

Spring 2019

Responsibility and Obligation in the Face of Modern Day Slavery: The Demands on Global Citizens to Fight for Justice for Slaves

Tiffany R. Beaver

Follow this and additional works at: <https://scholarcommons.sc.edu/etd>

 Part of the [Philosophy Commons](#)

Recommended Citation

Beaver, T. R. (2019). *Responsibility and Obligation in the Face of Modern Day Slavery: The Demands on Global Citizens to Fight for Justice for Slaves*. (Doctoral dissertation). Retrieved from <https://scholarcommons.sc.edu/etd/5157>

This Open Access Dissertation is brought to you by Scholar Commons. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of Scholar Commons. For more information, please contact dillarda@mailbox.sc.edu.

RESPONSIBILITY AND OBLIGATION IN THE FACE OF MODERN DAY SLAVERY:
THE DEMANDS ON GLOBAL CITIZENS TO FIGHT FOR JUSTICE FOR SLAVES

by

Tiffany R. Beaver

Bachelor of Arts
Erskine College, 2005

Master of Social Work
University of South Carolina, 2007

Submitted in Partial Fulfillment of the Requirements

For the Degree of Doctor of Philosophy in

Philosophy

College of Arts and Sciences

University of South Carolina

2019

Accepted by:

Christopher O. Tollefsen, Major Professor

George Khushf, Committee Member

Leah McClimans, Committee Member

Sheetal Shah, Committee Member

Cheryl L. Addy, Vice Provost and Dean of the Graduate School

© Copyright by Tiffany R. Beaver, 2019
All Rights Reserved.

DEDICATION

For Dr. Sidney Buckley, who wanted so badly to read this work, but went home to Heaven before he had the chance. For my husband Benjamin, who gave up his own academic pursuits so that I could realize mine. For my daughters Teagan and Sage – may you never experience the horrors of modern slavery, and may you fight fervently for freedom on behalf of the world’s modern slaves. And for all of those who languish in the captivity of slavery, dreaming of a day when you might be free, this is ultimately for you. I hope that the arguments herein will serve to encourage great responsibility and social action on your behalf. You may be invisible, but you are not forgotten.

ACKNOWLEDGEMENTS

First and foremost, I wish to thank Dr. Christopher O. Tollefsen, who was my chief advisor from my first semester as a Ph.D. student, and who has been my source of perpetual guidance, encouragement, and direction throughout the writing of this dissertation. When I felt like I was making negligible progress due to gaining a new role as “mother,” he always knew what to say to lift me up. I would also like to thank Dr. George Khushf and Dr. Lean McClimans, who have been supportive of my project from the first mention of what I hoped to research and write. Your professional and personal support throughout this journey is invaluable. I am also indebted to Dr. Sheetal Shah, whose work on the ground rescuing victims from Amsterdam’s Red Light District is inspiring. I am so grateful that you agreed to be a reader for my committee.

I would like to thank all of my interdisciplinary colleagues from around the world, whom I was privileged to meet and learn from at the 2nd and 3rd Global Conferences on Slavery Past, Present, and Future. While we work in different areas, we are all abolitionists, and I have learned so much from you.

I am forever indebted to Anna Rodriguez. Anna, although you don’t know me, your work was in part the spark that ignited this project. Additionally, the works of Kevin Bales have helped me to more fully understand what uniquely defines modern slavery, as well as how to conceive of effectively fighting for abolition in a modern context.

I also wish to thank Dr. John C. Wingard. When I arrived at Erskine College in 2001, philosophy was nowhere on my radar. After one January-term class with you, I

declared philosophy as my second major, and I have never once regretted that decision. You are not only one of the best teachers I have had, but you are also one of the people in life I respect the most. Were it not for your influence and guidance, I have no doubt that this project would not exist. Thank you for introducing me to philosophy. I hope I have made you proud.

To my family and friends, especially to Benjamin and Teagan, thank you for putting up with my seemingly endless pursuit toward my degree. I love you! To all of my out-of-town family (which is everyone) maybe now we can visit you more often. Mom and Dad, thank you for always supporting my countless academic endeavors, even if you think I'm a little bit crazy.

I also owe a major shout-out to several Columbia area Chick-Fil-A restaurants (most notably Garners Ferry and Five Points), where I spent countless hours sitting in your booths writing. I always felt welcome. And to several area Panera Bread Company restaurants, Starbucks stores, and Richland County Public Libraries...you have been my mobile offices. I couldn't have done it without your ambiance, sustenance, and free wifi!

.

ABSTRACT

There are likely more than 45 million slaves in the world today. Economist Kevin Bales defines slaves as people whose freedom and autonomy have been denied, who are paid nothing above subsistence, and who are maintained in these conditions through violence or the threat of violence. I am especially concerned with exploring the nature of the various relationships that everyday citizens share with these modern slaves, and establishing what, if any, obligations such citizens have to act on behalf of modern slaves.

Contemporary philosopher Alasdair MacIntyre asserts that humans are storytelling beings caught up in real stories (i.e. narrative quests) that involve both ourselves and numerous others. As such, our lives are inextricably intertwined with the lives of these others. Therefore, we cannot go about our lives with little or no thought toward how our actions and decisions impact the lives of others.

Consequently, living in shared communities requires that we consider and care about justice within those communities. Another contemporary philosopher, John Finnis, distinguishes two specific types of justice: distributive and commutative. Distributive justice deals with distributing resources, opportunities, profits, advantages, and responsibilities to individuals, with the ultimate purpose of benefiting the common good. Commutative justice considers what is required for individual wellbeing in communities where individuals and groups must live and work alongside one another, and establishes

standards for such relationships. It also helps to determine what should be done when one person or group of people has been mistreated by another person or group. This can include, but is not limited to, ideas of correction, restitution, or restoration.

The ultimate goal of discussing distributive and commutative justice is to argue that the narrative quests of individual global citizens are intertwined with the stories of countless slaves across the globe. Some slaves may be our immediate neighbors, and some slaves may be distant others. Yet we still find ourselves linked by numerous threads that tie our stories together. Our duties in justice, both distributive and commutative, demand that we work on behalf of those who are enslaved. But what does justice require that we practically do to help such people? In the end, I make several suggestions that will help us work toward achieving greater justice for the world's slaves.

PREFACE

In the winter of 2008, I participated in a conference organized by the North American Association of Christians in Social Work (NACSW). I also signed up for a pre-conference workshop led by Anna Rodriguez, the founder of the Florida Coalition Against Human Trafficking. At that point I was vaguely aware of the existence of slavery in our modern world, but I was still under the false assumption that slavery was only a problem in far-away places, like Southeast Asia, India, and Africa. I believed that the workshop was going to teach me more about slavery “over there.” Instead, I was rocked to my core to learn of the reality of slavery all around me, in my own country, and in my own backyard. That experience left a mark on me. I went about my own work at a group home for adolescents who were in state custody in South Carolina, but I never forgot the stories I heard from Ms. Rodriguez. When I decided to pursue a Ph.D. in philosophy and ethics several years later, I was initially unsure what I would care enough about to spend years researching for a dissertation. And then it hit me – modern slavery is very much a contemporary ethical issue. Perhaps I could write something philosophical that would also speak into one of the biggest human rights crises of our time. This is the culmination of that work. The kind of philosophy I care about intersects and informs the real world. I hope that the words here will make a difference for those currently enslaved, both close to home and far away. And I hope that those of us who are free will cry out “Abolition!” as we fight for freedom for the world’s modern slaves.

TABLE OF CONTENTS

| | |
|---|------|
| Dedication..... | iii |
| Acknowledgements..... | iv |
| Abstract..... | vi |
| Preface..... | viii |
| Chapter 1: Introduction..... | 1 |
| Chapter 2: Modern Slavery: Definitions and Details..... | 12 |
| Chapter 3: Distributive Justice..... | 39 |
| Chapter 4: Commutative Justice..... | 93 |
| Chapter 5: Connecting Violations of Justice to Modern Slavery..... | 129 |
| Chapter 6: Conclusion: A Practical Response to Modern Slavery – Application and Action..... | 174 |
| Bibliography..... | 200 |
| Appendix A: Organizations, Tools, and Resources to Help Fight Slavery..... | 211 |
| Appendix B: Top-Down and Bottom-Up Approaches to Fighting Modern Slavery: Case Example of International Justice Mission (IJM)..... | 217 |

CHAPTER 1

INTRODUCTION

"You may choose to look the other way
but you can never say again that you did not know."
- William Wilberforce

In 1833 the British Parliament passed the Slave Emancipation Act, voting to abolish slavery throughout the British Empire.¹ On December 6, 1865, the United States of America ratified the thirteenth amendment to the Constitution, which reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."² On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights.³ Article four of this declaration establishes, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."⁴ One might think that these resolutions are evidence that slavery has finally been relegated to the history books. Unfortunately, this could not be

¹ "Emancipation," The National Archives, accessed May 29, 2018,
<http://www.nationalarchives.gov.uk/pathways/blackhistory/rights/emancipation.htm>.

² "13th Amendment to the U.S. Constitution: Abolition of Slavery," 1865, accessed May 29, 2018,
<https://www.ourdocuments.gov/doc.php?flash=false&doc=40>.

³ "History of the Document," United Nations, accessed May 30, 2018,
<http://www.un.org/en/sections/universal-declaration/history-document/index.html>.

⁴ "Universal Declaration of Human Rights," United Nations, 1948, accessed March 9, 2016,
<http://www.un.org/en/documents/udhr/>.

further from the truth. In fact, there are more slaves in the world today than at any previous point in human history.⁵

This realization has shaken me to the core, and it has impacted my life in numerous ways – some small and some large. And while I have spent the past ten years of my life caring and learning about this devastating reality, I have spent the past three years especially consumed with several questions I believe to be of utmost importance: “How is modern slavery *our* problem?” and “What are *we* obligated to do to help modern slaves?” I am especially concerned with exploring the nature of the relationships that everyday citizens share with modern slaves, and establishing what, if any, responsibilities and obligations such citizens have to act on behalf of modern slaves.

A logical first step in any such project is to define terms and explain key concepts. To this end, I begin Chapter Two by laying out the current status of slavery today, establishing just how massive and widespread the problem of slavery actually is. I then work out a definition of slavery that depends not on legal ownership of one person by another, but rather on functional control. Because slavery is illegal everywhere, there is often no paperwork declaring that one person *legally* owns another.⁶ Therefore, it is important to establish what criteria must be met for a person to be considered a slave in our modern context. Economist and influential modern abolitionist Kevin Bales has developed a relatively narrow definition of slavery. Bales insists that in order for someone to be considered a slave, three core factors must be met, including: (1) the use of violence (or its threat) to control the slave, (2) the loss of free will (which is further

⁵ Melissa Hogenboom, “A tipping point in the fight against slavery,” BBC News, October 19, 2012, accessed May 30, 2018, <http://www.bbc.com/news/magazine-19831913>.

⁶ Kevin Bales, *Understanding Global Slavery: A Reader* (Berkeley: University of California Press, 2005), 40, 114.

defined as the loss of freedom of movement or the freedom of autonomy to guide one's own life decisions, etc.), and (3) economic exploitation (to the point that the slave often receives no compensation for his or her work, and definitely receives no compensation above mere subsistence).⁷ Even given a strict definition of slavery, one anti-slavery organization estimates that there are more than 45 million slaves in the world today.⁸

After explaining the scope of the problem and defining slavery in our modern context, I then introduce and explain the four main types of modern slavery, which include chattel slavery, debt bondage/bonded labor, contract slavery, and forced labor.⁹ I adopt the understanding that 'human trafficking', a term which is often used interchangeably with 'modern slavery', is in fact a method or conduit that is used to bring people *into* slavery. It is true that many people become slaves after being trafficked (i.e. moved) throughout the globe. But it is also true that there are millions of people who languish in slavery having never been trafficked.¹⁰ Also, 'sex slavery' or 'sex trafficking' are not additional types of slavery. Rather, many people are enslaved through chattel slavery, debt bondage, contract slavery, and forced labor for the purpose of sexual exploitation.¹¹ After dealing with a few potential criticisms regarding the definition and explanation of modern slavery, especially surrounding modern slavery statistics, I close Chapter Two by explaining that in order to fully understand why the battle against

⁷ Bales, *Understanding Global Slavery*, 91. (Elsewhere, the "economic exploitation" category is also described as an "appropriation of labor power." See page 57).

⁸ "Modern Day Slavery: The Facts," International Justice Mission, accessed March 2, 2017, <https://www.ijm.org/slavery>.

⁹ Kevin Bales, Zoe Trodd, and Alex Kent Williamson, *Modern Slavery: A Beginner's Guide* (Oxford: Oneworld Publications, 2009/2011), 33-35.

¹⁰ Jean Allain and Kevin Bales, "Slavery and Its Definition," *Global Dialogue* 14, no.2 (August 3, 2012): 2, accessed on November 10, 2017, SSRN: <http://ssrn.com/abstract=2123155>.

¹¹ Kevin Bales and Zoe Trodd, *To Plead Our Own Cause* (Ithaca, New York: Cornell University Press, 2008), 91-97. (This recounts the story of a survivor who was forced to be a sex slave through both contract slavery and debt bondage).

slavery is still raging, and what we are required to do about it, we must first lay some foundational building blocks.

Chapter Three begins this foundational work by introducing three key concepts, ultimately leading to a discussion of two general types of justice. These three concepts include John Finnis's "practically reasonable people," Finnis's "common good," and Alasdair MacIntyre's "narrative quest." Practically reasonable people will accept certain responsibilities and commitments, including the responsibility to "favour and foster the common good of one's communities."¹² This then leads to MacIntyre's understanding of communities as places where community members share a future with others in which their own stories, or "narrative quests," impact and affect the stories of numerous others.¹³ Therefore, we cannot live our own lives in isolation, but rather we *must* understand that our stories are intertwined with the stories of others, and we must ensure that our shared world is one in which justice is pursued for *all*.

The remainder of Chapter Three is focused on explaining the first general type of justice – distributive justice. According to Finnis, distributive justice addresses problems that arise regarding "*distributing* resources, opportunities, profits and advantages, roles and offices, responsibilities, taxes and burdens – in general, the *common stock* and the *incidents of communal enterprise*, which do not serve the common good unless and until they are appropriated to particular individuals."¹⁴ This obviously leads to questions regarding how to determine what constitutes a just distribution of resources, opportunities, and advantages. Multiple theories of distributive justice answer these

¹² John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 161, 165.

¹³ Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 2007), 215-216.

¹⁴ Finnis, 166.

questions in very different ways. I explore several such theories, including theories which appeal primarily to general welfare, freedom and rights, needs, and virtue. Ultimately, I adopt Finnis's view, which privileges needs over other possible criteria for distribution,¹⁵ while also stressing the importance of developing integrity and virtue. I also find merit in the Kantian concept of human dignity, and the modern concept of universal human rights, as values we should privilege. Finnis believes that it is important to value the right things, which in this case means that we value providing for the basic needs of those in our communities, and their inherent dignity as human beings, above other less pressing things that we could value.

I close Chapter Three with a discussion of what boundaries matter when it comes to seeking distributive justice for those in our various communities. I especially consider questions regarding proximity – namely should we devote more time and energy and resources toward our neighbors who are closer to us (considering both location and strength of relationships), or should proximity not matter seeing as how we live in an ever-widening global community, and some global needs are incredibly dire? These are highly debated questions in the conversation between cosmopolitans and patriots. My ultimate conclusion is that, while particularist relationships are real, and there is good reason to believe that under most circumstances I have a greater obligation toward people with whom I have special relationships (e.g. family members), there are some instances where injustices committed against global citizens are so egregious (e.g. enslavement and starvation) that our attention and response to them should be privileged. I assert that in such instances, where the demands of universal morality are gravely violated, we should become 'conditional cosmopolitans', acting and reacting from a position of privileging

¹⁵ Finnis, 174.

and valuing the fundamental rights and needs of global citizens above particularist relationships.

In Chapter Four, I explain the second general type of justice – commutative justice. According to Finnis, commutative justice deals not with distributing common resources and privileges among individuals in communities, but rather with assuring that people treat those with whom they have relationships in ways that are fitting and fair.¹⁶ This *includes* consideration of *corrective* justice, which is concerned with how to ensure remedy and restoration when people have been treated unjustly. But commutative justice is much wider in scope than corrective justice, because it includes consideration of proper interactions between people *before* any injustice has been committed, with the goal of preventing future injustices.¹⁷

Of specific interest in this chapter is the question regarding to whom we share relationships, and what our responsibilities are toward those with whom we share various relationships, especially when we have participated in some way in harming them (or failing to help them). I draw distinctions between being guilty/culpable/at-fault-for committing injustice(s), and being responsible (but not guilty) of contributing toward injustice(s). I am most interested in this second category, because it seems that there are instances in which individuals or groups of people may not intend or wish to harm other individuals or groups, but nevertheless their actions (or their failures to act), either alone or in concert with the actions or failures of others, *do* harm those with whom they have various relationships.¹⁸ Often such instances result in responsibility without moral blame,

¹⁶ Finnis, 178.

¹⁷ *Ibid.*, 180.

¹⁸ Herbert Morris, *On Guilt and Innocence: Essays in Legal Philosophy and Moral Psychology* (Berkeley: University of California Press, 1976), 113.

and they also often carry expectations of remedy or restoration despite their moral blamelessness.¹⁹

Of course, if commutative justice is about treating those with whom we have relationships in ways that are fitting, fair, and just, we must consider who these “others” are with whom we share such relevant relationships and responsibilities. As MacIntyre reminds us, we play parts in the stories or countless others, and we should “understand an action as something for which someone is accountable, about which it is always appropriate to ask the agent for an intelligible account.”²⁰ But again, who are these others to whom we are accountable? Finnis points out that our ‘neighbors’ include individual people we know, multiple people (or groups of people) that we know, and many individual people that we *do not* know (but who are nevertheless members in our own various communities).²¹ Many people in this latter category may be impacted by structural injustices that govern our shared communities and systematically disadvantage some while simultaneously advantaging others.²² Furthermore, in our modern global community, we share these various relationships with individuals and groups both near and far. When we can be shown to be *guilty of* injustice toward our neighbors, we are assuredly obligated to provide restitution, remedy, and restoration for them. But even when we are morally blameless, yet *responsible for* contributing to injustice, we are often obligated to provide restoration for victims of injustice as well. But the nature of these

¹⁹ Finnis, 183.

²⁰ MacIntyre, 209.

²¹ Finnis, 183-184.

²² Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), 52.

obligations is generally broad and indeterminate, leaving multiple possibilities open to those who would uphold these duties and obligations.²³

The purpose of carefully defining modern slavery, and of providing detailed discussions of distributive and commutative justice, brings us to Chapter Five, the penultimate chapter, and the pinnacle of the argument of this project. Chapter Five explains how the existence of modern slavery violates the requirements of both distributive and commutative justice, and it answers the question “How is modern slavery *our* problem?” I recognize and admit that I spend a great deal of time setting up the framework for this argument in Chapters 2-4, but I believe this is necessary in order to show the multiple ways in which modern slavery does, in fact, violate justice.²⁴

In order to understand one of the primary ways that injustice in distribution leads to slavery, I examine the link between distributive injustice and poverty, and in turn the link between poverty and slavery. In the words of modern abolitionist David Batstone, “...denying the central role of poverty in modern-day slavery is like denying the central role of gravity in rainfall.”²⁵ I argue that the monetary cost of eradicating poverty from the globe is relatively small if resources were more justly distributed, and the cost of eradicating slavery from the globe is even smaller. As Finnis believes, common stock resources are allocated to individuals for the purpose of using those resources for the greater good of one’s communities, and not for hoarding excesses for oneself. When individuals refuse to put these resources to work for the good of their communities, they

²³ Elizabeth Ashford, “The Inadequacy of our Traditional Conception of the Duties Imposed by Human Rights,” *Canadian Journal of Law and Jurisprudence* 19, no.2 (July 2006), 232.

²⁴ I also admit that this work by no means deals exhaustively with the connection between violations of justice and modern slavery. Rather, it is intended to be an introduction to these ideas, as my research indicates that the specific argument herein is a novel one (at least in the philosophical literature). I undoubtedly leave much room for future exploration of many of the ideas introduced in this present work.

²⁵ David Batstone, *Not for Sale: The Return of the Global Slave Trade – And How We Can Fight It* (New York: HarperCollins, 2010), 290.

are no longer fit to be entrusted with them.²⁶ *If* such resources were distributed justly, slavery would likely be non-existent. Modern slavery is *our* problem because we benefit from unjust distributions, and we can and should use our excesses to benefit the common good.

In order to understand the primary ways in which commutative injustice leads to slavery, I focus on the ways that consumer habits, especially among citizens of the developed West, contribute to the slavery of millions. As one modern anti-slavery organization explains, “Many everyday products are made by slaves, or with slavery-tainted parts or raw materials -- such as cars, computers, chocolate, cell phones and clothing.”²⁷ I provide extensive data and resources to build the case that modern consumers are unavoidably linked to slave labor as a result of our purchasing habits.

Furthermore, a great number of individuals are also linked to slavery through their involvement in the commercial sex industry, including those who participate in sex tourism, those who purchase sex from prostitutes, and those who view pornography. Many of the “sex workers” in the multi-billion dollar commercial sex industry are, in fact, slaves.²⁸ Therefore, those who support this industry are linked in multiple ways to ensuring the continued existence and profitability of modern slavery.

Modern slavery is *our* problem because *some* of us are *guilty of* committing commutative injustices against our neighbors who are slaves. Some of us have knowingly taken advantage of our positions of privilege and power to oppress those with whom we have varied relationships. This is especially true in the case of involvement with the

²⁶ Finnis, 172.

²⁷ “Trafficking and Slavery Fact Sheet,” Free the Slaves, accessed May 4, 2015, https://www.freetheslaves.net/wp-content/uploads/2015/01/FTS_factsheet-Nov17.21.pdf.

²⁸ Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009), 15.

commercial sex industry. And even for those of us who are not *guilty of* commutative injustice(s), many (if not most or all) of us are *responsible for* contributing to injustice(s) against numerous neighbors who are slaves. We may hate the idea of supporting systems that rely on slave labor. Yet, our inherited world is one that includes such systems, and we use them and benefit from them. We may not all be guilty, but we are responsible, and in many instances this responsibility carries certain obligations for us to act on behalf of these neighbors, the world's modern slaves.

This leads to Chapter Six, the final chapter, which attempts to answer the vitally important question, "What are *we* obligated to do to help modern slaves?" In light of all of the preceding work, many will be left wondering, "What practical steps can and should we take to work toward restoration for these oppressed neighbors?" In reality, there is not a list of definitive "dos and don'ts" when it comes to satisfying the demands justice places on us in regards to our neighbors who are slaves. Our duties in distributive and commutative justice are "wide duties," allowing for multiple and varied responses from those of us who are obligated to take corrective and restorative measures.²⁹

Still, I make suggestions of several different ways that global citizens can fight for justice for modern slaves. One category of suggestions involves collective efforts and institutional reforms. These are things we can do together in concert with others, raising a collective voice and wielding collective power to advocate for changes in social and

²⁹ Finnis, 173; Sarah Clark Miller, *The Ethics of Need: Agency, Dignity, and Obligation* (New York: Routledge, 2012), 61.

political policies and structures.³⁰ We can support Non-Governmental Organizations who are already situated to fight slavery throughout the world.³¹

A second category of suggestions involves individual efforts we can make toward fighting slavery. We can educate ourselves and others regarding the presence of slavery in our world. Many global citizens are completely ignorant to slavery's continued existence and its modern manifestations.³² We can change some of our purchasing habits, and we can demand more options that are sourced by free workers.³³ We can give money to organizations that already have boots on the ground ready to fight, but are waiting for resources to fund their efforts.³⁴ And these are only a few suggestions of things individuals can do to fight slavery.

The ultimate point I hope to convey is that slavery exists on a massive scale. The demands of justice – both distributive and commutative – show that slavery is very much not permissible. It is a moral blight on humanity. Furthermore, even in instances where we are not guilty of causing these injustices, we are often responsible for them, and we are likely obligated to do things to answer the demands of justice on behalf of our brothers and sisters around the world who are still, in the twenty-first century, slaves. And as the quote from William Wilberforce at the beginning of this chapter proclaims, "You may choose to look the other way but you can never say again that you did not know."³⁵

³⁰ Thomas Pogge, "Reply to the Critics: Severe Poverty as a Violation of Negative Duties," *Ethics and International Affairs* 19, no. 1 (2005), 80.

³¹ Bales, *Understanding Global Slavery*, 78, 81.

³² *Ibid.*, 4.

³³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 156.

³⁴ Bales, *Understanding Global Slavery*, 81.

³⁵ William Wilberforce, "William Wilberforce's 1789 Abolition Speech," The Abolition Project, accessed May 29, 2018, <https://www.st-andrews-anglican-calgary.ca/downloads/WilberforceSpeech1789.pdf>.

CHAPTER 2

MODERN SLAVERY: DEFINITIONS AND DETAILS

I. Does ‘Slavery’ *Really* Exist Today?

One current estimate suggests that there are more than 45 million slaves in the world today.¹ Another recent estimate suggests that there are between 21 and 36 million modern slaves.² The slave industry generates roughly \$150 billion annually.³ Seventy-eight percent of modern day slavery is constituted by labor slavery, while the remaining twenty-two percent is constituted by sex slavery.⁴ Fifty-five percent of current slaves are women and girls, forty-five percent are men and boys, and children constitute twenty-six percent of all slaves worldwide.⁵

Now let us pause for a minute before proceeding. When we claim that slavery exists in our modern world, what do we mean? As one modern anti-slavery work states, our “fascination with the particular form of nineteenth-century chattel slavery hides the

¹ “Modern Day Slavery: The Facts,” International Justice Mission, accessed March 2, 2017, <https://www.ijm.org/slavery>.

² “ILO Global Estimate of Forced Labor 2012: Results and Methodology,” United Nations International Labour Office, June 1, 2012, http://www.ilo.org/washington/WCMS_182004/lang--en/index.htm; “The Global Slavery Index,” Walk Free Foundation, 2014, <http://www.globalslaveryindex.org/findings/>; “Trafficking and Slavery Fact Sheet,” Free the Slaves, accessed May 4, 2015, https://www.freetheslaves.net/wp-content/uploads/2015/01/FTS_factsheet-Nov17.21.pdf.

³ “Profits and Poverty, The Economics of Forced Labor,” United Nations International Labour Office, 2014, accessed May 4, 2015, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf; “Trafficking and Slavery Fact Sheet.”

⁴ “ILO Global Estimate of Forced Labor 2012”; “Trafficking and Slavery Fact Sheet.”

⁵ Ibid.

larger story of human bondage...”⁶ Many Americans and Europeans are extremely familiar with the slavery of the seventeenth, eighteenth, and nineteenth centuries within our own borders and amongst our trading partners. However, we are also keenly aware, as we were taught in our history classes since childhood, that slavery and the slave trade were “prohibited in all their forms” long ago.⁷ This lures us into a false sense of progress, often times wholeheartedly believing that slavery is, in fact, a relic of history. If only this were the case. Investigative reporter Benjamin Skinner expertly documents the ease in which one can leave New York City, fly to Port Au Prince Haiti, and purchase a child to serve as a domestic slave in the span of about five hours.⁸ And one does not need to travel by plane at all in order to find sex slaves through online ads and websites, or at massage parlors or truck stops in our own developed cities. But alas, this still does not answer the burning question regarding how to define slavery in a modern context. What do we mean when we use the term ‘slavery’, or when we refer to some grossly exploited people as ‘slaves’? It is to this question I now turn.

II. How Do We Define Modern Slavery?

It is vitally important that we define what we mean by ‘slavery’ in a modern context. This proves to be more difficult than one might imagine. At the turn of the new millennium, even getting those in power to use the term ‘slavery’ was a battle. In the first ever Trafficking in Persons (TIP) Report, which was released by Colin Powell and the US State Department in 2001 and detailed the reality of modern slavery worldwide,

⁶ Kevin Bales, Zoe Trodd, and Alex Kent Williamson, *Modern Slavery: A Beginner’s Guide* (Oxford: Oneworld Publications, 2009/2011), 27.

⁷ “Universal Declaration of Human Rights,” United Nations, 1948, accessed March 9, 2016, <http://www.un.org/en/documents/udhr/>. (Especially refer to Article 4).

⁸ Benjamin Skinner, *A Crime So Monstrous: Face-to-Face with Modern-Day Slavery* (New York: Free Press, 2009), 1-12.

Secretary Powell never actually used the word ‘slavery’.⁹ The term seems to have such deep historical connotations, especially in the United States, that many modern bureaucrats believe that applying the term ‘slavery’ in the modern context “would trivialize the suffering of African Americans...”¹⁰ Ironically, refusing to apply the term in the modern context seems to trivialize the suffering of millions of the world’s contemporary citizens, some of whom are, and some of whom are not “African-American” but yet languish underneath severe oppression and exploitation.

Two scholars working in the field state: “...we seem to have lost sight of what the term ‘slavery’ means...despite the fact that for more than eighty-five years there has been a consensus in international law as to the legal definition of slavery.”¹¹ This consensus comes from an international definition of slavery that was established in 1926,¹² confirmed in 1956,¹³ and replicated in substance in the 1998 Statue of the International Criminal Court. The 1926 definition reads as follows: “Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”¹⁴

At first glance this definition may seem vague, and is itself the reason that many have more recently attempted to define slavery in different ways. The use of the terminology “attaching to the right of ownership” seems to make this definition less

⁹ Skinner, 106.

¹⁰ Ibid., 107.

¹¹ Jean Allain and Kevin Bales, “Slavery and Its Definition,” *Global Dialogue* 14, no.2 (August 3, 2012): 1, accessed on November 10, 2017, SSRN: <http://ssrn.com/abstract=2123155>.

¹² “1926 Slavery Convention” (Article 1), European Commission, Together Against Trafficking in Human Beings, accessed January 19, 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ilo_1926_slavery_convention_en_1.pdf.

¹³ “United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,” United Nations Human Rights Office of the High Commissioner, 1956, accessed March 8, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>.

¹⁴ Allain and Bales, “Slavery and Its Definition,” 3.

applicable to most instances of modern slavery, because legal ownership is *not* how most modern slavery operates. Because slavery today is illegal almost everywhere, it has become hidden from view. There are often no legal papers declaring that one person is the owner of another, as was the case in antebellum chattel slavery.¹⁵ Modern slavery is not about legal ownership, but rather about functional control (or functional ownership). However, keeping this in mind, an Australian equivalent of the United States Supreme Court determined the following:

...while the 1926 definition applied in *de jure* situations – that is: where a person legally owns another – it also applied in *de facto* situations where a person exercised the powers attaching to the right of ownership instead of exercising the right of ownership over a person. In other words, that a person could be in a condition of slavery without legal ownership, if it could be shown that they were treated like a slave in fact, if not in law.¹⁶

By allowing *de facto* application of this definition, it covers many instances of modern slavery in which a person is not *legally* owned by another, but is *practically* and *functionally* owned by another. In the words of Allain and Bales, “...we are currently living through a ‘neo-abolition era,’ one that goes beyond its historical predecessor which focused on ending legal slavery; to a contemporary movement meant to end slavery in fact.”¹⁷ In what follows I will discuss precisely how to identify instances of slavery that include functional ownership.

