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## INTRODUCTION\*

Should individuals in affluent countries purchase Fair Trade goods? It seems increasingly believed that the answer to this question is ‘yes’.

According to its governing organisations, Fair Trade operates under the following parameters. Fair Trade buyers must offer producers a guaranteed minimum price for their produce – a price that covers production costs and basic living essentials – and a ‘Fair Trade premium’, which is usually a five per cent mark-up on the price of the good. This premium can be used for business development, such as investment in new machinery, or community development projects, such as schools and hospitals. Buyers must also offer long-term contracts, covering at least one harvest cycle, and a pre-financing option – a payment of up to 60 per cent of the forecast harvest in advance if requested by producers. Producer groups must be organised in democratic structures, either as cooperatives in small-scale production systems, such as coffee farming, or into unions in large-scale production systems, such as tea plantations. All Fair Trade production must also abide by core human rights legislation (FLO, 2009a; FLO, 2009b; FLO, 2009c; WFTO, 2009).

Focusing on varying aspects of this system, two kinds of argument are often advanced in defence of Fair Trade. One is consequence-oriented insofar as it emphasises the outcomes of purchasing Fair Trade goods. For example, some have emphasised Fair Trade’s contribution to development (cf. FLO, 2010b), whilst others have defended it with reference to its capacity to reduce poverty (cf. Hassoun, 2011, pp. 15-19). The second kind of argument advanced in defence of Fair Trade is more rule-oriented. For example, some have emphasised paying people a fair price (cf. WFTO, 2009), whilst others have argued that

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the purchase of Fair Trade goods is necessary to avoid exploiting others (cf. Nicholls & Opal, 2005, pp. 63-64). Numerous other arguments might be mobilised in defence of Fair Trade. But it is these arguments that figure most prominently in public discourse and academic literature. They are ‘the common arguments for Fair Trade’.

Any of these common arguments might be thought to lead to one of two conclusions about the connection between individual morality and Fair Trade:

- 1) Individuals should purchase Fair Trade goods or undertake some other action in order to meet a general moral requirement, such as a duty to reduce poverty.
- 2) Individuals should purchase Fair Trade goods in particular.<sup>1</sup>

Advocates, it seems, wish to defend position two. Fair Trade organisations have fervently argued that Fair Trade should not be considered merely, say, an alternative form of charitable giving to the poor (cf. Traidcraft, 2010). Similarly, in academic writing, Philips (2008, p. 249) argues that ‘there is a strong case for a moral duty to buy Fair Trade products’. Nicholls and Opal (2005, p. 63) assert that ‘Fair Trade stands as a manifestation of a normative categorical imperative’. Meanwhile Hassoun (2011, p. 19) claims that ‘Purchasing Fair Trade certified goods...may...be morally required’. The tone of these texts appears to suggest that these authors would endorse a strict and specific moral requirement to purchase Fair Trade goods. However, even where they are hesitant about this conclusion, their reasons

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<sup>1</sup> For the sake of clarity it is worth noting the moderate and flexible nature of these two statements. In particular, it should be noted that they are both compatible with thinking that the demands they posit might be outweighed by other moral demands in certain scenarios. In this respect, they are compatible with either the view there is a moral presumption in favour of purchasing Fair Trade goods or the view that this is morally required. The key distinction I wish to emphasise is whether whatever moral demand is posited gives us a reason to purchase Fair Trade in particular as opposed to considering it simply one acceptable option.

for hesitancy – that much depends on the existence of ‘other duties of equal or greater stringency’ (Philips, 2008, p. 243) – are instructive. This position makes it clear that the rationale for not advocating stronger conclusions is the existence of ‘*countervailing* reasons’ (Philips, 2008, p. 243, my emphasis). This suggests a belief that what their arguments do defend is a reason to purchase Fair Trade goods *in particular*, even if this reason can be outweighed. Of course, that some authors endorse this view does not show that it is “the advocate’s position”. But there is certainly enough support for position two for investigation into it to be important.

The main aim of this paper, though, is to make something of a ‘plea for difficulty’. In particular, I hope to show that many of the common arguments will have difficulty defending more than position one – the claim that the purchase of Fair Trade goods is merely one way (amongst a number of others) for an individual to meet more general moral duties. Although I will enlist various arguments in support of this claim, the main theme of the paper is that it is difficult to show that purchasing Fair Trade goods is preferable, even in one way, to undertaking other actions, such as donating to charity. If this is correct, arriving at the conclusion that individuals should purchase Fair Trade goods in particular is somewhat difficult. Or so I shall argue.

The paper will proceed as follows. I begin by considering what I think is the most common argument offered for Fair Trade. This is a consequence-oriented argument. I will consider this case somewhat in the abstract and detail why I think it will struggle to defend the view that individuals should purchase Fair Trade goods in particular. I will then consider a series of ways in which the argument might be revised. Some of these aim to develop the structure of the consequence-oriented view, some offer more rule-oriented cases. In each section I try to show why the same basic difficulty seems to trouble these arguments.

## FAIR TRADE AND GOOD OUTCOMES

There is much that could be said about Fair Trade from a consequence-oriented perspective. One interesting possibility is whether Fair Trade produces valuable consequences indirectly, such as prompting others to act more morally or affecting consumer behaviour on a large scale. I have explored some of these possibilities elsewhere (Walton, 2012). As such, I wish to focus my comments here mainly on a more common argument for Fair Trade.

The common consequence-oriented case for Fair Trade argues that individuals should purchase Fair Trade goods because doing so will *directly* produce some positive outcome. Constructing an argument along these lines involves three claims: a normative claim (N), a factual claim (F), and a supposedly ensuing conclusion (C). It reads broadly as follows:

N: Individuals should advance X.

F: By purchasing Fair Trade goods, individuals advance X.

C: Individuals should purchase Fair Trade goods in particular.

Within this argument X can be replaced by any goal that Fair Trade might be thought to advance, such as poverty reduction. Other argument structures might be possible. But, at least in academic literature, this is how the argument is usually formulated (cf. Philips, 2008, p. 243, Hassoun, 2011, pp. 15-19).

