How should we conceive of individual consumer responsibility to address labour injustices?

Christian Barry (ANU) and Kate Macdonald (University of Melbourne)

Many approaches to addressing labour injustices—shortfalls from minimally decent wages and working conditions— focus on how governments should orient themselves toward other states in which such phenomena take place, or to the firms that are involved with such practices. But of course the question of how to regard such labour practices must also be faced by individuals, and individual consumers of the goods that are produced through these practices in particular. Consumers have become increasingly aware of their connections to complex global production processes that often involve such injustice. For example, activist campaigns have exposed wrongful harm in factories producing clothes, shoes and mobile phones and farms producing coffee, tea and cocoa. These campaigns have promoted the message to ordinary people that by becoming connected to unjust labour practices through their purchasing behaviour, they acquire special additional moral responsibilities to contribute to reforming such practices, or to address the hardships suffered by the victims of the wrongdoing that result from them.

The moral significance of the responsibilities of individual consumers has not, however, received much analytical scrutiny. Why should we believe that there are such responsibilities? And if there are such responsibilities, what are their grounds? How stringent are the responsibilities triggered by such connections? Finally, what are the implications of such responsibilities—the courses of action that they prescribe or proscribe? The activists who assert special ethical responsibilities for consumers have promoted many particular courses of action, but have seldom articulated the grounds of these responsibilities or explained why they should be taken to be stringent. And moral and political theorists have not devoted much focussed attention to this issue. For the consumer who is concerned to act in a morally permissible way, this presents a

troubling practical challenge regarding the goods they may (or may not) purchase, and the moral relevance of their consumption choices more generally.

While we cannot address all of these pressing questions in this chapter, we try to make some headway with them by discussing two general approaches to the question of how individuals should conceive of their responsibilities with respect to such practices, taking as our starting point the recent work of the late Iris Marion Young—the most sustained treatment of this topic by a prominent political theorist. In a series of influential articles and a posthumously published book, Young articulated an approach to conceiving of individual responsibilities to address labour injustices— the social connection model—at home and abroad. She also argued that an alternative model—the liability model—which she claimed had dominated discourse on this topic, suffered from very serious flaws. In a critical vein, we will argue that Young's arguments against the liability model are not convincing, and that the alternative she proposes is itself vulnerable to some damaging objections. We also find, however, that the liability model would need to be extended in various ways to provide an adequate account of individual responsibility to address shortfalls from minimally decent wages and working conditions, and we begin the task of sketching an extended framework.

Preliminaries

To help illuminate the differing features of the two models of responsibility that we examine in this article, let us distinguish three aspects of an account of individual consumer responsibility: grounds, stringency, and demandingness.

The *ground* of a special responsibility—a responsibility owed by some agent in particular, rather than by all agents simply in virtue of their humanity—identifies the reason for attributing the responsibility to some agent. That is, it specifies the criteria or reasons for attributing responsibilities to different agents.[1] In the case in which we are interested, identifying the grounds of responsibility helps us to identify just what it is about consumers that makes it appropriate to attribute certain special responsibilities to them. The *stringency* of a responsibility refers to the degree to which it *constrains*

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[1] J L Coleman, *Markets, Morals and the Law* (Cambridge University Press, 1988)

agents and places additional *requirements* on them when they have ignored these constraints. When a responsibility is stringent, agents cannot easily justify ignoring it by appealing to the costs to themselves of acting on it, or by appealing to the overall good that disregarding it will bring about.[2] The *demandingness* of a responsibility specifies how much it requires a responsible agent to do. A responsibility can be very stringent, but demand relatively little of those who have it. And a responsibility can be quite demanding, but be relatively unstringent when it can be outweighed by other moral considerations. The central difference between the two models of conceiving responsibility that we will consider in this essay concern the *grounds* of individual responsibility to address labour injustice. The liability model specifies certain features of an agent's relation to labour injustices that trigger a responsibility to address it. Young's social connection model singles out different features as relevant for triggering such responsibilities. It is on these differing grounds of responsibility that our critical engagement with Young's argument largely turns.

Reviewing Young's argument: the models contrasted

We shall focus on three central themes that recur in Young's work, and which are of particular relevance to this volume's interest in problems of injustice associated with poor labour practices in a global economy.

The first of these relates to Young's rejection of notions of *guilt and blame* as a primary foundation for thinking about the character and grounds of responsibility for structural injustice. Young sees language of guilt and blame as playing a central role in the dominant, liability model of responsibility. Young states that the liability model "assigns responsibility according to what particular agents have done," and thus "individualizes even when the agent it identifies is a corporate entity."[3] As Young characterises it, the liability model is concerned with evaluating the intentions, motives and consequences of actions in order to lay blame and pin down responsibility for restitution. Under this model, one assigns responsibility to particular agents whose

[2] C Barry and G Øverland, 'The Feasible Alternatives Thesis: Kicking away the livelihoods of the global poor', *Politics, Philosophy and Economics*, 11.1 (2012), pp.97–119

[3] I M Young, 'Responsibility for Global Labor Justice'. *Journal of Political Philosophy* 12 (2004), p.375.

voluntary actions can be shown to be causally connected to the circumstances for which responsibility is sought. These relations are the grounds of responsibility, on this model. Just as the liability model pins responsibility on those who stand in certain causal relations to injustice while also possessing relevant features of voluntary agency, it absolves others who lack such relations. On this model, Young claims, those who cannot be shown to have caused some injustice through their voluntary actions cannot be held responsible for addressing it.[4]

By way of alternative, Young proposes a social connection model of allocating political responsibility, according to which people should bear responsibilities for addressing structural injustice when "they contribute by their actions to the processes that produce unjust outcomes."[5] Responsibility for structural injustice is thus grounded in the fact that people are linked to each other through processes within and across state boundaries. These include processes such as global supply chains that link producers in developing countries with consumers in developed countries. On Young's view, political responsibility in relation to structural injustice requires that the actions of individuals, alongside institutional actors such as businesses and governments, must be constrained by "regard to [that action's] cumulative effect on others", and informed by an obligation "to promote the well-being of less powerful and privileged actors."[6]