Even despite this ruling which deems the 1926 definition largely applicable today, Allain and Bales point out, “The definition [of slavery] has been often bogged down, since at least the 1930s, by individuals and organisations trying to expand the notion of

¹⁵ Kevin Bales, *Understanding Global Slavery: A Reader* (Berkeley: University of California Press, 2005), 40, 114.

¹⁶ Allain and Bales, “Slavery and Its Definition,” 3.

¹⁷ *Ibid.*, 1.

slavery to fit their agenda and thus benefit from the visceral power of a claim that what they were railing against is ‘slavery’.”¹⁸

Thus we are still left needing a clear, succinct definition of what would constitute an instance of modern slavery. Economist and sociologist Kevin Bales, who has devoted his life’s work to impacting the blight of modern slavery, has done extensive work to arrive at a fairly narrow definition of what constitutes slavery. He establishes three core factors which must be present for an instance of exploitation¹⁹ to be counted as slavery. These factors include: (1) the use of violence, the threat of violence, or psychological coercion to control the slave,²⁰ (2) the loss of free will (which is further defined as the loss of freedom of movement or the freedom of autonomy to guide one’s own life decisions, etc.), and (3) economic exploitation (to the point that the slave often receives no compensation for his or her work, and definitely receives no compensation above mere subsistence). This is also sometimes explained as the appropriation of labor powers, because victims’ ability to use their own labor for their own gain is stolen, or

¹⁸Allain and Bales, “Slavery and Its Definition,” 4.

¹⁹My conception is that there is a continuum of exploitation. The Oxford Dictionary (<https://en.oxforddictionaries.com/definition/exploitation>) defines exploitation as, “The action or fact of treating someone unfairly in order to benefit from their work.” Many millions of people throughout the world are exploited, or are trapped in exploitative arrangements and conditions. Only a portion of these exploited people are slaves. Slavery would constitute instances of exploitation on the extreme end of this “exploitation continuum.”

²⁰It is vitally important to point out that violence in this context includes not just physical violence or the threat of physical violence, but also psychological coercion. As Bales, Trodd, and Williamson explain, “The dynamics of slavery do not always involve physical violence: any attempt to escape may be rendered unlikely through threats and psychological coercion (as well as deceit and the confiscation of passports or legal documents). In fact, this psychological manipulation challenges the widely held conception of a slave as someone in chains who would escape if they could. Slaves often know that their enslavement is illegal. Force and psychological coercion have convinced them to accept it, and when they begin to accept their role and identify with their master, constant physical restraint becomes unnecessary.” (Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 30-31).

appropriated, from them.²¹ There are many forms of exploitation that would not meet all three of these criteria, and in those cases Bales would say that slavery is not present.

We can see here that by defining slavery rather narrowly, it becomes difficult to overgeneralize and to call things ‘slavery’ that, while exploitative and perhaps immoral, should not be classified as such.²² Many of those who estimate the number of modern slaves are using fairly stringent criteria to determine this number, which means that when we talk about there being thirty-six or even forty-five million modern slaves (give or take) we are referring to people who are controlled by another through violence for no economic compensation above subsistence. We are *not* talking about people who are “enslaved” to addictions, or “enslaved” to consumerism, or even those “enslaved” by miserly wages that are lower than they perhaps should be, but nevertheless provide for a standard of living above subsistence. Many such people may experience exploitation, but they are not slaves.

This does bring up some questions regarding exploitation more broadly, and why slavery always exemplifies exploitation whereas exploitation does not always constitute slavery. Furthermore, we should ask the question, “What is wrong with exploitation anyway?” In its simplest conception, “To exploit someone is to take unfair advantage of them...to use another person’s vulnerability for one’s own benefit.”²³ Of chief concern for our purposes here is exploitation in its *normative* sense, which involves unfair

²¹ Bales, *Understanding Global Slavery*, 91. (Elsewhere, the “economic exploitation” category is also described as an “appropriation of labor power.” See page 57).

²² Bales distinguishes between “slavery” (which meets all three criteria) and “slavery-like practices” which may meet some but not all criteria necessary for a practice to be labeled “slavery.” See Bales, *Understanding Global Slavery*, 58.

²³ Matt Zwolinski and Alan Wertheimer, *The Stanford Encyclopedia of Philosophy*, Summer 2017 ed., s.v. “exploitation,” accessed May 25, 2018, <https://plato.stanford.edu/archives/sum2017/entries/exploitation/>.

advantage taking that is seen as clearly wrong.²⁴ Exploitation can be *transactional* – “a discrete transaction between two or more individuals” – or it can be *structural* – “a property of institutions or systems in which the ‘rules of the game’ unfairly benefit one group of people to the detriment of another.”²⁵

But now we must also consider what it means to “benefit unfairly.” One possibility is that this unfairness involves benefitting one person at the expense of another (i.e. “benefitting *A* at *B*’s expense”).²⁶ But it seems to be the case that some instances of exploitation are mutually advantageous to both parties.²⁷ Consider a sweatshop worker who is a day away from starving to death. If she accepts a job in a factory where she works sixteen-hour days in exchange for one meal a day, this still seems to be an advantage over imminent death. In this instance the worker benefits (by receiving enough food to prolong her life), and the factory owner benefits (by receiving extremely cheap labor). If we want to still claim that this is exploitation, how can we side-step the problem that mutual advantage might impose? Zwolinski and Wertheimer offer one solution, claiming the following: “Relative to a baseline of no transaction at all, exploitation often makes its victim better off. But relative to a baseline of a *fair* transaction, exploitation leaves its victims worse off...the victim of exploitation gains less than she should...[exploitation] makes its victim worse off than she *should* have been, had she been treated fairly.”²⁸ While this seems to make sense, some feel that accounts of

²⁴ Zwolinski and Wertheimer.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Alan Wertheimer, *Exploitation* (Princeton: Princeton University Press, 1996), 14.

²⁸ Zwolinski and Wertheimer. Also see Jeremy Snyder, “Needs Exploitation,” *Ethical Theory and Moral Practice* 11, no. 4 (2008): 393-394. “When a person’s range of choices are constrained to starving to death or working at a non-living wage, for example, then it is difficult to see how that person has been given a meaningful choice...”

exploitation based on fairness are unsatisfactory, and therefore they turn to another explanation.

Many contemporary scholars working in the space of exploitation have moved away from defining exploitation on the basis of fairness, and instead have turned toward more Kantian ideas based on respect for persons.²⁹ Ruth J. Sample defines exploitation as “interacting with another being for the sake of advantage in a way that fails to respect the inherent value in that being.”³⁰ In such accounts the focus is shifted away from fairness, and toward ensuring that people are treated with dignity and respect. As Zwolinski and Wertheimer state, “When we encounter others whose basic needs are unmet, we should help them because of the inherent value they possess as a human being. But the exploiter sees in the unmet basic needs of others not a cry for help but as an opportunity to profit.”³¹ Jeremy Snyder affirms this view, but also adds that duties to meet the basic needs of others are contingent upon those who would help having the ability to do so without jeopardizing their own flourishing. So a factory owner must pay a living wage to her employees as long as she can do so without consequently removing herself from the competitive marketplace. A situation becomes exploitative when such an employer lives in excess or luxury or opulence while her employees live in deficiency or poverty. For such a person to avoid exploiting others she must live *between* poverty and luxury, while looking toward meeting the basic needs of those who fall below the poverty threshold.³² Doing this exhibits respect for human beings and their basic needs *qua* human being(s).

²⁹ Zwolinski and Wertheimer.

³⁰ Ruth J. Sample, *Exploitation: What It Is and Why It Is Wrong* (Lanham, MD: Rowman and Littlefield, 2003), 57.

³¹ Zwolinski and Wertheimer.

³² Snyder, 395-401.

We still must ask, though, how we can determine when an existence of exploitation crosses the threshold into slavery. Perhaps the key lies in understanding another concept, that of *coercion*. Zwolinski and Wertheimer assert, “Coercion characteristically involves *threats* by which the coercer proposes to make her victim *worse* off unless she does as the coercer demands.”³³ This is essentially summed up in Bales’ first criterion for an instance of slavery: the use of violence (or its threat) to control.³⁴ Coercion often leads victims to believe that if they do not do as they are told, they will be harmed or killed, or someone they love will be harmed or killed. But whereas coercion promises harm, exploitation “often involves *offers* by which the exploiter proposes to make her victim *better* off if she does as the exploiter proposes.”³⁵ Consider again our example above of the sweatshop owner. If she threatens a victim by saying, “If you do not work for me for sixteen hours each day in exchange for one meal, I will kill your daughter,” this is best understood as an instance of coercion. On the other hand, if she makes an offer to a starving adolescent, “Come work for me sixteen hours each day in exchange for one meal, and you will prolong your life,” this is an instance of exploitation because the victim gains *something*, albeit something that is less than fair and/or does not exhibit dignity and respect toward the victim as a human being.

A relevant difference between exploitation and coercion seems to be that exploitation involves taking unfair advantage of an *existing* defect, while coercion involves *creating* a defect from which some benefit can then be derived.³⁶ Perhaps this then answers our question regarding why we might label some injustices as “exploitative”

³³ Zwolinski and Wertheimer.

³⁴ Bales, *Understanding Global Slavery*, 91.

³⁵ Zwolinski and Wertheimer.

³⁶ *Ibid.*

and yet not classify them as slavery. Slavery, under the definition we have adopted, involves both exploitation (using another's existing vulnerabilities to gain an unfair advantage) *and* coercion (threatening to make a victim's situation worse and/or creating an unfair advantage for oneself).³⁷

III. Types of Modern Slavery

A. Chattel Slavery

There are four prevalent forms that today's slavery takes.³⁸ The first is chattel slavery. This is the type of slavery many people instinctively think of when they hear the term "slavery," because it most closely approximates old slavery. In chattel slavery, "...a person is captured, born, or sold into permanent servitude, and ownership is often asserted."³⁹ Because slavery is illegal almost everywhere, this is the least prevalent form of modern slavery, and is found mostly in Northern and Western Africa.

This is, of course, a radical departure from most historical manifestations of slavery. The practice of slavery is "as old as human history and predates both laws and money."⁴⁰ The ancient Babylonian Code of Hammurabi, which dates to about 1790 BC, lays out the oldest recorded legal system. In this system, the legal status of slaves was detailed, and the thirty-five laws in the code regarding slavery made clear that slaves were not considered to be real human beings.⁴¹ The practice of laying out legal codes, guidelines, and laws governing the ownership of slaves and their status as property continued through history. Only recently has it been the case that legal ownership of

³⁷ Zwolinski and Wertheimer.

³⁸ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 33. (The distinction of these four forms of slavery are taken from this source).

³⁹ Ibid.

⁴⁰ Ibid., 2.

⁴¹ Ibid., 2-3.

slaves has been prohibited, causing this shift away from chattel slavery and toward other, often more covert forms of slavery.

B. Debt Bondage/ Bonded Labor

The second form is debt bondage slavery, which is also known as bonded labor. This is the most common and extensive form of slavery today.⁴² By the end of 2011 there were eighteen to 20.5 million bonded laborers in the world, with 84 percent to 88 percent of them living in South Asia.⁴³ Bonded laborers pledge themselves against a loan of money, “but the length and nature of the service is not defined, and their labor does not diminish the original debt...the debtor can never earn enough to repay the debt by his/her own labor...if families try to leave, the slaveholder’s men retaliate with beatings, rape, and forced eviction.”⁴⁴ Debts are fraudulently maintained and increased, so that the bonded laborer becomes more indebted instead of less so. Often times these debts pass from father to son to grandson.⁴⁵ In his book dealing exclusively with bonded labor in South Asia, Siddharth Kara details this exploitative and coercive system:

In its most essential form, bonded labor involves the exploitative interlinking of labor and credit agreements between parties. On one side of the agreement, a party possessing an abundance of assets and capital provides credit to the other party, who, because he lacks almost any assets or capital, pledges his labor to work off the loan. Given the severe power imbalances between the parties, the laborer is often severely exploited. Bonded labor occurs when the exploitation ascends to the level of slavlike abuse. In these cases, once the capital is borrowed, numerous tactics are used by the lender to extract slave labor. The borrower is often coerced to work at paltry wage levels to repay the debt. Exorbitant interest rates are charged...and money lent for future medicine, clothes, or basic subsistence is added to the debt. In most cases of bonded labor, up to half or more of the day’s wage is deducted for debt repayment, and further deductions are often made as penalties for breaking rules or poor work

⁴² Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 2-3; also see Siddharth Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (New York: Columbia University Press, 2012), 3.

⁴³ Kara, 3.

⁴⁴ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 33.

⁴⁵ Bales, *Understanding Global Slavery*, 3.

performance. The laborer uses what paltry income remains to buy food and supplies from the lender, at heavily inflated prices. The bonded laborers rarely have enough money to meet their subsistence needs, so they are forced to borrow more money to survive.⁴⁶

Now, for those of us who do not live in extreme poverty, when we need money we can often take out a legitimate loan from a legitimate credit lender at a specified and reasonable interest rate. The terms of the loan are fairly agreed upon by both parties. Our assets are offered as collateral against the loan, and if we fail to uphold the loan agreement the collateral can be collected from us. So if I wish to buy a car, I take out a loan for said car. If I then fail to make payments on the car, it can be confiscated from me because it is the collateral against the loan for which I agreed.

For millions of incredibly impoverished people who find themselves in desperate need of money, these legitimate lending options are not available to them for at least two reasons. First, there are no legitimate, credible lenders available to them. Many impoverished people live in distant, rural locations and are removed from institutions such as banks and credit unions. If they need loans, their only options are those who live in their immediate vicinity and who are wealthy enough to provide loans. Kara states, “Bonded laborers are almost always socially isolated, and they tend to be located a great distance from markets, which renders them reliant on lender-slaveowners to monetize the output of their labor...”⁴⁷

Second, these desperate people do not have any collateral against which they can borrow money. They have no assets except for their own labor. Therefore, when they seek out loans, the only collateral they can place against the loans are themselves and

⁴⁶ Kara, 3-4.

⁴⁷ Ibid., 7.

their labor.⁴⁸ This is how the cycle that Kara detailed above begins. Once individuals take out these informal, exploitative loans, their lender-slaveowners monetize their labor inequitably in order to extend their bondage.⁴⁹ It becomes nearly impossible to pay back debts when illegitimate deductions are constantly made from wages, and when laborers are forced to purchase goods from company stores at inflated prices. It is not uncommon for bonded laborers to be charged annual interest rates of between fifty to one hundred percent.⁵⁰ Exacerbating this problem is the reality that many bonded laborers are uneducated and illiterate,⁵¹ which means they cannot keep track of their own debts and credits, and they cannot prove that documents detailing their agreements with lenders (if these ever existed at all) were fraudulent or have not been upheld with the agreed upon terms. Kara points out that when these agreements are written out, “the illiterate bonded laborer signs the agreement with a thumbprint, relying solely on the lender to describe the terms of the agreement.”⁵²

Why do people agree to these exploitative loans? Common reasons include consumption needs (e.g. food, clothing, etc.), income-generating activity (e.g. business loans, loans for farm equipment, loans for building/crafting projects, etc.), repayment of a previous loan, funding a wedding (i.e. to pay a dowry or other required fee in order to marry), purchasing medicine or paying for other illness-related costs, and for funding funerals.⁵³

⁴⁸ Kara, 7

⁴⁹ Ibid.

⁵⁰ Ibid., 8.

⁵¹ Ibid., 7.

⁵² Ibid., 12.

⁵³ Ibid., 11.

Kara anticipates that some might question the legitimacy of debt bondage/bonded labor as a form of real slavery because it may appear that the bonded laborer enters into the agreement voluntarily. But Kara points out that a well-established tenet of contract law provides that duress to a person nullifies any resulting contract. Furthermore, Kara states that the only reason a person ever enters into debt bondage is due to a lack of any reasonable alternative, which he believes satisfies the condition of duress. Those who fall victim to debt bondage usually experience duress to their person (personal safety), duress to goods (threat to seize property or evict), and/or economic duress. Kara points out that “consent is vitiated in the presence of any of these forms of duress...”⁵⁴ The United Nations provides that “consent of the victim is irrelevant where illicit means are established...”⁵⁵ meaning that even if victims give some sort of initial consent, or make some agreement with their slaveholders, if illegal or illicit means are used to gain their consent, or once they are exploited beyond the terms of their agreement, their consent is irrelevant and they are considered victims. The idea that duress or fraud or any other illegal method used to enslave vulnerable people renders them victims (as opposed to willing and complicit parties in their own exploitation) is a well-established and widely accepted international understanding.

Why are bonded laborers so prevalent? In simplest terms, they are maximally profitable. Globalization has encouraged transnational competition to decrease production costs and increase profit margins. One of the easiest ways to do this is by

⁵⁴ Kara, 7-8.

⁵⁵ Bales, *Understanding Global Slavery*, 129. Also see the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,” United Nations Human Rights Office of the High Commissioner, November 15, 2000, accessed November 14, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

decreasing operating expenses, namely labor costs. As Kara states, “Thus throughout history, producers have tried to find ways to minimize labor costs. Slavery is the extreme outcome of this impetus. Slaves afford a virtually nil cost of labor, which in turn reduces total operating costs substantially, allowing the slaveowner to maximize profit.”⁵⁶

In his book, Kara recounts the story of a slave he met in India named Ajay. I will include Ajay’s story here, because he helps to paint the picture for us of what many bonded laborers endure.

I took the loan of Rs. 800 (\$18) for my marriage to Sarika. My father and mother died when I was young, so it was up to me to arrange our wedding. I promised Sarika after we finished our *pheras* [ceremony and vows] that I would make her a happy life. I felt so proud. I was only seventeen at that time. What did I know? Since the time of our wedding, we worked in these fields for the landowner, who loaned me the money. When he died, we worked for his son. From the beginning, we were promised wages each day of a few rupees. I felt my debt would be repaid in two years at most, but the landowner made so many deductions from our wages, and each year we had to take more loans for food or tenancy. Sometimes, the landowner would tell me at the end of the season that I owe him this amount or that amount, but I could never know what the real amount was. He did not allow us to leave this place for other work, even when there was no work here to do. My brothers and I have worked in this area all our lives. My two sons will inherit my debt when I am gone. When Sarika became very ill three years ago, the landowner refused to give me a loan for medicines. There was no doctor here, and he would not send us to a medical clinic. He said my debts were too high and I was too old to repay this expense. I pleaded with him to save Sarika, but he told me only God can determine her fate. I was desperate, but I did not know what to do. Sarika did not want our sons to take more debts for her medicine, so she forbade me from telling them when she was ill. How could I deny her wish? Our lives are filled with so much pain. I did not give Sarika a good life. For many years, I wanted to take my life. I told Sarika I had cursed us, but she said that the suffering in our lives was not so great as others. I told her she should have married a rich man and been happy. Maybe then she would still be alive. I am old now, and I can no longer work. The landowner has little use for me. My life is almost over. I wait only for the end. No one in this country cares about people like us. We live and die, and no one but ourselves knows we have drawn breath.⁵⁷

⁵⁶ Kara, 15.

⁵⁷ Ibid., 2-3.

C. Contract Slavery

The third form of modern slavery is contract slavery. This form of slavery is growing rapidly, and is the second most common form of slavery today. Contract slavery “hides behind modern labor relations: contracts guarantee employment...but when workers arrive, they are enslaved.”⁵⁸ Recruiters target vulnerable populations of people with promises of good jobs or educational opportunities. They convince those desperate to improve their lives to leave the safety and familiarity of home with promises of legitimate economic opportunities elsewhere. Once victims are vulnerable and powerless, their travel and identity documents are confiscated. Without legal paperwork, and far from home, they are treated violently and are convinced that they must accept their new lives as slaves.⁵⁹ Any contracts signed at the beginning of the process are discarded, lost, or changed, and the victims in this scheme are powerless to resist.

Of course there are instances where legitimate debts are incurred and are paid off within a reasonable amount of time, and under fair and agreed upon terms. These are not instances of slavery. Both debt bondage and contract slavery are marked by fraud, deception, physical force, psychological coercion, and general illegality of methods and actions.

Kevin Bales and Zoe Trodd lay out a classic example of contract slavery in their book *To Plead Our Own Cause*, which includes slave narratives from some of today’s modern slaves. They recount the story of a Vietnamese woman named Vi, who was enslaved in American Samoa after agreeing to a seemingly legitimate labor contract.

In 1999 Vi was one of about 250 workers brought from Vietnam on a labor contract. A South Korean businessman named Kil Soo Lee had bought a garment

⁵⁸ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 34.

⁵⁹ Bales, *Understanding Global Slavery*, 141-147.

factory called Daewoosa...and required sewing machine operators. Vi was recruited by a Vietnamese government-owned enterprise called Tourism Company 12 and was told she was heading for the United States. Like the other recruits, she paid \$5,000 to cover the cost of airfare and work permits and signed a three-year contract in exchange for monthly paychecks of \$400, plus free meals and housing and return airfare. But on arrival in American Samoa, the recruits were forced to work to pay off smuggling fees. Lee confiscated their passports to prevent them from escaping, and he quickly stopped paying them altogether, though he kept charging them for room and board. He withheld food, ordered beatings, and forced them to work fourteen to eighteen hours per day. Female employees were sexually assaulted, and those who became pregnant were forced to have abortions or return to Vietnam.⁶⁰

Vi further recounts her own story by explaining that she had to borrow the money to pay Tour Company 12 and the official in charge of recruitment. She worked nineteen-hour days for no pay, and did not have money for food, amenities, or soap. She was so malnourished that she lost thirty-five pounds in a year and weighed only seventy-eight pounds. Thirty-six people shared a room, and she had to share a tiny bed with another worker. Mr. Lee would lay with whomever he wanted, and he would take women into his office to have sex with them. He consistently groped and kissed female workers in front of everyone. Movement at Daewoosa was restricted, and American Samoan guards searched (and groped and strip-searched) workers if they left and returned to the compound. Beatings and threats were used to intimidate and keep workers from revolting. Two workers who became involved in lawsuits against Mr. Lee disappeared and were never found. Even after being rescued, moving to the United States, and herself becoming involved in helping to prosecute Mr. Lee, Vi was indebted to her exploiters and sent money back to Vietnam to pay off her fraudulent debts. She reported, "Since my arrival in the United States, I have sent every dollar earned back to Vietnam to pay my

⁶⁰ Kevin Bales and Zoe Trodd, *To Plead Our Own Cause* (Ithaca, New York: Cornell University Press, 2008), 41.

debt. However, this has barely made a dent because the interest rate is so high, 50 percent.”⁶¹

Vi’s story teaches us several things. First, many people who fall victim to contract slavery are recruited by seemingly legitimate labor recruiters or agencies. In Vi’s case, she was recruited by a government-owned enterprise. Many of these people believe they are traveling abroad legally and have secured gainful employment at their destination. They are not aware that many of their documents (which they paid for, or are indebted for) are fraudulent. And regardless of the legal status of their documents (sometimes they *are* legitimate and legal), whatever documents they do have are confiscated and withheld.

Second, we can see that in many cases of contract slavery, an element of debt bondage is intertwined. In the midst of Vi being recruited, transported across the world, having her documents confiscated, having the fruits of her labor appropriated, and being exploited for sexual services, fraudulent debts were also maintained on her behalf, amassing exponential interest, and demanding her attention even after she was freed from American Samoa. So why did she continue to pay these debts? Most likely the reason is that she left her parents and her daughter back in Vietnam, and since the company who recruited her was protected by the government, it is highly possible that if Vi did not satisfy her debts then her family would pay the price.

Contract slavery, or a contract slavery/debt bondage hybrid, is a prevalent form of slavery in the United States. My own first introduction to modern day slavery in my own country took place at a workshop in Orlando, Florida in 2008. Anna Rodriguez, the founder of the Florida Coalition Against Human Trafficking, explained to attendees that numerous slaves are brought into Florida from around the world. Florida’s proximity to

⁶¹ Bales and Trodd, *Own Cause*, 42-44.

Central and South America and the Caribbean islands, and its geographical feature of being a peninsula, make it an easy entry point for slave traffickers. Many workers are brought into Florida, believing that they have legitimate work lined up. But once they arrive, their documents are confiscated, and their “contracts” are ignored. They are told that they owe a debt for their transportation. Some of these victims stay in Florida and work as domestic laborers in businesses and homes. Ms. Rodriguez told us of a woman who worked twenty-hours a day as a domestic house slave for three years, being forced to sleep on a concrete slab in the back yard, all the while being eaten alive by the abundant Florida insects.

Many other workers do not stay in Florida, but are brought up through Atlanta, Georgia, and accrue a second debt for this leg of transportation. If they are not kept in Atlanta, they can be sent anywhere in the country, accruing yet another debt. They are placed in restaurants and hotels and salons and massage parlors and homes and numerous other placements, being told they must work off their debts. Often times their debts are fraudulently maintained, and if they do manage to pay off their debts, they are fired from their jobs. They can then be transported elsewhere with the promise of another job, but in the process they accrue additional debts. This cycle can continue for long periods of time, extracting weeks or months or years of work for no pay. Victims often have language barriers and/or a fear of law enforcement officers, which keeps them from seeking help if they ever have an opportunity to do so.⁶²

⁶² Anna Rodriguez, “Human Trafficking” (pre-conference workshop, North American Association of Christians in Social Work, Orlando, February 6, 2008).

D. Forced Labor

The fourth form of slavery is forced labor. This refers specifically to “slavery that is practiced not by a person, but by a government or some other ‘official’ group.”⁶³ Some governments enslave people who have not been given due process and who have not been convicted of a legitimate crime, and then force these people to work in labor camps against their will. China’s “laogai” (reform-through-labor) camps are an example of forced labor. These camps were created by the Chinese Communist Party and are used to produce major consumer goods. Those who work in these camps are mostly from minority religious and ethnic groups, and they are paid no wages.⁶⁴

One such former prisoner is Sam, who was once a graduate student at Georgia State University (in Atlanta, Georgia). He worked as a tax auditor in China for nine years. He was arrested and jailed in China for handing a letter to the State Appeal Bureau in Beijing to express his opinion about Falun Gong (a Chinese spiritual practice which is persecuted). In a testimony he provided, he explained,

Here I will not mention how the Chinese government persecuted family church members, Tibetan monks, and Falun Gong practitioners. I only want to let you know how some products from China are made and why they are so cheap. In prison I was forced to work on export products such as toys and shopping bags without pay...The cell was only about three hundred square feet in size, with twenty prisoners and one toilet inside...Now the same kind of tragedy is happening to my wife. She was sentenced to forced-labor camp for three years without any trial and without a lawyer only because she handed out flyers in the street to clarify the truth about Falun Gong...she mentioned that she was forced to do embroidery work for export. The hard work, malnutrition, and torture made my wife almost lose her eyesight.⁶⁵

Another former prisoner, Ying, reported that during her time in two different Chinese labor camps she was forced to produce large quantities of disposable chopsticks,

⁶³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 34.

⁶⁴ Bales and Trodd, *Own Cause*, 19-20.

⁶⁵ *Ibid.*, 21-22.

cosmetic products, knitted sweaters, knitted woolen gloves for European export, crocheted cushions and hats, large quantities of slippers, and stuffed animals such as rabbits, bears, dolphins, and penguins. She was imprisoned for being a Falun Gong practitioner.

Despite outright denial from the totalitarian North Korean government regime, the existence of numerous prison labor camps in North Korea is confirmed by satellite imagery and vast human testimony. A combination of starvation, rape, torture, and harsh working conditions in these camps make long-term survival difficult.⁶⁶ A UN Special Commission has reported that hundreds of thousands of political prisoners have perished in these camps over the past five decades.⁶⁷ These are just a few examples of forced labor that satisfy our definition of slavery in a modern context.

E. What About Human Trafficking?

Under the conception of slavery I have put forward thus far, the practice of human trafficking, or trafficking in persons, is not itself a separate type of slavery. Furthermore, it is not another term that can be used interchangeably with modern slavery. Rather, human trafficking is merely a process through which some people come to be enslaved. As Bales and Alain state: "...it should be made plain that trafficking is not slavery, but a process by which slavery can be achieved."⁶⁸ As such, human trafficking refers to the movement of people for the purpose of enslaving them. It is a method, or conduit, that

⁶⁶ Joanna Walters, "They are intentionally starved and worked to death': The horrific conditions in North Korean labor camps," *Business Insider*, March 18, 2016, accessed November 14, 2017, <http://www.businessinsider.com/they-are-intentionally-starved-and-worked-to-death-the-horrific-conditions-in-north-korean-labor-camps-2016-3>; Also see "North Korea Human Rights Information," North Korea Freedom Coalition, accessed March 7, 2017, <http://www.nkfreedom.org/Resources/Weblinks-to-Resources.aspx>.

⁶⁷ Walters. Also see "Commission of Inquiry on Human Rights in the Democratic People's Republic of North Korea," United Nations Human Rights Office of the High Commissioner, accessed March 7, 2017, <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>.

⁶⁸ Allain and Bales, "Slavery and Its Definition," 2.

brings some people into slavery. At the turn of the new millennium, the United Nations Convention against Transnational Organized Crime developed the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children” which is more commonly referred to as the “Palermo Protocol.” The Palermo Protocol provides the definition of human trafficking, or trafficking in persons, that is most widely used today. Article 3(a) reads:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;⁶⁹

This clearly specifies human trafficking as “a crime related to a chain of movement of a person into situations of ‘exploitation’, as a result of violence or other means.”⁷⁰ When we recognize human trafficking as an activity specifically involving the movement of people, we realize that only about 2.5 million people today are enslaved after being trafficked. Rather, the vast majority of today’s slaves are sedentary, meaning that they have not been moved. Instead they are enslaved in their own villages, towns, territories, and countries.⁷¹

⁶⁹ “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,” United Nations Human Rights Office of the High Commissioner, November 15, 2000, accessed November 14, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

⁷⁰ Allain and Bales, “Slavery and Its Definition,” 2.

⁷¹ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 35.