Of course, the exact argument that this structure offers depends on the particulars of the theoretical view endorsed. It will depend on whether X is defined as utility, basic needs fulfilment, or something else. It will also depend on whether one wishes to maximise good consequences, merely ensure good consequences, and so forth.

However, whatever position one takes on these matters, this kind of argument needs to make one of two claims, neither of which will offer a smooth pathway to defending the conclusion that individuals should purchase Fair Trade goods in particular. On the one hand, the argument might be that purchasing Fair Trade goods is *sufficient* for an individual to meet some stipulated moral demand, such as a duty to reduce poverty. This claim is reasonably plausible. However, it is too weak to defend the conclusion that we should purchase Fair Trade goods in particular. This is because there are many actions which would be sufficient to meet the moral demands purchasing Fair Trade goods might be thought to meet. One can contribute to poverty reduction, for example, by donating to UNICEF or Oxfam. Donating to these institutions would also undoubtedly help raise utility, happiness, and so forth. This does not raise any objection to purchasing Fair Trade goods. The point is simply that highlighting that purchasing Fair Trade goods is *sufficient* to meet a moral demand does no more than place it amongst a set of actions that also meet this criterion. In this case, Fair Trade is only *one way* to meet a moral demand.

It might be argued that this is enough to show that we should purchase Fair Trade goods in particular on the grounds that one should undertake all actions that meet the asserted moral demand. That one could contribute to poverty relief by donating to charity also shows only that one should purchase Fair Trade goods *and* donate to charity, it might be said.

The problem with this reply is that, ultimately, ethical action amounts to making ethical choices between options and the similarity between Fair Trade and charity will create a difficulty in identifying the former in particular as valuable in any given option set. To see this problem, imagine that an individual can undertake only one action that meets a stipulated moral demand. In this instance, the logical conclusion seems to be that an individual can select any action that meets the moral demand. All such actions meet the moral demand (to the extent that it can be met in this scenario) and so all are acceptable options.

Of course, most individuals are not faced with merely one scenario in which they can choose only one action. However, individuals are faced with a series of scenarios in which they can choose only one action. Every time one orders coffee, for example, one has a choice of ordering the more expensive Fair Trade option or ordering the less expensive non-Fair Trade option and donating the saved money to charity (amongst other options). Similarly, each time one has the opportunity to give to charity, one could save one's money and spend it on purchasing a Fair Trade coffee. This is true no matter how much one should contribute to poverty relief overall. For each and every contribution required, an individual faces simply another instance of the choice between these options. In each instance, the same logic surely applies: since both actions meet the stipulated moral demand and only one can be chosen at that moment, either is acceptable and neither seems important in particular.

Even thinking broadly, the same seems true. Rather than focusing on acts, consider which general rules one should follow. In this instance, we might think that individuals should follow a general practice of donating to charity, purchasing Fair Trade goods, or doing both. Considering these three policies on a macro-scale surely yields the conclusion that since each will allow an individual to meet a moral demand, say, to reduce poverty, each is acceptable and, since one cannot follow all of them, any can be chosen and none in particular is preferable. Similarly, considering the policies on a micro-scale should lead us to consider the implications of each policy in practical scenarios and this seems to return us to the question of individual choices between certain acts. Here, since in each scenario the choice between two sufficiently acceptable actions leads to the conclusion that either can be chosen, we, again, seem led back to the conclusion that each general policy is sufficiently acceptable and none in particular is preferable. If this is correct, showing that purchasing Fair Trade goods or purchasing Fair Trade goods alongside other actions is sufficient to meet a moral demand seems unable to show that we should purchase Fair Trade goods in particular.

Rather, to defend the conclusion that we should purchase Fair Trade goods in particular the claim one would need to make is that purchasing Fair Trade goods is *necessary* in order for an individual to meet some stipulated moral demand. In this case, since one would meet certain demands of morality only by doing so, we could say that the purchase of Fair Trade goods in particular would be valuable.

The problem with making this argument is that its central premise – the claim that the purchase of Fair Trade goods is necessary for achieving some moral end – will be difficult to substantiate. It seems highly unlikely that purchasing Fair Trade goods will be necessary for reducing poverty, for example. One reason to think that it will not be necessary follows a similar line of reasoning to that given above. This is that one could contribute a similar amount to poverty reduction by donating money to Oxfam or UNICEF. Similarly, donating to these organisations is likely to result in similar contributions to utility maximisation, the balance of pleasure and pain, and so forth. If this is true, one would not be unable to meet demands to pursue these ends without purchasing Fair Trade goods. In other words, purchasing Fair Trade goods would not be *necessary*. A similar point can be levelled against the suggestion that both donating to charity and purchasing Fair Trade goods would be necessary to maximise utility, poverty reduction, and so forth. Of course, whether purchasing Fair Trade goods is, indeed, necessary for meeting some stipulated moral demand depends on numerous empirical calculations not considered here. However, it is difficult to believe that it could be so pivotal (let alone, be *proven* to be so pivotal) on any theory about how consequences should be valued and certainly nothing in the literature proves this claim.<sup>2</sup>

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<sup>2</sup> One issue of relevance here is the claim that subsidies and labour rights can produce either comparable or even better results for, say, development than the use of free markets (cf. Brock, 2009, pp. 220-238; Barry & Reddy, 2006, pp. 546-628). I set this aside partly because some have challenged this claim (cf. Teson & Klick, 2007, pp. 26-38; Wolf, 2004, pp. 186-188) and, so, it remains a controversial consideration, but primarily because even many of the advocates of this idea accept that the same outcomes could often be achieved through

At any rate, this is the challenge that a consequence-oriented view faces and although my comments do not refute the possibility that such an argument can be defended, I think the difficulties mentioned here will be sufficient to encourage advocates of Fair Trade to develop the ideas in certain ways or pursue other lines of argument.