Second, Young aims to build an account which can accommodate the kinds of *empirical uncertainty* that surround complex structural processes through which social injustice is generated. She is troubled by the difficulty of unravelling complex patterns of causal connection through which individuals are connected within large scale social formations, and moreover by the fact that harms can be generated within such complex processes without individuals acting in ways that contravene prevailing social norms concerning morally permissible individual conduct. As she puts it, "The primary reason that the liability model does not apply to issues of structural injustice is that structures are produced and reproduced by large numbers of people acting according to normally accepted rules and practices, and it is in the nature of such structural

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[4] Young, *Responsibility for Justice*, p.11, 18, 76.
[5] Ibid., p.105.
[6] Ibid., p.151.

processes that their potentially harmful effects cannot be traced directly to any particular contributors to the process".[7]

Although Young considers attribution of liability to have a significant role to play in moral assessment, she considers that the liability model thus "cannot make sense" of the idea that people in relatively free and affluent countries such as the United States, Canada or Germany have responsibilities to try to improve working conditions and wages of workers in far-off parts of the world who produce items those in affluent countries purchase at low cost.[8]

The third theme running through Young's argument, and one which in part follows from the first two points, is her commitment to a *forward rather than backward looking* approach to responsibility. Because the liability model is primarily concerned with identifying particular agents as liable for voluntarily caused harms, Young regards it as "generally backward-looking" in purpose.[9] As a result, Young holds that if the liability model alone is employed or is even stressed in conceiving of responsibility, it would either unfairly absolve many agents of responsibility to take action to remedy structural injustice, and/or blame people for things for which they are not really at fault.

Each of these themes underpins both Young's critique of the liability model, and her elaboration of the social connection model as a supplementary, and in some ways an alternative, approach. Young's account of the grounds of responsibility emerges relatively clearly from these three themes, as we have just explained. There is greater ambiguity in how Young conceptualises the *object* of liability with regard to structural injustice—that is, what an agent who is held liable is held liable to. The object of liability in this sense inquires about what different agents are liable to— punishment, blame, to make reparation, to compensate, and so on. Clearly, identifying the object of liability is of central practical importance for working out what is at stake in a given attribution of responsibility. That is, different grounds seem more or less apt in specifying different objects of responsibility. Mere causal contribution to harm, for

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[7] Ibid, p.100

[8] Young, 'Responsibility for Global Labor Justice', p.366.

[9] Young, *Responsibility for Justice*, p.98.

instance, may be a reasonable ground of liability to make reparation, but seems implausible if proposed as a ground for punishment or blame.

The object of liability that appears to interest Young is liability to undertake efforts to address problems of injustice, or bear cost so that others can do so. This focus is implicit in Young's framing of her argument around a claim that people in affluent countries have responsibility to work towards eradicating labour conditions that fall short of meeting basic labour standards. In places it also seems explicit, for example where she states that "there is no point in trying to seek redress from only and all those who have contributed to the outcome, and in proportion to their contribution. … The point is not to compensate for the past, but for all who contribute to processes producing unjust outcomes to work to transform those processes".[10]

Through her elaboration of these themes, Young identifies important theoretical and practical challenges that have received inadequate attention within existing literature on global justice and labour standards. Young's intervention highlights the pervasive injustices generated by large scale social processes in contemporary political life, and directs critical attention to the dichotomisation of individual versus institutional notions of justice and responsibility, which has dominated much recent scholarship in this field.[11] While we endorse Young's theoretical focus on developing an account of individual responsibility for institutional processes—rather than merely a theory of just institutional design—we suggest in what follows that Young's account of how responsibility for structural injustice ought to be conceived fails adequately to address the core practical and theoretical challenges that she has identified.

Evaluating the liability model: assessing Young's critique

We start by examining Young's critical appraisal of the liability model of responsibility. Our analysis supports some of Young's claims about the challenges of attributing responsibility to individual actors where harm is generated through

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[10] Young, *Responsibility for Justice*, p.109
[11] She focuses particular critical attention on what she takes to be Rawls's conception of 'structure' as something that is located in a small part of a society, rather than as social-structural processes instantiated throughout. Ibid., p.70

complex institutional processes in which multiple actors participate. But we will question the inferences she draws from this.

In particular, Young's critique is based on an unduly narrow understanding of what a liability model of responsibility could consist of. This leads her to think that it is implausible to hold individuals responsible for structural injustice according to this model when, as we argue, it is possible to attribute responsibility in this way. To show that someone is liable requires establishing some causal connection between their conduct and some injustice, and also showing that in acting they have in some way failed to meet some standard of care. Young's understanding of how these relations can obtain is unduly narrow in at least two senses. First, the kind of causal connection that she thinks must be established to attribute liability is too restrictive. To warrant attribution of responsibility as liability, she claims, "it should be the case that if I had not done what I did, then the harm would not have occurred, or would not have occurred to the same extent."[12] She argues that many agents that seem, intuitively, to contribute to structural injustice, do not meet this condition. We agree that many do not. But there is no reason to accept this particular causal requirement—that the occurrence of harm be counterfactually dependent on some agent's conduct— as a necessary ground of liability. Indeed, it is widely rejected in law and by theorists of criminal and tort law.[13] The fact that some agent's contribution to some harm is not necessary to its occurrence—as when 10 people push a rock down a hill where it crushes a car when any 5 of them would have succeeded in generating enough force to do so— does not mean that they are not liable to bear the cost required to address it. When many people make non-necessary but jointly sufficient contributions to harm, they can be held jointly and severally liable for it. There are many ways of understanding causal connection that do not require strong counterfactual dependence, and there are good reasons to think that such a crude notion of counterfactual dependence does not provide an adequate account of causal contribution.

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[12] Young, *Responsibility for Justice*, p.101.

[13] Michael. S. Moore, 'For What Must We Pay? Causation and Counterfactual Baselines,' *San Diego Law Review* 1181 (2003), pp.1181-1271.