Although Bales, his collaborators and co-authors, and some other researchers in this space⁷² are very careful to make the point that ‘human trafficking’ and ‘modern slavery’ are not merely two different terms with synonymous meanings, others are not so careful. There seems to be fairly widespread conflation of these two terms, especially in the United States. For example, the US Department of State webpage says, “‘Modern slavery,’ ‘trafficking in persons,’ and ‘human trafficking’ have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.”⁷³ Furthermore, each year since 2001 the State Department of the United States of America has released a Trafficking in Persons (TIP) Report.⁷⁴ On numerous occasions, the introductory material of these reports has used the terms ‘human trafficking’ and ‘modern slavery’ interchangeably.⁷⁵ The state department further claims that “Human trafficking can include, but does not require, movement.”⁷⁶

The conflation of these terms in such a globally influential document, as well as the disagreement amongst various parties regarding whether or not trafficking must involve movement, serve to confuse the relevant differences between ‘slavery’ and ‘trafficking’. Consequently we must figure out how to deal with this disagreement. My solution is to hold to this distinction between ‘modern slavery’ and ‘human trafficking’, and to operate from an understanding that ‘modern slavery’ is the umbrella term that

⁷² In addition to the works authored or co-authored by Bales which have already been cited, see Vidyamali Samarasinghe, “Confronting Globalization in Anti-trafficking Strategies in Asia,” *Brown Journal of World Affairs* 10, no.1 (Summer/Fall 2003): 91.

⁷³ “What is Modern Slavery?,” U.S. Department of State Office to Monitor and Combat Trafficking in Persons, accessed March 8, 2017, <https://www.state.gov/j/tip/what/>.

⁷⁴ “2017 Trafficking in Persons Report,” U.S. Department of State, accessed March 2, 2017, <https://www.state.gov/j/tip/rls/tiprpt/>.

⁷⁵ “2015 Trafficking in Persons Report,” U.S. Department of State, accessed June 4, 2018, <http://www.state.gov/documents/organization/243557.pdf>.

⁷⁶ “What is Modern Slavery?”

includes all forms of slavery as defined at the outset of this chapter, and to use the term ‘human trafficking’ as Bales and his co-authors do to refer to the literal movement of people for purposes of exploiting them for labor or sex. In my interactions with several lawyers working on slavery issues in the international community, they have affirmed that this is a helpful and important distinction to make. However, I also recognize that a great number of people working in the modern anti-slavery movement do not make this distinction, and as I continue to work in this space I must proceed in light of this knowledge. In my own work, I preserve this distinction and use ‘modern slavery’ broadly, and ‘human trafficking’ more narrowly.

F. And What About Sex Slavery?

The forms of slavery mentioned above also do not specifically single out sex slavery, or trafficking in persons for the purpose of sexual exploitation, as a separate type of slavery. This is *not* because this type of slavery does not exist. As was previously mentioned, sexual slavery constitutes approximately 22 percent of all slavery worldwide.⁷⁷ The reason this type of slavery is not listed as a fifth form of slavery is that it usually falls within one of the four established categories. For instance, much sex slavery is seen as a form of debt bondage, where victims accrue fraudulent debts which they are forced to work off, but are never freed even after “paying back” their debts many times over. Or sometimes sex slavery falls within the parameters of contract slavery, where women and children are offered supposedly legitimate jobs only to later find out that they were tricked and are now powerless to free themselves from forced sexual exploitation. Often times an instance of sex slavery might involve both debt bondage and contract slavery. Consider the story of Nu, a Thai woman who was enslaved in Japan. In

⁷⁷ “ILO Global Estimate of Forced Labor 2012”; “Trafficking and Slavery Fact Sheet.”

her story you will find classic evidences of contract slavery (e.g. making an agreement with an agent to secure legal documents and legitimate work, passport/document withholding, changing agreement upon arrival) as well as debt bondage slavery (e.g. being told upon arrival that she owed massive debts, having more fraudulent debts constantly added, being forced upon threat of injury or death to repay her debts). Furthermore, in Nu's story we see evidences of the three necessary criteria established above for something to be classified as 'slavery' – violence or its threat, appropriation of labor power/economic exploitation, and loss of free will.

When I reached puberty the son of the family I lived with...raped me several times and began sending me out occasionally with clients...I came to Bangkok at the age of fifteen...A hairdresser friend suggested that I find a well-paying job outside the country that also took care of my food and accommodation...She said that if I didn't know how to go about things, she would introduce me to an agent who would help me secure work in Japan...The agent interviewed me...I told him that I had no relatives...He asked me to undress...[he] examined my body for "damage," and internally probed me with his bare hands...I was told that I would be working as a waitress in a bar earning approximately \$200 per month and that I was not bound to go out with clients but could if I chose to earn more. Agent's fees and other expenses were to be paid after I received my first wage. From the time the agent began working on my travel documents to the time of my departure – which was a little over two weeks – I was kept in a small hotel room...I learned later that I traveled to Japan on a tourist visa and someone else's passport affixed with my photograph...I was told that I would be escorted from Bangkok airport by a Thai family...My "father" kept my passport with him...At Narita airport in Japan, my "father" took care of the immigration procedures...we were met by a Japanese man with three young Thai women in his charge...We were brought by taxi to a karaoke bar...the owner was a Japanese, married to a Thai mama-san [Madame]...I was asked to undress and the owner began pressing and massaging various parts of my body...the owner even slept with me before hiring me. I really felt horrible – like a piece of flesh, being inspected, bought, and sold...As soon as the others left, the mama-san told me that I had to pay off a debt of over one million yen [\$8,000]. My food, rent, and other expenses would be added to this amount...Clients paid the mama-san directly for taking the women out during the debt repayment period. The mama-san warned me not to try to run away, as should would be very tough...I was shocked and realized that the only way for me to pay off my debt was to go out with as many clients as possible...Our living quarters housed thirty girls between the ages of fourteen and thirty...Most were already in prostitution in Thailand before they came to Japan, but like me did not

know they would have to go out with clients, pay off a huge debt, and live in total confinement...Most of us consumed drugs or gulped down alcohol before leaving for work...We often got sadistic and kinky clients...They would beat us before intercourse with sticks, belts, or chains till we bled...If girls came back traumatized after going out with a sadistic client...they would be beaten...That is why we routinely used drugs before sex, because then we didn't feel the pain that much...When debts were paid off, the mama-san returned our passports, and we were free to either leave or stay for a month or two and earn something...I finished repaying my debt in ten months. I had some money from tips, but not at all enough to buy my return ticket. I worked for two months more in the bar...I then began to solicit in front of one of the motels...One day I happened to walk into a Thai restaurant and found a pamphlet...I rang the number and found myself talking to a Japanese nun...She made the necessary arrangements and sent me to an NGO in Thailand. I returned with savings of 30,000 baht [\$685] after five years of struggle. No one in the world can get over sleeping with one man after another who does not love you.⁷⁸

IV. Criticisms and Questions

One obvious question that merits attention regards the range of estimated numbers of modern slaves. One of the primary awareness campaigns leading the charge for the abolition of modern slavery, EndIt Movement, claims that an estimated 20 million to 45.8 million people are trapped in slavery today.⁷⁹ This is a pretty large range. Why are these estimates so inexact? There is a simple answer to this question, which we glossed over earlier. Remember that the illegality of modern slavery has not resulted in its disappearance, but only in its covertness. Much modern slavery is conducted in the shadows, through underground channels, and is hidden from view. Many victims of modern slavery are threatened and are terrified of coming forward. As was mentioned in the story of Vi above, sometimes victims who speak out against their abusers go missing. In reality, these estimates, as horrific as they may seem, are likely very conservative. The probability that many are languishing in slavery whom we do not know about and never will know about is high. Slaves today are cheap and numerous, which makes them easily

⁷⁸ Bales and Trodd, *Own Cause*, 91-97.

⁷⁹ EndIt Movement, accessed March 8, 2017, www.enditmovement.com.

disposable.⁸⁰ When they are no longer profitable, or when they rebel, or when they become physically or mentally broken down, they can easily disappear into oblivion.

Also keep in mind that when we refer to ‘slaves’, we are referring to people who satisfy a fairly strict list of criteria. Combining this recognition with the reality of the hiddenness of modern slavery should go a long way to alleviate our skepticism and increase our understanding regarding the uncertain range of data involved in numbering today’s slaves.

Another pushback that may arise hinges on the fact that in many instances of modern slavery, there is at least some element of initial consent on the part of the victim. We have already dealt with this criticism in our discussion of debt bondage/bonded labor. However, it does not hurt to point out that these same arguments stand for victims of other forms of slavery as well. Regardless of the methods used to trick victims, any potential consent is irrelevant when duress, force, fraud, coercion, or other illegal means are used to obtain that consent or are used once the victims are powerless to resist.

V. Conclusion

More information about and better understanding of modern slavery emerges daily. Those who enslave are creative and savvy. But modern abolitionists are tireless. They strive to learn and to fight. The battle to make slavery illegal has already been fought and won. But the battle to eradicate slavery from the face of the earth is very much in process. In due time we will return to this battle in an effort to better understand why it is still raging, and to discuss what we are obligated to do about it. But in order to get there, we need to lay some groundwork. We will now turn toward laying our first foundational brick, which is the concept of distributive justice.

⁸⁰ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 28-29.

CHAPTER 3

DISTRIBUTIVE JUSTICE

I. Introduction

Thus far I have painted a picture of the present status of modern slavery across the globe. Moving forward, my ultimate goal in the rest of this work is to explore the nature of the relationships that everyday citizens share with these modern slaves, and to establish what, if any, responsibilities such citizens have to act on behalf of modern slaves. I wish to address several broad questions, including: “How is modern slavery *our* problem?” and “What are *we* obligated to do to help modern slaves?” But first, I must establish some foundations.

My strategy for answering these questions is to appeal to two different categories of justice – distributive justice (this chapter) and commutative justice (Chapter Four). Then I will apply these categories of justice to the issue of modern slavery (Chapter Five). John Finnis provides an exemplary framework for such a discussion of distributive and commutative justice in chapter seven of his book *Natural Law and Natural Rights*,¹ and so I will use his concepts as the foundation of these two chapters.

¹ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 161-197.

II. Life in Communities: Practically Reasonable People, The Common Good, and the Narrative Quest

A. Practically Reasonable People

Before we can fully delve into Finnis's ideas regarding justice, we must understand a crucial concept in his work. This important concept is Finnis's idea of 'practically reasonable' people. He explains that such people are "consistent; attentive to all aspects of human opportunity and flourishing, and aware of their limited commensurability; concerned to remedy deficiencies and breakdowns, and aware of their roots in the various aspects of human personality and in the economic and other material conditions of social interaction."²

The idea is that anyone who is a practically reasonable person will accept certain responsibilities and commitments. They will care about consistency, both in themselves and others. Practically reasonable people will place value on human flourishing, and will take steps to encourage flourishing within themselves and others. They will work to fix breakdowns and to improve deficient and defective systems. Furthermore, practically reasonable people recognize that they should be and are members of communities³ (however that might be construed), and thus should be concerned with the execution of justice within those communities. Practically reasonable people are not islands to themselves, but rather they are aware of the deep roots they share with others, including their shared economies, material conditions, and social interactions.

² Finnis, 15.

³ Ibid., 161.

B. The Common Good

Another crucial concept in Finnis's work, and an important foundational building block for our discussion of justice, is that of the 'common good'. Finnis rightly points out that justice is relational. He identifies the three elements of the complex concept of justice as other-directedness, duty, and equality.⁴ These three elements, per Finnis, are "necessary and sufficient for an assessment to be an assessment of justice."⁵ As regards "other-directedness," justice necessarily entails a plurality of individuals, and deals with their interactions with one another. It makes no sense to speak of justice in the absence of human relationships.⁶ If one person can demand justice, it is *of* or *from* or *pertaining to* another person (or people) that such a demand is made.

Similarly, the element of "duty" is also relational. It deals with "what is owed...or due to another, and correspondingly what that other person has a right to."⁷ However, justice does not pertain to *all* dealings or relationships between people, but rather "only those relations and dealings which are necessary or appropriate for the avoiding of a wrong."⁸ There are certain things that must not be done (to people), and justice has the duty of upholding these individual rights.

The third element of justice is "equality," but this does not necessarily mean numerical equality. Proportionality, equilibrium, and balance are better exemplars of this idea.⁹ Feeding a toddler and a grown man "equally" might not mean giving each of them three pieces of pizza. Feeding them equally might mean feeding them proportionally, or

⁴ Finnis, 161-163.

⁵ Ibid., 163.

⁶ Ibid., 161.

⁷ Ibid., 162.

⁸ Ibid.

⁹ Ibid., 163.

helping them to each gain equilibrium in regards to their hunger. This might involve feeding the toddler one piece and the grown man three pieces of pizza.

The point here is that ultimately, relational justice is concerned with how communities can work together to achieve the common good. Talk of justice necessarily involves consideration of communities, relational duties within those communities, and the striving for equality amongst members of those communities. According to Finnis, “Justice, as a quality of character, is in its general sense always a practical willingness to favour and foster the common good of one’s communities, and the theory of justice is, in all its parts, the theory of what in outline is required for that common good.”¹⁰

Talk of a ‘common good’ may sound disturbingly utilitarian or Marxist or Communist to some. But rest assured that Finnis’s concept of the ‘common good’ is not at all utilitarian (i.e. demanding that individuals must be sacrificed at times in order to achieve the greatest good for the greatest number). Neither is it Marxist, at least in the sense that it advocates the opposite of depriving individuals of private ownership.¹¹ Finnis reminds us that “the common good is fundamentally the good of individuals.”¹² The common good *values* individuals, and it concerns the good of individuals living in communities with countless other individuals.

¹⁰ Finnis, 165.

¹¹ To see the communist stance on private ownership, reference Karl Marx and Frederick Engels, “Manifesto of the Communist Party,” 26-27, accessed November 7, 2017, <https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf>.

Finnis does not wish to see individuals absorbed into common enterprises as does Communism, but rather he explains, “An attempt, for the sake of the common good, to absorb the individual altogether into common enterprises would thus be disastrous for the common good, however much the common enterprises might prosper.” (Finnis, 168).

¹² Finnis, 168.

C. The Narrative Quest

So if it is the case that practically reasonable people recognize their memberships in various communities, and they understand the responsibilities these memberships entail to favor and foster the common good, a third concept can help to tie these ideas together and to give us a coherent picture of the relational nature of justice. In chapter fifteen of his book *After Virtue*, Alasdair MacIntyre introduces the concept of the narrative quest. MacIntyre spends a great deal of time in this chapter explaining that the unity of a human life should be viewed as a narrative – a story with a beginning, middle, and end.¹³ I have written elsewhere that when MacIntyre speaks of a *unity* of life, I envision the existence of a consistency throughout a person’s life that results in some type of theoretical thread being woven throughout that life, from beginning to end, in a way that simply makes sense and is coherent.¹⁴ MacIntyre argues that human communication is incoherent when abstracted from its place in a narrative, and that human action is made intelligible only when situated within a narrative.¹⁵ MacIntyre states, “It is because we all live out narratives in our lives and because we understand our own lives in terms of the narratives that we live out that the form of narrative is appropriate for understanding the actions of others. Stories are lived before they are told...”¹⁶

And this leads us to the crux of our discussion of living in communities. The view of the narrative quest for MacIntyre is not one that involves individuals pursuing their

¹³ Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 2007), 211-213.

¹⁴ Tiffany Beaver, “The Role of Narrative Quest in the Unity of Human Life,” (University of South Carolina, 2013), 2.

¹⁵ MacIntyre, 210-211.

¹⁶ *Ibid.*, 212.

own narrative quests parallel to one another, but rather a view that involves the overlapping and intersecting of many narrative quests. He therefore states:

Someone may discover (or not discover) that he or she is a character in a number of narratives at the same time, some of them embedded in others...Each of us being a main character in his own drama plays subordinate parts in the dramas of others, and each drama constrains the others.¹⁷

As a practically reasonable person, not only must I be concerned with living my own life in a consistent and coherent manner, but I must also consider when, where, and how my narrative story intersects with the narrative stories of others. To the extent that I have some control over the unfolding of my own story, I must be mindful of how my own actions may affect, both positively and negatively, the stories of others. People are not islands, and their actions produce ripple effects that move their own lives and that touch and move the lives of those around them. We often don't know how things will turn out because stories are unpredictable, but we can know that in some way we share a future with others.¹⁸ The way we interact with one other in our communities is a determining factor of what kinds of communities we build. The way we live amongst our neighbors matters! Again, appealing to MacIntyre,

We live out our lives, both individually and in our relationships with each other, in the light of certain conceptions of a possible shared future, a future in which certain possibilities beckon us forward and others repel us, some seem already foreclosed and others perhaps inevitable...I can only answer the question 'What am I to do?' if I can answer the prior question 'Of what story or stories do I find myself a part?' We enter human society, that is, with one or more imputed characters – roles into which we have been drafted – and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed.¹⁹

¹⁷ MacIntyre, 213.

¹⁸ Ibid., 215.

¹⁹ Ibid., 215-216.

I cannot determine what I am supposed to do in a given situation without considering what role I play in my own story *and* the stories of those around me. The narrative quest is not just the quest of individuals, but of communities of people living out their stories and playing roles in the stories of each other. As such we *must* consider one another as we work and play and learn and live in a shared world. And this brings us to the importance of ensuring that our shared world is one in which justice is pursued for the sake of us all.

III. Distributive Justice

A. Introduction to Distributive Justice

Thus far I have established that practically reasonable people accept certain responsibilities and commitments, and among these are specific commitments to foster the common good of *all* people within a shared community. Furthermore, we all live out narrative stories, and our stories touch and are touched by the stories of others. How I live my life has implications for others, because I am a part of their stories, and they are a part of mine. Taking these points into consideration, we can now examine what is needed in our communities if they are to be considered just.

In an effort to show how communities can work toward their common good, Finnis distinguishes between two broad classes of problems. In chapter 3, I will discuss the first class of problems, which deal with “*distributing* resources, opportunities, profits and advantages, roles and offices, responsibilities, taxes and burdens – in general, the *common stock* and the *incidents of communal enterprise*, which do not serve the common good unless and until they are appropriated to particular individuals.”²⁰ These problems

²⁰ Finnis, 166.

require a theory of **distributive justice** to help determine how such ‘common stock’ resources should be allocated and distributed so as to work toward the common good.

B. Common Stock and Incidents of Communal Enterprise

So what exactly are ‘common’ resources? Finnis describes two different sorts of ‘common’ subject matter. First, a subject-matter is ‘common’ if it is not a part of an individual person, or has not been made by anybody. Such resources are available for the benefit of anyone or everyone. Examples Finnis gives of these ‘common’ resources include: “solar energy and light, the sea, its bed and its contents, land and its contents, rivers, air and airspace, the moon...”²¹ These types of resource are considered *common stock* resources.

Second, a subject-matter is ‘common’ if it is the result of people working together and collaborating to improve their position. This could involve several neighboring tribes banding together to ward off an attack from a mutual enemy, or several countries working together to survive a famine. In such instances, multiple parties must collaborate in order to decide what to do, how to do it, how to fund the joint enterprise, and other numerous relevant details.²² Furthermore, often times such collaboration yields tangible products, such as “a city wall and stock of weapons; a sea wall or dyke; a drainage system and hospitals; a harvest in communal granaries, etc.”²³ Finnis refers to these types of collaborative effort as *incidents of communal enterprise*, and the tangible products they yield can also be considered a type of *common stock*.

Natural resources and products that compose the *common stock*, as well as collaborative efforts that result in *incidents of communal enterprise*, are essentially

²¹ Finnis, 167.

²² Ibid.

²³ Ibid.

‘common’. Yet they provide no benefit to anyone if they are not appropriated by or allocated to specific individuals or groups.²⁴ A plot of fertile soil is of no benefit to anyone if it just lies fallow because no one has been granted the right to plant in it. A joint famine relief plan is futile if the fruits of the enterprise are not distributed to individuals who need them. And this leads us to the problem of distributive justice: “to whom and on what conditions to make this necessary appropriation.”²⁵ Who gets what when it comes time to divvy up the elements of the common stock and the results of communal enterprises?

IV. What Do We Owe to Others? [What is a Just Distribution?]

To ask whether a society is just is to ask how it distributes the things we prize – income and wealth, duties and rights, powers and opportunities, offices and honors. A just society distributes these goods in the right way; it gives each person his or her due. The hard questions begin when we ask what people are due, and why.

- Michael J. Sandel, *Justice: What’s the Right Thing to Do?*

A. Introductory Remarks

In the above quote, Harvard professor and political philosopher Michael J. Sandel articulates the difficult task ahead when it comes to deciding how we should divide up what is owed to different people. What method(s) should we use to determine who should get what and why? How one answers this question is largely dependent on which theoretical framework one adopts. Is it most important to consider the general welfare of groups or societies? Or should we give priority to rights, freedom, and autonomy? Should fairness be our chief consideration, and if so how do we figure out which arrangement(s) are most fair? Should our actions be primarily guided by needs? And to what extent is

²⁴ Finnis, 167.

²⁵ Ibid.

justice bound up with ideas of virtue, values, and the good life?²⁶ I will consider many of these options, and ultimately I will conclude that while several of these theories provide helpful components, the view that combines some element of needs with virtues and values is most helpful, and this is the kind of view that Finnis himself endorses.

B. Appeals to Welfare (Utilitarianism)

One philosophical camp advocates that when determining how to distribute goods, services, experiences, et cetera, the main consideration should be the welfare of the aggregate group. This *utilitarian* camp argues that the most just arrangement is that which produces the greatest amount of utility. This ideology was first articulated in the mid-eighteenth century by Jeremy Bentham, who believed that “the highest principle of morality is to maximize happiness, the overall balance of pleasure over pain.”²⁷ The principle of utility, according to Bentham, rests on doing whatever produces pleasure or happiness and avoiding whatever results in pain or suffering.²⁸ So on the utilitarian view, the arrangement that produces the most just distribution is that which results in the greatest utility, which is further defined as that which produces the greatest overall amount of happiness/pleasure and avoids the greatest amount of pain. According to Bentham, “Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do.”²⁹

²⁶ Michael J. Sandel, *Justice: What's the Right Thing to Do?* (New York: Farrar, Straus and Giroux, 2009), 20.

²⁷ *Ibid.*, 34.

²⁸ *Ibid.*

²⁹ Jeremy Bentham, “Principles of Morals and Legislation,” in *Justice: A Reader*, ed. Michael J. Sandel (Oxford: Oxford University Press, 2007), 9.

Sandel points out that one obvious weakness of Bentham's version of utilitarianism is that it seems to discount individual rights. Utilitarianism is very willing to sacrifice the happiness of a few in order to attain greater happiness or satisfaction for a greater number. Individual preferences and needs are considered, but if an individual's preferences or needs conflict with the overall utility or happiness of the larger group, they are discounted. As Sandel remarks, "...this means that the utilitarian logic, if consistently applied, could sanction ways of treating persons that violate what we think of as fundamental norms of decency and respect..."³⁰ He gives as one example the ancient Roman practice of throwing Christians to the lions in the Coliseum. Sandel questions whether such a practice could be condemned if enough Romans derived enough pleasure from the violent spectacle.³¹

Another weakness of Bentham's utilitarianism is that it presumes that one can measure all values on a single currency of value. But it is not clear that this is possible. Many would argue that values cannot be compared in a cost-benefit analysis, which attempts to translate all costs and benefits into monetary terms in order to compare them.³² It seems difficult at best, and unequivocally wrong at worst, to put a price on people's lives and experiences.

The nineteenth century thinker John Stuart Mill set out to answer these criticisms and to rescue utilitarianism from its seeming inhumanity. In his book *On Liberty*, Mill defends individual freedom by claiming that "people should be free to do whatever they want, provided they do no harm to others."³³ He believes that this claim can still rest on

³⁰ Sandel, *Justice: Right Thing*, 37.

³¹ Ibid.

³² Ibid., 41.

³³ Ibid., 49.

the utilitarian calculus because he is concerned with maximizing utility in the long term, and he believes that preserving individual liberty will lead to the greatest happiness over time.³⁴ But Sandel points out that this “leaves rights hostage to contingency,” because it is always possible that a society could arise which could achieve “long-term happiness by despotic means.” If such a situation arose, Mill would not have grounds to condemn such a society from a strictly utilitarian framework.³⁵

Furthermore, the utilitarian framework does not have a basis to condemn the violation of a person’s rights based on that person’s individual standing as a human being. Violations of rights can only be condemned if they have negative effects on the general welfare,³⁶ so it seems as if Mill hasn’t actually rescued utilitarianism from its heartlessness, or afforded individuals intrinsic worth. Mill attempts to avert this conclusion by also arguing that an individual’s character matters, and that exhibiting good moral character is desirable. But again, nobleness of character seems to be important because of its positive effects on the general welfare. Mill states the following:

...and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit.³⁷

So it seems that noble moral character either needs to be desirable and valuable in and of itself, which precludes it from being a utilitarian tenet, or it is only a tool to be used in the pursuit of the general welfare. But if this is the case, character is subject to contingency just as individual rights are.

³⁴ Sandel, *Justice: Right Thing*, 50.

³⁵ Ibid.

³⁶ Ibid., 50-51.

³⁷ John Stuart Mill, “On Liberty,” in Sandel, *Justice: A Reader*, 19-20.

In response to the criticism against utilitarianism that it attempts to measure and compare values in a cost-benefit analysis, and this is not possible, Mill outright denies this impossibility. He argues that not all pleasures are equal, and that some kinds of pleasures are more valuable than others. He states, “It is quite compatible with the principle of utility to recognize the fact, that some *kinds* of pleasure are more desirable and more valuable than others.”³⁸ But it seems as if the valuing of some pleasures over others is not at all compatible with the principle of utility. It is incompatible to claim that “...pleasure, and freedom from pain, are the only things desirable as ends...all desirable things...are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain,”³⁹ and yet to also place a higher value on some kinds of pleasure over others. At the point that such distinctions are made between so-called higher and lower pleasures, one is making value judgments that do not rest on a theory of pure utility. If one is to be a consistent utilitarian, Bentham’s observation that a child’s game is as good as poetry⁴⁰ is the most consistent stance to take.

Determining what we owe to others, or what a just distribution of goods and services would be from a utilitarian perspective, leaves us with little option for preserving individual liberty and freedom. To be consistently utilitarian, decisions of distribution must be based purely on the general welfare, and on what will bring about the greatest general happiness for the greatest number. Our twenty-first century conception of intrinsic, undisputed human rights (such as those identified in the United Nations

³⁸ Mill, 18.

³⁹ Ibid., 17.

⁴⁰ Sandel, *Justice: Right Thing*, 52; per Sandel, this idea “comes from an obscure writing by Bentham, *The Rationale of Reward*, published in the 1820s.”

Declaration of Human Rights⁴¹) cannot stand under the utilitarian calculus. Therefore, if appeals to freedom and rights are important, perhaps the next several theoretical approaches will seem more attractive.

C. Appeals to Freedom and Rights

1. Kant's categorical imperative. Immanuel Kant believed very strongly that people should not be seen as mere means to an end. In his work *Groundwork of the Metaphysics of Morals* he set out to establish quite the antitheses of the utilitarian calculation. Whereas utilitarians view individuals as means to the end of the greatest overall happiness, Kant argues that people are not means to an end, but on the contrary individuals are ends in themselves.⁴² As such, individuals have inherent value that supersedes their utility. Furthermore, all of these individuals who are “ends in themselves” make up a “kingdom of ends,”⁴³ a community of people with value and dignity who are afforded consideration and respect not based on their utility, but based on their rationality.⁴⁴ Kant believes that humanity, because of its capacity for morality, “does not merely have a relative worth, i.e. a price, but an inner worth, i.e. *dignity*.”⁴⁵

Even in this extremely brief appeal to Kant, we can see how subsequent thinkers are given a foundation to build an idea of individual rights and human dignity. Individual persons are more than mere tools to be used and disregarded if/when such disregard might serve the ‘greater good’. Individual persons are ends in themselves, and they

⁴¹ “Universal Declaration of Human Rights,” United Nations, 1948, accessed November 8, 2017, <http://www.un.org/en/universal-declaration-human-rights/>.

⁴² Immanuel Kant, *Groundwork of the Metaphysics of Morals*, rev. ed., ed. Mary Gregor and Jens Timmermann, trans. Jens Timmermann (Cambridge, UK: Cambridge University Press, 2012), 4:428-4:431, 4:438.

⁴³ *Ibid.*, 4:433-4:435, 4:438-4:439.

⁴⁴ Sandel, *Justice: Right Thing*, 104.

⁴⁵ Kant, *Groundwork*, 4:435.

constitute communities of individuals who become kingdoms filled with people who are ends in themselves.

2. Libertarianism (laissez-faire camp). Whereas utilitarians might favor redistribution on the grounds of maximizing utility or happiness, libertarians argue that taking from some and giving to others, even for good cause, is coercive. Libertarians believe that such redistribution violates individual rights that people should have “to do with their money whatever they please.”⁴⁶ Attempting to force equality actually conflicts with liberty. The central libertarian claim “is that each of us has a fundamental right to liberty – the right to do whatever we want with the things we own, provided we respect other people’s rights to do the same.”⁴⁷

Economists Milton and Rose Friedman point out that when we talk about ‘equality’, we must specify precisely what we mean. They indicate that at the inception of the United States of America, “equality meant equality before God; liberty meant the liberty to shape one’s own life.”⁴⁸ Following the civil war, the conception of equality shifted to mean “equality of opportunity,” meaning that people should not be prevented “by arbitrary obstacles” from using their own gifts and talents to pursue their own ends.⁴⁹ Under both of these conceptions, equality and liberty are compatible with one another. All people possess equal standing under God as precious individuals with unalienable rights. No one is arbitrarily kept from being given equal opportunities to succeed because of birth, nationality, race, religion, or any other characteristic apart from ability.⁵⁰ People are seen as autonomous beings, capable of determining their own life paths. They are not

⁴⁶ Sandel, *Justice: Right Thing*, 59.

⁴⁷ *Ibid.*, 59-60.

⁴⁸ Milton and Rose Friedman, “Free to Choose,” in Sandel, *Justice: A Reader*, 49.

⁴⁹ *Ibid.*, 50.

⁵⁰ *Ibid.*, 51.

mere instruments to promote the purposes of others,⁵¹ but rather they are ends in themselves.

The Friedmans point out that in our modern era, a very different meaning of equality has emerged. When some people speak of equality now, they mean “equality of outcome.”⁵² This concept does not argue that everyone should be identical, but it does argue that fairness is the goal, and carries the mantra “Fair shares for all.”⁵³ The Friedmans argue that this type of mindset reduces liberty because it inevitably requires taking from some who have more than their “fair” share and redistributing those shares to those who have less. Furthermore, they argue that there is no objective standard for determining what precisely is “fair,” and therefore there is no good way to determine when some might have too much and others not enough. Who decides such matters, and how should they be decided?⁵⁴ Philosopher Robert Nozick, a staunch libertarian, echoes this concern when he states, “There is no *central* distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out.”⁵⁵

Nozick’s view, which is labeled “entitlement theory,” states that there are only three ways that money/objects/property/possessions/etcetera can come to be justly held. First, something can come to be justly held through *original acquisition*, meaning that the holder is the first to possess something that was previously unpossessed or unheld. Nozick calls this the “principle of justice in acquisition.”⁵⁶ Second, a person who justly holds something is free to transfer that possession to another. This usually happens

⁵¹ Friedman, 50.

