feelings of appreciation and guilt and both of these feelings motivate a sense of “giving back” to the community that helped them make their wealth. Today, people often “give back” to one’s educational institutions for similar reasons. They give millions, even when those institutions are already wealthy. For example, in the United States, wealthy donors give millions for renovations and facilities to their college or university, even when their college or university has a billion dollar endowment. Arguably, for many, this strong sense of community and the feeling of having received benefits from a community is not felt with any great strength in a “global business community.” Quite to the contrary, for corporations, a global community possesses a strong sense of selfishness and competitiveness; it is a bigger competitive arena. Many business owners (and many political scientists as well) do not even believe that a global community exists, and if they accept that it exists in some thin form, they often deny that this global community is subject to moral norms. Rather, it is all realpolitik; for them, it is an arena where prudence should prevail. In addition, a strong legal system can influence people’s attitudes about what it is the “right” thing to do. Recently, laws about same-sex marriage and the use of marijuana in the United States are changing peoples’ attitudes about those topics. Sometimes laws merely reflect contemporary attitudes and values. Other times, laws help change them. For many, unlike a

domestic legal system, an international legal system does not foster this bond for its members. It does not have the same force, and is not powerful enough to change attitudes. It is sometimes not even considered to be a legal system, and if it is seen as a legal system, it is not considered to be “our legal system” by any community. Rather, business owners of large corporations can view the international legal system as a set of negotiated rules that does not truly uphold any communal values or moral norms. Rather, to them and others, an international legal system is merely an amalgam of self-interested desires and values.

Further, think back to what Powell claims with regard to unions in developed States. Sweatshop employees face competition not only from other poor people in other States but also from well-organized unions in developed States. This claim reveals how hard it is today in a more fluid global market for workers in developing States to organize and demand higher wages or better working conditions. In today’s global market, multinational enterprises can move much easier than they once could, and thus they are not stuck with the same employees or a limited workforce. Because they are not stuck with a certain set of employees, they can have more latitude about whether they will give in to the demands of their employees. They can, and often do, play potential workers in different States off of each other. On the other side, current and potential workers in sweatshops have little or no ability to move. They do not have better alternatives available to them. The offer of employment to them is a “take it or leave it” proposition. If costs rise, the multinational enterprise can bring work “back” to unions in developed States that lobby them to do so and praise them for doing so. In order to keep up profit margins, multinational enterprises can also ship in poor workers from other developing States, if the current sweatshop employees demand too much. The idea that the companies on the global stage no longer have personal commitments and connections to their employees and the communities that they operate in, means that moving the work to be done to a different State is a decision based mostly on the numbers – not community. When the numbers say move, they move. In the past, the decision may have also included the fact that the move may impact your neighbor or your neighbor’s son or your daughter’s friend or your fellow citizen. Also, today, the heads of the multinational enterprises may argue that if the law permits them to move, it would be irresponsible to their shareholders not to move.

It may be helpful here to return to the “half rescue” case and modify it slightly. Now imagine instead that there is not one person drowning but rather there is a whole ocean of drowning people. Those offering assistance to the ocean of drowning people can, of course, pit those drowning people against each other, and because there are so many, they can continually threaten to leave any drowning person. As soon as one of the drowning people complains, the person offering assistance can easily move to another person who is drowning. When the new person begins to complain, the person can move back to the previous person or on to a third person. Since there are numerous drowning people, there can be no end to these kinds of strategic moves. The moving from drowning person to drowning person and possibly back again can be indefinite and intentional. It can be intentionally planned to be indefinite. The people offering half rescues to the ocean of drowning people can create laws and institutions, so that they can continue their cycle or half rescues indefinitely for profit. These moves and laws need not result in anything progressive for the drowning people, and it is likely naïve to think that without some kind of intervention

that is based on something other than the selfish desire for a bigger profit that there would be any progress.

To use a real life example, when a multinational enterprise establishes a sweatshop on floating docks off of the island of Jamaica in what is called a “free zone,” why would it not ship in Asian women to work there or even leave and set up shop in Mexico, Costa Rica or the Dominican Republic, when Jamaicans (mostly women) protest and demand higher wages and better working conditions.¹² It should be clear, then, that today the heads of multinational enterprises can pit the drowning masses against each other. The leaders of those multinational enterprises may even argue that they have a moral duty to do that. If multinational enterprises can endlessly pit drowning people against each other to maximize profit, should we not expect that they would do so? Without a strong enough moral motivation or demand to help others – if they are motivated solely by profit, there seems that there are no selfish reasons why multinational enterprises would stop playing poor people against each other and the result we should expect is that the poor will remain poor. It should also be expected that multinational enterprises will shape or mold the system to their advantage, i.e. through laws and informal and formal relationships with each other and the leaders of developing States, so as to ensure that their multinational enterprise will be allowed to do so indefinitely.

The work that needs to be done in order to find out whether sweatshops will always be a step out of poverty is work about understanding the catalysts to social movements and work about understanding sweatshops in a global market alongside the current players in the global market. It can, of course, be that in the past sweatshops played a significant role in bringing about change to many States as they progressed economically. It certainly can also be the case, for all the reasons described above, that one ought not to expect today’s sweatshops in today’s global market to play a significant role in a State’s economic progression beyond a limited point (a half rescue). Further, it is likely that today’s sweatshops stymie that progression and, in a sense, cover up the current harms occurring.

For sweatshop employees, like others who often systematically do not get “what they deserve” as persons – whose voice cannot be heard because the institutions and laws that they are a part of deny them a voice, it is more likely that help must come from having good allies. Help must come from the wealthy and the powerful. For sweatshop employees, it is about having wealthy allies and allies with power that are committed to the communities that they operate in and the people that they employ. Unless those in power participate in changing the harmful laws and policies and acknowledge that serial “half rescues” are immoral and overlap with “bullying,” and that there is a positive duty to provide some minimal moral treatment to sweatshop employees (which is currently not being met), no economic progression of the kind Powell defends needs to be forthcoming. It should not be expected.

4. CONCLUSION

Powell’s defense of sweatshops is not comprehensive, since he does not address the important moral issues raised by both the “bullying” case and the “half rescue” case. Those

¹² As depicted in the documentary *Life and Debt* by Stephanie Black (2003).

morally defending sweatshops often appeal to one of the three arguments that Powell raises: (1) sweatshops give the poor their best realistic alternative; (2) we ought not to interfere with their ability to contract for employment to make their lives better and (3) sweatshops are how all past developed States progressed economically. At first glance, these arguments might appear persuasive. However, as the “bullying” case and the “half rescue” case illustrate, Powell’s arguments ought not to persuade anyone who thinks that there is some minimal moral treatment that all persons deserve in virtue of the fact that they are persons and that sweatshops fail to treat people as they deserve to be treated. The additional consequentialist argument that champions a kind of economic law claiming that sweatshops are the first rung on the ladder out of poverty simply ignores too much information about what is necessary for social change and what social factors are necessary, in addition to sweatshops, to aid a State’s economic development. It should not be expected that sweatshops always provide a path out of poverty. In an ocean of drowning people floating around in a global market, there are good reasons to doubt that sweatshops will always have a positive economic impact in the future. Instead, there are good reasons to think that sweatshops currently cover up the fact that they trap the global poor into an endless scheme of “half rescues” and that those employees all deserve, by virtue of the fact that they are persons, a full rescue.

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