### **POSSIBLE REVISIONS**

In this section I will turn my attention to various other lines of argument that might be advanced in defence of Fair Trade. Some aim at developing the consequence-oriented case and some aim at constructing rule-oriented cases. One main point that will be made in this section is similar to the point made above: that many of these arguments will struggle to show that purchasing Fair Trade goods in particular is preferable, say, to donating to charity. However, this will also be joined by another point. Some of the arguments below can resist the aforementioned challenge. I will argue, though, that resisting it comes at a price. In particular, it requires making claims about how and why some of Fair Trade's features might be deemed valuable that are also difficult to defend. Together, these two challenges give what I think is the overall dilemma faced by the range of common arguments for Fair Trade.

#### ***Prioritarianism***

This first idea I wish to consider here is one that I imagine might figure in the minds of many defenders of Fair Trade. It is the idea that Fair Trade assists the very poorest individuals. Some of its central bodies make claims along these lines (cf. FLO, 2010*b*). This would also

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other means (cf. James, 2006, pp. 15-16). In this case, the subsidies and labour rights approach does not deny my main conclusion here: that it is merely one option.

cohere with the view that we need alternatives to existing transnational companies, which, it is argued, are involved in perpetuating the poverty of the worst-off (cf. Klein, 2000).

Based on these ideas, an argument for Fair Trade could be made using the moral theory of prioritarianism. Prioritarianism can have many forms, but its basic principle is, as Parfit puts it, that ‘benefiting people matters more the worse-off these people are’ (Parfit, 1997, p. 213). Using this principle, it would be possible to formulate the following argument:

N: Individuals should focus their assistance on the ‘worst-off’.

F: By purchasing Fair Trade goods, individuals assist the ‘worst-off’.

C: Individuals should purchase Fair Trade goods in particular.

There are two problems with this argument. The first is with the factual claim. Its validity naturally depends on what metric one uses, but it is difficult to believe that any plausible metric will identify even poverty-stricken coffee producers as *worse-off* than domestic sector workers or the unemployed in developing country economies or refugees and so on. There is even research suggesting that export sector workers in developing countries usually fare somewhat better than these other groups (Brown, 2000, pp. 28-41). If so, the normative claim in this argument might actually tell against purchasing Fair Trade goods.

Second, and perhaps more importantly, the argument does not offer any obvious route for circumventing the issue noted in the previous section. Even assuming that export workers are the ‘worst-off’, the argument does not show that purchasing Fair Trade goods would be necessary to assist them and, again, it seems difficult to believe that it would be so. Rather, what the argument might more plausibly be thought to show is that purchasing Fair Trade goods would be sufficient to meet the stipulated moral requirement. But this, as noted above, is not enough to show that we should purchase Fair Trade goods in particular.

### *Virtue*

A second point I wish to consider here is the idea that Fair Trade is important because such trade structures are better aligned with the moral demands on our intentions. I have not observed a defence of Fair Trade based on such ideas. However, Nicholls and Opal suggest that ‘the virtuous individual is an identifiable actor in the development of ethical and Fair Trade’ (Nicholls & Opal, 2005, p. 62). It has also been suggested that Fair Trade involves new mentalities about care in trading transactions (cf. Goodman, 2004, p. 894). These arguments do no more than hint towards claims about individual morality, but they could be conjoined with arguments more focused on this subject, such as the claim that standard market relations are disrespectful to persons because, in violation of Kant’s famous dictum, they involve viewing others as mere means, not as ends (cf. Radin, 1996). Combining these points, it might be possible to generate an argument along the lines that not purchasing Fair Trade goods in particular will violate a duty to view others in the appropriate way.

I will not devote great space to this argument because it is here we find the first case of needing a radical claim to avoid the problems facing the consequence-oriented perspective. In essence, using these considerations to defend the view that individuals should purchase Fair Trade goods in particular would need something like the following argument:

N: Individuals should not view others as mere means.

F: Individuals do not view others as mere means if and only if they purchase Fair Trade goods.

C: Individuals should purchase Fair Trade goods in particular.

It bears mentioning that this argument, if valid, would generate a reason to purchase Fair Trade goods in particular. If it were the case that it was necessary to purchase Fair Trade goods in order to view others not as mere means, there would seem no way to meet the demands of morality (at least in this regard) without purchasing Fair Trade goods.

However, the problem with the argument is that ensuring it can reach this conclusion requires specifying the factual claim in an extremely narrow fashion. To wit, it must claim that individuals do not view others as mere means *if and only if* they purchase Fair Trade goods. A weaker factual claim than this would not suffice for the argument because any possibility that one could view others as mere means whilst purchasing Fair Trade goods or that one could avoid viewing others as mere means whilst acting otherwise would leave space for one to meet the demands of morality (in this regard) without purchasing Fair Trade goods.

So, the factual claim must make two highly questionable assertions. First, it must claim that when one purchases Fair Trade goods, one necessarily does not view others as mere means. This is possible, but it seems hard to believe. It certainly seems possible that individuals could purchase Fair Trade goods simply to satisfy their preferences. Second, it must claim that no other form of trading transaction can involve not viewing others as mere means. Again, this is possible, but highly tenuous. To be sure, it would seem that I do see a train-ticket seller as only a means if, after purchasing my ticket, I walk away while he has a heart attack. However, the same cannot be said of me if I return and call him an ambulance, and there is no reason to think that the fact that I purchased a ticket from him and saw him as a means in that regard prevents me from doing this (Cohen, 1995, pp. 238-242). Similarly, there seems no reason to believe that I think about producers as mere means simply because I purchase goods from them under standard market conventions, let alone if I were also donating to charity to ensure that such individuals lead better lives in the future.

Of course, these points do not show that an argument linking virtue with Fair Trade *cannot* be made. But they do highlight the intuitively implausible nature of the claim that standard market transactions and Fair Trade transactions are *necessarily* linked with particular and, importantly, different dispositions. Indeed, it is difficult to see how such a claim could be defended. At any rate, we can conclude, at least, that using this avenue to avoid the problems facing the consequence-oriented view will require a rather radical claim.