⁵² Ibid., 52.

⁵³ Ibid., 53.

⁵⁴ Ibid.

⁵⁵ Robert Nozick, “Anarchy, State, and Utopia,” in Sandel, *Justice: A Reader*, 60.

⁵⁶ Ibid.

through voluntary exchange, or through the giving of gifts, and is called “the principle of justice in transfer.”⁵⁷ Third, nothing can be justly held (i.e. no one is entitled to a holding) except through repeated applications of these first two principles of justice in acquisition and justice in transfer.⁵⁸

Nozick is extremely critical of what he refers to as patterned principles of distribution. A patterned principle of distribution is expressed in any system that singles out a natural characteristic and advocates for distributing based on that factor. So some might argue that distributive shares should be allocated based on merit, or I.Q., or effort, or need. But Nozick believes that redistribution according to certain patterns, whatever they may be, is unjust. If we take from people things which they hold justly either through acquisition or transfer, we are stealing from people who have done no wrong. He states the following:

Whoever makes something, having bought or contracted for all other held resources used in the process (transferring some of his holdings for these cooperating factors), is entitled to it. The situation is *not* one of something’s getting made, and there being an open question of who is to get it. Things come into the world already attached to people having entitlements over them.⁵⁹

One potential problem for Nozick, which he acknowledges but then does not adequately answer, deals with the historical aspect of justice in holdings (comprised of justice in acquisition and justice in transfer). He admits that not all situations are generated according to these principles, and therefore the resulting holdings are not justly held. Nozick states, “Some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude

⁵⁷ Nozick, 60-61.

⁵⁸ Ibid., 61.

⁵⁹ Ibid., 65.

others from competing in exchanges.”⁶⁰ To be fair, Nozick does believe that in some instances rectification should be made for past injustices. However, he does not attempt to determine when such rectification should take place, or what such rectification should entail.⁶¹

It is common knowledge to many Americans that the land we now call ours was once not ours at all, but belonged to numerous tribes of Native Americans. We were not the original acquirers of the land, nor did we pay these tribes through fair contracts and agreements in order to acquire the land through just transfers. When Nozick points out that justice in holdings is historical, he also points out that whether or not something is justly held “depends upon what actually has happened.”⁶²

It is not as if each of us comes into the world today devoid of attachments. Rather we come into the world as members of already established groups who live in certain places under certain types of government or rule. We are benefited by or harmed by the actions and decisions, acquisitions and transfers of those before us. It is not so easy to say, “I am entitled to this land,” or “I am entitled to this fortune” because, if we trace back the justice of those acquisitions and transfers, I wager that many of us would not be excited with the results we would find. MacIntyre gets at this idea when he states:

But it is not just that different individuals live in different social circumstances; it is also that we all approach our own circumstances as bearers of a particular social identity....Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point.⁶³

⁶⁰ Nozick, 61.

⁶¹ Ibid., 61-62.

⁶² Ibid., 61.

⁶³ MacIntyre, 220.

Furthermore, we can appeal here to Finnis's view of *common stock* resources and products. Finnis points out that original acquisition of common stock resources – things that do not really belong to anyone, but are not useful unless and until they are allocated to individuals – are ultimately meant to benefit the common good of the community. Acquisitions are made, and private holdings are encouraged, not for the purpose of hoarding for oneself, but for the purpose of increasing value and productivity for the benefit of the common good of the members of one's community.⁶⁴

MacIntyre and Finnis are examples of those who would challenge the libertarian notion that we can do whatever we want with the money (and other possessions) we have. After all, perhaps we do not have tight-fisted entitlements to nearly as many things as we would like to think. If much of what I have either isn't rightly mine, or was allotted to me with the purpose of my using it to benefit both myself *and* others, then perhaps the libertarian calculation falls short of what would be required by distributive justice.

3. Egalitarianism (fairness camp). Another group of thinkers, known as egalitarians, would agree with libertarians that we should not necessarily be striving for *equality*. However, the conclusions of these two groups are drastically different. Whereas libertarians advocate for unencumbered *liberty* (which they argue requires minimal government and the belief that most motivations and methods of redistributing resources are tantamount to theft⁶⁵), egalitarians are concerned with what a *fair* distribution of resources and goods should entail. Egalitarians might argue that libertarians spend so

⁶⁴ Finnis, 170.

⁶⁵ Nozick, 60, 68, 70.

much time worrying about property rights that they neglect numerous other human rights⁶⁶ that should be afforded consideration.

But how might we go about determining what a fair distribution of goods and resources might be? Twentieth century philosopher John Rawls developed a now famous thought experiment in his book *A Theory of Justice* (1971). In this book he points out that attempting to come up with a fair distribution of goods is not possible if people come to the table with different advantages and bargaining positions.⁶⁷ Therefore, he theorizes that in order to come up with a truly fair and unbiased system, the principles that would govern such a society would have to be “chosen behind a veil of ignorance” in which “no one knows his place in society.”⁶⁸ Rawls refers to this as the “original position of equality.”⁶⁹ The idea is that if a group of people determined the principles of their society not knowing if they would be high-ranking officials or garbage collectors in that society, they would arrive at principles that would be advantageous to themselves regardless of their actual position in that society. Rawls states, “Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain.”⁷⁰

Sandel points out that in such an experiment it is clear that rational, self-interested persons would not choose utilitarianism. For behind the veil of ignorance, they would not know if they would end up being a part of the happy majority or an oppressed minority.⁷¹

⁶⁶ Examples of such rights are laid out in the 1948 United Nations Universal Declaration of Human Rights (<http://www.un.org/en/universal-declaration-human-rights/>). For instance, Articles 25 and 26 mention rights to adequate food, clothing, housing, medical care, and education, just to name a few of the many more human rights established in the declaration.

⁶⁷ Michael J. Sandel, “Rawls: Justice as Fairness,” in Sandel, *Justice: A Reader*, 203.

⁶⁸ John Rawls, “A Theory of Justice,” in Sandel, *Justice: A Reader*, 205.

⁶⁹ *Ibid.*, 204.

⁷⁰ *Ibid.*, 205.

⁷¹ Sandel, *Justice: Right Thing*, 141.

Furthermore, they would not choose laissez-faire libertarian principles either, for they might end up being wealthy with many entitlements, but they might end up being homeless and destitute with no hope for relief.⁷² Instead, Rawls identifies two principles he believes individuals in the original position would choose:

[T]he first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.⁷³

The first principle provides equal basic liberties for all citizens.⁷⁴ This is somewhat equivalent to the idea of equality under God, or the equality of dignity and value that Kant believes all rational persons should be afforded. The second principle deals with social and economic equality.⁷⁵ But this principle does not advocate for equality of outcome. Rawls's conception of equality is undoubtedly one of equality of opportunity. He believes that privileged positions and offices should be available to all. In support of this idea he states, "While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible to all."⁷⁶

Of course, it is a reality that people experience different levels of privilege and want, of talents and abilities.⁷⁷ If one person is born into a wealthy family and given the best possible education, while another person is born into poverty and struggles to read, it is very unlikely that they will have equal opportunity to apply for the same jobs or run for the same privileged offices. Therefore, if individuals are to be afforded true equality of

⁷² Sandel, *Justice: Right Thing*, 142.

⁷³ Rawls, 206.

⁷⁴ Sandel, *Justice: Right Thing*, 142.

⁷⁵ Ibid.

⁷⁶ Rawls, 214.

⁷⁷ Ibid., 216.

opportunity, inequalities must be compensated for.⁷⁸ Now it may be the case that one person's natural advantages can be put to good use for the betterment of the least advantage in the society. When this is the case, those inequalities are deemed acceptable.⁷⁹ But it may also be the case that sometimes, in order to preserve true equality of opportunity, "society must give more attention to those with fewer native assets and to those born into the less favorable social positions."⁸⁰ To help walk the tension between these two possibilities (i.e. the privileged maintaining their advantages in order to benefit the least well-off, versus the underprivileged receiving a greater share of assets in order to offset their disadvantages), Rawls develops a principle he calls "the difference principle."⁸¹ This principle encourages the gifted and talented "to develop and exercise their talents, but with the understanding that the rewards these talents reap in the market belong to the community as a whole."⁸² Of course, this is an argument for the necessity of redistribution in some instances.

If it is the case that the advantaged in a society should use what they have to benefit those who have little, then perhaps a fairly radical redistribution of goods and services is what distributive justice requires. In recent years, numerous modern ethicists have advocated for just such a radical redistribution of wealth in order to combat abject poverty. But many of these philosophers and ethicists, while they do care about rights and liberty and fairness, also care about something else – *needs*.

⁷⁸ Rawls, 217.

⁷⁹ Ibid., 216.

⁸⁰ Ibid., 217.

⁸¹ Ibid., 216-219.

⁸² Sandel, *Justice: Right Thing*, 156.

D. Appeals to Need

Philosopher Sarah Clark (S.C.) Miller points out, “In the contemporary theoretical terrain, preferences, interests, desires, and especially rights have preempted needs.”⁸³ In 2008 the World Bank set the international poverty line at \$1.25 per day. In 2009 at least 1.4 billion people lived in extreme poverty, below this meager line. In the poorest countries, one in five children dies before the age of five (contrasted with fewer than one in a hundred deaths in rich countries).⁸⁴ These are just two examples meant to illustrate the vast needs caused by global poverty. If *need* is truly a primary criterion for distributive justice, it seems as if there are plenty of people who warrant our attention and consideration.

Before proceeding further, it will be beneficial to establish what we mean when we refer to *needs*. S.C. Miller explains that not all needs have moral significance. For instance, a proper cake *needs* sugar. But this need for sugar is not morally significant or normative. And no one is *obligated* to provide sugar for the cake. (It will just be a lousy cake sans sugar, which in the scheme of things is no big deal). But not all needs are like this. Some needs are vitally important, and if they are not met, serious harm will befall those who experience this failure. S.C. Miller calls these morally significant needs *fundamental needs*.⁸⁵

...it is both important and necessary for fundamental needs to be met, because if they are not met, agency is compromised and serious harm ensues. Fundamental needs carry with them a feeling of urgency, which contributes to the sense that they *must* be met...

At the core of compromised agency is, of course, the notion of agency itself. I understand agency as the ability to achieve some manner of results in the

⁸³ Sarah Clark Miller, *The Ethics of Need: Agency, Dignity, and Obligation* (New York: Routledge, 2012), 2.

⁸⁴ Peter Singer, *The Life You Can Save* (New York: Random House, 2009), 7-8.

⁸⁵ Sarah Clark Miller, 16.

world, to affect change in accordance with one's volition, and to maintain the ability to carry out projects (often self-determined) in a surrounding environment.⁸⁶

Failure to meet fundamental needs compromises rational autonomy, and it also results in emotional and relational impediments. Agents have emotions, and consequently agency also involves a caring component. Furthermore, human agents are finite. The existence of fundamental needs highlights two consequences of our finitude: *vulnerability* and *dependency*.⁸⁷ As agents who are fragile and subject to physical, emotional, and psychological harms, we cannot deny the fact that "others must [sometimes] meet our fundamental needs and aid us in evading harm. In this sense, our fundamental needs leave us profoundly dependent on other people...sometimes they must support us by developing, maintaining, or restoring our agency."⁸⁸

Before proceeding, I should at least mention S.C. Miller's list of fundamental needs. She includes eleven fundamental needs in two loose categories: (a) needs relating to physical necessity, and (b) needs of psychological and/or social necessity. These are universal needs, meaning that all humans experience them throughout their lives,⁸⁹ and these needs *must* be met in order to "cultivate, maintain, or restore agency."⁹⁰ The eleven fundamental needs include (1) nutrition and water, (2) rest, (3) shelter (including clothing), (4) healthy environment (hygienic, non-toxic, etc.), (5) bodily integrity (freedom from physical and sexual abuse, freedom to control matters affecting their bodies, etc.), (6) healing (access to some medical attention), (7) education,

⁸⁶ Sarah Clark Miller, 23-24.

⁸⁷ Ibid., 37.

⁸⁸ Ibid.

⁸⁹ Ibid., 38.

⁹⁰ Ibid., 40.

(8) attachments (positive emotional attachments), (9) social inclusion, participation, and recognition, (10) play (pleasurable recreational experiences which foster humor and creativity), and (11) security (freedom from coercive, threatening environments).⁹¹

But if it is the case that certain needs – *fundamental needs* – require a moral response, *why* is this the case? We undoubtedly do have some intuitions that “others’ needs affect what we ought, morally, to do.”⁹² More specifically, S.C. Miller asserts: “Some needs have undeniable normative force. The hunger of the starving stranger, the homelessness of the refugee, and the loneliness of the widower call for a response from those who encounter them.”⁹³ But it isn’t enough to merely assert that such needs have normative force – we need to give a reason *why* we are morally obligated to act in order to help meet the fundamental needs of others.⁹⁴ Furthermore, if a genuine obligation to help the needy exists, how many people must I care for? How much must I give of myself and my resources, and for how long?⁹⁵

In order to provide a justification for the belief that fundamental needs require a response, S.C. Miller develops an idea she calls “the duty to care,” in which she argues that “certain needs require a moral response of care.”⁹⁶ She further explains that if someone has a need, the required response is that someone else give care. This is an interactive process, and although it involves two people (the “caregiver” and the “care receiver”), the perspective of the one needing care is privileged.⁹⁷ She develops the duty to care by meshing feminist care ethics with Kant’s idea of beneficence. S.C. Miller

⁹¹ Sarah Clark Miller, 31-32. I will not expound upon or defend these specific fundamental needs here, but Miller herself does provide some justification for them.

⁹² Ibid., 2.

⁹³ Ibid., 15.

⁹⁴ Ibid., 48.

⁹⁵ Ibid., 46.

⁹⁶ Ibid., 45.

⁹⁷ Ibid., 47.

believes that “the Kantian duty of beneficence provides the foundation for the duty to care, one that explains why we are obligated to respond to certain needs found in others.”⁹⁸

In *The Doctrine of Virtue*,⁹⁹ Kant contrasts the duty of benevolence (which is simply wishing others well, and costs us nothing), with the duty of beneficence, which requires that those who have the means to respond to the real needs of others (such as S.C. Miller’s fundamental needs) are required to do so.¹⁰⁰ But again, *why* is this the case? In short, Kant’s justification goes back to his categorical imperative in its first formulation: “act only according to that maxim through which you can at the same time will that it become a universal law.”¹⁰¹

Kant points out that rational beings cannot help but to hope for their own continued existence and wellbeing. But rational beings also must admit their own finitude. Finite rational beings, then, recognize that their own existence requires the help of others throughout their lives. In a society of finite people who are interdependent upon one another, it is necessary then for a principle of beneficence to become a universal maxim, obligating me to help others who are in need, and obligating others to help me when I am in need. My continued agency requires that my fundamental needs are met, and this requires that if I find myself in need the possibility that others will respond to my need beneficently must remain open.¹⁰² S.C. Miller explains why this is the case:

It is in light of this finitude and interdependence, and because rational beings, as rational, will their own continued existence, that finite rational beings must help

⁹⁸ Sarah Clark Miller, 48.

⁹⁹ Immanuel Kant, *The Doctrine of Virtue: Part II of The Metaphysics of Morals*, trans. Mary J. Gregor (New York: Harper & Row, 1964).

¹⁰⁰ *Ibid.*, 119; Sarah Clark Miller, 54.

¹⁰¹ Kant, *Groundwork*, 4:421.

¹⁰² Sarah Clark Miller, 54-55.

one another in cases of need as they practice the duty to care...[A] principle of non-beneficence or mutual indifference – that one never helps another in need and therefore never receives the help of others when in need – could, without inconsistency, serve as a universal law...Finite rational beings, however, cannot will that this be so, as doing so would destroy the conditions of willing their own continued existence. As finite, they will necessarily experience needs that they cannot themselves meet and will then require the help of others. Under a universal principle of non-beneficence, such help would not be available to them...In willing that this maxim become a universal law of nature, the will of such a man would contradict itself because situations will inevitably arise in which the man of mutual indifference must call for others' help to meet his own needs. He is inevitably dependent on others...It is not enough that individuals not interfere in one another's lives. Well-being for finite rational beings can only come about in a world involving beneficence.¹⁰³

Lest some criticize Kant here for turning the duty to care into a selfish agreement to help others only for the benefit you will yourself eventually reap, Kant does not believe that beneficence is the result of such a cool calculation. He merely points out that “the possibilities of requiring aid and of experiencing need are inescapable for finite rational beings.”¹⁰⁴ Furthermore, his position is one of humility in admitting the interconnectedness and dependence of finite rational agents. The duty to care naturally arises out of this state of weak, dependent commonality, and anyone who believes he or she is above this reality is simply arrogant.¹⁰⁵ In Miller's words, “Obligations arise in the face of human imperfection...One feature of the human condition that Kant cannot ignore is dependency, represented most clearly by the persistent and vast nature of human need, and the resultant requirement of care.”¹⁰⁶

¹⁰³ Sarah Clark Miller, 55-56.

¹⁰⁴ Ibid., 57.

¹⁰⁵ Ibid., 58; Also see Cora Diamond, “The Importance of Being Human,” in *Human Beings*, ed. David Cockburn (Cambridge: Cambridge University Press, 1991), 57.

¹⁰⁶ Sarah Clark Miller, 59-60.

This interdependence of finite rational agents “reveals the relational normativity that connects finite human beings in a common moral community.”¹⁰⁷ Here we can refer back to MacIntyre’s belief that the narrative quests of a community full of people interact with one another. I must be concerned not only with my own story, but with the part I play in the stories of many others. Many of our narratives are “embedded in [the narratives of] others” and “each drama constrains the others.”¹⁰⁸ I believe MacIntyre would agree with S.C. Miller and Kant. Because people are dependent upon one another, living in humble community requires caring for the needs of those whose narrative quests intersect with our own, and accepting care when we find ourselves in need of help.

If we do have a genuine duty of care, what should this practically entail? A more detailed discussion on this matter will be included in Chapter Six, but I will mention a few words here. For her part, S.C. Miller advocates that the duty to care is a “wide duty,” allowing for variety in the caring responses of moral agents who assume the caregiver role. The general duty of care involves *responding* to the fundamental needs of others, but it does not prescribe specific ways in which agents are to respond in order to fulfill their obligations.¹⁰⁹ The one criterion of acceptable response that S.C. Miller imposes requires that caregivers meet the fundamental needs of others in ways that preserve the dignity and agency of those in need.¹¹⁰ Aside from that, there is much freedom in how caregivers administer care to those who are in need.

While S.C. Miller does not give a definitive response to the questions regarding how much care an agent should be obligated to provide and for how long, others have

¹⁰⁷ Sarah Clark Miller, 60.

¹⁰⁸ MacIntyre, 213.

¹⁰⁹ Sarah Clark Miller, 61.

¹¹⁰ *Ibid.*, 62.

made more rigorous attempts to do so. One such moral philosopher, Peter Singer, argues for an extremely comprehensive and demanding response to the vast needs in the world.

In his seminal 1971 paper *Famine, Affluence, and Morality*,¹¹¹ Singer uses the East Bengali crisis (in which East Bengali people were dying from a lack of food, water, and medical care while much of the developed world gave little or no aid) as the backdrop for his argument that something has gone horribly wrong in the way affluent global citizens go about their lives with little or no thought of or action toward alleviating gross socioeconomic injustices around the globe. Singer argues that the way in which people in relatively affluent countries act (or rather fail to act) is inexcusable. Consequently, he claims that our “moral conceptual scheme” needs to be altered, along with “the way of life that has come to be taken for granted in our society.”¹¹²

In order to accomplish this shift in the moral conceptual scheme of his readers, Singer states that he will lay out several assumptions that he believes will be easily (and virtually universally) accepted. He will then argue that *if* his assumptions are accepted (which he believes they will be), then his conclusion *must* be accepted as well. His first assumption is that “the suffering and death from lack of food, shelter, and medical care are bad.”¹¹³ He claims that this assumption is by-and-large universally unquestioned.

Singer’s second assumption is that “if it is in our power to prevent something bad from happening without thereby sacrificing anything of comparable moral importance,

¹¹¹ Peter Singer, “Famine, Affluence, and Morality,” *Philosophy & Public Affairs* 1, no.3 (1972), 229-43, in *The Global Justice Reader*, edited by Thom Brooks (Malden, MA: Blackwell Publishing, 2008), 387-396.

[Much of the explication of this work is taken from my own unpublished paper: Tiffany Beaver, “A Discussion of Global Poverty and International Distributive Justice – What Does Justice Require, and What Are People Responsible to Do?” (University of South Carolina, 2014), 2-8.]

¹¹² Singer, “Famine, Affluence, and Morality,” 388.

¹¹³ *Ibid.*

we ought, morally, to do it.”¹¹⁴ Singer argues that this is also relatively uncontroversial, and does not ask much of people. It carries a negative requirement to prevent what is bad, but no positive requirement to do what is good; also the negative requirement only stands when it can be accomplished without the sacrifice of something else that is equally morally important. Singer offers his classic example of a child drowning in a shallow pond. If I can save the child and the only cost to me is that my clothes will get muddy, this is not a morally significant consequence, and thus I am obligated to save the child.¹¹⁵

This sets up a very weak version of Singer’s argument, because what is required does not involve any great amount of sacrifice. Elsewhere, however, Singer argues more strongly that because we know that many people will not contribute their fair share toward meeting the basic needs of others, those of us who can do more *should* do more.¹¹⁶ Not only should we give to others in need when it will not require us sacrificing anything morally significant, but we should give to others in need “as much as possible, that is, at least up to the point at which by giving more one would begin to cause serious suffering for oneself and one’s dependents...”¹¹⁷

Because our traditional moral categories are now upset, we must reevaluate the traditional distinction between duty and charity.¹¹⁸ When giving to alleviate the suffering of others is viewed as charity, there is no condemnation for those who do not give, and often times praise is offered for those who do give. But when giving to alleviate suffering

¹¹⁴ Singer, “Famine, Affluence, and Morality,” 388. Singer further explains that when he says “without sacrificing anything of comparable moral importance” he means “without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good.”

¹¹⁵ Ibid.

¹¹⁶ Ibid., 389-390. Also see Singer, *The Life You Can Save*, 145.

¹¹⁷ Singer, “Famine, Affluence, and Morality,” 390.

¹¹⁸ Ibid.

is considered to be a duty, there *is* condemnation for those who do not give, and giving is no longer praiseworthy but rather is expected. Giving is no longer supererogatory.¹¹⁹

So what *should* we give then? How much aid are we required to give to those who experience real, fundamental needs? Elsewhere Singer argues that *everything* we make above and beyond what we need for our own bare necessities should be given away. In a 1999 New York Times article, Singer argues that an American household should give away all of their income over \$30,000.¹²⁰ Of course we can adjust this number for inflation, but this still leaves us with a massive amount of money that needs redistribution. As Singer states:

I can see no escape from the conclusion that each one of us with wealth surplus to his or her essential needs should be giving most of it to help people suffering from poverty so dire as to be life-threatening. That's right: I'm saying that you shouldn't buy that new car, take that cruise, redecorate the house or get that pricey new suit...the formula is simple: whatever money you're spending on luxuries not necessities, should be given away.¹²¹

When some have the ability to provide care for the fundamental needs of others who desperately need care, those with this ability are obligated to give (according to Singer) until they have given all of the surplus that is not necessary to their our own fundamental needs. We can clearly see on such a view how need is the primary criterion given consideration when questions of distributive justice arise. All other considerations are deemed trivial in the face of unmet fundamental needs, and those with the ability to alleviate such needs are required to do so, often at considerable cost to themselves.

¹¹⁹ Singer, "Famine, Affluence, and Morality," 391.

¹²⁰ Peter Singer, "The Singer Solution to World Poverty," *The New York Times*, September 5, 1999, in *The Ethical Life: Fundamental Readings in Ethics and Moral Problems*, 2nd ed., ed. Russ Shafer-Landau (New York: Oxford University Press, 2012), 235.

¹²¹ Singer, "Singer Solution," 235. Also refer to similar argument in Singer, *The Life You Can Save*, 149.

While I tend to agree more with S.C. Miller in that the duty to care and to meet the fundamental needs of others is wide, leaving multiple actions and responses open for potential caregivers, I do believe that Singer's view is at least beneficial in that it encourages us to really examine our own lives and the luxuries many of us enjoy. While I do not believe we can so easily place a dollar amount on how much some should be required to give to others, the posture of giving to meet fundamental needs that Singer encourages is, I believe, a beneficial one to consider. Perhaps it should become more natural for us to question our so-called entitlements and to consider the needs of others more than we currently do, even if our responses to these needs are varied and diverse. And again, we will cover some potential practical responses in Chapter Six.

E. Appeals to Virtue

Thus far I have discussed several views of distributive justice: appeals to welfare (i.e. utility), appeals to rights (i.e. freedom, liberty, and fairness), and appeals to needs. A fourth option proposes that distributive justice primarily involves “cultivating virtue and reasoning about the common good.”¹²² Historically, this idea comes from Aristotle, who believed that the *telos* (the purpose, end, or essential value) of a practice was essential in determining its justice. Furthermore, Aristotle believed that debates about justice were much more than debates about right and wrong – they were debates about “honor, virtue, and the nature of the good life.”¹²³

To determine how a good should be distributed, we must first determine the purpose of that good. A person who will use a good most excellently for its intended purpose should be allotted that good. This points to the main criterion of just distribution

¹²² Sandel, *Justice: Right Thing*, 260.

¹²³ *Ibid.*, 186-187.

being that of desert or merit.¹²⁴ But on Aristotle's conception desert or merit is based on excellence of character, not on wealth or birth or numerous other factors.¹²⁵ Those who are deserving of honors and rewards are those who have worked toward promoting a good quality of life for those in their community. Aristotle states:

True justice means that those who have contributed to the end of the city should have privileges in proportion to their contribution to that end. The end of the city is not mere life, nor an alliance for mutual defense; it is the common promotion of a good quality of life...the operative aim is always the promotion of a good quality of life. Those who contribute most to the realization of that aim should in justice have the largest share of office and honour.¹²⁶

Aristotle goes on to argue that the end (*telos*) of the city (or for our purposes we could talk about the end of the communities for which we are a part) is not only to provide an alliance for defense or a means for commercial exchange. Rather, the end of the city should concern itself with ensuring a good quality of character among the members of that society. It should not be enough for the city to ensure mere life, but rather its aim should be a good quality of life for all of its inhabitants.¹²⁷ Aristotle's view proposes shortcomings in the other views presented in this chapter, for as Sandel summarizes Aristotle:

...political community isn't only about protecting property or promoting economic prosperity...political community isn't only about giving the majority its way...the highest end of political association...for Aristotle is to cultivate the virtue of citizens...It's about learning how to live a good life.¹²⁸

This should remind us of Finnis's view of the 'common good'. Remember that on Finnis's view the 'common good' still places high value on the good of individuals, but

¹²⁴ Sandel, *Justice: Right Thing*, 187-188.

¹²⁵ Aristotle, "The Politics," trans. Ernest Barker, in Sandel, *Justice: A Reader*, 287. (Taken from Book III: The Theory of Citizenship and Constitutions, Ch. 9, 1280^a2).

¹²⁶ Aristotle, "The Politics," 1280^a2. (Page 287)

¹²⁷ *Ibid.*, 1280^a25. (Page 288)

¹²⁸ Sandel, *Justice: Right Thing*, 193.

also stresses the importance of individuals working together in community. Finnis's concept of the 'common good' is built on Aristotle's notion of the good life. But how can individuals achieve the good life? In *Nicomachean Ethics* Aristotle explains that we can cultivate virtue through practice.¹²⁹ We deliberate with others regarding right and wrong, good and evil, justice and injustice, and over time we become habituated toward the right things.¹³⁰ It does take practice to know when to do the right thing "to the right person, to the right extent, at the right time, with the right motive, and in the right way."¹³¹

Aristotle's appeal to virtue does not prescribe for us precisely what to do in certain situations. It does not tell us how to go about actually distributing resources. But it does assure us that when we cultivate good habits, these habits develop into good character. Good character results in civic virtue. Those who possess such virtue are able to deliberate using practical wisdom¹³² – a type of wisdom that enables those who possess it to make decisions about particular situations in a manner that benefits humanity. As we engage in life together we practice what it means to be citizens imbued with character, legislating for the good of those around us.¹³³

F. Toward A Theoretical Resolution

1. John Finnis's view of distributive justice. And this brings us ultimately back to John Finnis. In Section II, I laid the foundation for our discussion of distributive justice by explaining Finnis's belief that practically reasonable people recognize that they *are* and *should be* participants in various communities, and also that justice requires such

¹²⁹ Aristotle, *Nicomachean Ethics*, 2nd ed., trans. Terence Irwin (Indianapolis, IN: Hackett Publishing, 1999), 1103a-1103b.

¹³⁰ Sandel, *Justice: Right Thing*, 196-197.

¹³¹ Aristotle, *Nicomachean Ethics*, 1104a and 1109a.

¹³² *Ibid.*, 1141b.

¹³³ Sandel, *Justice: Right Thing*, 199.

people to seek after the common good of those in their communities. In Section III, I articulated that one of Finnis's main concerns regarding distributive justice deals with how to divide up the elements of the common stock and the results of communal enterprises. Finnis does not at all advocate for a Marxist system in which private ownership is denied. Rather, he feels strongly that objects of common stock and communal enterprise *should* be allocated and distributed to individuals, because doing so ultimately increases the common good. He also believes that, to some extent, private individuals should have a great deal of freedom to use the resources they have been given in the ways they see fit. For instance, Finnis states the following:

And in all those fields of activity, including economic activity, where individuals, or families, or other relatively small groups, can help themselves by their own private efforts and initiatives without thereby injuring (either by act or omission) the common good, they are entitled in justice to be allowed to do so, and it is unjust to require them to sacrifice their private initiative by demanding that they participate instead in a public enterprise...The good of *personal autonomy* in community...suggests that the opportunity of exercising some form of private ownership, including of means of production, is in most times and places a requirement of justice.¹³⁴

...individuals, singly or in combination, should have access either directly or (as, for example, in the case of a share-holder in a joint stock company) indirectly to natural resources, capital goods, and/or consumer durables, such access being more or less exclusive (in that he or they are entitled to exclude other individuals from access), more or less immune from divestment by or at the instance of other individuals, and more or less transmissible by him at his choice. The purpose of these rights of exclusion and transmission and immunity from divestment is to give private owners freedom to expend their own creativity, inventiveness, and undeflected care and attention upon the thing(s) in question, to give them security in enjoying the thing(s) or investing or developing them, and to afford the owners the opportunity of exchanging their thing(s) for some alternative item(s) of property seeming to them more suitable to their life-plans.¹³⁵

Finnis points out that such goods, in order for them to be of any benefit at all, must be distributed to someone. But the goal in distributing such goods to some is not so

¹³⁴ Finnis, 169; italics mine.