Young's account is also unduly narrow in the lack of attention she gives to the possibility of extending or refining a liability model so that it can accommodate much more diffuse relations than are typically captured by existing legal mechanisms through which liability models are expressed. Young recognises and then rejects the possibility of extending or refining the liability model to take better account of the diffuse causal processes through which structural injustice arises.[14] She focuses this part of her discussion on Christopher Kutz's account of complicity, which Kutz argues can be extended beyond intentional collective actions, to also encompass what he calls 'unstructured collective harms' (such as greenhouse gas emissions), which are similar to 'structural injustice' in Young's sense.[15]

Young does not engage with the detail of Kutz's arguments. Instead she dismisses his account of individual accountability as a variant of the liability model, and asserts that as such, Kutz's attempt to apply his approach to structural harms—whereby actors who contribute to such harm in no way intend to do so—is effectively some kind of category error. Although the present chapter lacks the scope to explore Kutz's complex arguments in any depth, we do not think Young's assertions in this respect provide adequate grounds for dismissing Kutz's account, since he explains at length why a simple focus on intentionality is insufficient to take account of how "the saliency of intention, consequence and character vary with the parties' [social] relations and positions".[16]

Moreover, as we explain below, it is not even necessary to develop an account as elaborate as that Kutz offers to demonstrate that liability accounts of responsibility can make important contributions to attributing responsibility for structural injustice. Even without the sophisticated relational account of responsibility that Kutz develops, a liability model can be usefully extended by directing attention to patterns of *influence* over the institutional relationships and structures that shape and constrain relevant outcomes. On such an account, what matters is not that the harm has been intended, but merely that it could reasonably have been foreseen, and that the agent could have avoided acting in the harmful way without incurring great cost. An assessment of

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[14] Young, *Responsibility for Justice*, p.100-101
[15] C Kutz, *Complicity: Ethics and Law for a Collective Age*, (Cambridge University Press, 2000)
[16] Ibid., p.10

influence in this sense can refer not only to information or capacity that actors have at a given time, but also capacities and information that might, with reasonable effort, become accessible to them. Part of their responsibility in other words may be building capacities to better understand and monitor the social connections in which they are enmeshed, the consequences of these, and their feasible alternatives.

Such an account can continue to build on a restrictive normative view of the grounds of responsibility – that is, one that links responsibility closely to the exercise of individual moral agency. However, this account enables a more restrictive, agent-focused account of the normative grounds of responsibility to be combined with a more complex and multi-dimensional *empirical* account of the kinds of actually existing institutional relations that trigger narrowly construed agent-relative responsibilities. Such an account acknowledges that agents can contribute to labour rights violations (or other forms of injustice) either directly, or indirectly by sustaining other relevant dimensions of institutional relationships contributing to the harm. In this sense, Young is wrong to characterise the liability model as necessarily connecting a "person's deeds *linearly* to the harm for which we seek to assign responsibility" (our emphasis).[17] The liability model certainly emphasises the importance of individual moral agency, but it need not adopt her assumptions about how individual agency must practically be exercised to ground liability.

In what follows then, we continue to evaluate some of the main objections to the liability model of responsibility that Young presents, considering both the internal logic of her arguments, and whether her objections can be validly applied to more plausible liability-based accounts of responsibility that possess some of the features we have begun to sketch in this section.

Absolving agents from blame?

Perhaps the most central objection that Young poses to the liability model of responsibility rests on the concern that liability based models depend on the process of singling out agents who bear responsibility from those who do not. According to Young, assigning responsibility to some agents on a liability model "has the function of

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[17] Young, *Responsibility for Justice*, p.96.

absolving other agents", [18] who she considers should properly bear their share of a collective, political responsibility for problems of structural injustice. This view importantly informs how Young distinguishes the social connection model from the liability model, on the basis that the former "does not isolate those liable in ways that implicitly absolve others".[19] We find several problems with Young's assumption that this kind of finger-pointing logic of liability is necessarily unjustified or unhelpful as a basis for tackling problems of structural injustice.

First, there is a problem with her assumption that simply because a liability model individualizes responsibility to particular agents, it necessarily lets other agents off the hook. Strictly speaking it does not follow from the fact that one agent is liable for some harm that another agent is not, or even that one agent's reasons to address harm based on having contributed to it are diminished by the presence of other agents who also have also contributed to this harm. This is clear enough from our crude example in the previous section of 10 people pushing a boulder down a hill on to a car below. It may be that a great many agents stand in relation to a harmful process such that cost can be imposed upon them in order to alleviate or mitigate it. Consider for example responsibility for shortfalls from basic labour standards (in so-called sweatshops), which Young discusses at length in her work. That some particular shop owner contributes to injuries sustained by their workers by maintaining hazardous working conditions in no way absolves the sourcing companies which demand "flexible" production, "just-in-time" delivery, faster turnaround times, tighter specifications, and ever-lower costs from their suppliers in order to maximize returns for their shareholders. If the conduct of these agents is causally relevant for the owner's resistance to upgrading the standards in her factory, then both have reasons on any plausible version of the liability model for addressing any harm that results.

Second, her argument raises the question whether some agents can *justifiably* make claims to be absolved from certain burdens of responsibility. In the idea that there is something wrong with absolving people from responsibility, there seems to be an assumption that everyone is always complicit in the relevant 'large scale social

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[18] Ibid., p.11, 18; 'From guilt to solidarity', p.41; 'Responsibility for Global Labor Justice', p.368.
[19] Ibid. p.109

processes' — those contributing to violations of labour rights, in this instance. This is implausible even in the national social context, and implausible in the extreme in relation to transnational social processes, which are highly uneven in their scope and intensity.