### ***Contractualism***

The third argument I wish to consider here is an interesting defence of Fair Trade offered by Jos Philips. Philips argues that the crucial questions to consider are: ‘could the peasants who produce Fair Trade products reasonably reject a permission for Western consumers not to buy such products? And, could Western consumers, in turn, reasonably reject that there is a duty for them to buy Fair Trade products?’ (Philips, 2008, p. 240). Philips argues that since Fair Trade can be thought to help them access important basic goods, such as shelter, sanitation, education, and health care, ‘Fair Trade farmers can...reasonably reject (systems of) moral principles that do not specify a duty for Western consumers to buy Fair Trade goods’ (Philips, 2008, pp. 240-241). She then argues that consumers could not easily reject such a duty because it requires little from them and it produces great benefits for others (Philips, 2008, p. 242). Philips admits that other moral duties might supersede the importance of buying Fair Trade, but she concludes that ‘only if there were very weighty countervailing reasons could a duty on the part of consumers to buy Fair Trade products be reasonably rejectable’ (Philips, 2008, p. 243).

To my mind, Philips’ argument is troubled by the same problem facing consequence-oriented arguments. The focus of her arguments, ultimately, is providing certain individuals

with various basic goods and, as I argued above, purchasing Fair Trade goods is not the only means though which one could achieve this end. So, although her arguments might be sufficient to justify a moral duty to purchase Fair Trade goods or, say, donate to charity, they do not give any reason to purchase Fair Trade goods in particular.

It might be thought that the reasonable-rejection test enables Philips to circumvent this criticism. The reasonable-rejection test, it might be argued, is able to identify specific actions or duties which, if they cannot be reasonably rejected, are required in particular. However, it is not clear that the reasonable-rejection test is appropriately applied by considering isolated actions and duties.<sup>3</sup> Imagine that there are two available actions: A and B. Both contribute a similar amount to poverty relief. If we consider the maxim “individuals should undertake action A” in isolation, it does seem that it would pass the reasonable-rejection test. However, it seems clear to me that the maxim “individuals should undertake action A or B” would also pass the test. Put in the context of Philips’ discussion, my sense is that neither producers nor consumers would have any more reason to reject maxims that gave a choice between Fair Trade and charity than more specific maxims.

This suggests one of two things. On the one hand, perhaps the reasonable-rejection test produces results that are too ambiguous to demonstrate anything conclusive about our duties. On the other hand, perhaps the test should be applied only with a wider outlook, to assess only basic principles, for example. Specific actions could be conjoined to these principles at a later stage, of course, but this would be done only in instances where specific actions were intimately connected to meeting the issued moral demands and, as I have argued above, showing that the purchase of Fair Trade goods is necessary for meeting a moral demand is difficult, at least when the moral demands are matters such as meeting basic needs.

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<sup>3</sup> The ensuing point owes much to Onora O’Neill’s objections to using a Kantian universalizability test in relation to specific actions (see, especially, O’Neill, 2000, pp. 136-137).

For the sake of clarity it is perhaps worth stating explicitly here that this conclusion does not merely align with Philips' restricted conclusion that countervailing considerations could outweigh a duty to purchase Fair Trade goods. I have not argued that the value of donating to charity must be weighed against a duty to purchase Fair Trade goods. My point is that the reasonable-rejection test, at least when applied to considerations such as the delivery of basic goods, is not able to deliver a duty to purchase Fair Trade goods in particular at all. In this instance, in order to focus on the purchase of Fair Trade goods in particular, the test must be applied too narrowly to deliver anything conclusive about even our *pro tanto* duties. On the other hand, it can be applied more broadly. However, this would also prevent it from pinpointing an action, such as purchasing Fair Trade goods, for its capacity to deliver basic goods to needy individuals. For, there are other actions that have similar qualities and the reasonable-rejection test in this guise seems to offer no resource that would direct attention to one action in particular

This said, it is possible that there are other ways in which the reasonable-rejection test could be used that might be more helpful to Fair Trade. One such possibility would be to focus on the idea of rights. I will return to this idea below. Before doing so, however, I wish to identify another issue that is best considered before the subject of rights.

### ***Paying a 'fair price'***

The idea I wish to consider before the question of rights is an idea often associated with Fair Trade: that it involves paying a 'fair price'. This is perhaps the most obvious claim one could make about Fair Trade and it is often cited in its defence (cf. WFTO, 2009). This argument could take various forms. However, my sense is that any argument utilising this idea in

defence of Fair Trade will need to follow a similar form to the argument from virtue considered above. That is, it must read something like the following:

N: Individuals should pay a 'fair price' for their goods.

F: Only by purchasing Fair Trade goods do individuals pay a 'fair price'.

C: Individuals should purchase Fair Trade goods in particular.

The first thing to note about this argument is that it will encounter similar difficulties to the virtue argument. The similarity is that a lot is required of the factual claim. In this instance, what matters crucially is how we define the idea of a 'fair price' and how this correlates with the realities of Fair Trade. My sense here is that at least the most common ideas about what constitutes a 'fair price' will not be very helpful.

One example of this is what seems to be the understanding of a 'fair price' utilised by Fair Trade actors. In their rhetoric the notion of a 'fair price' appears to be a fairly instrumental one. It is along the lines that a 'fair price' is one that provides sellers with sufficient income to meet their basic needs or that contributes to poverty reduction in addition to meeting the exchange value of a good (cf. FLO, 2010a). The intuitive plausibility of thinking about a 'fair price' in this way is obvious. However, my sense is that the more instrumental definition leaves the argument somewhat open to the problems facing the consequence-oriented case above. Ultimately, the focus is not the issue of a 'fair price' *per se*. The focus is contributing a certain amount of money to achieve a specific end. The difference is made clear, I think, when one notes that these kinds of justification for paying a specific price would be unnecessary in a world where the basic needs of all individuals were met. Without the need to contribute to poverty relief, and so forth, presumably this rationale for paying a 'fair price' would cease to be of relevance. If this is correct, it is not clear

whether we should consider the concern an issue of paying a ‘fair price’ or simply an issue of killing two birds with one stone by conjoining certain moral concerns with a market transaction. Or, to put the point another way, it is unclear how this rationale could say that someone who bought non-Fair Trade goods and provided money for producers to meet their basic needs via a charity was not also paying a ‘fair price’.