¹³⁵ Ibid., 171-172.

that they can hoard an excess of goods for themselves (as is often allowed by libertarians), but so that they can use the excess of those goods to benefit the community.¹³⁶ If private ownership is to be distributively just, owners must conform to certain conditions, including an understanding that private owners of natural resources or capital goods have duties to put those resources or goods to productive use, or to give those goods over to others who can put them to productive use for the good of the community. Thus, Finnis states, "...speculative acquisition and disposition of property, for the purposes of merely financial gain uncorrelated with any economically productive development or use, is contrary to distributive justice."¹³⁷ Acquiring and hoarding property for one's own excessive gain is not acceptable, and is a violation of distributive justice. Finnis goes on to explain that a person's holdings beyond what one reasonably needs for himself, his dependents, and co-owners are actually part of the common stock. He explicates the following:

In other words, beyond a certain point, what was commonly available but was justly made private, for the common good, becomes again, in justice, part of the common stock; although appropriated to management and control by an owner or owners, items of private property ('things') are now not for the owners' private benefit but are held by them immediately for common benefit...From this point, owners have, in justice, duties not altogether unlike those of a trustee in English law.¹³⁸

When it comes to distributive justice, Finnis does not advocate for a distribution (or redistribution) of goods that is numerically equal. All members of a community should be *equally considered* in matters of distribution, but this should not mean that everyone is given the exact same things. In Finnis's words, "The objective of justice is not equality but the common good, the flourishing of all members of the community, and

¹³⁶ Finnis, 170.

¹³⁷ Ibid., 172.

¹³⁸ Ibid., 173.

there is no reason to suppose that this flourishing of all is enhanced by treating everyone identically when distributing roles, opportunities, and resources.”¹³⁹ Finnis points out that if the goal of redistribution is to take away fine wine from a few to distribute cheap beer to the masses, this is hardly an example of the demands of distributive justice. But if taking fine wine away from a few can help to provide health, autonomy and self-direction, defense against injustice, and other basic human rights to others, then such a redistribution is exactly what justice requires.¹⁴⁰

If our goal is to promote the good and flourishing of our communities, then it is important to discuss how we should go about resolving the question of distribution. Finnis lays out five criteria for a just distribution of goods. His first (and primary) criterion is *need*. Setting aside situations in which people may be in need because of their own poor choices and decisions, there remain numerous situations of emergency, when people find themselves in grave need due to no fault of their own. Finnis believes that when such emergencies arise, “...a few or even many may rightly be deprived of much in order that those who can defend the whole community against its dangers may be enabled and encouraged to do so.”¹⁴¹ If I myself am a victim of such an emergency, I can only hope that my community will rally around me and pick me up in my distress. A society where this is a common occurrence benefits everyone, because members of such a community can have confidence that their tribe will catch them when calamity strikes. Finnis focuses specifically on needs that arise due to emergencies, but I believe we can extend this to include the needs of those who are in a state of chronic/consistent need due

¹³⁹ Finnis, 174.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

to systemic and structural factors. These types of situations are more in line with how S.C. Miller construes needs and the duty to care for others' needs.

Finnis's second criterion of distributive justice is *function*. As he understands things, function describes a need that is relative to roles and responsibilities in the community.¹⁴² If someone functions as a doctor within her community, she should be allocated the tools and provided with the support needed to fulfill her role. Equipping doctors appropriately provides an obvious benefit to the communities in which they live and work.

Finnis's third criterion of distributive justice is *capacity*. This deals not only with the roles individuals play in communal enterprises, but also to individuals' opportunities for advancement.¹⁴³ It is not unjust to admit that some people will themselves benefit from higher education (and then could subsequently benefit their communities), while other people would not benefit greatly from higher education, but would benefit from apprenticing as carpenters or agricultural workers. People are built and wired differently, with different gifts and talents and skills. Thus, goods should be distributed accordingly. Hammers are useless in the hands of academics, and flutes are useless when given to (non-musical) politicians.

Finnis's fourth criterion of distributive justice deals with *desert and contributions*. Some people engage in actions that deserve recognition. Sometimes people engage in acts of self-sacrifice, and other times they meritoriously use their efforts and abilities for

¹⁴² Finnis, 175.

¹⁴³ Ibid.

the good of others.¹⁴⁴ In such instances, it may be appropriate to recognize their contributions to society through distribution of goods.

Finnis's fifth criterion of distributive justice involves *foresight and forethought regarding risks*. He points out that sometimes individuals create certain risks, or they have foresight regarding potential risks and yet proceed anyway.¹⁴⁵ In such cases, if a person has taken unwarranted liberty in risking common stock assets, what he or she is due in regards to distribution may be impacted. In other words, the community as a whole should not be expected to pay for those who unwisely risk common stock assets and lose.

In considering distributive justice, and in trying to assess when and how to distribute common stock goods and the incidents of communal enterprise so that the good of the community is realized, we must consider what "practical reasonableness *requires* of particular people (in their dealings with other people)."¹⁴⁶ And this ultimately depends on what responsibilities different people have, what commitments they have made (and roles they have assumed) within their societies, what past and present benefits they have received, who is dependent upon them, and what kinds of relationships people have with one another. To some extent, this involves taking into account the interrelationships and interdependencies between the communities "that together make up the whole community of mankind."¹⁴⁷ We cannot fail to consider how our narrative stories intersect and intertwine.

2. Combining needs and virtues. Perhaps it was made clear in the preceding discussion, but for the sake of clarity, I reject the utilitarian view of distributive justice.

¹⁴⁴ Finnis, 175.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

Individual people are far too valuable to be reduced to mere means for the end of collective happiness or pleasure. I also reject the libertarian notion of liberty. As was argued in the discussion of communities, common good, and narrative quests people are not islands of entitlements with no responsibilities to one another other than preserving property. And while the egalitarians move in the right direction in trying to establish the concept of rights, and in trying to determine what distributions are most fair, I believe that sometimes the monumental fundamental needs of others may supersede even rights.¹⁴⁸ Furthermore, it is often the case that rights and needs converge. Comparing the United Nations Declaration of Human Rights with something like S.C. Miller's list of fundamental needs will show numerous such instances of overlap. And in all of this, encouraging the development of virtuous citizens who will shoulder the shared responsibility of pursuing the common good can not be underestimated.

Under Finnis's framework of distributive justice – of discussing how certain resources should be allocated and distributed amongst people – we can appeal to the idea of positive duties, which are duties to provide aid to those who are in need. Positive duties “require that we render assistance to those in distress.”¹⁴⁹ If Finnis is right, and those who have been given a greater allocation of the common stock have been given those resources in order to work toward the common good and to benefit more than just themselves, then we can rightly question a world in which some live in opulence while

¹⁴⁸ Consider such a situation: Many years ago I was given a generous monetary gift at Christmas. I had every right to keep the money and use it as I pleased – after all, it was a gift – and I was a social worker making a pittance. But my sister was in extreme financial distress and could not pay some necessary bills. I felt strongly that her deep *need* for money to meet her fundamental needs superseded my *right* to keep the money, so I gave it to her.

¹⁴⁹ Raymond A. Belliotti, “Negative and Positive Duties,” *Theoria* 47, no.2 (August 1981), 82.

many live in abject poverty, while nevertheless the resources exist to adequately feed and clothe and heal and free those who have been deprived of such provisions.

Distributive justice demands that we fulfill our positive duties to aid the disadvantaged through pursuit of the common good. Fair distribution of common stock products and incidents of communal enterprise include the allocation of adequate goods and services for those who are in need, and we have positive duties to provide for such people out of the common stock and the fruits of our communal enterprises.

Furthermore, working toward this type of just distribution inevitably requires a kind of integrity or virtue. In his support of the Aristotelian stance of the importance of virtues in deliberations of justice, Sandel admits that it is exactly the concept of the good – of placing value judgments on certain actions – that philosophers such as Kant and Rawls hope to avoid. For them, “the right is prior to the good,”¹⁵⁰ and before we engage in moral deliberation we should extract ourselves from any prior attachments, commitments, beliefs, or values. But Sandel believes that this is often not possible, and even if it is possible it is perhaps not desirable.¹⁵¹ He points out that many of the moral debates we care about the most are, at the heart, debates over values and our conceptions of the good life. At the heart of the abortion debate stands the moral and religious controversy concerning when personhood begins. This is a debate over values. At the heart of the debate over same-sex marriage lies the question of the *telos*, or purpose of marriage. This is not fundamentally a debate about rights, but rather a debate about honors, rewards, and recognition.¹⁵²

¹⁵⁰ Sandel, *Justice: Right Thing*, 241.

¹⁵¹ *Ibid.*, 243, 251.

¹⁵² *Ibid.*, 243, 252-254, 257.

It seems counterintuitive to consider what justice should look like when it comes to distribution, and to be barred from considering that perhaps the distribution that is *right* is just so *because* it is a distribution that is *good*. After all, most people can agree that forcing adolescents into sexual servitude is objectively bad, and providing meals for starving children is objectively good. We don't seem to have a problem making value judgments such as these. Furthermore, these value judgments likely help to inform our opinions regarding what acceptable responses might be when we encounter such situations. Should we really be forced to check our values at the door before we begin moral deliberations?

What we value can have a major impact on how we view the distribution of common stock goods and enterprises. If we value the happiness of the majority, we will distribute accordingly. If we value individual rights above all else, we will distribute in a way that protects such rights. If we value fairness and equality, we will devise policies that champion these values and perhaps overlook others. If we value the fulfillment of fundamental needs, we will distribute resources with the goal of satisfying such needs for all. And if we value character, we will work toward structures that reward character development heavily.

Nevertheless, values are not such that we can only hold one value at a time. In reality, we value multiple things at one time, and our values can also change over time. However, of all the views we have discussed thus far, two views (and their accompanying values) seem to me to stand out: appeals to need and appeals to virtue. If we truly wish to deliberate regarding the good life, I do not see how we can overlook the fundamental needs of other people. It seems clear that we are, in fact, members of communities in

which we live, work, play, suffer, rejoice, learn, and need together. Our narrative quests are hopelessly intertwined. Even if we do not agree with something like Singer’s strong view of our obligation toward those in need, it seems unreasonable to ignore the reality of unmet fundamental needs all around us, and to hold tight to a belief that we are ‘entitled’ to our surpluses and relative opulence. And even if we wish to cling to some form of duty (such as a duty to provide for the needs of others based on our own finitude and vulnerability), we can place high value on the cultivation and habituation of virtuous people who will shoulder the heavy civic duty of fighting for the good life for all people – a good life that includes food and shelter and safety and satisfaction of the numerous other fundamental needs required to preserve human agency. Distributive justice hinges on our values. As Sandel states, “Justice is not only about the right way to distribute things. It is also about the right way to value things.”¹⁵³

For these reasons, I believe that we can adopt Finnis’s view of distributive justice, while supporting it with views such as Immanuel Kant’s ascription of dignity to humanity, the egalitarian notions of fairness and human rights, S.C. Miller’s duty to care for the fundamental needs of others, Aristotle’s insistence on the importance of cultivating virtue in individuals, and MacIntyre’s binding thread of our intersecting narrative quests. Thus, we are finally left with a satisfying picture of what justice abstractly requires of us in our dealings with other people.

V. What Boundaries Matter?

A. Patriotism and Cosmopolitanism

I have spent much time in this chapter arguing that all human beings are members of multiple communities, and that justice requires such beings to seek after the common

¹⁵³ Sandel, *Justice: Right Thing*, 261.

good of other individuals in those communities. But this brings up several other related questions: “What are the relevant boundaries of our communities?” “To what extent does the practically reasonable person orient herself to the boundaries of mankind, as opposed to more narrow boundaries?” “Does our duty to distribute or redistribute resources, or to aid those who have needs, have geographic or proximity-based limits?” “Are there some circumstances in which national borders (or some other similar boundaries) might place legitimate constraints on our obligations?” These are questions posed by the contemporary debate between patriotism and cosmopolitanism, and they cannot be ignored if we wish to determine the scope of our duty to favor and foster the common good of our communities.

Those who argue on the side of patriotism (sometimes also referred to as nationalism) place high value on the general idea that special obligations exist among compatriots (i.e. fellow community members).¹⁵⁴ Samuel Scheffler explains that this view exhibits a “common-sense doctrine...that one has distinctive responsibilities (or ‘special obligations’) toward members of ones’ own family and others whom one stands in certain significant sorts of relationships.”¹⁵⁵

For purposes of our discussion, I do not wish to get bogged down with the terms ‘patriotism’ and ‘nationalism’. In general, I especially hesitate to use the term ‘nationalism’ because of its relation to the political notion of a nation-state.¹⁵⁶ Consequently I will stick with using the term ‘patriotism’, and when I use it I intend to

¹⁵⁴ Thom Brooks, “Part V Introduction,” in Brooks, *The Global Justice Reader*, 260.

¹⁵⁵ Samuel Scheffler, “Individual Responsibility in a Global Age,” *Social Philosophy and Policy* 12, no.1 (Winter 1995): 223.

¹⁵⁶ Omar Dahbour, “Three Models of Global Community,” *The Journal of Ethics* 9 (2005), 202. Also see Margaret Moore, “What is a nation?” in *The Ethics of Nationalism* (Oxford: Oxford University Press, 2001), 5-14; Kwame Anthony Appiah, “Cosmopolitan Patriots,” in *For Love of Country? Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston, MA: Beacon Press, 2002), 26-29.

mean something more broad, something that *could* pertain to nation-states, but could also pertain to other special relationships between groups of people such as families, community groups, religious groups, educational or employment institutions, and various other groupings of people that may or may not have anything to do with nationality or with political sovereignty.

Cosmopolitanism is the view that it is our obligation to ensure that all persons share in equality in light of our common humanity.¹⁵⁷ Our primary allegiance should be toward human beings *qua* human being. Diogenes the Cynic expressed this sentiment when he stated, “I am a citizen of the world.”¹⁵⁸ What Justice requires is universal and applies to all people equally, not in virtue of their nationality (or other specific affiliations), but in virtue of their humanity.¹⁵⁹ Peter Singer and Peter Unger both argue along these lines and claim that proximity should have no bearing on ethical decisions, especially when people are needlessly dying.¹⁶⁰

What is of central importance to our discussion hinges on a specific *type* of patriotism and cosmopolitanism. Sarah Clark Miller points out that there are several different varieties of cosmopolitanism (and we can extend these to patriotism) including political, economic, cultural, and moral conceptions. Political conceptions focus on “the nature of international political organization.” Economic conceptions focus on “the development and proper regulation of global economic systems and features.” Cultural conceptions focus on the prevalence of cultural change and the proper role of cultural

¹⁵⁷ Thom Brooks, “Part VI Introduction,” in Brooks, *The Global Justice Reader*, 316.

¹⁵⁸ Quoted in Martha C. Nussbaum, “Patriotism and Cosmopolitanism,” in *For Love of Country? Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston, MA: Beacon Press, 2002), 6.

¹⁵⁹ For more on this idea, see Thomas Pogge, “Moral Universalism and Global Economic Justice,” *World Poverty and Human Rights* (Cambridge: Polity, 2002), 91-117, 230-6, in Brooks, *The Global Justice Reader*, 358-382.

¹⁶⁰ Singer, “Famine Affluence and Morality,” 388; Singer, *The Life You Can Save*, 52, 59-62; Peter Unger, *Living High and Letting Die* (Oxford: Oxford University Press, 1996), 24-36, 53-56.

diversity. But Miller believes these are not the central concerns of the debate. She argues that what we are *really* concerned about when we question the nature and scope of our obligations toward other human beings involves our *moral* commitments.¹⁶¹

B. Ethical Universalism and Ethical Particularism

In his book *On Nationality*, David Miller explains that the main difference between cosmopolitans and patriots can be understood by distinguishing between two competing ideals: ethical universalism and ethical particularism.¹⁶² Ethical universalism uses universal, unbiased principles to determine what we are obligated to do for others (and what others should do for us). Only general facts about others are morally relevant. As D. Miller points out, a universalist principle might be “relieve the needy,” and therefore if another individual is in need and I have resources that could provide relief, I am obligated to do so. *If* I happen to have a special relationship with another individual (i.e. as mother or sister or neighbor, etcetera), these “relational facts” cannot enter into the picture when determining duties or obligations toward others.¹⁶³

Ethical particularism asserts the opposite view. It advocates that our moral deliberations must take into account our pre-existing ties and commitments to other particular agents and groups. Human relationships are “part of the basic subject-matter of ethics.” As such people are encumbered, connected, and morally committed to different individuals in different ways. Appealing to these special relationships and the demands they entail may give us morally satisfactory justification for attending first to the needs of our “compatriots” (or more broadly those with which we have particular relationships).¹⁶⁴

¹⁶¹ Sarah Clark Miller, 121-122.

¹⁶² David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 49.

¹⁶³ *Ibid.*, 50.

¹⁶⁴ *Ibid.*, 50-51.

Perhaps what is most intriguing about David Miller's conception, however, is that he believes the division between moral universalism and moral particularism is not rigid. He states, "[I]t is possible to start from a universalist position and then move some considerable distance to accommodate particularist concerns, and vice versa."¹⁶⁵ This is, I believe, especially encouraging, because as Miller also points out both of these views possess strong supportive arguments. It is not difficult for us to intuitively value human beings *qua* human being. And it is also natural for us to feel strong allegiances toward those with which we stand in various relations, and to take seriously the demands that those relationships and memberships seemingly impose.¹⁶⁶

So how might one go about converging these two views, or moving from one toward another on a continuum? First let us consider beginning with universalist convictions. How might we incorporate particularist concerns? One way is for us to affirm that our ultimate allegiance is toward the whole of humanity, but the best way to practically pursue this value is to start with those closest to us and work our way outward. This helps us to better coordinate our efforts to meet the needs of others because we can more easily see and understand how to meet the needs of those nearer to us, and it is simply more feasible for us to transfer resources into our own families and communities.¹⁶⁷ For example, Miller explains,

I am likely to know *in detail* what members of my family need, and I can get resources to them easily. So, we require conventions to decide who is to discharge duties such as this in particular cases, and it is easy to see that the most effective conventions will be ones that take account of relationships like those we find in families. Let us call this the '**useful convention**' method of getting from universal duties to particular ones.¹⁶⁸

¹⁶⁵ David Miller, 49.

¹⁶⁶ Ibid., 51.

¹⁶⁷ Ibid., 51-52.

¹⁶⁸ Ibid., 52. (emphasis added).

Another way of moving from universalist toward particularist commitments is to recognize that human agents are capable of entering into contracts or making promises with one another, and when we do so we take on special duties toward those others. All of our relationships flow from voluntary associations – even our familial relationships. In D. Miller’s words, “I am entitled freely to enter such associations, and once I have become a member I am subject to the rules and obligations of membership.”¹⁶⁹ D. Miller calls this the ‘**voluntary creation**’ of particular duties ultimately rooted in universal duties. People have the “moral power to bind themselves into special relationships with ethical content.”¹⁷⁰ One obvious weakness of this view is that it cannot account for relationships that seem to have no voluntary content. Often times people do not choose their governments. And while an argument could be made that by living in a certain society you are implicitly agreeing (through social contract, perhaps) to the responsibilities and privileges of that society, nevertheless children do not choose their parents, so on this view how can one ground one of the most fundamentally recognized special relationships – that of child to parent(s)?

Of course one answer to such criticism is to adopt the alternative view – that of the particularist – and then to move toward explaining how a particularist might accommodate universalist convictions. David Miller explains the particularist conception in the following way:

The picture of ethical life favored by particularists tends to be pluralistic. This is, we are tied in to many different relationships – families, work groups, voluntary associations, religious and other such communities, nations – each of which makes demands on us, and there is no single overarching perspective from which we can order or rank these demands. In case of conflict – say, where I have to decide whether to use my resources to help my brother or my colleague at work –

¹⁶⁹ David Miller, 52.

¹⁷⁰ Ibid., 53. (emphasis added).

I simply have to weigh their respective claims, reflecting both on the nature of my relationship to the two individuals and on the benefits that each would get from the help I can give. Given a picture of this kind, it is relatively straightforward to include the claim that I owe something to my fellow human beings considered merely as such. The relationships in which I stand vary considerably in their complexity and closeness. There is nothing in particularism which prevents me from recognizing that I stand in *some* relationship to all other human beings by virtue of our common humanity and our sharing of a single world. The problem is rather to decide on what ethical demands stem from this relationship, and to weigh it against other more specific loyalties.¹⁷¹

In D. Miller's opinion, the ethical universalist's position is untenable because it "draws a sharp line between moral agency and personal identity on the one hand, and between moral agency and personal motivation on the other."¹⁷² As we have already explored earlier in our discussion of MacIntyre, he asserts that "I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point."¹⁷³ This "moral starting point" is an inherited one – it is not one we specifically choose. If we are forced to discount elements of our personal identity – who we are and where we come from – we are forced to make ethical decisions in a contrived atmosphere and we are expected to discredit what should be real, valid ethical considerations. Gertrude Himmelfarb argues along these lines when she states:

Above all, what cosmopolitanism obscures, even denies, are the givens of life: parents, ancestors, family, race, religion, heritage, history, culture, tradition, community – and nationality. These are not "accidental" attributes of the individual. They are essential attributes. We do not come into the world as free-floating, autonomous individuals. We come into it complete with all the particular, defining characteristics that go into a fully formed human being, a being with an identity. Identity is neither an accident nor a matter of choice. It is given, not willed...To pledge one's "fundamental allegiance" to cosmopolitanism

¹⁷¹ David Miller, 53.

¹⁷² Ibid., 57.

¹⁷³ MacIntyre, 220.

is to try to transcend...all the actualities, particularities, and realities of life that constitute one's natural identity.¹⁷⁴

On the particularist view, special relationships are not morally arbitrary or irrelevant. Rather, they are our ethical starting point. And even when we do not choose these special relationships, they can make claims on us. Along these lines, Sandel argues that “obligations of solidarity or membership may claim us for reasons unrelated to a choice – reasons bound up with the narratives by which we interpret our lives and the communities we inhabit.”¹⁷⁵

C. “Moderate Patriotism” and “Conditional Cosmopolitanism”

In an essay titled “In Defense of ‘Moderate Patriotism’,” Stephen Nathanson argues that admitting to a universal morality does not necessitate disregarding special ties to particular individuals. He asserts, “Commonsense morality certainly permits and encourages local loyalties and even frowns on extreme detachment or total impartiality.”¹⁷⁶ He does not believe that universal morality is inconsistent with allowing for special obligations and other particularist commitments.¹⁷⁷ His view, which he calls “moderate patriotism,” advocates that particularist commitments are “perfectly permissible” and exhibit “important virtues” in people, so long as these are not exclusive commitments, and so long as they do not violate the rights of members outside these particular relationships.¹⁷⁸ We *should* be committed to universal moral principles – principles that protect the basic rights of all human beings – and these principles may sanction our special obligations and may place constraints on the actions that are

¹⁷⁴ Gertrude Himmelfarb, “The Illusions of Cosmopolitanism,” in Cohen, 77.

¹⁷⁵ Sandel, *Justice: Right Thing*, 241.

¹⁷⁶ Stephen Nathanson, “In Defense of ‘Moderate Patriotism,’” *Ethics* 99, no.3 (1989), 542.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid., 538.

permissible for us to take on behalf of our particularist connections.¹⁷⁹ When certain actions are objectively morally wrong, we are not permitted to engage in them, even if doing so would prove to benefit those with whom we have special relationships.¹⁸⁰ Simply stated, “Moderate patriots distinguish between patriotism and morality and seek to subject patriotism to moral constraints.”¹⁸¹

I personally find Nathanson’s stance to be attractive. It renders “the demands of national loyalty” (and I would broaden this to include particularist special relationships of all sorts) compatible with “the requirements of universal morality.” It is good for people to be ‘patriotic’, but this is conditional depending on whether this patriotism conflicts with the demands of universal morality.¹⁸²

I would like, however, to propose a slight shift in focus from privileging patriotism to a focus on privileging cosmopolitanism under certain circumstances. Let me explain. By naming his view ‘moderate patriotism’, Nathanson places the focus on patriotism *as long as* certain conditions are met. I think however, in some extreme situations, we should become what I like to refer to as ‘conditional cosmopolitans’ first and foremost. In instances where the demands of universal morality are gravely violated, we should become ‘conditional cosmopolitans’, acting and reacting from a position of privileging and valuing the fundamental rights and needs of global citizens above particularist relationships. This may seem to be just a difference of semantics, but sometimes the words we choose to privilege matter. And while being a citizen of the world does not nullify my other citizenships, in some extreme situations my global

¹⁷⁹ Nathanson, 542.

¹⁸⁰ Ibid., 543.

¹⁸¹ Ibid., 547.

¹⁸² Ibid., 551.

citizenship should stand as my primary commitment. So perhaps what I'm advocating is that in many situations (on a more regular basis) we can rightfully ascribe to 'moderate patriotism'. But in certain other extreme circumstances, we should become 'conditional cosmopolitans', working tirelessly to see the demands of global justice recognized for all people, while placing our particularist commitments on the back burner. But what types of situations would warrant this shift? I have in mind the most egregious human rights violations, such as those committed against the extremely poor in denying them food and shelter and employment opportunities, or the withholding of autonomy and bodily integrity from those who are physically enslaved.¹⁸³ When it comes to addressing these types of injustices and deprivations, perhaps the best view to take is one of 'conditional cosmopolitanism' – i.e. when these conditions apply our allegiance is to humanity above all.¹⁸⁴

VI. Conclusion

In this chapter I have advocated that practically reasonable people recognize that they are members of communities, and that they should care about justice within their communities. Furthermore, such people recognize that the narrative quests of their lives intersect with the narrative quests of many others. Because life for human beings is life in communities, it is fitting for us to concern ourselves with pursuing justice for all those in our shared communities and shared world.

¹⁸³ This is not an exhaustive list, but rather just a few representative examples of grave human rights violations that might qualify for demanding a stance of 'conditional cosmopolitanism'.

¹⁸⁴ A concrete example might go something like this: My daughter could benefit from braces. But I also become aware of a child in India who is being held as a sex slave and exploited daily. I also know of a way to divert the money I *would* spend on my daughter's braces, and I can instead provide freedom and restoration to the enslaved child. Conditional cosmopolitanism would say that in this instance, I should privilege my cosmopolitan responsibilities over my particularist ones (i.e. my daughter doesn't get braces, but a formerly enslaved child gains freedom).

Of specific concern in this chapter regards what pursuing *distributive* justice should entail – when it comes to distributing common stock resources and the incidents of communal enterprises, on what criteria should such distributions be made? We have explored distributions according to welfare (utilitarianism), distributions according to freedom and rights (Kant, libertarianism, and egalitarianism), distributions according to needs, and distributions according to virtues and values. I have advocated that the most compelling criteria for distribution includes considering together both the fundamental needs of others and the development of good character in one another. If we consider distributive justice with these ideals in mind, we can humbly admit that we are all weak, vulnerable, finite, and needy, and we can work toward developing moral character in one another that will place the meeting of our fundamental needs as the highest of priorities.

Furthermore, in this chapter I have admitted and recognized that we stand in special relationships with some individuals and groups that we do not experience with all people globally. I have admitted that I do believe that these special relationships can and do hold moral value. But I have also advocated that under certain extreme circumstances, when the needs of others are gravely endangered, or when their fundamental rights are horribly denied, we should adopt a stance of ‘conditional cosmopolitanism’ in which we privilege our allegiance to humanity above all, even if this means sacrificing some of our more specific special relationships and obligations.

Ultimately, I have not yet made a case for any *specific* distributions of *specific* resources. I will do this (in a roundabout way) in Chapter Six, although only specifically as relates to modern slavery. But I do hope that this chapter has served to provide a compelling argument that the lives of individual people, the meeting of their fundamental

needs, and the development of virtue within a community is of chief concern when we deliberate regarding distributive justice. When I ask myself, “To whom do I owe what when it comes to distributive justice?” I believe my answer should be, “I owe quite a bit to those in need if their fundamental needs are unmet and mine are met in abundance.”

CHAPTER 4

COMMUTATIVE JUSTICE

I. Introduction

I began the previous chapter by arguing alongside Finnis that practically reasonable people accept certain responsibilities and commitments to favor and foster the common good of *all* people within a shared community. I then fleshed out this idea of living in shared communities by appealing to MacIntyre's concept of the narrative quest. This concept paints a vivid picture of a world in which we all live out narrative stories, and our stories touch and are touched by the stories of others. How I live my life has implications for others, because I am a part of their stories, and they are a part of mine. This interconnectedness of lives lived in communities is crucial to our understanding of what justice should look like for human beings within those communities.

The topic of the previous chapter dealt with Finnis's first broad class of problems related to justice – *distributive justice* – which is concerned with determining how 'common stock' resources and incidents of communal enterprise should be allocated and distributed throughout communities of people. This present chapter deals with the second class of problems, which Finnis describes as problems of *commutative justice*. He describes commutative justice as follows:

There is a vast range of relationships and dealings between persons (including dealings between officials and individuals) in which neither the requirements or incidents of communal enterprise nor the distribution (whether by public or

private owners) of a common stock are directly at stake, but in which there can be question of what is fitting, fair, or just as between the parties to the relationship.¹

Commutative justice, then, deals not with distributing common resources and privileges among individuals in communities, but rather with assuring that people treat those with whom they have relationships in ways that are fitting and fair. This still hinges on our foundation of favoring and fostering the common good of community members, and recognizing that our narrative quests are intricately intertwined with one another. But as we will soon see these ideals take on additional significance when applied to our more specific human interactions and connections as opposed to our shared resources.

II. Commutative Justice Explained

A. 'Corrective' or 'Commutative'?

In much of the literature dealing with justice, the counterpart to distributive justice is identified as *corrective* justice² (not *commutative* justice). Finnis explains that this categorization can be traced back to Aristotle, who wished to divide the field of problems related to justice into two broad classes. He categorized the first class, *distributive justice*, in much the same way as has already been characterized in the previous chapter. His second class, which he named *corrective justice*, deals with “justice that rectifies or remedies inequalities which arise in dealings...between individuals.”³ Under this type of view, distributive justice can be seen as a type of ideal theory in which fair shares and fair allocations of resources is the goal, and when a community falls short of that goal then the need for compensation for injuries and remedies for damages arises.

¹ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 178.