Further, actors may have good reasons to think that acting within accepted social rules and practices is positively virtuous or useful — even if doing so has some adverse consequences for labour practices. Young herself makes this point,[20] with the purpose of advancing her argument that people should not be *blamed* for acting in ways that contribute to structural injustice when they are simply adhering to established social norms in doing so. Assuming that we are at least sometimes right to think that the capacities and resources that actors possess can sometimes be rightfully deployed elsewhere, then the capacity of a liability approach to place constraints on individuals' responsibilities for remedying injustices to which they have contributed when such obligations would compete with other legitimate social purposes or goals is in fact a commendable feature of this model. Such constraints on responsibility provide us with a way of placing reasonable boundaries on responsibility for harm, in order to enable us to carry on with otherwise useful social activities.

A third dimension of Young's objection to what she sees as the finger-pointing logic of a liability model is the concern that agents are likely to be improperly absolved from responsibility — or at least let off the hook by default — as a result of the difficulties of tracing complex patterns of causal contribution. As we highlighted above, the general claim that empirical indeterminacy associated with processes of structural injustice presents a distinctive challenge for attribution of responsibility is an important one. To the extent that the influence of institutionally mediated action cannot straightforwardly be linked to individual agents (with respect to either the moral agency of the 'perpetrators' or the consequences for the 'victims'), the tendency is for such forms of influence to simply be excluded from the scope of relevant relationships of responsibility. Young is right then to point out that when relevant social outcomes are influenced significantly by institutionally mediated dynamics,

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[20] Young, *Responsibility for Justice*, p.107-8

liability models of responsibility can struggle to offer a clear practical basis for defining and bounding the responsibilities of individual agents.

However, in important respects, Young's argument on this point, and the implications she draws from it, are overstated. First, Young seems to underestimate the capacity of these structural processes to be challenged and transformed by actors participating within them, in ways that can enable disaggregated responsibilities to be located and discharged. The sweatshop example was perhaps a poor one for Young to have chosen to make her case in this regard. Certainly, the case of 'sweatshop labour' offers a clear illustration of how powerful actors can use the presence of complicated webs of social connection and control as a strategic basis for trying to evade responsibility. Companies in this sector resisted for many years activist attempts to hold them responsible for poor labour practices in foreign factories, pointing to long chains of sub-contracting as evidence that violations of human rights in individual factories were 'beyond their control'. However, this evasive strategy was subsequently challenged in two ways.

First, activists worked to identify and expose the social connections through which corporations in the north could already control workers in the south via relationships within 'buyer-driven' supply chains. Moreover, as campaigns have evolved, they have increasingly challenged the notion that constraints on corporate control experienced at a given moment in time necessarily provide indemnity from responsibility. In many cases, as activists have argued, such apparent constraints are in fact amenable to challenge and transformation by participants within the relevant social processes. Where firms have claimed that they lack information and control over complex supply chains, campaigners have demanded in response that they ought then to invest in developing new internal systems for monitoring and managing supply chains, so that chains of sub-contracting can be reined in, and responsibility duly taken.

The general principle that agents must sometimes undertake positive actions of this kind in order to comply with duties not to harm others is well established within existing legal models of liability, in the form of a principle of 'due diligence'. The way in which this concept has been appropriated and extended in the context of

contemporary debates about transnational business responsibility for labour rights is instructive with regard to the potential for norms of liability to be adapted as empirical social circumstances demand. In the business responsibility context, the principle of due diligence is increasingly being interpreted as demanding not only that businesses actively manage risks associated with potentially harmful business activities that they directly undertake, but also that they invest in new capacities enabling them first to identify harms associated with sub-contracting chains, broader supply chain networks, and wider business or government relationships to which they are connected, and then to take reasonable measures to try and avoid contributing to such harm.[21] In this way, liability models of responsibility are gradually adapting to try and accommodate the diffuse and opaque channels through which businesses can contribute to sub-standard labour conditions, and other injustices.

Even in cases where complex causal relationships cannot be disentangled, a liability model can be adapted to accommodate some residual uncertainty regarding precise patterns of causality and influence. It is instructive in this regard to consider thinking on this topic in legal contexts in which it is known that multiple actors are contributing to a given harm, but specific pathways attributing causality to individual actors cannot be traced. For example, Teubner has suggested that a regime of 'network share liability' (analogous to market share liability) can govern situations where causation of damage is clearly attributable to a given social network, but cannot be traced back to individual network participants.[22] He suggests that this could involve a pro-rata liability of participants according to their share in the network as a whole. Such an approach could provide a means of legally regulating those decentralised supply chain systems, organised around markets and networks of business relationships, in which control and responsibility are distributed between multiple actors.

Likewise, some theorists of tort liability have recommended that the burden of proof be shifted in civil law in contexts where the causal links between potentially

[21] J Ruggie, 'Business and human rights: Towards operationalizing the "protect, respect and remedy" framework', *Report of the special representative of the secretary-general on the issue of human rights and transnational corporations and other business enterprises*, (United Nations Human Rights Council, 2009)
[22] G Teubner, 'Hybrid Laws: Constitutionalising Private Governance Networks' in R Kagan and K Winston (eds), *Legality and Community*, (California University Press, 2000)

risky chemicals and injuries are uncertain (uncertainty about general causation); in cases involving multiple defendants each of whom has produced substances that are harmful to humans but where it is uncertain whose injuries have been caused by particular producers (identity uncertainty about specific causation); or in cases where it is known that a chemical causes a particular injury in a certain percentage of cases of that injury but it is not possible to distinguish the cases caused by the chemical from those caused by other factors (probabilistic uncertainty about specific causation).[23]

Young acknowledges that "It is not difficult to identify persons who contribute to structural processes." Her concern is simply that "it is not possible to identify how the actions of one particular individual, or even one particular collective agent, such as a firm, has directly produced harm to other specific individuals".[24] A modification to the liability model along the lines just described would avoid the need to link the actions of specific agents to harm suffered by specific others, instead requiring only the identification of relationships between general classes of actors—a much more feasible empirical task. To the extent that a liability based model of responsibility can thus accommodate the diffusion and opacity of causal connection associated with structural injustice, Young's concern that liability based models will necessarily let too may responsible agents off the hook does not appear to rest on strong empirical grounds.

Does focusing on blame distract us from future-oriented tasks?