Another way of understanding a ‘fair price’ would be to utilise a more fixed criterion. An obvious example here would be to argue, as Marx did, that the appropriate price for a good is determined by the labour required to produce it. This would avoid the problem in the previous paragraph because it would suggest that there is something of significance in the specific amount of money exchanged for a good. This would give reason to think that the concern would not vanish in an ideal world and that the issue could not be addressed other than by paying the required amount of money. Even ensuring that the same distribution of wealth resulted after the transaction through another mechanism would not be the same as actually paying this price. However, there are problems with this idea too. One is that it is notoriously difficult to defend objective theories of value. A second is that objective theories of value require prices to be fixed by their objective functions, not by the market.<sup>4</sup> Fair Trade, on the other hand, allows the prices of goods to track market prices above a certain threshold (FLO, 2010a). So, above this threshold, Fair Trade would seem to depart from what would be required by an objective value theory specification of a ‘fair price’. These two points would raise questions over both the normative and factual claims of the above argument on this construal of it.

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<sup>4</sup> The exception to this would be a view asserting that an objectively ‘fair price’ is the price that the market sets, but this will not be of use to Fair Trade since its ‘minimum price’ system (noted in the introduction to this paper) would directly contradict this understanding.

Despite these problems, though, it is duly noted that there are numerous other ways that the idea of a ‘fair price’ could be specified that my comments here do not challenge. For example, one plausible possibility is that the Fair Trade system uses a dual notion of a ‘fair price’: it sets a lower threshold that is specified in a more objective fashion, such as at a level that ensures the price is not exploitative, and then allows the price to track the market price when such concerns are not at issue. Of course, other arguments might be possible too. As such, I will not take this issue any further.

Instead, I wish to focus my attention on the normative premise of the argument. However, on this issue I believe that discussion is best conducted from a more abstract perspective that addresses both the idea of a requirement to pay a ‘fair price’ and certain similar matters. It is to this I now turn.

### ***Human rights, exploitation, and ‘unjust trade structures’***

The next argument I wish to consider here is perhaps the strongest of the options for defending a more particular duty to purchase Fair Trade goods. Its focus, broadly put, is on the idea of rights, although the ideas that underpin such an argument might also be advanced in terms of an objection to exploitation or to the abstract idea of ‘unjust trade structures’, so I include these here too. The basic thrust of these arguments is that certain ways of treating people are impermissible. We usually think, for instance, that individuals should not be killed or tortured, not even if beneficial consequences might result from doing so, and we often recognise this by asserting that individuals have ‘rights’ that should not be violated. It was noted in the introduction to this paper that Fair Trade requires those who work under its label to uphold various human rights. It might be thought, therefore, that these two points can be conjoined to provide a fairly robust defence of Fair Trade. For example, one could

argue that individuals have a right to certain working conditions, a right not to be exploited, or, picking up on the issue from the previous subsection, a right to be paid a ‘fair price’ for their goods. Against this background, it could be argued that, since the contemporary trading system does not uphold these rights, the purchase of Fair Trade goods (which does uphold them), is necessary if individuals are to avoid violating such rights. Along these lines, Singer and Mason argue that in virtue of, amongst other things, the extra protection afforded to human rights, ‘buying Fair Trade products seems obviously more ethical’ (Singer & Mason, 2006, p. 163).

There are various ways in which these ideas could be utilised in defence of Fair Trade. One option pursued by Nicholls and Opal returns to contractualist-type ideas similar to those noted above. Nicholls and Opal consider various methods for arguing for moral duties from hypothetical choice scenarios, such as Rawls’ claim that we should consider what rules individuals would choose for their society when situated in an ‘original position’ without knowledge of their individual characteristics or place in society (Nicholls & Opal, 2005, pp. 62-63). They assert that from this kind of perspective ‘Fair Trade stands as a manifestation of a normative categorical imperative’, not least because Rawls’ method would issue in defence of Fair Trade ‘since...no one would choose to be exploited or paid below-subsistence prices for their produce’ (Nicholls & Opal, 2005, pp. 63-64).

One point that must be made against Nicholls and Opal’s particular comments here is similar to the objection given to Philips’ arguments. To wit, that whilst it seems true that no one would agree to be paid below-subsistence wages when we consider this issue in isolation, it is much less clear that they would object to this in the context of a more fully fledged institutional system that redistributed wealth through other avenues, or, for that matter, if they were being transferred money to meet their basic needs via a charity. Indeed, there might be good reasons to think that an economic system would operate more efficiently without direct

constraints on its operations and that, as such, the worst-off would benefit from the more indirect redistributive approach. It is precisely considerations such as these that led Rawls to focus his views on justice on the basic structure of a society, not localised issues such as individual economic exchanges (cf. Rawls, 2003, pp. 52-55).

Nevertheless, it might be thought that individuals in an original position would identify some concerns more suitable to the aims of a rule-oriented argument on Fair Trade. Of course, Rawls did argue that some rights could not be overridden for beneficial consequences and should regulate our direct interactions (Rawls, 1999, pp. 53-54). Other views on rights would also support this point (cf. Nozick, 1974).

If it were true that there are rights of this more rigid kind and that an individual could be deemed to have acted respectfully of these rights only by purchasing Fair Trade goods, we would have reason to purchase Fair Trade goods in particular. This, I think, is the strongest case that can be made for this conclusion. It would appear able to resist the challenge facing the consequence-oriented argument. It also would not seem overly radical to argue that individuals should uphold human rights in their actions.

However, employing such an argument is not as straightforward as it sounds. To use it here, the argument requires asserting more than the intuitive claim that individuals should uphold human rights. Indeed, there are, at least, four complicating factors. First, the idea of rigid rights has been powerfully criticised (cf. Kagan, 1989, pp. 83-183). Second, even if we accept the notion of rigid rights, the kinds of rights Fair Trade protects – rights to certain working conditions, a fair wage, and so forth – are often not deemed high priorities (cf. Rawls, 1999, p. 53).<sup>5</sup> Third, even if such rights are granted, the best way to protect them

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<sup>5</sup> One Fair Trade requirement that probably would be deemed a high priority is the prohibition on forced labour.