² Christopher Arnold, “Corrective Justice,” *Ethics* 90, no. 2 (January 1980): 181-182; W.D. Lamont, “Justice: Distributive and Corrective,” *Philosophy* 16, no.61 (January 1941): 3; Ernest J. Weinrib, *Corrective Justice* (Oxford: Oxford University Press, 2012): 6.

³ Finnis, 178.

The gap between what *should be* the case in distributive justice and what *actually is* the case in a given society sets up the need for corrective justice.⁴ Or as W.D. Lamont states, “Corrective Justice comes into operation when the scheme created by distributive justice has been infringed; and it may take the form either of Reparation or of Punishment.”⁵

In his book titled *Corrective Justice*, law professor Ernest J. Weinrib sets out to discuss the relationships that people share with one another, and more specifically the ways in which one person may be found to be liable to another.⁶ Weinrib appeals to Aristotle to explain his thought of liability further. The idea is that in relationships, the opposing parties can have active and passive roles in relation to the same injustice – one is the *doer* of injustice, and the other is the *sufferer* of that same injustice. The question, then, is what should be done in such situations to remedy or make restitution to those who have suffered such injustices?⁷ What should the party liable for an injustice do to remedy the situation for the sufferer of injustice?

But Finnis is not satisfied with granting that *corrective justice* is the sole counterpart to *distributive justice*. While corrective justice rightly emphasizes correction and restitution and remedy in situations when one person injures another, or when one person fails to follow through with an agreement or contract, this still “leaves untouched a wide range of problems.”⁸ Thomas Aquinas recognized this, and consequently took Aristotle’s view of corrective justice and broadened it, inventing a new term: *commutative justice*.⁹ In Aquinas’s usage, this new term “is limited neither to correction

⁴ Arnold, 181-182.

⁵ Lamont, 3.

⁶ Weinrib, 1.

⁷ *Ibid.*, 2. (Later in this chapter we will discuss the notion of liability in more detail, especially as it relates to notions of guilt and responsibility).

⁸ Finnis, 178.

⁹ *Ibid.*, 179.

nor to voluntary or business transactions,” but rather it also incorporates the whole field of human interactions, with the goal of determining “what dealings are proper between persons (including groups).”¹⁰ So whereas *corrective* justice covers how to make things right in retrospect (i.e. how to remedy or restore following an injustice), *commutative* justice considers the whole of human interactions to determine what justice requires of us as we live intersecting lives in a shared world. This does undoubtedly involve remedy and restoration and restitution. But it also involves so much more, including determining proper interactions between people in prospect (i.e. with the goal toward preventing future injustices). Stated another way, commutative justice asks *all* of the following questions: “What are the standards of conduct which individuals must live up to in relation to their ‘neighbors’?” “What should be the extent of liability of one who fails to live up to those standards of conduct?” and “How should those injured by the wrongs of others be restored to their former condition?”¹¹ These questions consider how we should treat each other *all the time*, whether or not we have already acted unjustly toward others.

In my realm of the world, used car salesmen get a really bad rap. They are generally assumed to be dishonest hustlers who will tell you anything to get you to buy their cars. Maybe this is true, or perhaps it is an unfair overgeneralization. Regardless, appealing to commutative justice can help us to understand a wide gamut of potential interactions between the salesmen and their customers. Commutative justice governs proper standards of conduct in sales interactions, for instance what kinds of things are permissible to say, and what is impermissible to say in order to sell a car. What level of transparency is required regarding the past history of a used car, and what monetary value

¹⁰ Finnis, 179.

¹¹ Ibid., 180.

constitutes a fair asking price? These questions are not concerned with remedying an injustice already committed, but rather they are helpful questions to govern the buying and selling of used cars at the outset. Of course, these transactions are not always seamless. Sometimes a salesman crosses certain lines and gives false information about a used car such that a buyer overpays, or ends up with a lemon when he was promised reliable transportation, or when the terms of the financing contract are misconstrued, or when a whole host of other conditions are not as they were promised to be. In such situations commutative justice may require that remedy or restitution or restoration is necessary. But as this example hopefully shows, commutative justice covers both the setting up of just standards of conduct, *and* the providing for restitution or restoration when those standards of conduct are broken.

B. Aspects of Commutative Justice

On Finnis's view, there are at least five aspects of commutative justice. First, commutative justice may concern relations between ascertained individuals. If one person *A* makes a contract with another person *B*, then *A* is required in commutative justice to uphold the contract with *B*, or to pay damages to *B* in the event that she fails to uphold the contract. As Finnis states, "...adherence to these duties of commutative justice between one individual and another is an integral and indispensable aspect of respect and favour for the common good. How can a society be said to be well-off in which individuals do not respect each other's rights?"¹² Of central importance to this first of Finnis's five aspects of commutative justice is the focus on the relationship between two specific individuals.

¹² Finnis, 184.

Second, "...an individual may have a duty in commutative justice to *many* more or less ascertained individuals."¹³ In such instances a subject *A* finds herself in some sort of relevant relationship with *multiple* other subjects *B, C, D...*etcetera. These relevant others are known to the subject – they are not some nebulous ‘other’.

Third, "...an individual may have duties in commutative justice to many more or less *unascertained* individuals."¹⁴ In other words, it is possible that person *A* has duties to persons *B, C, D...*etcetera, but these other persons are not specifically known to *A*. Finnis envisions here that an individual *A* might exploit or free-ride on some system in a way that is advantageous to himself, all the while knowing that supporting such a system is harmful to some (or perhaps even many) others who are not specifically known to *A*. It may be the case that abandoning such a scheme and instead following another scheme, or even returning to another previous scheme, might be better to many other unascertained individuals. If *A* ignores this reality and continues to exploit such a system to his own advantage and to the detriment of numerous unidentified others, this is seen as commutatively unjust.¹⁵

Finnis’s fourth and fifth aspects are closely related, and deal with relations to government. The fourth aspect of commutative justice establishes that "...one (any individual) has duties in commutative justice to the governing authorities of one’s community."¹⁶ This includes the duty to conform to just (and sometimes unjust) laws.

¹³ Finnis, 184. (italics mine).

¹⁴ Ibid. (italics mine).

¹⁵ Ibid.

¹⁶ Ibid.

The fifth aspect of commutative justice establishes that “...persons holding public authority...owe duties of commutative justice to those subject to their authority.”¹⁷ So both of these aspects of commutative justice deal with the reciprocal nature of membership in communities – community members are expected to uphold the rules and laws of their communities, and public officials in such communities are accountable to their subjects and are expected to work toward preserving justice for community members. Finnis points out, for example, that a judge’s duty to faithfully apply the law is what is required of her in her official dealings with others under her jurisdiction.¹⁸

C. Commutative Justice and Negative Duties

In the previous chapter I mentioned that *distributive justice* can be linked to positive duties, which are duties to provide aid to those who are in need, and “require that we render assistance to those in distress.”¹⁹ Similarly, *commutative justice* can be loosely linked to another type of duties – negative duties – which “require that we refrain from harming and injuring others.”²⁰ One extremely simple explanation of these two types of duties states, “A negative duty is a duty not to do something, a duty of omission. A positive duty is a duty to do something, and cannot be fulfilled by inaction.”²¹

When I claim that commutative justice and negative duties are *loosely* related, this is because it is not the case that commutative justice and negative duties provide a 1:1 mapping onto one another. For instance, while the demands of commutative justice definitely include refraining from harming others, they also involve restoration *when* we

¹⁷ Finnis, 184.

¹⁸ Ibid., 179-180.

¹⁹ Raymond A. Belliotti, “Negative and Positive Duties,” *Theoria* 47, no.2 (August 1981), 82.

²⁰ Ibid.

²¹ Marcus G. Singer, “Negative and Positive Duties,” *The Philosophical Quarterly* 15, no. 59 (1965), 98-99.

have harmed others. Commutative justice involves more than mere duties of omission. It also involves duties of active retribution, restitution, reparation, and restoration. The need to make restitution after a failure of a negative duty serves as the grounds for a positive obligation, and these are both components of the requirements of commutative justice.

However, pointing out the correlation between commutative justice and negative duties is important, I believe, because we can draw from some of the literature dealing with negative duties as we further explore questions surrounding commutative justice. For instance, who are our ‘neighbors’, and are we responsible in commutative justice toward other individuals only, or perhaps also to groups? Must we know the ‘others’ with whom we share relevant relationships? And is it possible to be responsible for things that happen to others without being guilty/culpable for wrongs committed against them? Some theories of negative duties deal with these questions, and can be helpful as we also deal with these questions in the sections that follow.

III. Comparing Responsibility, Fault/Blame, and Guilt/Culpability

A. Introductory Remarks

Philosopher Herbert Morris points out that a person may be held *responsible* for contributing to an injustice, but still be absolved from *guilt*. Thus, contributing to injustice does not *necessarily* result in guilt on the part of the actor. However, when a person commits a wrongdoing and is at fault for such a wrongdoing, *then* that person is also *guilty*.²²

Finnis seems to agree with drawing distinctions between some of these concepts. He points out that in some instances a person may fail to follow through on a contract,

²² Herbert Morris, *On Guilt and Innocence: Essays in Legal Philosophy and Moral Psychology* (Berkeley: University of California Press, 1976), 97-98.

and should be required to pay damages (i.e. held responsible in some capacity), even though her failure may not have been culpable (i.e. blameworthy).²³ This is perhaps an example of injustice without fault, which results in responsibility without culpability/guilt.

Therefore, for us to fruitfully consider the nature and requirements of commutative justice, we must determine when we may be *guilty/culpable* of certain injustices, and when we may be *responsible* (but not guilty) for certain injustices or responsible for certain *responses* (or lack of response). Furthermore, we must consider if/when when are expected to make restitution or reparation or restoration due to our actions or failures. Does such a requirement present only when we are guilty of injustice, or do we also have restorative obligations when we are responsible in some capacity, but fall short of being guilty of injustice?

B. Guilt and Fault

One common motivation for wanting to assign moral responsibility (as well as criminal and civil responsibility) to an agent for an injustice is because we have a strong desire to establish “who dunnit”.²⁴ We want to know who *caused* a given harm, and therefore who is *to blame* for that harm. Iris Marion Young explains that under standard frameworks of moral and legal responsibility, “it is necessary to connect a person’s deed linearly to the harm for which we seek to assign responsibility.”²⁵ Under this standard framework, which she names the liability model of responsibility, she points out that ascribing guilt or blame necessitates that “there should be clear rules of evidence, not only for demonstrating the causal connection between this agent and a harm, but also for

²³ Finnis, 183.

²⁴ Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), 95.

²⁵ *Ibid.*, 96.

evaluating the intentions, motives, and consequences of actions.”²⁶ Whereas Morris asserts that wrongdoing and fault are necessary to determine guilt, Young seems to equate fault with blame. So the question remains, when is it appropriate to ascribe *blame* or *fault* to someone for an unjust action? If we can rightly determine blame or fault, we can ascribe guilt or culpability.

Political and legal philosopher Joel Feinberg points out that when considering the *legal* test of wrongdoing, intention is vitally important.²⁷ Whether or not an agent is *morally* blameworthy may also depend upon the intentions, motives, and consequences of his actions.²⁸ According to Feinberg, someone may commit *intentional* wrongdoing if he (a) “acts with a wrongful conscious objective” or (b) “knowingly produces a forbidden result even incidentally as a kind of side-effect of his effort to achieve his objective.”²⁹ In the first instance, the wrongdoing is the intentional conscious objective of the actor in question. In the second instance, the wrongdoing is not the intentional objective, but rather a known, forbidden side effect. The actor knows that quite likely if she completes the action, a forbidden side effect will occur. Feinberg labels this *recklessness*, and states that recklessness is characterized by the existence of *risk*, and is present when the actor is willing to unreasonably gamble her own interests or the interests of others.³⁰ In the first instance (a) it seems right to assign moral blame to an actor who consciously, intentionally commits wrongdoing. Many would also assign moral blame in the second instance (b) because in such instances, actors are fully aware that their actions will (or

²⁶ Young, 98-99.

²⁷ Joel Feinberg, *Doing and Deserving* (Princeton, NJ: Princeton University Press, 1970), 192.

²⁸ Young, 98-99.

²⁹ Feinberg, 192.

³⁰ *Ibid.*

will very likely) bring about forbidden (blameworthy) consequences. In such instances, the ascription of blame, or fault, results in guilt on behalf of the actor/agent.

C. Responsibility without Guilt

Sometimes we may act within our rights, or we may follow through with actions which may not in themselves be wrong, but nevertheless cause some harm to befall others. In such instances it may be said that we have participated in injustice, or that we carry some level of responsibility for injustice, but fall short of being (morally) blameworthy or guilty.³¹ As Herbert Morris explains,

...a person might admit that he was responsible for some harmful occurrence and reject the appropriateness of his being blamed or *held* responsible, for he may argue that he was without fault. That is, he may argue that his conduct met standards for proper conduct in the circumstances.³²

Suppose a baseball pitcher aspires to perfect his curve ball. He knows that he has a tendency to throw just a hair too close to batters (occasionally hitting them), but he has been practicing all season to master a curve ball that is close enough to batters to make it difficult for them to hit, but far enough away to reduce the risk of hitting them. Suppose the pitcher throws a curve ball that accidentally hits a batter and incapacitates him for the remainder of the game. The pitcher has acted within his rights and the rules of the game to throw a curve ball. It's just a fact of baseball that sometimes batters get hit. Nevertheless, *responsibility* for the batter's injury lies with the pitcher, although we would not likely go so far as to ascribe *moral* blame or culpability toward the pitcher. He did not intend to hit the batter. He had been practicing relentlessly so that he would *not* hit batters with his curve ball, and his curve ball had improved. He just wasn't quite there

³¹ I might still be held legally responsible, especially if someone needs to pay for some sort of damage, but this does not necessitate my being morally culpable for some injustice I committed. I could, perhaps, carry a clean conscience, despite my responsibility for injustice and my obligation to provide restitution.

³² Morris, 113.

yet. Some might object that we do not hold the batter responsible at all. However, even though he lacks culpability, we might still expect him to apologize to the batter, or send a heartfelt card as the batter recovers from his injury, or provide assistance to the batter's family if he is more seriously incapacitated. Lack of moral blameworthiness does not necessarily negate other forms of responsibility, nor does it rule out the need perform certain responsive actions when one is responsible for a harm.

This illustrates that sometimes people can be held responsible for actions they commit, but assigning responsibility for such actions does not *necessitate* a judgment of moral blameworthiness. People can be *responsible for* injustice without being *guilty of* doing something wrong.

What would make someone responsible for injustice but not morally blameworthy or guilty? Iris Marion Young puts forth a possible answer that hinges on the collective actions of multiple people combining together to produce injustices for multiple other people and groups. In her book *Responsibility for Justice*, Young is especially concerned with structural injustice, which she claims is the result of social processes that disadvantage some while simultaneously advantaging others. She states,

Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms.³³

Young appeals to political philosopher Hannah Arendt, who believes that guilt and blame cannot be applied to entire groups or collectives, but rather only specific deeds

³³ Young, 52.

can be assessed as guilt inducing.³⁴ Arendt states, “Where all are guilty, nobody is. Guilt, unlike responsibility, always singles out; it is strictly personal. It refers to an act, not to intentions and potentialities.”³⁵ Arendt uses the paradigm example of Nazi Germany to argue her point, stating that it is inappropriate to label the whole German people as *guilty* for Nazi crimes just because they lived in that society, passively allowing its crimes and wrongs. But although a collective and its members cannot be *guilty* of wrongdoing, Arendt does not deny that a collective and its members may be *responsible* in a different sense.³⁶ Those who supported the Nazi regime may not have been guilty of killing Jews, but they still bear some responsibility for what happened in their country under their noses, and often times with their tacit permission.³⁷ Such people *did* things (or *failed to do* things) that indirectly contributed to the enactment of crimes or wrongs, and thus bear some responsibility for the consequences of those wrongs. On Arendt’s view, only a relatively small number of people under the Nazi regime were both responsible *and* guilty. But many people share responsibility without guilt.³⁸

My ultimate goal here, which I believe Arendt helps us to see, is to show that the concept of responsibility without fault or guilt is both coherent/viable and needed/helpful. Arendt uses the historical example of Nazi Germany to argue that *many* people bore some responsibility for the extermination of Jews even though they were not guilty of killing Jews. A similar story could be told of many Americans during several centuries of slavery and racial inequality. Many Northern Americans were not slaveholders, nor were

³⁴ Young, 76.

³⁵ Hannah Arendt, “Collective Responsibility,” in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), 147.

³⁶ Young, 77.

³⁷ *Ibid.*, 78-79; Hannah Arendt, “Organized Guilt and Universal Responsibility,” in *Essays in Understanding, 1930-1954*, ed. Jerome Kohn (New York: Harcourt-Brace, 1994), 125.

³⁸ Young, 78, 80; Arendt, “Organized Guilt,” 125.

they involved themselves in the slave trade. More surprisingly, a majority of Southerners were also not slaveholders.³⁹ Only a small percentage of Southerners – the most wealthy – owned slaves. Arendt would likely ascribe *guilt* and *blame* for slavery to those who devised and maintained the system, and who physically held slaves. But although that only included a relatively small number of people, she would also ascribe *responsibility* to many others. Many Northerners could arguably have done more to fight against slavery. For instance, how many of them became a part of the Underground Railroad? How many of them became active participants in the abolitionist movement? Many Southerners could have done more as well. How many of them rallied against pro-slavery legislation? How many of them left their ground-floor church pews to venture into the ‘colored’ balconies to converse and build friendships with their dark-skinned neighbors? How many of them stepped in to prevent blatant physical abuse of slaves in public places? During the Jim Crow era, how many whites drank from ‘colored’ fountains as evidence that they were not dirty or diseased?

Just like many twentieth century Germans did nothing to oppose the Third Reich and protect their Jewish neighbors, many eighteenth, nineteenth, and twentieth century Americans did little to oppose the wrongs committed against their black brothers and sisters. And while we may be leery to label them as *guilty* for not risking their own lives and families to harbor runaway slaves, we feel right in ascribing some level of *responsibility* toward them for injustices that were allowed to continue for generations. After all, if more individuals had acted with greater courage, or if a great majority of both

³⁹ “Conditions of antebellum slavery,” PBS Online, accessed May 21, 2018, <http://www.pbs.org/wgbh/aia/part4/4p2956.html>.

Northerners and Southerners had risen up against the institution of slavery, perhaps history would tell a different story than it now does.

I will offer one more example, this time a modern hypothetical, to further illustrate both the viability and the necessity of ascribing responsibility without guilt.⁴⁰ Consider an instance of school bullying, which unfortunately is an all-too-common occurrence today amongst adolescents and teens. Suppose a ninth grade boy is being teased and bullied relentlessly by two of the most popular football players. This abuse happens in public, and numerous bystanders are aware of the bullying. We can easily ascribe guilt and fault to the two bullying football players. Furthermore, it does *not* seem right to ascribe *guilt* toward the bystanders (presuming they are actually just bystanders, and not instigators or supporters of the bullying). But to the extent that each of the bystanders *could* do certain things to help protect the bullied boy, they are *responsible* when they fail to do these things. One student might be a teammate of the bullying jocks and could step between the bullies and the victim. Another student might feel comfortable informing a guidance counselor or an administrator. Still another student could befriend the victim to provide emotional support. Another student could advocate for awareness programs and tougher consequences for school bullies. To the extent that these other students stand silently by and allow bullying to continue, they share in responsibility for this injustice.

The above example also illustrates one other important component of responsibility for injustice. Different people may bear different responsibilities, and may consequently be obligated to act in multiple different ways as they respond to injustices around them. For instance, a respected teammate of the bullies may be obligated to speak

⁴⁰ I am indebted to Christopher Tollefsen for pointing out a version of this example.

up and call them out. A friend of the victim who is seen as a social outcast may need to inform a counselor or administrator rather than challenge the bullies. A student government member may be best situated to bring up systemic inefficiencies and inadequate bullying policies. How multiple students discharge (or execute) their responsibilities may vary given their different abilities, opportunities, positions of influence, side effects of interventions, and numerous other factors. Furthermore, certain groups of students (say the entire student government association working together) may also bear a collective responsibility to work towards changing the culture of bullying in their school. As Winston Churchill once stated: “Where there is great power there is great responsibility, where there is less power there is less responsibility, and where there is no power there can, I think, be no responsibility.”⁴¹ A person’s position and power affects the nature and scope of his or her responsibility. And similarly, the position and power of certain groups of people may come to bear on the responsibilities of these collectives and their members. (We will specifically discuss the responsibilities of collectives and their members in greater detail shortly).

D. When to Make Reparations (The Proper Place of Corrective Justice)

While *commutative* justice does not deal solely with retribution, restitution, and restoration, commutative justice *includes* these aspects of *corrective* justice. In light of our discussion of guilt, blame, fault, and responsibility, it is extremely relevant and important to consider when we may be obligated to take restorative steps when we have participated in injustice. Are we only obligated to take restorative steps when we are

⁴¹ “The First Session of the Twenty-Eighth Parliament of the United Kingdom of Great Britain and Ireland,” *The Parliamentary Debates*, authorized ed., series 4, vol.152, (London: Wyman and Sons, Limited, 1906), column 1239, accessed May 21, 2018, <https://books.google.com/books?id=P0M6AQAAMAAJ>.

guilty/culpable of wrongdoing? Or are we sometimes obligated to take restorative steps even when we bear some responsibility for injustice but are not morally blameworthy?

Finnis believes that culpability is not *necessary* in order for restitution or restoration to be required. He gives the example of a failure to perform on a contract. In some instances, an individual *A* may fail to perform on a contract. Finnis claims that in such situations, *A* is required in commutative justice to pay damages to *B*, *even when the failure is not culpable*.⁴² Even when the reason for the breach of contract renders *A* morally blameless, he may still be required to compensate *B* for her loss. Consider a situation in which *A* wishes to sell his car. *B* expresses interest in the car. *A* and *B* agree that once payment is received, then *A* will deliver the car to *B*. *B* pays *A* for the car. As *A* is driving the car to deliver it to *B*, he is involved in an accident which, although not his fault, totals the car. *A* can no longer fulfill his end of the contract by presenting the car to *B*, but this is not his fault, and he cannot be blamed for the accident. Still, *A* is responsible to compensate *B* for her loss, which should minimally include returning the money she has already paid for the car.

Young brings in the concept of liability, which she understands to include assigning responsibility under the law and in moral judgment in order to “identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress.”⁴³ On this understanding, the purpose of determining liability is to determine what one party may owe to another, or what potential consequences may be required because of one party’s actions. Young’s understanding is that when someone is liable,

⁴² Finnis, 183. (italics mine).

⁴³ Young, 98.

this means precisely that he or she is responsible in a way that demands a response. Often times this includes a legal response, but this is not always necessary.⁴⁴

The important point to make with liability is that actors/agents/parties may be held liable for injustice or injury or harm, and subsequently expected to make some sort of restitution or restoration or compensation, even if they did not intentionally act wrongly and are not morally blameworthy. On the contrary, sometimes you can take every foreseeable precaution and still be responsible for harm that befalls others. Depending on the circumstances, this may then require a restorative response. Feinberg gives the following example:

...even if a construction company, for example, takes every reasonable precaution before dynamiting, it nevertheless can be found liable, if through some freakish chance a person at a great distance is injured by a flying rock set in motion by the blast, and can be forced to compensate the injured party for his losses. That the company was faultlessly careful in its operations is no defense.⁴⁵

On the other hand, it is not always the case that responsibility for harm carries with it liability that necessitates a restorative response. Consider the example above of the baseball pitcher with the rogue curve ball. In this instance, although the offending pitcher is responsible for the harm that befalls the injured batter, the pitcher is not expected to make any sort of compensation to the batter. The rules of the game of baseball allow the batter a free pass to first base, but the inaccurate pitcher need not make any further steps of reparation or restitution.

However, if I am driving a car and lose control after hitting an oddly placed construction cone, my lack of moral blameworthiness does not negate my responsibility to pay for the damages that I cause as I overcorrect and sideswipe another car. I am liable

⁴⁴ Young, 104.

⁴⁵ Feinberg, 223.

for the results of the incident, and I am responsible for providing compensation, restoration, etcetera for the victim(s) of the accident. Despite the odd circumstances that may present in cases such as the baseball case above, for the most part many instances of responsibility, even when devoid of moral guilt or blame, carry with them some amount of liability for those circumstances. Consequently they also carry some level of obligation to make compensating efforts toward restitution, restoration, or retribution. But how far do these obligations carry? How far do the arms of commutative justice reach, and with whom do we stand in these sorts of obligating relationships?

IV. With Whom Do We Have Relationships in Commutative Justice?

A. Back to Narrative Quests

At the heart of commutative justice lies the reality of our membership in communities. Commutative justice is about treating those with whom we have relationships justly. And of course our multiple communities are comprised of numerous people with whom we possess varying degrees of interconnections and relationships. As we already discussed in Chapter Three, Alasdair MacIntyre argues that our membership in communities means that our own individual narrative stories intersect with the stories of countless others. As such others play a part in my story, and I play a part in theirs.

But MacIntyre goes further than merely noticing that we play parts in one another's stories. He also asserts that we are accountable for the ways we impact one another, and that our actions should be intelligible to other human beings. He states that we should "understand an action as something for which someone is accountable, about which it is always appropriate to ask the agent for an intelligible account."⁴⁶ When we act in certain ways (especially in ways that impact those around us), others have the right to

⁴⁶ Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 2007), 209.

question our actions, to ask us why we say or do certain things, and to hold us accountable in instances where our actions are unintelligible. Our actions must stand up to scrutiny. And the main way that we are able to make our actions and others' actions intelligible is by placing them in the context of narrative histories, "histories both of the individuals concerned and of the settings in which they act and suffer."⁴⁷

MacIntyre also points out that our stories (both our personal stories and the stories we intersect and impact) possess somewhat pre-determined structures. We don't enter onto a blank set that is just waiting for us to build our own narratives from scratch. Rather, our stories are constrained by the decisions and actions of others as well as the structures that govern our shared lives. As MacIntyre explains,

I spoke earlier of the agent as not only an actor, but an author. Now I must emphasize that what the agent is able to do and say intelligibly as an actor is deeply affected by the fact that we are never more (and sometimes less) than the co-authors of our own narratives. Only in fantasy do we live what story we please. In life...we are always under constraints. We enter upon a stage which we did not design and we find ourselves part of an action that was not of our making. Each of us being a main character in his own drama plays subordinate parts in the dramas of others, and each drama constrains the others...⁴⁸

...Of course just as they do not begin where they please, they cannot go on exactly as they please either; each character is constrained by the actions of others and by the social settings presupposed in his and their actions...⁴⁹

...But it is not just that different individuals live in different social circumstances; it is also that we all approach our own circumstances as bearers of a particular social identity....Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point.⁵⁰

We ALL enter the world in specific places, at specific times, into certain families, inhabiting certain regions and countries, inheriting existing social practices, and subject

⁴⁷ MacIntyre, 211.

⁴⁸ Ibid., 213.

⁴⁹ Ibid., 215.

⁵⁰ Ibid., 220.

to established political structures. These are our communities, and they are most definitely not blank slates or empty manuscripts. They come with histories and structures and baggage and expectations and obligations that their members must navigate and shoulder.⁵¹

B. Who Are My ‘Neighbors’?

1. General remarks. We have established that we are members of communities with pre-existing structures and histories. Within these communities, we are constrained by the narrative stories of others, and they are constrained by our stories as well. But before we can move further we need to ask who exactly *are* the members in our communities with whom we are so intertwined? If we are going to consider what standards of conduct commutative justice requires of us in relation to our ‘neighbors’, we need to know who our ‘neighbors’ are. Who should we consider to be our fellow community members? How narrow or wide should we construe these communities?

Perhaps we can appeal back to our discussion of patriotism and cosmopolitanism from Chapter Three. This discussion, because it was couched in a conversation regarding distributive justice, was especially focused on who has certain resources, and whose needs should take precedence when one is determining when/where/how to use available resources to meet certain fundamental needs. My conclusion was that, especially in extreme cases involving grave violations of fundamental human rights, we should ascribe to ‘conditional cosmopolitanism’, privileging the needs of human beings *qua* human being over and above closer special relationships.

⁵¹ See MacIntyre, 215 - “Of course just as they do not begin where they please, they cannot go on exactly as they please either; each character is constrained by the actions of others and by the social settings presupposed in his and their actions...”

But considering patriotism and cosmopolitanism in relation to commutative justice changes the discussion a bit, because now we are *only* considering duties and obligations we have toward people with whom we possess relationships. These could be close, tight relationships like those of nuclear family members. Or they could be distant, loose ties between consumers and assembly line workers. Nevertheless, duties of commutative justice always hinge on relationships we have with fellow community members – regardless of whether these represent tight bonds or loose connections, the point is that they represent real, existing relationships.

2. Individuals or groups? Persons known or unknown? Minimally, we can draw from the negative duty to refrain from harming others. And we can appeal to the focus of *corrective* justice, which requires restoration when we have come to harm others. But as I pointed out earlier, Finnis’s concept of *commutative* justice involves much more than correction, restitution, and restoration. It incorporates the whole field of human interactions, with the goal of determining “what dealings are proper between persons...”⁵² Commutative justice considers how we should treat each other *all the time*. But does this apply only to people we know? And does it govern only how we treat other individuals, or does it also apply to how we treat groups or aggregates of people? And does it matter if I am acting alone, or in concert with other individuals or groups?

Let us now further consider Finnis’s first three (of five) aspects of commutative justice. These were briefly mentioned in Section II above. The first aspect concerns relationships between *ascertained individuals*.⁵³ This is the most straightforward aspect of commutative justice, as it deals with relationships between two specific individuals

⁵² Finnis, 179.

⁵³ Ibid., 183.

who know each other. It is not controversial to assert that if I am interacting directly with another individual, we share some type of relationship. A person with whom I am actively communicating is clearly my ‘neighbor’, a person who possesses certain rights,⁵⁴ and a person with whom I possess corresponding duties of commutative justice.

Finnis’s second aspect of commutative justice concerns relationships between *multiple* (or many) *ascertained* individuals.⁵⁵ As a teacher I have duties toward many different students, each of whom is (more or less) known to me. Again, this seems pretty straightforward and uncontroversial. It is not difficult for me to identify these students as my ‘neighbors’, even if I don’t know each individual especially well. We share a fairly close bond as teacher and students, and it seems obvious that we possess duties and responsibilities toward one another in commutative justice. I possess certain duties because I have agreed to teach them, and they possess certain duties because they have signed up for my course. Furthermore, we all possess duties to respect and treat one another in ways befitting of our dignity as human beings.