What then of Young's next main cluster of arguments—underpinned by concern that a focus on blame distracts us from important future oriented tasks? Young offers several reasons to think that commitment to a liability model of responsibility might have adverse strategic consequences of this kind. We focus on three of these, which seem the most relevant in this context.

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[23] H L Feldman, 'Science and Uncertainty in Mass Exposure Litigation'' *Texas Law Review* 74.1 (1995), pp.1–48.
The view that the range of evidence that should be deemed admissible in these contexts should be substantially broadened has also been advocated. See C F Cranor, 'Some Moral Issues in Risk Assessment', *Ethics*, 101.1 (1990), pp.123–43; *Regulating Toxic Substances: A Philosophy of Science and the Law* (Oxford University Press, 1993); and D Mayo and R D Hollander (eds), *Acceptable Evidence: Science and Values in Risk Management*, (Oxford University Press, 1991)
[24] Young, *Responsibility for Justice*, p.96

First, there appears to be an assumption running through Young's argument that the mere fact that the liability model holds that information about the past can be relevant for identifying an agents' reasons for action somehow entails that the kinds of actions agents are obligated to undertake are themselves purely, mainly, or overly backward-looking. In fact, the liability model does not demand that agents privilege the remediation of deprivation to which their past conduct has contributed over the avoidance of deprivation to which their present conduct is contributing or likely to contribute. Let us refer to contribution-based reasons to address injustice that have resulted from one's past behaviour, historical liability-based reasons, and reasons to minimize the incidence of deprivations that present behaviour is resulting in or may lead to as prospective liability-based reasons. One *could* hold a view according to which historical liability-based reasons outweigh prospective liability-based reasons, but there is nothing in the basic idea of a liability model that demands it, and it hardly seems attractive.

Second, Young suggests that a focus on attributing blame to specific actors might somehow 'distract' us from taking proper account of the responsibility of more indirectly linked agents. With specific reference to the challenge of managing 'sweatshops', Young claims that "it is not helpful to construct the entire networks of economic interdependence that link north American consumers to east Asian workers as a design wrongly imposed on others for which some people can be blamed. Implicitly such a formulation absolves too many ordinary people, in the south as well as the north, of responsibilities that they should take up, if only responsibilities to organize pressure on powerful global actors." [25]

If 'helpful' is construed as a matter of political strategy, she may be right. It could turn out that emphasizing the liability of affluent countries and privileged individuals will tend to make others feel that they lack responsibility to address these problems. It may antagonize powerful agents and fail to mobilize ordinary citizens.[26] But it may not. The anti-sweatshop movement (with which Young expresses a great deal of sympathy) has been successful at least in part because it has created a strong

[25] Young, 'Responsibility for Global Labor Justice', p.382

[26] H Lawford-Smith, 'The motivation question: arguments from justice and from humanity', *British Journal of Political Science*, 42 (2012), pp.661-678.

sense amongst consumers in the developed world that through their purchases they are participating in and helping to sustain practices that are unacceptable and that they must therefore take action to address them. Far from engendering the sentiment that they are off the hook, individualizing responsibility on the liability model by blaming large corporations such as Nike has made it more rather than less possible to mobilize ordinary citizens to address these issues. Ordinary citizens, at least, seem to have no trouble making sense of such blame oriented language.

Indeed, one reason why issues such as so-called sweatshop labour receive great attention while others (such as severe income poverty) do not is that the former deprivations appear more easily attributable to an identifiable class of agents (apparel companies in affluent societies) who can be represented as having acted in a blameworthy and faulty way. And these agents are not merely identifiable, but are linked with ordinary citizens in a very intimate way—consumers wear Nike shoes, and can hardly avoid supporting programming and publications sustained by Nike advertising and littered with its brand images, they pay taxes to the governments that negotiate international investment and labour agreements in their name, and so on.

If Young was right in fearing that targeting the liability of powerful and visible actors such as transnational companies would undermine the sense that ordinary people were also responsible, then we would expect campaigns encouraging popular action through ethical consumerism or consumer boycotts to evolve in ways that are independent from and in some kind of tension with NGO campaigns focused on corporate accountability. In contrast, there is a great deal of evidence that these distinct kinds of public campaigns have evolved in complementary and mutually supportive ways.[27] We might also expect campaigns that target actions of individual consumers to be overly focused on individual behaviour, rather than linking this to broader social practices through which 'background injustice' is generated. In contrast, influential parts of the ethical consumerism movement have focused their critique on broader features of capitalist lifestyle, consumption practices, and so on.[28] Such discourses of

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[27] K Macdonald, 'Globalising justice within coffee supply chains? Fair Trade, Starbucks and the transformation of supply chain governance', *Third World Quarterly* 28.4 (2007), pp.793-812

[28] N Clarke, C Barnett, P Cloke, A Malpass, 'Globalising the consumer: Doing politics in an ethical register', *Political Geography*, 26.3 (2007), pp.231-49

responsibility seem to have no difficulty reconciling a critical lens focused on large-scale social processes, with an imperative for individuals to take responsibility for playing their part in wider processes of social contestation and struggle for institutional reform.

A third, related way in which Young worries that a focus on blame might distract us from the more constructive task of tackling injustice is her concern that placing blame on individual actors undermines the kind of cooperation that is needed to bring about meaningful social change. Young is certainly right to observe as an empirical matter that cooperation between individual actors subject to prominent liability claims, such as powerful global companies, has tended to remain weak, even in the face of strong campaigns to hold them individually to account for the harms to which they contribute. Nevertheless, there is certainly no evidence that a focus on individual liability has actively *weakened* cooperative endeavours. On the contrary, sustained pressure on individual companies has created at least some weak incentives for companies to participate in a proliferation of sector-specific cooperative arrangements to try and self-regulate supply chain relationships in a more effective way. In the 'sweatshop' context, schemes such as the Fair Labor Association, which brings together a grouping of prominent garment and sportswear companies to cooperate in strengthening labour conditions in foreign factories, illustrates this broader trend.[29]

Certainly, such expressions of cooperation remain the exception rather than the rule, and even where they do exist they generally fall far short of the kinds of cooperation that would be required to fully address existing patterns of structural injustice. An appropriately expanded liability model could go much further than does existing legal and institutional practice in articulating obligations for individual actors to *coordinate* with other actors, where doing so is necessary to avoid wrongdoing to which they contribute.