However, since all goods traded under WTO auspices are subject to this requirement, a constraint against engaging in trade that involves forced labour will be insufficient to separate Fair Trade goods from most others.

might not be regulation of direct interactions. One example of this was noted above: the best way to ensure that people have appropriate income, it was suggested, might be to redistribute wealth. Redistribution of wealth can also be a suitable way to reduce exploitation (cf. Van Parijs, 2006, pp. 14-15; Wright, 2006, pp. 8-9). Fourth, it is important to remember the context in which we ask the question of whether individuals should purchase Fair Trade goods; namely, the context of a non-ideal world.<sup>6</sup> That we live in a non-ideal world is, Thomas Nagel has recently suggested, ‘the least controversial claim one could make in political theory’ (Nagel, 2005, p. 113). Few, I think, would disagree. This is important because whatever might be said about rigid rights generally, it is not clear how we should understand their value in a non-ideal world. Rawls accepted that slavery might be a permissible institution if it was necessary for moving towards a more just world (Rawls, 1999, p. 218). Even Nozick admitted that there could be very extreme non-ideal conditions might justify overriding the rights he defended (Nozick, 1974, p. 30).

In light of these points, consider two lines of argument:

- 1) We should ensure that individuals are not exploited.
- 2) We should not exploit others unless doing so is conducive to furthering justice.

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<sup>6</sup> Technically, it might be possible to argue that Fair Trade (or perhaps economic structures mirroring Fair Trade) would be a desirable facet of an ideal world. It might also be possible to argue that, therefore, purchasing Fair Trade goods in a non-ideal world enables an individual to act in accordance with the structures we would desire in an ideal world. However, whatever we may think about these matters, it remains important to note that is the non-ideal world in which we live and that whether the above considerations give us reason to purchase Fair Trade goods depends on what principles should guide our actions in a non-ideal world.

Setting aside the issue of whether rigid rights can be defended at all, let us assume that both of these claims assert that individuals have a right not to be exploited.<sup>7</sup> Even if so, neither shows that we should engage only in forms of trade that do not exploit others.

1 simply suggests that we should value a world without exploitation. In an ideal world this requires political structures that ensure an absence of exploitation and in a non-ideal world this requires working towards a world without exploitation. In neither scenario does the right imply that we should prohibit exploitative transactions directly, though. If we follow a line of reasoning cited above, perhaps what it requires is appropriate redistributive measures, such as donations to charity, which will ensure a lack of exploitation. Rawls' arguments for focusing on the basic structure would also seem to point in this direction.

2, meanwhile, gives us a more specific reason not to exploit others, but it is not clear how and when this makes demands on us. It could be read as suggesting that exploiting others is always wrong, but that this concern can be overridden if we can further justice by doing so. On the other hand, it can be read as suggesting that there is not even *a* reason not to exploit others if exploitation is conducive to furthering justice. At least two arguments might be given for this view. One would be that not exploiting others is a conditional value that makes demands on us only when other parameters of justice are met. This is something like the argument developing countries make for addressing better or fairer working conditions only once some of the more fundamental aspects of development are complete. It is also reasonably intuitive to think that we would have certain priorities in realising the demands of justice. Another argument would be that a concern for not exploiting others is, in essence, a contingency clause. It does not apply to people who are exploiting others to further justice. It applies only to those who are not helping the cause of justice in other ways. It is akin to

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<sup>7</sup> Both claims and the following arguments can operate with a focus on rights to a 'fair price' or certain working conditions also.

saying to these people: “we are happy for you to help in any way you wish, but if you are not going to help, not exploiting others is the least you can do”. If we follow either of these lines of reasoning, we are not required not to exploit others *sui generis*. At least in a non-ideal world, according to these arguments, if one was acting to further justice, perhaps by donating to charity, one would not be acting wrongly *even in one way* by exploiting others.

My point here is not to endorse such arguments (although, for what it is worth, I find them reasonably compelling). My point is simply that the intuitively appealing claims “individuals should uphold human rights” and “by purchasing Fair Trade goods, one upholds human rights” do not necessarily or straightforwardly join together to give a clear argument for the conclusion that individuals should purchase Fair Trade goods in particular. Indeed, in order to use these ideas in defence of Fair Trade, it is necessary to make, at least, four, not uncontroversial, claims. First, one must defend the idea of rigid rights. Second, one must show that the kinds of rights monitored by Fair Trade are significant enough to warrant such classification. Third, one must show that the best way to recognise the significance of these rights is to regulate our individual trading transactions, as opposed to ensuring their protection through, say, redistribution. Fourth, one must show that these regulations should apply in non-ideal conditions, as opposed to being valuable only at a later stage of development, for example. Without addressing all of these issues, it remains the case that this argument would not give a reason to purchase Fair Trade goods in particular. The last two are particularly important because it is possible to accept that individuals have rights against exploitation, to better working conditions, and to a ‘fair price’ for their goods and still believe that one does not act wrongly, even in one way, by donating to charity unless it can be shown that the correct way to address these rights in a non-ideal world is to observe specific regulations in our economic exchanges.

Now, I must accept that my arguments here certainly have not shown that an argument defending Fair Trade from the perspective of rights cannot be made. However, nothing in literature offers a case that addresses all of the tasks listed above and it would seem fair to conclude that the case does involve some, at least, contentious claims. Suffice to say, therefore, that although the argument from human rights appears a contender for establishing a reason to purchase Fair Trade goods in particular, there is still some tough terrain that must be traversed in order to make the case.