Finnis’s third aspect of commutative justice asserts, “...an individual may have duties in commutative justice to many more or less *unascertained* individuals.”⁵⁶ As I explained in Section II above, this means that a person may have duties to multiple others who are not known to her. Finnis believes this especially applies to situations in which an individual *A* might exploit a system that advantages herself, all-the-while knowing that such a system simultaneously disadvantages or harms others. It is irrelevant that such an individual does not personally know those who are disadvantaged or harmed by such a system. It is also irrelevant that such an individual may not control the exploitative

⁵⁴ Finnis, 184.

⁵⁵ Ibid.

⁵⁶ Ibid. (*italics mine*).

system, or intend to disadvantage or harm these others. If *A* ignores this reality and continues to exploit such a system to her own advantage and to the detriment of numerous unidentified others, this is seen as commutatively unjust.⁵⁷

Young agrees with this assessment of our duties and responsibilities to others who are unknown to us, but who are systematically disadvantaged by structures that simultaneously work toward our advantage. I already introduced Young's concept of structural injustice above, but it is beneficial now to revisit her view. By way of reminder, I will again quote her explanation of structural injustice:

Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms.⁵⁸

Young clearly believes that in many instances of structural injustice, the individuals and institutions who sustain these structures are themselves generally acting "within the limits of accepted rules and norms." Nevertheless, they are still involved in supporting and upholding a kind of injustice distinct from direct, wrongful action. Furthermore, it is often impossible to develop a causal connection between a particular agent and direct harms to other individuals. Young articulates the problem, and her proposed solution, as follows:

The problem with structural injustice is that we cannot trace this kind of [causal] connection. It is not difficult to identify persons who contribute to structural processes. On the whole, however, it is not possible to identify how the actions of one particular individual, or even one particular collective agent, such as a firm,

⁵⁷ Finnis, 184.

⁵⁸ Young, 52.

has directly produced harm to other specific individuals...If we want to say that some people nevertheless bear responsibility for structural injustice, then we need a conception of responsibility different from the standard conception, which focuses on individual action and its unique relations to a harm. I propose such an alternative conception...which I call a social connection model of responsibility. The social connection model finds that all those who contribute by their actions to structural processes with some unjust outcomes share responsibility for the injustice. This responsibility is not primarily backward-looking, as the attribution of guilt or fault is, but rather primarily forward-looking. Being responsible in relation to structural injustice means that one has an obligation to join with others who share that responsibility in order to transform the structural processes to make their outcomes less unjust.⁵⁹

Young's social connection model of responsibility understands that we commonly use the term 'responsible' in different ways. On one understanding, being responsible is understood as being guilty or at fault. But the sense of 'responsible' that Young is most concerned with is summed up with the understanding that "people have certain responsibilities by virtue of their social roles and positions, as when we say that a teacher has specific responsibilities, or we appeal to our responsibilities as citizens."⁶⁰ Therefore, determining responsibility in this sense does not involve finding fault or liability for a past wrong, but rather "it refers to agents' carrying out activities in a morally appropriate way and seeing to it that certain outcomes obtain."⁶¹

This reminds me of MacIntyre's belief in the interconnectedness of our narrative stories - that we are accountable for the ways we impact one another, and that our actions should be intelligible to other human beings.⁶² The distinction between these views is that MacIntyre focuses primarily on the responsibility of individuals to act in certain ways. Young focuses specifically on shared responsibility, which on her social connection

⁵⁹ Young, 96.

⁶⁰ Ibid., 104.

⁶¹ Ibid.

⁶² MacIntyre, 209.

model can only be discharged through collective action.⁶³ Still, though, Young's focus on responsibility deriving from "belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects"⁶⁴ seems extremely MacIntyrean.

Moral philosopher Elizabeth Ashford also agrees with Young's assessment that being 'responsible' concerns fulfilling social roles and positions. Ashford points out that the traditional conception of duties and responsibilities specifically related to human rights⁶⁵ is inadequate in our current era. On this traditional conception, responsibility for a human rights violation is assigned by identifying the perpetrator(s) of the violation, and attaching blame "for a specific harm suffered by a particular victim" to that agent or agents.⁶⁶ But Ashford further claims that the current climate renders this traditional conception lacking, because the harms inflicted on many global people "increasingly result from extremely complex causal chains involving the behaviour of a huge number of agents, few or none of whom can be singled out as responsible for a serious harm to any specific victim."⁶⁷

Samuel Scheffler points out that we naturally give primacy to individual effects over group effects, and that "when an outcome is the joint result of the actions of a number of people, including ourselves, we tend to see our own agency as implicated to a much lesser extent than we do when we take an effect to have resulted solely from our

⁶³ Young, 105.

⁶⁴ Ibid.

⁶⁵ Elizabeth Ashford, "The Inadequacy of our Traditional Conception of the Duties Imposed by Human Rights," *Canadian Journal of Law and Jurisprudence* 19, no.2 (July 2006), 217. She identifies such human rights as mostly specific prohibitions on certain actions such as killing, assaulting, etc. For a more robust understanding of human rights, see the United Nations Universal Declaration of Human Rights (1948), <http://www.un.org/en/universal-declaration-human-rights/>.

⁶⁶ Ashford, 217. Also see Samuel Scheffler, "Individual Responsibility in a Global Age," *Social Philosophy and Policy Foundation* (1995), 229-230.

⁶⁷ Ashford, 218.

own actions.”⁶⁸ This is an empirical observation, explaining how we psychologically attempt to lessen our own feelings of responsibility when others act alongside us. But as Scheffler further explains, a variety of developments in the modern world (e.g. advances in science, technology, travel, communications, information processing, economic and political interdependence, and population growth) have “made it more difficult than ever to sustain the conception of human social relations as consisting primarily in small-scale interactions among single individuals.”⁶⁹

Additionally, Ashford addresses the concept of *indirect* responsibility for human rights violations. She points out that sometimes individuals contribute non-voluntarily to complex causal chains that lead to harms, and their contributions are neither foreseeable nor avoidable.⁷⁰ Generally, in such cases the offending agents find that their greatest causal impact is “via their participation in social institutions.”⁷¹ Ashford admits that it may be difficult or impossible for agents to predict just how their individual actions will affect others. Furthermore, Ashford recognizes that it is not feasible for most agents to withdraw from the social institutions in which they participate, and it is “not plausible to hold agents directly morally responsible for their individual causal contribution to the harms resulting from the operation of social institutions.”⁷² However, Ashford does believe it is appropriate to attribute to such individuals a shared responsibility for the shaping of the social institutions in which they participate.⁷³

⁶⁸ Scheffler, 228.

⁶⁹ Ibid.

⁷⁰ Ibid., 229.

⁷¹ Ibid.

⁷² Ashford, 229.

⁷³ Ibid.

It is possible that we participate in institutions that *contribute to* human rights violations (e.g. political structures that allow torture), and it is possible that we participate in social institutions that *themselves constitute* human rights violations (e.g. legal structures that allow slavery).⁷⁴ Ashford believes that responsibility for laws such as those that condoned and sustained antebellum slavery “lay with the citizens who sustained them.”⁷⁵

This leaves the question, then, regarding how much responsibility individuals actually carry for wrongs produced in concert with numerous others. Young points out, though, that her social connection model does not assign liability to some in ways that absolve others. Shared responsibility for actions that contribute to structural processes producing structural injustices “is a responsibility I *personally* bear, but I do not bear it alone.”⁷⁶ It is not possible in such circumstances to mathematically divide out which person is responsible for which bits of harm inflicted on others, and so while responsibility is *shared*, it is not *divided* and *distributed*. Young explains:

In thinking about shared responsibility, I am indebted to Larry May’s theory. According to May, the concept of shared responsibility is distinct from the concept of collective responsibility in that the former is a distributed responsibility, whereas the latter is not. A collective of persons, such as a corporation, might be said to be responsible for a state of affairs without any of its constituent individuals being determinately responsible for it. Shared responsibility, on the other hand, is a personal responsibility for outcomes or the risks of harmful outcomes, produced by a group of persons. Each is personally responsible for the outcome in a partial way, since he or she alone does not produce the outcomes; the specific part that each plays in producing the outcome cannot be isolated and identified, however, and thus the responsibility is essentially shared.⁷⁷

⁷⁴ Ashford, 229-232.

⁷⁵ Ibid., 230.

⁷⁶ Young, 109-110.

⁷⁷ Ibid., 110. Also see Larry May, *Sharing Responsibility* (Chicago: University of Chicago Press, 1992).

The takeaway here is that when a group of people is responsible for together inflicting harm on another person or group of people, even when those harms are unintentional or merely the result of participation in structural injustice, the individuals involved bear responsibility *as individuals*.

I have now argued that individuals have duties/responsibilities in commutative justice both to other individuals *and* groups, and both to ascertained *and* unascertained peoples. As such, our ‘neighbors’ are not only those people whom we find proximally close to us, and with whom we share close relational ties, but also many others with whom we share social structures and global ties. When we participate in actions or structures that produce injustices for our ‘neighbors’, whether near or far, known or unknown to us, we share responsibility for these injustices. We may not be guilty or morally blameworthy, but we are still responsible by virtue of our social roles and relationships, and the interconnectedness of our narrative quests. So then, when we find ourselves responsible for injustices near and far, what does commutative justice demand we do in response? To this question we now turn.

V. What Does Commutative Justice Demand of Us?

A. Taking Responsibility, Regardless of Guilt

In the initial description of commutative justice in Section II above, I pointed to the following three questions from Finnis: (1) “What are the standards of conduct which individuals must live up to in relation to their ‘neighbors’?” (2) “What should be the extent of liability of one who fails to live up to those standards or conduct?” and (3) “How should those injured by the wrongs of others be restored to their former

condition?”⁷⁸ We have addressed and discussed the first two questions. In relation to question (1), we must minimally refrain from harming our ‘neighbors’, and we should consider how *all* of our relational interactions affect the narrative stories of those around us, both near and far. In relation to question (2), we are responsible for numerous instances of harm in relation to numerous individuals and groups of people, even though in many of these instances we may not be morally blameworthy or guilty or culpable for these injustices. However, even when we are not guilty of wrongdoing, we often times may be liable for taking restorative steps on behalf of those who have been affected or harmed by our participation in injustices against them.

So now we need to attend to question (3), “How should those injured by the wrongs of others be restored to their former condition?”⁷⁹ Or we may want to rephrase this question to read something like, “When we are responsible for injustice, what should we *do* in order to restore or compensate or rehabilitate or pay restitution to those who have been victimized or harmed by our individual actions or our actions in concert with other individuals, groups, structures, and institutions?”

When we can connect an agent’s “intentions, motives, and consequences of actions”⁸⁰ to a specific harm, and *when* we can “connect a person’s deed linearly to the harm for which we seek to assign responsibility,”⁸¹ then there is clearer picture of both a violation of negative duties and of the requirements of commutative justice. Furthermore, in such instances the responsible offending party is likely obligated to make specific restorative steps toward the victim(s). For instance, if an agent *C* knowingly and willfully

⁷⁸ Finnis, 180.

⁷⁹ Ibid.

⁸⁰ Young, 98-99.

⁸¹ Ibid., 96.

parks on his neighbor *D*'s yard leaving muddy tire tracks and ruining *D*'s newly laid sod, then *C* should minimally expend whatever funds are necessary to restore *D*'s yard to its former state.

But when we cannot draw such easy, linear connections between responsible (or even guilty) agents and the victim(s) of their actions, where does this leave us? What should we do when we share responsibility with others for structural injustice(s)? What should we do when we bear some responsibility for injustices done to people we may not even know, in places far from where we live?

As Hannah Arendt states, we can still be *responsible* and *liable* for things we have not specifically *done*, even though we cannot be considered *guilty* for things in which we have not actively participated.⁸² We have already established that our lack of guilt does not necessarily result in a lack of responsibility. But what is the nature of the responsibility we have toward people we have not individually or intentionally harmed? When the responsibility we have toward others is a collective responsibility – meaning a responsibility due to membership in a group with which we cannot voluntarily dissolve⁸³ - the relevant question involves whether a person's conduct is good for the world and those in it (rather than good for ourselves).⁸⁴ This type of responsibility – the primary consideration of what is good for “the world” - Arendt labels “political responsibility.”⁸⁵ Young further explains Arendt's conception of political responsibility as follows:

Political responsibility...concerns how things stand in the world. Whatever the cause of sufferings, they are our responsibility to notice and address. Or, the sins

⁸² Arendt, “Collective Responsibility,” 147.

⁸³ *Ibid.*, 149-150.

⁸⁴ *Ibid.*, 151.

⁸⁵ *Ibid.*, 149, 153; Young, 76, 86, 88.

of our fathers have continuing effect, and inasmuch as we belong to a political community continuous with theirs, we have responsibility for them.⁸⁶

Arendt also points out that the only way to escape this political and collective responsibility is to remove ourselves from our communities. However, we cannot live without belonging to *some* community, so all we can hope to do is “exchange one community for another and hence one kind of responsibility for another.”⁸⁷ Young goes further to also remind us that as we participate in communities, we likely benefit from the operation of institutions within those communities. She states,

This [political] responsibility falls on members of a society by virtue of the fact that they are aware moral agents who ought not to be indifferent to the fate of others and the danger that states and other organized institutions often pose to some people. This responsibility is largely unavoidable in the modern world, because we participate in and usually benefit from the operation of these institutions...⁸⁸

Where these institutions exhibit structural injustices, we are obligated to work toward transforming them. Those who are harmed by these systems are our neighbors. They are people with whom our narrative quests intersect. They are others with whom we are “joined together.”⁸⁹

B. The Broad, Indeterminate Obligations of Commutative Justice

If we are hoping for specific, concrete actions we are obligated to take to fulfill our duties in commutative justice, we are likely to be disappointed. As Judith Lichtenberg points out, believing our duties “can be parsed into simple and determinate duties is highly misleading at best.” She goes on to say that no plausible moral theory has ever shown a credible way of determining precisely what people should and should not be

⁸⁶ Young, 78.

⁸⁷ Arendt, “Collective Responsibility,” 150.

⁸⁸ Young, 92.

⁸⁹ Morris, 96.

obligated to do or refrain from doing.⁹⁰ Ashford agrees, and in writing specifically regarding compensating for violations of negative duties, she does not find it problematic that we do not know *exactly* what we must do to discharge such duties. She thus states:

Fulfillment of the negative duty not to collaborate in unjust institutions requires us to take actions to support reform of these institutions or so as to minimize the extent of our collaboration in them, or to provide recompense for the harms they cause. The nature of this action is no more specified than is the action we should take to carry out a positive duty of aid. The way in which we support institutional reform is open, and it is also open which particular harms we should seek to oppose or compensate for...The duty of individual members is therefore not a perfect duty with a specific content that can be fully discharged...it is largely indeterminate how to prevent the right not to be deprived of access to basic necessities from being violated. The onus is on individual agents to decide how to implement their share of the corresponding negative duty.⁹¹

If anything, then, this indeterminacy of our responsibilities in commutative justice leaves room for us to choose not *if*, but *how* we will go about discharging our obligations. And while not laying out a specific required path, at least one general demand that victims have toward agents who harm them through participation in unjust institutions is that those agents seek to reform such institutions.⁹²

Young agrees with this general call to work toward transforming the processes that currently produce unjust outcomes for our neighbors. She points out that her social connection model is “forward-looking” and “seeks to assign responsibility for structural injustice that has existed recently, is ongoing, and is likely to persist unless social processes change.”⁹³ Furthermore, her social connection model is not interested in determining causal relationships between actors and victims in order to attribute blame and seek redress. She states, “The injustices produced through structures have not

⁹⁰ Judith Lichtenberg, “Positive Duties, and the ‘New Harms,’” *Ethics* 120, no. 3 (2010), 574.

⁹¹ Ashford, 232.

⁹² *Ibid.*, 233.

⁹³ Young, 109.

reached a terminus, but rather are ongoing. 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.”⁹⁴ Young’s goal is not to determine blame, but rather to motivate change.

Young’s appeal to political responsibility also provides us with some guidelines regarding how we should act in response to structural injustice. Political responsibility is not a responsibility to do certain things on our own, in isolation from others. Young argues, “Political responsibility is not about doing something by myself, however, but about exhorting others to join me in collective action.”⁹⁵ Such collective action should include “...watching these institutions, monitoring their effects to make sure that they are not grossly harmful, and maintaining organized public spaces where such watching and monitoring can occur and citizens can speak publicly and support one another in their efforts to prevent suffering.”⁹⁶

When faced with the question of what we are obligated to do to combat commutative injustice, it is again helpful to appeal to MacIntyre’s conception of the narrative quests of many people intersecting with and informing one another’s pursuits. As MacIntyre asserts, “I can only answer the question ‘What am I to do?’ if I can answer the prior question ‘Of what story or stories do I find myself a part?’”⁹⁷ Again, the broad, indeterminate nature of our obligations and responsibilities in commutative justice make it difficult to know precisely *what* we should do – both as individuals and members of communities – when we are faced with relational injustices of many varieties. But what

⁹⁴ Young, 109.

⁹⁵ Ibid., 93.

⁹⁶ Ibid., 88.

⁹⁷ MacIntyre, 215-216.

we can know for sure is that because we live in relational communities, we are responsible for favoring and fostering the common good of our neighbors in those communities.⁹⁸ Perhaps a good place to start is with opening our eyes and ears and making a real effort to see, hear, and understand the lives of these ‘others’ with whom our lives intersect in numerous and various ways. When these ‘others’ become known to us, the ways we should care about their lives as well as our own will likely become much more obvious.

VI. Conclusion

In his book on *corrective* justice, Ernest Weinrib asserts that corrective justice is about remedying the past, not about looking toward the future and making things better. It’s about undoing the past, not improving the future.⁹⁹ Perhaps this is precisely what *corrective* justice is meant to pursue. But we are concerned with something much more comprehensive than this. *Commutative* justice involves both looking to the past to seek restitution for victims of numerous injustices, *and* looking forward to the future in order to address systems and institutions and even ideologies that continue to oppress and disadvantage and harm our ‘neighbors’. *Commutative* justice involves *all* the multiple ways that we live relationally in our shared world, and governs *all* of our actions and interactions with those around us.

There are numerous ways that we may be involved, both directly and indirectly, in failing to execute our duties and responsibilities in commutative justice toward our fellow human beings. But perhaps the words of Herbert Morris can provide some encouragement of where we can go from here. According to Morris, injustice cannot

⁹⁸ Finnis, 165.

⁹⁹ Weinrib, 36.

exist unless we also have a conception of joining together and righting those injustices.

He explains the following:

Wrongdoing is failing to reach a level of attainment that individuals generally are seen as able to satisfy. When we possess the concept of wrongdoing, I want to suggest that it is connected for us with the concept of “being joined together” with another or others, the idea of union, the idea, too, that in this union one is complete, one is whole, in a way that one would not be without it...Next, wrongdoing arises in a world in which there is a conception of righting the wrong. It arises in a world in which persons possess a conception not just of separation from others but of coming together again with them, a conception of mending what has been torn, repairing what has been damaged – restoration.”¹⁰⁰

And I would add that in this sense, ‘restoration’ can include both backward-looking restitution and forward-looking change. We can assess historical injustices and determine when we may be obligated to take actions to repay or restore what was once taken. And we can come together to fight for long-term structural changes that will ensure that these types of damages and harms vanish from our shared world. Oh that we would *always* look to treat each other with the dignity and respect due one another as fellow travelers on the road to pursuing our narrative quests with one another. And oh that our interactions with one another along these quests would *always* serve to encourage and *never* serve to degrade or disadvantage them.

¹⁰⁰ Morris, 96.

CHAPTER 5

CONNECTING VIOLATIONS OF JUSTICE TO MODERN SLAVERY

I. Introduction: Bringing Things Together

I began this project by laying out the current status of slavery in our contemporary world. I defined slavery in our modern context, and I explained ways in which today's slavery is similar to and also different from historical forms of slavery. I then spent two chapters discussing the general demands of justice. I appealed to John Finnis's two major categories of justice - distributive justice and commutative justice. Distributive justice deals with the proper ways of distributing and allocating common stock resources and the incidents of communal enterprise amongst people. Commutative justice deals with proper interactions between people, including but not limited to the responsibility to restore or pay restitution to a victim when he or she has been unjustly harmed.

You may be wondering how these discussions fit together. You are in luck! The purpose of the present chapter is to explain how the existence of modern slavery violates the requirements of both distributive and commutative justice. It answers the question "How is modern slavery *our* problem?" Once this case is made, it will propel us toward our concluding chapter, in which I will make suggestions regarding what we can and should do to fight for justice on behalf of today's slaves, ultimately answering the question, "What are *we* obligated to do to help modern slaves?"

II. Slavery and Distributive Justice

A. The Relationship Between Poverty and Slavery

In order to understand one of the primary ways that injustice in distribution leads to slavery, we must first explore the reality of world poverty and its effects on global citizens who are impoverished. According to Kevin Bales, those who are working around the world to free slaves have learned that poverty and vulnerability play a major role in driving people to slavery, and that slavery “always reflects differences in economic and social power.”¹ He also asserts that those who become enslaved “lack both the personal and financial resources and the social and governmental protections to prevent their enslavement.”² David Batstone states, “...denying the central role of poverty in modern-day slavery is like denying the central role of gravity in rainfall.”³

So what exactly is the current status of world poverty? According to a 2014 report from the United Nations Development Programme (UNDP),

Globally, 1.2 billion people (22 percent) live on less than \$1.25 a day. Increasing the income poverty line to \$2.50 a day raises the global income poverty rate to about 50 percent, or 2.7 billion people. Moving the poverty line in this way draws in a large number of people who are potentially vulnerable to poverty and reduced circumstances. In South Asia 44.4 percent of the population, around 730 million people, live on \$1.25-\$2.50 a day. Many who recently joined the middle class could easily fall back into poverty with a sudden change in circumstances... Sizeable portions of the population are close to the poverty threshold (the “near poor”), and such a clustering implies that idiosyncratic or generalized shocks could easily push a large number of people back into poverty.⁴

¹ Kevin Bales, *Understanding Global Slavery: A Reader* (Berkeley: University of California Press, 2005), 10.

² Ibid.

³ David Batstone, *Not for Sale: The Return of the Global Slave Trade – And How We Can Fight It* (New York: HarperCollins, 2010), 290.

⁴ “Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience,” Human Development Report 2014, United Nations Development Programme (UNDP), page 19, accessed March 22, 2018, <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>.

Also in 2014, 805 million global citizens (1 in 9) suffered from hunger.⁵ Children are disproportionately impacted by poverty. UNICEF reports that in 2013, nearly “385 million children were living in extremely poor households...with 19.5 percent of children in developing countries estimated to live on less than \$1.90 a day, compared to 9.2 per cent of adults.”⁶

The UNDP also goes beyond merely assessing the reality of economic poverty, but also points out other factors that may make certain people or groups of people generally more vulnerable than others. Such factors may include a history of unequal treatment within some societies especially in regards to gender, ethnicity, geographic location, and other similar qualities.⁷ Furthermore, “Many of the most vulnerable people and groups face numerous and overlapping constraints on their ability to cope with setbacks. For example, those who are poor and also from a minority group, or are female and have disabilities, face multiple barriers which can negatively reinforce each other.”⁸

Given these staggering numbers regarding global poverty, along with factors that increase the vulnerability of underprivileged individuals and groups, we now can consider the ways in which many global people are especially vulnerable to exploitation (including slavery) due to these factors. In order to do this, we should first understand implications of the immense population explosion following World War II.⁹ In approximately a fifty-year period the world population expanded astronomically, from

⁵ “World hunger falls, but 805 million still chronically undernourished,” Food and Agricultural Organization of the United Nations, September 16, 2014, accessed March 22, 2018, <http://www.fao.org/news/story/en/item/243839/icode/>.

⁶ “Ending Extreme Poverty: A Focus on Children,” Briefing Note, UNICEF and World Bank Group, page 3, October 2016, accessed March 22, 2018, https://data.unicef.org/wp-content/uploads/2017/09/Ending_Extreme_Poverty_A_Focus_on_Children_Oct_2016.pdf.

⁷ “Sustaining Human Progress,” iv.

⁸ Ibid.

⁹ Kevin Bales, Zoe Trodd, and Alex Kent Williamson, *Modern Slavery: A Beginner's Guide* (Oxford: Oneworld, 2011), 53.

two billion to over six billion people. Several factors led to this boom, including better control of infectious diseases, better healthcare for children, and an overall increase in prosperity. However, most of this population boom occurred in the developing world, and the overall increase in global prosperity has not transferred to the poorest of the poor. While simply having lots of people does not guarantee that they are susceptible to slavery, when the regions most impacted by this massive population boom have insufficient resources and structures to sustain these numbers, the resulting impoverishment *does* breed a large population of people whose most basic needs are unmet and who are thus more susceptible to slavery out of desperation.¹⁰

This explosion of impoverished people has resulted in another modern phenomenon regarding slavery – the sharp decrease in the monetary value of slaves. For 4,000 years in the historical past, prior to the recent population explosion, the price of a slave fluctuated between \$10,000-\$40,000 in today’s currency. Since about 1950, the average price for a slave has dropped to less than \$100,¹¹ and in some places slaves can be bought (for life) for as little as \$10.¹² As Bales, Trodd, and Williamson explain, “The supply of possible slaves is especially plentiful among the 1 billion people who live on about a dollar a day, a population concentrated in the developing world.”¹³ So the current situation is this – there exists today a massive population of people who are impoverished and desperate to have their most basic needs met. They are willing to take risks in hopes of a better life for themselves and their children. There are individuals and networks of

¹⁰ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 53.

¹¹ *Ibid.*, 51.

¹² *Ibid.*, 29.

¹³ *Ibid.*, 51.

people poised to take advantage of this fact,¹⁴ and consequently some of these desperate people end up enslaved. The sharp increase in world population since World War II, especially in the developing world, has made it such that buying slaves is extremely cheap. And because slaves are so cheap and plentiful, they are seen as disposable and easily replaceable.¹⁵

Consider the reasons why someone might voluntarily enter into an agreement with a recruiter who promises good wages or educational opportunities, or why a parent might agree to sell their children to strangers who promise them a better life. The most obvious reason is that these people are impoverished and desperate, seeing few other options for a better life for themselves or their children, and are therefore willing to take risks in hopes that the promises being made are actually legitimate. Remember back to our discussions of debt bondage and contract slavery from Chapter Two, and the stories of Ajay and Vi. These are two examples of impoverished individuals who became enslaved because they saw no other viable options for survival. Bales, Trodd, and Williamson state that “[s]ome parents sell their children, or agree to take an ‘advance’ on the wages they will supposedly earn, not just for the money, but also in hope that their children will escape a situation of poverty.”¹⁶ And as modern abolitionist David Batstone explains,

Widespread poverty and social inequality ensure a pool of recruits as deep as the ocean. Parents in desperate straits may sell their children or at least be susceptible to scams that will allow the slave trader to take control of the lives of their sons and daughters. Young women in vulnerable communities are more likely to take a risk on a job offer in a faraway location. The poor are apt to accept a loan that the slave trader can later manipulate to steal their freedom. All of these paths carry

¹⁴ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 51-54; Bales, *Understanding Global Slavery*, 25, 88.

¹⁵ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 28-29.

¹⁶ *Ibid.*, 43.

unsuspecting recruits into the supply chains of slavery. “The supply side of the equation is particularly bleak,” says Senator Sam Brownback of Kansas. “Fifty million refugees and displaced persons exist worldwide today. This ready reservoir of the stateless presents an opportunity ripe for exploitation by human traffickers.”¹⁷

If you are still left with doubts, I encourage you to check out the photo project “Dollar Street,”¹⁸ in which Anna Rosling Rönnlund uses photography to compare the living conditions of people at different income levels around the world. This project showcases 30,000 pictures of 264 families from 50 different countries, and compares their homes, toilets, cooking facilities, children’s toys, and numerous other categories. When you see visual images of the living conditions of the poorest of these families, one does not have to marvel at why these families may be utterly desperate, and why some are willing to take risks in the hopes that their quality of life and their children’s futures might be made better. I personally cannot look at these photographs without tears in my eyes. When a family’s most prized possession in the world is their children’s birth documents, this is the reality of poverty.¹⁹

B. Poverty (and slavery) as an Indication of Distributive Injustice

The startling reality is that it is not a general lack of money that keeps people impoverished. According to a July 2017 Oxfam International report, “Eight men own the

¹⁷ Batstone, 11. Batstone quotes Sam Brownback, press conference (U.S. Capitol, Washington, D.C., September 23, 2003).

¹⁸ Anna Rosling Rönnlund, “Dollar Street,” gapminder.org, accessed March 22, 2018, <https://www.gapminder.org/dollar-street/family>.

¹⁹ Rönnlund, “Dollar Street.” (See photos of “Home of Jacques family,” Haiti). The even deeper reality is that many of the world’s poor do not even have legal documentation such as birth certificates, making them practically invisible and extremely vulnerable. When there is no record of your existence, it is very easy for you to disappear. See Sarah Morrison, “220 million children who don’t exist: A birth certificate is a passport to a better life – so why can’t we all have one?” *Independent*, July 27, 2013, accessed March 26, 2018, <https://www.independent.co.uk/news/world/politics/220-million-children-who-dont-exist-a-birth-certificate-is-a-passport-to-a-better-life-so-why-cant-8735046.html>; also see “Children Out of Sight, Out of Mind, Out of Reach,” UNICEF, December 14, 2005, accessed April 12, 2018, <https://www.unicef.org/sowc06/press/release.php>.

same wealth as the 3.6 billion people who make up the poorest half of humanity.”²⁰ The report claims that inequalities between the rich and the poor continue to grow, and that 70% of the world’s citizens live in countries where inequality has increased over the past 30 years. According to the report,

Oxfam interviewed women working in a garment factory in Vietnam who work 12 hours a day, 6 days a week and still struggle to get by on the \$1 an hour they earn producing clothes for some of the world’s biggest fashion brands. The CEOs of these companies are some of the highest paid people in the world. Corporate tax dodging costs poor countries at least \$100 billion every year. This is enough money to provide an education for the 124 million children who aren’t in school and fund healthcare interventions that could prevent the deaths of at least six million children every year.²¹

In Southeast Asia, although industrialization *could* serve to stimulate growth in the overall economy, this is not the reality. Accumulated wealth is unevenly distributed. The concentration of land and capital is relegated to a small, elite group, while the needs of the poor masses are ignored.²² Furthermore, distributive inequality is not only a problem when it comes to monetary wealth and property ownership. As we discussed in Chapter Three, distributive justice also concerns the distribution of things like opportunities and advantages.²³ So when David Batstone reports, “At least one in every three of Cambodia’s 15 million people live below the poverty line today. Cambodian women, above all, do not get the chance to study formally or learn vocational skills,”²⁴ this exemplifies an unjust distribution of the opportunities and advantages offered by receiving an education or vocational training. These realities seem to lend credence to the declaration of Pope Francis I, who states, “Human rights are violated not only by

²⁰ “Just 8 men own same wealth as half the world,” Oxfam International, January 16, 2017, accessed March 26, 2018, <https://www.oxfam.org/en/pressroom/pressreleases/2017-01-16/just-8-men-own-same-wealth-half-world>.