With this broad objective in view, Teubner has articulated a concept of 'interface liability' as a potential means of institutionalising business responsibility for those

[29] D O'Rourke, 'Multi-stakeholder regulation: privatizing or socializing global labor standards?', *World Development* 34.5 (2006), pp.899-918

forms of external risk or damage created by inadequate coordination among network participants, by imposing duties of coordination *directly* on each network participant.[30] By way of illustration, Teubner refers to a decentralised solution to coordination problems, in which under some special circumstances in the health and social security sector, French law now imposes a duty of coordination on each network node involved, and sanctions a breach of these duties with *responsabilite solidaire*. He points also to a directive of the European Union which requires network participants to install a central coordinator with contractually defined responsibilities and to establish a coordinating body with employee participation. Although such examples have peculiarities associated with the context of business responsibility in which they have emerged, such examples also illustrate a broader point about how an extended liability model of responsibility might be conceived and institutionally expressed to take account of the need to demand and incentivise cooperation between actors, where multiple actors contribute to a given pattern of injustice.

Is it unfair to blame actors for their contributions to harmful structural processes?

A further objection to the liability model of responsibility that Young emphasises is based on her sense that there is something unfair about 'blaming' people for the contributions they make to harmful structural processes. There are at least two ways in which Young seems to think that attribution of blame to individuals is unfair.

She expresses concern about blaming individuals for their contributions to structural injustice when such actions are generally compliant with widely accepted social norms. As we highlighted earlier, she views structural injustice as being "produced and reproduced by thousands or millions of persons usually acting within institutional rules and according to practices that most people regard as morally acceptable", and accordingly regards attribution of individual guilt and blame as an unhelpful basis for assigning responsibility for injustices of this kind.[31]

However, there is something odd about her argument that people participating in large scale problems aren't doing anything wrong at least in part *because* they are

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[30] Teubner, 'Hybrid Laws: Constitutionalising Private Governance Networks'
[31] Young, *Responsibility for Justice*, p.95

acting according to current social norms, given that the whole purpose of our investigation of individual responsibility is to assess what these norms ought to be. Take for example prevailing social norms concerning individual consumption behaviour. Central to the agenda advanced by ethical consumerism advocates is the need to challenge prevailing norms and practices of consumption. In this sense, the assertion that we are all doing something wrong as long as we conform uncritically to prevailing social practices is a central claim of the movement. Certainly, the socially normalised status of wrongdoing in a given context may well be relevant to how we think about the *character* of the wrongdoing, and the kinds of sanctions that would therefore appropriately accompany wrongdoing of this kind. But this presents no challenge to liability models of responsibility, which can already accommodate a wide range of sanctions and remedies, adjusted according to variable social contexts.

Young further states that people shouldn't be blamed for their contributions to harmful structural processes because we sometimes believe with good reason that our options to do otherwise are constrained by the same structures to which we contribute. Young is certainly right to observe that the need to act within institutions places constraints on the extent to which individual decision makers can control outcomes. However, Young cannot claim that such constraints prevent agents from doing significantly more than they currently do to address structural injustice, since she herself maintains that they can and should do so. In other words, since she appeals to governments, companies and individual people to take action to promote the progressive remedy of such forms of injustice, she presumably does not consider them to be coerced into acting as they do, or consider the costs to them of acting otherwise to be prohibitive.

Finally, it is important to stress the distinction between blaming people for their conduct, and considering that their conduct is not morally justified. People often act wrongly but excusably. Those who argue that agents are liable to take on cost to address certain hardships on the ground that they have causally contributed to them need not think that these persons are blameworthy for having made such contributions.

The social connection model as a rival to the liability model

Liability approaches embed not only important normative intuitions concerning the moral significance of individual agency, but also strategic considerations regarding how different methods of distributing responsibility affect the patterns of injustice in which we are interested. Young's rejection of a liability model of responsibility in favour of a 'social connection' model leads her to abandon these core insights to a greater extent than is necessary to address the challenges she identifies. This undermines the capacity of her proposed social connection model to provide consistent and meaningful guidance to actors regarding how their responsibilities might be discharged, in several ways.

The problem of inter-temporal inconsistency

First, the capacity of Young's social connection model to provide helpful guidance to actors regarding their practical obligations is constrained by her resistance to incorporating backward looking considerations into her account of responsibility. Because Young's model de-emphasises the importance of what an agent has done in the past for determining present moral reasons, the assessments of behaviour that the model yields are not inter-temporally consistent. The model simultaneously claims that those in a position to achieve results by alleviating structural injustice have weighty moral reasons to do so, while also being committed to the view that, should these agents fail to take action, they should not be judged to have weightier reasons in the future than they would otherwise have.

Not only does such temporal inconsistency generate significant uncertainty regarding how actors are expected to act, there is a clear sense in which Young's social model absolves agents of responsibility to address structural injustice—precisely the central charge that she levels at the liability model, as we have seen above. This is because, as she claims, her model is primarily forward looking and aims to achieve results rather than reckon debts. If agents have failed to act when they could do so, they need not fear that they will be assigned any special responsibility for making up

for this failure, at least if the model does not take into consideration culpable contributions and failures in the past.