### *Benefiting from injustice*

The final point I wish to consider here is another one that I think will feature prominently in the minds of many Fair Trade advocates. It is the thought that Fair Trade is valuable for ensuring that individuals do not benefit from injustice. This argument could take many forms, but one line of thought that I imagine might be common is that much of the consumption that takes place in wealthy countries is possible, and perhaps available at a cost that makes it desirable, only because transnational companies or foreign governments oppress their workers. This idea is captured nicely in an example offered by Mathias Risse. He asks us to consider:

‘a situation in which A is, on an ongoing basis, involved in trade with B, an activity from which both sides benefit, whilst representatives of B can reasonably be expected to know that parts of the population in A are oppressed and the gains from trade occur at this subset’s expense’ (Risse, 2007, p. 362).

‘These conditions’, Risse continues, ‘render trade partly constitutive of the oppression and thus are sufficient to give the oppressed a complaint in fairness against a trading partner’ (Risse, 2007, p. 362). Risse’s example denotes A and B as countries, but it would not be difficult to consider them as ‘transnational companies’ and ‘consumers’ respectively. In this case, it could be argued that the complaint of fairness can be made by producers against consumers. Purchasing Fair Trade goods, it might be argued, then, is required in particular because this is necessary to remedy our unjust practice in this regard.<sup>8</sup>

The main reason that I have left this argument until last is that I think what has been said above can address this concern also. Three points are of note, depending on how the argument is interpreted. On the one hand, the claim could be that purchasing Fair Trade goods is a valuable way to respond to the existence of unjust practices or to make amends for the fact that, in purchasing goods from transnational companies, one has engaged in an unjust practice. However, here we seem to have a consequence-oriented argument. The essential point is that one should pay reparations or reimbursements for unjust practices. Nothing in this argument shows that Fair Trade is anything more than one way to achieve this and, so, it gives no reason to purchase Fair Trade goods in particular.

On the other hand, then, the argument could be that it is only by purchasing Fair Trade goods that one does not violate a stricter duty not to benefit from injustice. That is, the argument might be not that one should pay reparations for past injustice, but that one should cease to benefit from injustice in specific actions now.

With this formulation, it is possible that the argument could give a reason to purchase Fair Trade goods in particular. However, there remain two problems with it. First, the argument would be subject to questions posed in the previous subsection. We must ask, for

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<sup>8</sup> I should note that this is not Risse’s position. Risse does consider this possibility, but, ultimately, rejects it for reasons similar to those I will outline in the ensuing paragraphs (Risse & Kurjanska, 2008, pp. 43-49).

example, whether individuals should not benefit from injustice or whether there is merely a *prima facie* objection to benefiting from injustice which evaporates when other considerations are at issue. One pertinent consideration might be that those treated unjustly by transnational companies would be even worse-off if they became unemployed because there was no demand for what they produced. Another would be whether one could benefit the unjustly treated more by taking the proceeds from their unjust treatment and using them to further justice. If this were possible, it might even be that those who are treated unjustly would be the ones who benefit most. In this context a rigid maxim against benefiting from injustice would seem perverse. Facing all of these questions, the argument, perhaps to an even greater extent than the rights-based argument, would require distinctly contentious claims.

Perhaps more importantly, though, even if these issues can be addressed, it is not clear that this argument can circumvent the main problem troubling most arguments considered in this paper. Here, again, in order to issue an argument in defence of the claim that we should purchase Fair Trade goods in particular from a maxim against benefiting from injustice requires an overly strong factual claim. It requires claiming something like:

F: Only by purchasing Fair Trade goods can individuals avoid benefiting from the injustice perpetrated by transnational companies.

This claim is surely false. Presumably one could avoid benefiting from the injustice of transnational companies by ceasing to buy their products.<sup>9</sup> The argument could claim that

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<sup>9</sup> It would be possible to reply here that we would still be benefiting, even if diffusely, from the injustice of the overarching trade system, but it is difficult to see how one could argue that purchasing Fair Trade goods would even be *a* way to cease our involvement in this, let alone the only way.

purchasing Fair Trade goods is one way to avoid benefiting from injustice, but, as I have argued throughout, this can show only that purchasing Fair Trade goods is one of a number of acceptable options.

## CONCLUSION

In closing I should reiterate two qualifications I have made in this paper. One is that my arguments do not condemn the purchase of Fair Trade goods. For everything I have argued, I have not challenged the claim that purchasing Fair Trade goods is one acceptable way to meet a general moral duty. Second, I have not argued that the conclusion that individuals should purchase Fair Trade goods in particular cannot be defended. I have aimed to show only that defending this claim is perhaps not as simple as some have thought. Possibly my arguments have shown that the right conclusion to draw about Fair Trade is that it is only one acceptable option for meeting a general moral duty. If nothing else, though, they have hopefully shown that defending anything stronger requires more radical claims than advocates of the common arguments seem to have thought and what must, in fact, be shown if the view that individuals should purchase Fair Trade goods in particular is to be defended.

### *Reference List*

- Barry, C., & Reddy, S. (2006) 'International Trade and Labour Standards: A Proposal for Linkage', *Cornell International Law Journal*, 39 (3), 545-639.
- Brock, G. (2009) *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press.

Brown, D.K. (2000) 'International Trade and Core Labour Standards: A Survey of the Recent Literature', *OECD Labour Market and Social Policy Occasional Papers, No. 43*, OECD Publishing.

Cohen, G.A. (1995) *Self-Ownership, Freedom, and Equality*. Cambridge: Cambridge University Press.

FLO (2009a) 'Generic Fairtrade Standards for Small Producers' Organisations' [online]. Available from: [http://www.fairtrade.net/fileadmin/user\\_upload/content/SPO\\_Aug09\\_EN.pdf](http://www.fairtrade.net/fileadmin/user_upload/content/SPO_Aug09_EN.pdf) [Accessed 30<sup>th</sup> December 2009].

— (2009b) 'Generic Fairtrade Standards for Hired Labour' [online]. Available from: [http://www.fairtrade.net/fileadmin/user\\_upload/content/HL\\_Aug09\\_EN.pdf](http://www.fairtrade.net/fileadmin/user_upload/content/HL_Aug09_EN.pdf) [Accessed 30<sup>th</sup> December 2009].

— (2009c) 'Generic Fairtrade Trade Standards' [online]. Available from: [http://www.fairtrade.net/fileadmin/user\\_upload/content/GTS\\_Aug09\\_EN.pdf](http://www.fairtrade.net/fileadmin/user_upload/content/GTS_Aug09_EN.pdf) [Accessed 30<sup>th</sup> December 2009].

— (2010a) 'What is Fairtrade?' [online]. Available from: [http://www.fairtrade.net/what\\_is\\_fairtrade.html](http://www.fairtrade.net/what_is_fairtrade.html) [Accessed 22<sup>nd</sup> December 2010].

— (2010b) 'Aims of Fairtrade Standards' [online]. Available from: [http://www.fairtrade.net/aims\\_of\\_fairtrade\\_standards.html](http://www.fairtrade.net/aims_of_fairtrade_standards.html) [Accessed 22<sup>nd</sup> December 2010].

Goodman, M.K. (2004) 'Reading Fair Trade: Political Ecological Imaginary and the Moral Economy of Fair Trade Foods', *Political Geography*, 23 (7), 891-915

Hassoun, N. (2011) 'Making Free Trade Fair', *Carnegie Mellon Department of Philosophy Working Paper Series, Paper 356* [online]. Available from

<http://repository.cmu.edu/cgi/viewcontent.cgi?article=1357&context=philosophy>

[Accessed 6<sup>th</sup> September 2011]

James, A. 'Skepticism about Fair Trade', *Draft Manuscript* [online]. Available from <https://webfiles.uci.edu/ajjames/SkepticismaboutFairness.pdf> [Accessed 2<sup>nd</sup> October 2011].

Kagan, S. (1989) *The Limits of Morality*. Oxford: Clarendon Press.

Klein, N. (2000) *No Logo*. London: Flamingo.

Kurjanska, M. & Risse, M. (2008) 'Fairness in Trade II: export subsidies and the Fair Trade movement', *Philosophy, Politics, and Economics*, 7 (1), 43-49

Nicholls, A.J., & Opal, C. (2005) *Fair Trade: Market-Driven Ethical Consumption*. London: Sage Publications.

Nozick, R. (1974) *Anarchy, State, and Utopia*. Oxford: Blackwell.

O'Neill, O. (2000) *Bounds of Justice*. Cambridge: Cambridge University Press.

Parfit, D. (1997) 'Equality and Priority', *Ratio*, 10 (3), 202-221.

Philips, J. (2008) 'Is there a moral case for Fair Trade products? On the moral duty for consumers to buy and for governments to support Fair Trade products', in R. Ruben, ed., *The Impact of Fair Trade*. Wageningen: Wageningen Academic Publishers, 240-243.

Radin, M.J. (1996) *Contested Commodities*. London/Cambridge, Massachusetts: Harvard University Press.

Rawls, J. (1999) *A Theory of Justice (Revised Edition)*. Cambridge, Massachusetts: Harvard University Press.

—— (2003) *Justice as Fairness: A Restatement*. Cambridge, Massachusetts: Harvard University Press.

Risse, M. (2007) 'Fairness in Trade I: Obligations from Trading and the Pauper-Labor Argument', *Philosophy, Politics, and Economics*, 6 (3), 355-377.

Singer, P., & Mason, J. (2006) *Eating: What We Eat and Why it Matters*. London: Arrow Books.

Teson, F., & Klick, J. (2007) 'Global Justice and Trade: A Puzzling Omission', *FSU College of Law, Public Law Research Paper, No. 285* [online]. Available from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1022996&http://www.google.co.uk/url?sa=t&source=web&cd=4&sqi=2&ved=0CDsQFjAD&url=http%3A%2F%2Fpapers.ssrn.com%2Fsol3%2Fdelivery.cfm%3Fabstractid%3D1022996&rct=j&q=global%20justice%20and%20fair%20a%20puzzling%20ommission&ei=bVuITvfdE8nRhAeB74DZDA&usg=AFQjCNEeKE1ZwUzevtPTPyUasfxjKNNfWw](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1022996&http://www.google.co.uk/url?sa=t&source=web&cd=4&sqi=2&ved=0CDsQFjAD&url=http%3A%2F%2Fpapers.ssrn.com%2Fsol3%2Fdelivery.cfm%3Fabstractid%3D1022996&rct=j&q=global%20justice%20and%20fair%20a%20puzzling%20ommission&ei=bVuITvfdE8nRhAeB74DZDA&usg=AFQjCNEeKE1ZwUzevtPTPyUasfxjKNNfWw) [Accessed 2<sup>nd</sup> October 2011].

Traidcraft (2010) 'Fair Trade – a Christian response to poverty' [online]. Available from [http://www.traidcraft.co.uk/news\\_and\\_events/press\\_room/church\\_press/articles/faith\\_and\\_fair\\_trade](http://www.traidcraft.co.uk/news_and_events/press_room/church_press/articles/faith_and_fair_trade) [Accessed 30<sup>th</sup> September 2011].

Van Parijs, P. (2006) 'Basic Income: A Simple and Powerful Idea for the Twenty-First Century', in B. Ackerman et al., eds., *Redesigning Distribution: Basic Income and Stakeholder Grants as Alternative Cornerstones for a more Egalitarian Capitalism*. London/New York: Verso, 3-42.

Walton, A. (2012), 'Consequentialism, Indirect Effects, and Fair Trade', *Utilitas*, 24 (1), pp. 126-138.

Wolf, M. (2004) *Why Globalization Works*. New Haven: Yale Nota Bene.

WFTO (2009) '10 Standards of Fair Trade' [online]. Available from: [http://www.wfto.com/index.php?option=com\\_content&task=view&id=2&Itemid=14](http://www.wfto.com/index.php?option=com_content&task=view&id=2&Itemid=14) [Accessed 30<sup>th</sup> December 2009].

Wright, E.O. (2006) 'Basic Income as a Socialist Project', *Basic Income Studies: An International Journal of Basic Income*, 1 (1), Article 12, 1-11.