The indeterminacy of practical responsibilities under her model

The capacity of the social connection model to provide practical guidance to actors also suffers from some of the same challenges of indeterminacy that Young invokes as a basis for criticising the liability model. Young is quite open about the fact that her model of responsibility is prescriptively extremely vague—both in terms of what agents are obliged to do, and what burdens they can be expected to bear. She justifies this in part on the basis that "there is a conceptual difference between responsibility and duty that implies this kind of openness. When we have a duty, moral rules specify what it is we are supposed to do … Responsibility, however, while no less obligatory, is more open as to what actions it calls for".[32] As a result, she considers as a conceptual matter that "Taking responsibility also involves exercising more discretion than enacting a duty does. … We who share responsibility ought to take action, but it is up to us to decide what is reasonable for us to do, given our abilities and our particular circumstances".[33]

As a conceptual matter it may well be the case that taking responsibility entails a high degree of discretion. Nonetheless, Young's account of responsibility invokes a number of fact-sensitive considerations, which require a significant degree of specificity in order to be capable of interpretation as a basis for guiding action. And yet her social connection model remains under-specified in several relevant respects.

The first dimension of such under-specification relates to Young's central claim that political responsibility can be attributed to people who 'contribute to' structural injustice.[34] She clearly wants to distinguish those who have such responsibilities from ordinary duties to assist that can be held by people who lack any such connection to particular structural injustices. By way of explanation of this concept, Young asserts that "individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. … Responsibility in

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[32] Young, *Responsibility for Justice*, p.143
[33] ibid
[34] Young, *Responsibility for Justice*, p.96.

relation to injustice thus derives … from participating in the diverse institutional processes that produce structural injustice".[35] However, she does not provide any further analysis of what it means to contribute to structural injustice, in her sense of the term.

Presumably the contribution is in at least some way causal, even if such contributions do not make particular agents, taken on their own, to be difference makers to the occurrence or the severity of the injustice. But in what way? It seems reasonable to demand more precision regarding the use of the concept of contribution than is provided in her work, given that it will be critical for interpreting the meaning of the social connection model.

Second, there are serious empirical difficulties in operationalising even this vague notion of an agent being 'causally connected' to a harm through structural processes. Young asserts that "in today's world many of these structural processes extend beyond nation-state boundaries to include globally dispersed persons".[36] But identifying where relevant structural processes begin and end at the transnational level is an analogous problem, from an empirical perspective, to the challenge of attributing pathways of complex causality to the actions of individual agents.

Young is clear that attribution of responsibility under her social connection model rests on the presence of quite specific connections in relation to particular social activities, rather than simply being grounded in an individual's membership of a society as a whole (however bounded). She further acknowledges (at least implicitly) that structural social connections are not organised within monolithic structures in which everyone is wholly and equally integrated. However, acknowledging the uneven and disaggregated ontology of the relevant social structural processes implies that identifying the relevant boundaries of the social system into which a given agent is connected, on a particular issue, also boils down to roughly the same empirical question as asking who is causally implicated in the generation of the harms in the first place (and, a fortiori, the answer to it will be no easier to determine).

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[35] Ibid. p.105
[36] Young, *Responsibility for Justice*, p.105

Third, there is a problem with how Young operationalises the criteria that she presents as a basis for guiding actors to discern what their individual responsibilities consist of—beyond, that is, the general notion that those who 'contribute' to structural injustice share responsibility for its remedy. She is anxious to avoid making claims about more or less responsibility being distributed to different actors on the basis of these criteria, claiming that philosophy cannot provide a formula to tell people how to discharge their responsibilities. She claims that instead she offers "what I call parameters of reasoning to which individuals and organisations can refer to decide what it makes the most sense for them themselves to do in the effort to remedy injustice, given that there are many problems to address and limited energy and resources for addressing them". Young suggests several such criteria for distributing the demands of political responsibility, stating that these responsibilities should be distributed to agents according to how powerful they are, how privileged they are by structural injustice, how interested they are in addressing it, and how effectively they can collaborate with others to address it.[37]

However, in the same way that it can be empirically difficult to trace harm to specific agents under a liability model, there are serious empirical challenges in trying to work out who is 'privileged', 'powerful', and so on, in a particular context of structural injustice. Considering, for example, Young's conception of an agent's 'power', she states that "an agent's position in structural processes usually carries with it a specific degree of potential or actual power or influence over processes that produce the outcomes".[38] It is not clear, however, why she thinks it will be empirically easier to identify pathways of influence over processes influencing the transformation of undesirable outcomes, than it is to identify pathways of influence over initial generation of such harms.

The concept of privilege is similarly slippery when we pause for a moment to consider how it might in practice be operationalised as a basis for guiding the action of particular individuals or institutional actors. Young states in relation to privilege that "Where there are structural injustices, these usually produce not only victims of

[37] Ibid., p.146-147.
[38] Ibid., p.144

injustice, but also persons with relative privilege in relation to the structures".[39] It is very unclear however how the concept of privilege might be interpreted in the context of transnational responsibilities for poor working conditions in foreign sweatshops. In her discussion of domestic examples of structural injustice, Young relies heavily on intuitive understandings of the notion that "people have certain responsibilities by virtue of their social roles or positions".[40] In this sense, privilege seems to be understood with reference to people's socio-economic position or status within a particular, localised society as a whole. Such common sense notions of power and privilege drawn from the national context do not translate well to the transnational context, however.

In some places Young seems to simply have in mind "beneficiaries of the process"[41] through which sweatshop products are produced. In other places, she invokes a broader notion of the resilience or multi-dimensional social and economic capabilities of particular actors, claiming that those who are privileged in the relevant sense are more likely to be able to alter their actions without suffering serious deprivation. In the sweatshop example, her reference to high-income consumers as relatively privileged (vis a vis low income consumers), highlights a significant tension between these understandings of what it is to be privileged. Given the weight of empirical evidence suggesting that sweatshop labour conditions are at their most intense in factories supplying retailers that sell to the low income end of the consumer market, it is almost certainly lower income consumers who are the greatest beneficiaries from sweatshop labour conditions, which provide them with an affordability, choice and flexibility of consumption options that they would not otherwise enjoy. Often, however, such consumers shop at low-cost retailers precisely because they cannot afford more expensive alternatives, so Young is right to suggest that high income consumers are typically more privileged in the sense of being able to alter their behaviour at lower cost to themselves. It is unclear then how the criterion of privilege would properly be interpreted as a basis for determining appropriate burdens of responsibility on this issue.

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[39] Young, *Responsibility for Justice*, p.145
[40] Ibid., p.104
[41] Ibid., p.145

The normativity of the social connection model

Related to the weakness of practical guidance offered by the social connection model regarding what particular actors' duties consist of, is a question of how agents are to be incentivised or otherwise motivated to comply with those duties.

One part of this incentive deficit results directly from the problem of temporal inconsistency discussed above. Why should agents who can now take responsibility to address the plight of such workers at little cost do so when they know that they will be absolved should they fail to do so? Should the agents that Young enjoins to take action to remove the 'structural injustices' that perpetuate violations of workers' rights now fail to do so, how will she evaluate their behaviour in twenty years, when untold millions have unnecessarily suffered because of these agents' failure to take political responsibility?[42] Will the slate be wiped clean or will she hold these agents responsible for having failed to act with political-responsibility? The former option would seem an unwelcome implication for Young, while the latter would seem to modify her view in such a way that would bring it much closer to the liability model.

A second major problem of motivation confronting her model is linked to its under-specification of what duties consist of, as discussed in the previous section. One of the strengths of the liability model from a practical point of view is its capacity for high degrees of precision regarding which agents are liable for which harms, under which particular circumstances. This precision provides a basis for the development of political and legal institutions through which agents can scrutinise each other's compliance with prescribed responsibilities, and hold one another to account, imposing sanctions for non-compliance where appropriate. Accountability in relation to underspecified responsibilities of the kind Young endorses is notoriously difficult to enforce. In this sense, the lack of precision within the social connection model precludes the development of equivalent systems of compliance or enforcement.

There is also a broader question about the motivational basis on which Young expects her norms of responsibility to have practical action-guiding force. Young acknowledges the importance of dynamics of power and motivation in driving (or

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[42] Young, 'Responsibility for Global Labor Justice,' p.374.

obstructing) the practical realisation of norms of responsibility, and she also acknowledges that many of the powerful and privileged actors who would bear significant responsibilities under her model currently lack motivation to discharge responsibilities of the kind she advocates. Although she offers a rough sketch of what the motivational foundations of her model might consist of, this remains extremely underdeveloped.

The motivational foundation that Young appears to have in mind is based on a strong solidaristic ethic built around a kind of critical public discourse. She emphasises values of friendship, solidarity and 'calls to responsibility' that people make on one another, and appears to believe these would provide the necessary intrinsic motivation for each individual to discharge their responsibilities without the need for mechanisms of externally imposed sanctions or incentives. She states that "under a social connection model of responsibility for justice … we should not generally bring people before a formal hearing or court to answer for themselves. This does not mean that there are no practices about which we should answer before a political body for our actions and inactions. People who understand that they share responsibility in relation to injustice and justice call on one another to answer before a public. The political process consists in the constitution of a public in which members raise problems and issues and demand of one another actions to address these".[43]

Part of the political responsibility that Young has in mind thus includes an obligation to try and draw public attention to problematic patterns of power and interest, and to politically challenge such arrangements. However, without the creation of political institutions that would practically empower weaker actors to 'call upon' and 'make demands on' other more powerful and privileged actors with some practical leverage at their disposal, it isn't clear why Young thinks that such processes of political contestation are likely to bring about meaningful processes of structural social change.

It is certainly possible to imagine ways through which public political space could be re-constituted in ways that would bring forms of individual behaviour such as consumption choices more formally into the realm of legitimate political scrutiny

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[43] Young, *Responsibility for Justice*, pp.121-122

and contestation. For example, existing norms around privacy and transparency could be challenged, to try and enable members of the public to demand information about what other individuals, companies and governments were buying, as a basis for publicly scrutinising and challenging their contributions to structural injustice. However, Young does not develop her argument along these lines, and significant theoretical work would be required to do so.

Responsibility for structural injustice

Young's analysis of responsibility for structural injustice in the case of global sweatshops makes an important contribution to debates about global justice and labour rights, by highlighting the ways in which institutional relationships within global production systems diffuse decision making control across a range of actors and institutional sites. Control over 'sweatshop' labour conditions is distributed within global markets and supply chains, as well as within social, labour and market relations at production sites. Decisions made at all of these levels interact in determining key outcomes relevant for social justice. This empirical observation presents significant challenges to established frameworks for thinking about the relationship between individual responsibility and the design of just institutions.

We have argued that the liability model continues to provide an important foundation for attributing responsibility under conditions of structural injustice. As we have shown, the liability model is able to be interpreted and where necessary extended in ways that enable responsibility to remain closely linked to patterns of causal influence, even where influence is highly diffused, where influence can be identified only in relation to general classes of actors and harms, and where cooperative action is required to achieve effective remedy. Where a liability model is able to be adapted in these ways, it retains important advantages over the social connection model that Young has sketched. It is much stronger in addressing motivational issues that play an important role in the practical enactment of designated responsibilities, it is inter-temporally consistent in its assignment of responsibility, and it retains an important normative link between responsibility and the exercise of individual moral agency.

A liability model of responsibility can not only overcome many of Young's concerns about some actors being improperly absolved from responsibility, it also provides a means of placing reasonable limits on the responsibility of any one actor, so that responsibilities correspond with accessible capacities and resources, and are not excessively demanding. Young's model does not provide any basis for placing appropriate limits on the demands of responsibility, preferring instead to leave such boundaries open, and simply to urge actors acting on a kind of solidaristic ethic to do all that they feel they can in a given situation.

None of this implies the rejection outright of the social connection model. Even where it is possible for agents to progressively develop capacities to deal with challenges of structural injustice through strengthened systems of due diligence, collaboration with other actors, and so on, such capacities are likely to develop very slowly—especially where the development of new transnational institutions and relationships is required. In the spaces of responsibility that such processes leave unattended, the kinds of solidaristic virtues that Young prescribes may well have a constructive role to play. However, in further exploring what such a role might consist of, we would be better to focus on how such an ethic might build on and engage with existing liability approaches, than to approach the models as rival approaches to tackling the serious contemporary dilemmas of structural injustice.