²¹ Ibid.

²² Batstone, 20-21.

²³ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 166.

²⁴ Batstone, 21.

terrorism, repression or assassination, but also by unfair economic structures that create huge inequalities.”²⁵

Still, it may be easy for many of us “average” folks to criticize the world’s billionaires, and yet to feel like we have not reaped any special benefits from our position of relative affluence in the global economy. But Peter Singer points out that while 1.4 billion people (in 2009) live in extreme poverty, about a billion people live at a level of affluence never before experienced outside of kings and nobles. And in some ways, these 1 billion people are better off than historical kings when we consider our access to things like air conditioning, balanced diets including fruits and vegetables, and good medical care.²⁶ Singer points out that another indicator of our wealth is the small amount of time we work in order to provide the food we need. He states, “Today Americans spend, on average, only 6 percent of their income on buying food. If they work a forty-hour week, it takes them barely two hours to earn enough to feed themselves for the week. That leaves far more to spend on consumer goods, entertainment, and vacations.”²⁷

Now I suppose many who read this do in fact spend more than 6 percent of their income on food. Still, many of us have more expendable income than we might recognize. Consider that we waste \$100 billion of food in the United States annually.²⁸ Consider that in 2014, people around the world spent \$10 billion on beverages at Starbucks! If everyone gave up drinking Starbucks for a year and diverted that money toward feeding the poor, 1/3 of the world’s hungry people would be fed.²⁹ Or consider

²⁵ “Sustaining human progress,” 14.

²⁶ Peter Singer, *The Life You Can Save* (New York: Random House, 2009), 9.

²⁷ Ibid.

²⁸ Ibid., 11.

²⁹ Saleem S. Khatri, “Crazy stats on how much Starbucks we drink each year,” *Business Insider*, July 29, 2015, accessed March 27, 2018, <http://www.businessinsider.com/here-are-some-crazy-stats-about-how-much-starbucks-we-drink-each-year-2015-7>.

that a 2004 press release from the World Wildlife Fund (WWF) divulged the following information regarding luxury consumption: “Americans spend an estimated \$20 billion on ice cream, while Europeans spend \$11 billion. The global population spends: \$18 billion worldwide on facial cosmetics, \$15 billion on perfumes and \$14 billion on ocean cruises.”³⁰ These are products that *many* if not *most* people in the developed world enjoy, even among those of lower socioeconomic standing. And while we spend billions upon billions of dollars on wasted food, coffee, ice cream, cosmetics, perfumes, cruises, and numerous other consumer products, the world’s poorest citizens are short food for all or part of each year, cannot afford to keep their children in school, live in unstable housing, and have no clean source of drinking water.³¹

My intention here is not to embark on a detailed analysis of global economics, partly because I am definitely no economist, and partly because that would distract us from the more general argument that seems pertinent here. My concern is not with the specifics of *how* global economic structures bring about such stark inequalities. Rather, my intention is make an empirical observation – half of the people in the world live off of \$2.50 a day or less, while others of us spend so much money on coffee and ice cream that we could put a massive dent in poverty, if not completely eradicate it. Regardless of *how* this inequality exists, the fact is that it *does* exist.

And just as it is not a lack of money that keeps people impoverished, money is even less of an issue when it comes to freeing the enslaved. Freeing slaves in the developing world often does not cost much money. Bales mentions an organization in

³⁰ “What Americans and Europeans Spend on Ice Cream: \$31 Billion; Global Cost of Creating Marine Parks to Protect the Oceans: \$12 - \$14 Billion,” World Wildlife Fund, June 14, 2004, accessed March 27, 2018, <https://www.worldwildlife.org/press-releases/what-americans-and-europeans-spend-on-ice-cream-31-billion-global-cost-of-creating-marine-parks-to-protect-the-oceans-12-14-billion>.

³¹ Singer, 5-6.

northern India called the Sankalp organization which can help an entire family move from slavery into freedom for around \$35 USD.³² In Bales' words, "Freedom may be precious, but it doesn't have to be expensive."³³ Bales goes on to imagine how financially possible it might actually be to free the world's slaves. Conjecturing that the figure of \$35 for freedom and a new life applies to all slaves, and supposing there are 27 million slaves, it would cost \$945 million to end slavery on our planet.³⁴ And even if we double or triple or quadruple this amount to account for more slaves or higher amounts of money to achieve their freedom, we could end slavery altogether in exchange for our global Starbucks habit.

What does this tell us about the distribution of the world's wealth if one portion spends \$31 billion on ice cream and \$10 billion on coffee, while a massive portion (50 percent) lives on less than \$2.50 a day and struggles to feed, clothe, shelter, and educate their families? This level of distributive injustice leaves millions of men, women, and children vulnerable to slavery. Perhaps becoming a 'conditional cosmopolitan' means that instead of taking my daughter to get ice cream as a reward for good grades, I should divert that money toward alleviating hunger for other children. Or better yet, I could take my daughter with me and we could together engage in some activity to alleviate the suffering of some of the world's most vulnerable people.

³² Bales, *Understanding Global Slavery*, 16-17. This number is calculated by adding the annual wages of outreach workers, transportation costs to rural villages, costs of organizing and guaranteeing seed money and maintaining microcredit unions, Sankal office expenses, etc., and then dividing by the number of families helped in a year.

³³ *Ibid.*, 17.

³⁴ Bales, *Understanding Global Slavery*, 17. (Bales recognizes that some slaves may cost more to liberate. We must also consider that Bales's 2005 estimate of 27 million slaves is likely extremely low today. In Chapter 2, I pointed out that one anti-slavery organization suggests that there are 45 million slaves today).

C. The Demands of Distributive Justice on Behalf of Slaves

You may ask, “So what if I have an expensive coffee habit? I am entitled to spend my hard-earned money however I see fit.” But this may not actually be the case. In Chapter Three we compared the libertarian “entitlement theory” championed by Robert Nozick with John Finnis’s view of distributive justice. By way of reminder, Nozick believes that redistribution according to certain patterned principles (such as merit, effort, or need) is unjust. Taking from some people things for which they hold justly either through acquisition or transfer, and redistributing them to others, is tantamount to stealing.³⁵ However, we also explored the sticky territory of justice in holdings. Nozick himself admits that some holdings are acquired through theft, fraud, or enslavement, and that justice in holdings depends on what has actually happened historically.³⁶ Consider the land that my husband and I own. How can we even know that the original acquisition of the land was just, or that every transfer of the land from one owner to the next was just?

Furthermore, even presuming that a plot of land (or numerous other similar resources) was justly acquired and has been justly transferred throughout history, this does not entitle the owner to do whatever she wants with the land if this includes privileging her own desires to the extent that she neglects the fundamental needs of others. This is precisely Finnis’s point when he argues that *common stock resources* and *incidents of communal enterprise*, although rightly allocated to certain individuals because otherwise they are not useful, are ultimately meant to benefit the common good of the community.

³⁵ Robert Nozick, “Anarchy, State, and Utopia,” in *Justice: A Reader*, ed. Michael J. Sandel (Oxford: Oxford University Press, 2007), 65.

³⁶ *Ibid.*, 61.

As was explained in Chapter Three, acquisitions are made, and private holdings are encouraged, not for the purpose of hoarding for oneself, but for the purpose of increasing value and productivity for the benefit of the common good of the members of one's communities.³⁷ If one person or group is hoarding resources that should be put to use benefiting the greater community, then those resources should be reallocated to someone who *can* and *will* use them for greater benefit. Finnis explains this the following way:

Those arguments [for the permissibility of private ownership] in no way suggest that private ownership, thus understood, is unconditionally just. On the contrary, by starting from the general notion of the common good, and by emphasizing that natural resources are essentially common stock (though apt for distribution, including distribution as private property), the arguments themselves suggest the conditions which private owners must conform to if their ownership is to be distributively just. As private owner of a natural resource or capital good, one has a duty in justice to put it to productive use or, if one lacks the further resources required to do so, to dispose of it to someone willing and able to do so...speculative acquisition and disposition of property, for the purposes of merely financial gain uncorrelated with any economically productive development or use, is contrary to distributive justice.³⁸

We should also appeal back Sarah Clark Miller's discussion of our "duty to care" for the fundamental needs of others, and her observation that we *all* find ourselves weakly vulnerable and dependent on one another at various points. If we assume that others have a duty to care for us in our times of need, we must also recognize that we have a duty to care for them in the midst of their needs.³⁹ Additionally, when we consider Miller's list of fundamental needs, it is clear that the practice of slavery violates *all* eleven of these needs in some way. For easy reference, her fundamental needs include: (1) nutrition and water, (2) rest, (3) shelter (including clothing), (4) healthy environment

³⁷ Finnis, 170.

³⁸ Finnis, 172.

³⁹ Sarah Clark Miller, *The Ethics of Need: Agency, Dignity, and Obligation* (New York: Routledge, 2012), 59-60.

(hygienic, non-toxic, etc.), (5) bodily integrity (freedom from physical and sexual abuse, freedom to control matters affecting their bodies, etc.), (6) healing (access to some medical attention), (7) education, (8) attachments (positive emotional attachments), (9) social inclusion, participation, and recognition, (10) play (pleasurable recreational experiences which foster humor and creativity), and (11) security (freedom from coercive, threatening environments).⁴⁰

I argue in Chapter Three that distributive justice hinges, at least in part, on meeting the fundamental needs of those who are in dire situations. I also argue that we should be concerned with developing the type of character in ourselves and our fellow community members that results in a desire to cultivate virtuous citizens who recognize that they are part of a larger story,⁴¹ and who fight for a good quality of life for their fellow community members.⁴²

Seeing as how modern slaves are subject to horrific deprivations and experience profuse needs, virtuous global citizens should recognize that the plight of slaves is a paradigm case of a reality that demands we become ‘conditional cosmopolitans’. Because the abuses perpetuated against slaves include the worst crimes against humanity imaginable, we should respond by privileging and valuing the fundamental rights and needs of slaves above other particular relationships, and we should work tirelessly to see the demands of global justice recognized for all people.

IF world resources are distributed such that some have way more than we need for basic subsistence while millions of others have had *everything* taken from them,

⁴⁰ Sarah Clark Miller, 31-32.

⁴¹ Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 2007), 213.

⁴² Aristotle, “The Politics,” trans. Ernest Barker, in Sandel, *Justice: A Reader*, 288. (Taken from Book III: The Theory of Citizenship and Constitutions, Ch. 9, 1280^a25).

including their freedom, we cannot deny that we have benefited from more than our fair share of the available common stock resources and incidents of communal enterprise. If slave children in India are forced to weave the rug I buy for my den,⁴³ they have mixed their labor into something for which they have failed to reap any benefit, and I have reaped a major benefit in a low-cost rug, although I have done nothing specifically to deserve this benefit. I was born in the right place at the right time to be the beneficiary of a system that provides me low-cost goods at the expense of enslaved others. This is an unjust distribution on many levels – physical goods, money, physical freedom, autonomy, educational opportunities, safety, and the list goes on. If Finnis is right, and those who have been given a greater allocation of the common stock have been given those resources in order to work toward the common good and to benefit more than just themselves, then we can rightly question a world in which some live in opulence while many live in abject poverty and slavery, while nevertheless the resources exist to adequately feed and clothe and heal and free those who have been deprived of such provisions.

III. Slavery and Commutative Justice

A. The Relationship Between Consumerism and Slavery⁴⁴

I have made a case above as to how the existence of slavery in our modern world violates the demands of distributive justice. It is now time we consider how slavery is

⁴³ Kevin Bales and Zoe Trodd, *To Plead Our Own Cause* (Ithaca, New York: Cornell University Press, 2008), 69-81.

⁴⁴ Some portions of this section are borrowed from my forthcoming article: Tiffany Beaver, “Negative Duties and the Case of Modern Slavery,” ed. David Bulla, in *Why Slavery Endures: Slavery Past, Present, and Future 2* (Leiden, Netherlands: Brill, forthcoming). This article was adapted from a longer, unpublished version: Tiffany Beaver, “Negative Duties and the Case of Modern Day Slavery: Appropriating Pogge’s Theory of Negative Duties in the Assignment of Responsibility for Modern Day Slavery,” (University of South Carolina, 2014).

also a violation of commutative justice. Let us first remember how Finnis explains commutative justice by appealing to the following:

There is a vast range of relationships and dealings between persons...in which neither the requirements or incidents of communal enterprise nor the distribution (whether by public or private owners) of a common stock are directly at stake, **but in which there can be question of what is fitting, fair, or just as between the parties to the relationship.**⁴⁵

So whereas distributive justice deals with distributing common resources and privileges among individuals in communities, commutative justice is concerned with assuring that people treat those with whom they have relationships in ways that are fitting and fair. This still hinges on our foundation of favoring and fostering the common good of community members, and recognizing that our narrative quests are intricately intertwined with one another.

Our chief concern in considering the demands of commutative justice is to ascertain the nature of our relationships with numerous others, and to determine if these relationships serve to treat these others justly, or if these relationships exhibit a failure to pursue the good of our neighbors. Furthermore, commutative justice may require that if and when we fail our neighbors, we are obligated to take steps toward restoration or correction. We must consider, then, how the existence of modern slavery might implicate us as failing to uphold the demands of commutative justice in our relationships, both local and global. A first step in this process is to examine the links between consumerism and slavery.

For those of us living in the developed West, most of us go about our daily lives giving little or no thought to how our lifestyles – specifically our consumer habits –

⁴⁵ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 178. (emphasis added).

might be linked to the slavery of others. But the reality is becoming increasingly clear that those of us who consume are linked in multiple ways to those who produce, and often times a portion of those producers are slaves. Numerous organizations are now dedicated to making consumers aware of how their consumer practices contribute to slavery worldwide. One such agency explains,

Slavery flows into our homes, offices, and schools through many of the products we buy. Slaves harvest cocoa in West Africa, and it ends up in our chocolate. Slaves make charcoal in Brazil, which is used to run smelters that make steel for our cars. Many food products and raw materials are tainted by slavery—such as tomatoes, tuna, shrimp, cotton, diamonds, iron, sugar, and gold.”⁴⁶

That same agency also claims, “Many everyday products are made by slaves, or with slavery-tainted parts or raw materials -- such as cars, computers, chocolate, cell phones and clothing.”⁴⁷

In Chapter Two we discussed different types of modern slavery, including bonded labor. Siddharth Kara points out that many of the products we use or consume regularly are made by bonded laborers (i.e. slaves) in South Asia. He explains,

...the products of present-day bonded labor touch almost every aspect of the global economy, including frozen shrimp and fish, tea, coffee, rice, wheat, diamonds, gems, cubic zirconia, glassware, brassware, carpets, limestone, marble, slate, salt, matches, cigarettes, bidis (Indian cigarettes), apparel, fireworks, knives, sporting goods, and many other products. Virtually everyone’s life, everywhere in the world, is touched by bonded labor in South Asia.⁴⁸

Another organization has developed an online test that consumers can take to determine approximately how many slaves it takes to sustain each consumer’s own lifestyle. This test determines an individual’s “Slavery footprint.”

⁴⁶ “Slavery Today,” Free the Slaves. Accessed May 4, 2015. <http://www.freetheslaves.net/about-slavery/slavery-today/>.

⁴⁷ “Trafficking and Slavery Fact Sheet,” Free the Slaves, accessed May 4, 2015, https://www.freetheslaves.net/wp-content/uploads/2015/01/FTS_factsheet-Nov17.21.pdf.

⁴⁸ Siddharth Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (New York: Columbia University Press, 2012), 3.

Your TOTAL SLAVERY FOOTPRINT represents the number of forced laborers that were likely to be involved in creating and manufacturing the products you buy. This is determined based on information regarding the processes used to create these products as well as investigations of the countries in which these stages of production take place for known slave labor (within these specific processes.) This number is compiled from multiple individual product scores...In order to create individual scores, we first chose to investigate slave labor usage in the supply chains of more than 400 of the most popular consumer products.⁴⁹

When I took this test initially, I was informed that my lifestyle supports forty-seven slaves. I took the test again after having a child, and my score jumped up to seventy-four slaves. This is an appalling number, especially since I like to think that I am a fairly informed and responsible consumer. However, by virtue of simply being a consumer in an affluent Western society, my contribution to slavery is seemingly undeniable.

⁴⁹ "Slavery Footprint: Methodology," Made in a Free World, accessed May 4, 2015, <http://slaveryfootprint.org/about/#methodology>.

Additionally, the following information can be found on their website detailing the way information was gathered in order to generate the "Slavery Footprint" test:

"Each score therefore represents the likelihood of slavery used in production. This likelihood was developed from investigations and research drawn from the following sources:

The five main reports we used were: 1. Department of State "Trafficking in Persons Report 2011" The most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. 2. Department of Labor (DOL) "List of Goods Produced by Child Labor or Forced Labor 2010" A list of goods from countries that the Bureau of International Labor Affairs has substantiated used of forced labor or child labor its production. 3. International Labor Organization's (ILO) "Committee of Experts Reports 2011-2003" The Committee of Experts undertakes investigations of government reports on ratified conventions. The Committee's role is to provide an impartial evaluation of violations of international labor standards. 4. Transparency International's "Corruption Index 2010" This index is used to measure and quantify the levels of public sector corruption in 178 countries around the world. 5. Freedom House "Freedom in the World 2010 Combined Average Ratings – Independent Countries" The Freedom in the World 2010 survey contains reports on 194 countries and 14 related and disputed territories. Each country report includes a narrative on the following information: population, capital, political rights (numerical rating), civil liberties (numerical rating), status (Free, Partly Free, or Not Free), and a 10-year ratings timeline."

"Additionally, we utilized published data pertaining to forced labor issues. This included vetted data drawn from a variety of international sources. The following inclusion criteria were used:

Drawn from ONE Internationally credible source with expert review (i.e. ILO, International Office for Migration, World Health Organization, United Nations Security Council), Referenced in at least TWO multi-national reliable sources (i.e. CNN, Human Rights Watch, Amnesty International), Reported on by at least THREE disparate and unrelated local news sources (i.e. The Guardian, Swedwatch, Jakarta Post, Enough Project)."

The U.S. Department of Labor's "List of Goods Produced by Child Labor or Forced Labor" identifies 134 goods produced by 74 countries that have strong evidences of child labor, forced labor, or both.⁵⁰ Among these goods are bricks, flowers, various fruits and vegetables, accessories, textiles, garments, coffee, sugar, cotton, footwear, fish, shrimp, salt, various minerals (such as zinc), various metals (such as gold and silver), various gemstones (such as diamonds, emeralds, jade, rubies, etc.), rice, rubber, coal, electronics, nails...and the list goes on and on.⁵¹ Kevin Bales reiterates and adds to this list when he points out the following:

One of the most shocking facts about slavery for people in the United States and Europe is that we are using slave-made products every day. Cotton, chocolate, sugar, steel, even some of the metal in cell phones, may be tainted by slavery. The total volume of these slave-made ingredients is actually very small. A tiny fraction of the world's cotton or cocoa or steel has slave input. The problem is that it is almost impossible to know which shirt or candy bar or chair carries slavery into your home. The criminals using slaves sell their produce into the market like everybody else, and it flows into the global commodities market and mixes with goods from free workers.⁵²

Thus it is often difficult or nearly impossible for consumers to know if and when they consume products such as these that are actually sourced by slave labor somewhere in their supply chains. The blood, sweat, and tears of slaves is mixed into the global economy and we are the unwitting purchasers. But what we can know with confidence is that we are undeniably linked to those who make the products we consume, and at least some portion of those products is made for us by slaves.

You may wonder how this is even possible. How can *we* unknowingly purchase products made by slaves? Bales, Trodd, and Williamson explain that the globalization of

⁵⁰ "List of Goods Produced by Child Labor or Forced Labor." Page 13. The U.S. Department of Labor. 2012. Accessed May 4, 2015. <http://issuu.com/stevebutton/docs/2012tvpra>.

⁵¹ Ibid., 15-34.

⁵² Bales, *Global Slavery*, 21.

the world economy is the primary culprit. For most of history, individual countries controlled the flow of money across their own borders. However, in the mid-1980's most of these border restrictions ended and money began flying freely around the globe. Businesses could move at will when they could make things more cheaply elsewhere, and as money and businesses moved freely, governments lost control over their operations.⁵³

The most unfortunate side effect of globalization is the resulting ease with which slavery thrives and its profits proliferate. "With the financial systems of globalization, without labor market regulation, slave profits flow smoothly across national borders and governments find it very difficult, if not impossible, to stop the flow of this money."⁵⁴

This tangled web of modern slavery across borders is illustrated in the following passage:

Slavery's flows are merging and crossing. In Brazil, slaves are "recruited" in densely populated, economically depressed regions and then shipped over 1000 miles to the forests where they make charcoal. The charcoal, in turn, is shipped another 1000 miles for use in steel mills. The resulting steel is sold to Canada and the US. The European Union imports nearly a million tonnes of Brazilian steel each year to produce everything from cars to buildings to toys. Women are trafficked from Burma or Laos for use in brothels in Thailand, Japan, or Europe. Capital from Hong Kong funds the brothels of Thailand and investment from Europe supports the charcoal operations of Brazil...The phenomenon of globalization means that the goods we buy are increasingly assembled in different parts of the world, using components from all over the world. There are numerous steps and parts that go into making a product and slavery can creep into any one of them.⁵⁵

Close scrutiny of the entire supply chain of a product, from the growth and harvesting of raw materials, through multiple steps of production and manufacture and shipping, until it reaches a consumer hundreds or thousands of miles away, is imperative in order to be

⁵³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 47-48. Also see Lousie Shelley, *Human Trafficking: A Global Perspective* (New York: Cambridge University Press, 2010), 37.

⁵⁴ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 48.

⁵⁵ *Ibid.*, 48-49.

assured that consumer products are not tainted by slavery.⁵⁶ Unfortunately, this level of transparency is often not available, and even if it is we often do not take the time and effort to research such processes. As policy professor and transnational crime expert Louise Shelley explains,

Many of the world's citizens would never buy illegal drugs or smuggled weapons, but consumers will use the products produced by trafficking victims without thinking about why they are available at such an affordable price. Instead, they are satisfied to have found a well-priced good in a global competitive economy. They will unknowingly buy clothes produced by the sweatshops where trafficked workers are employed, any buy the fruits and vegetables harvested by trafficked agricultural workers. Increasingly accustomed to the benefits of a consumer society, they will eat in restaurants where trafficked laborers are employed.⁵⁷

B. Sex Consumerism and Slavery

1. The demand for sex. Thus far, my focus has been on the links between the demand for cheap consumer goods and slavery, especially focusing on the convoluted steps of supply chains and the likelihood that slave labor is mixed into many products we routinely buy and use. But physical goods are not the only things routinely consumed at the expense of slaves. Throughout the globe, the consumption of sex and sexual services plays a major role in the enslavement of millions.⁵⁸

Forcing women and children (and sometimes men) into slavery for the purpose of sexual exploitation only happens because there is a demand for such services, the fulfillment of which proves to be very lucrative for those willing to engage in such exploitation.⁵⁹ While it is true that trafficking (the *movement* of people) only accounts

⁵⁶ "The Issue," KnowTheChain, accessed April 3, 2018, <https://knowthechain.org/the-issue/>.

⁵⁷ Shelley, 39.

⁵⁸ Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009), 15.

⁵⁹ Niklas Jakobsson and Andreas Kotsadam, "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation," *University of Gothenburg School of Business, Economics and Law*, (Revised May 2013): 5, accessed April 10, 2018,

for a relatively small percentage of people who are enslaved, a majority of the people who are trafficked are done so for use in the sex industry.⁶⁰ The trafficking of people, and their subsequent enslavement, “...is an economic activity in which organizations try to make profits...Traffickers will only sell persons for sexual exploitation when market conditions make it profitable.”⁶¹ This highlights the point that sexual slavery would not exist were there not a demand for such services, and were their fulfillment not profitable. Shelley points out that traffickers choose to trade in human beings “because there are low start-up costs, minimal risks, high profits, and large demand.”⁶²

We have already discussed why the supply of potential slaves is so great by pointing out the links between population, poverty, vulnerability, and slavery. We have also discussed the reasons that many women and children especially are either coerced or sent into slavery, and why they remain trapped there. Phony contracts, fraudulent and fabricated debts, broken promises of jobs or educational opportunities, withheld documents, and physical and mental violence are just some of the factors contributing to the sexual enslavement of these vulnerable individuals.⁶³ But again, having a large pool of potential victims does not ensure enslavement if there is no demand for their services. We must examine *why* there is such a demand for available sex slaves.

First, the availability of so many slaves is an obvious advantage for brothel-businesses. When the owners of brothels are able to pay their “workers” relatively nothing, this drastically increases their own profit potentials. As Kara states, “...it did not

https://gupea.ub.gu.se/bitstream/2077/22825/4/gupea_2077_22825_4.pdf, Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 53.

⁶⁰ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 35-36.

⁶¹ Jakobsson and Kotsdam, 2.

⁶² Shelley, 3.

⁶³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner's Guide*, 66-67.

take long for those in the sex industry to deduce that they could vastly increase profits by capitalizing on the desperation and vulnerability of dislocated women and children.”⁶⁴

Second, the general drop in the price of slaves does not only apply to those used for labor. Because slaves are cheap and plentiful, the price for a paid sexual experience has also dropped in the past decades, resulting in an increased demand for such services. Brothel owners learned that they could “expand the potential market for their product – sex with a human female or child – by lowering the retail price of that product.”⁶⁵ The result is that as the price of sex drops, more men can afford to buy it, or to buy it more often.⁶⁶ As Kara further states,

In most red-light districts I visited, I procured tangible evidence that the average price of a sex act was decreasing over time as a direct result of the increased use of slaves. These decreasing prices opened the market to low-wage consumers, such as day laborers and *tuk-tuk* (rickshaw) drivers. Such men could not previously afford sex with a prostitute, but as prices in some parts of Asia and Europe dropped by half, new consumers entered the market, and traditional consumers returned more often.⁶⁷

Kara also points out that there has *always* been a demand from a small percentage of the male population for paid sex services which in turn supports a commercial sex industry. The current reality, though, is that the commercial sex industry today is increasingly comprised of slaves, and consequently is also available for exploitation by a larger portion of the population.⁶⁸ Shelley sums up Kara’s sentiments in the following way:

Men who purchase sexual services rarely think about the prostitutes with whom they have sexual relations. Instead, they happily hire the services of a younger woman who is compliant and affordable without thinking of why these services

⁶⁴ Kara, *Sex Trafficking*, 33.

⁶⁵ *Ibid.*, 34.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 33-34.

are so accessible. Sex slavery today, according to one financial analyst, has made sex services more available than a decade ago and thereby has increased the demand.⁶⁹

2. Sex tourism. One indication of the insatiable demand for commercial sex is the existence of an entire industry centered around sex tourism. According to one article, tourism (in general) is the world's largest industry. Furthermore, in some places such as Thailand, the main purpose that many people have for traveling there is to patronize the commercial sex industry. In fact, 70 percent of the tourists to Thailand are men traveling alone, and this figure rises as high as 90 percent in areas specifically known for their sex tourism opportunities.⁷⁰ Most of these travelers are from developed regions such as North America, Western Europe, Australia, Japan, and wealthy Arab countries, and they have enough vacation time and disposable income to fund such trips and to pay for the fulfillment of their wildest sexual fantasies, including those involving children.⁷¹

One can easily find a plethora of information about how to partake of such activities from the ever-so-generous patrons who have traveled to partake and returned to recount their adventures. Numerous internet sex diaries and websites targeted at dispensing advice to fellow sex tourists are just one Google search away.⁷² Bishop and Robinson record the recommendations of one patron as written in a 1994 entry in the Internet's World Sex Guide:

⁶⁹ Shelley, 39.

⁷⁰ Ryan Bishop and Lillian S. Robinson, "In the Night Market: Tourism, Sex, and Commerce in Contemporary Thailand," *Women's Studies Quarterly* 27, no. 1/2 (Spring - Summer, 1999): 33-36, accessed April 5, 2018, <http://www.jstor.org/stable/40003396>.

⁷¹ *Ibid.*, 35.

⁷² *Ibid.*, 38-42. A few examples include, "The International Sex Guide," accessed April 5, 2018, <http://internationalsexguide.info/forum/>; "World Sex Guide," accessed April 5, 2018, <http://worldsexguide.com>. For an archived record of such past reviews, see World Sex Guide Adult Sex Travel and Sex Tourism Research Project, accessed April 5, 2018, <http://www.worldsexguide.org/index.html>. (Reader beware, these are explicit sites. I only went to them to see how easy they were to find. If you click around, you may lose your lunch).

If you want the best blow job in the world, say so . . . [The manager]’ll tell you which girls specialize in the field. If you want anal, say so. If you want to watch two or three girls making love to each other and then join in, say so. Be specific and graphic: they've heard it all before, and will direct you toward the right girl(s) . . . [In the room, after the bath and body massage,] you'll dry off, move to the bed, and do whatever it was you paid to do. It's all very leisurely; you've got two hours to play. On occasion . . . a girl might possess some extremely powerful Thai stick, and will ask you to join her in a smoke. It's up to you, but if you don't you can be sure she'll have had a better time than you (and have blotted you completely out in the process). Whatever, almost without exception in my experience, these girls are very, very good at what they do. That said, it would be well to remember that what these girls "do " . . . is not what they "are." Often, they are quite funny and bright. Even if not, if you never cease to remember that they are, before anything else, human beings with human feelings, chances are good you'll truly enjoy yourself, and you will have made her life, for a moment, at least, not as completely horrible as it might have been.⁷³

While the focus of all sex tourism is not the sexual exploitation of children, one cannot deny that for some such consumers the prospect of sex with children is an especially enticing lure. The United States Department of Justice refers to this as the “extraterritorial sexual exploitation of children,”⁷⁴ and defines it the following way:

The extraterritorial sexual exploitation of children is the act of traveling to a foreign country and engaging in sexual activity with a child in that country. Federal law prohibits an American citizen or resident to travel to a foreign country with intent to engage in any form of sexual conduct with a minor (defined as persons under 18 years of age). It is also illegal to help organize or assist another person to travel for these purposes. This crime is a form of human trafficking, also referred to as child sex tourism. Convicted offenders face fines and up to 30 years of imprisonment.⁷⁵

Despite such risks that may be associated with engaging in sex tourism, specifically with children, some men still choose to engage in these activities. One reason is because they enjoy the anonymity they experience in a foreign land.⁷⁶ They feel safe and uninhibited, and unless they get caught, they can operate under the mantra, “What happens in

⁷³ Bishop and Robinson, 32.

⁷⁴ “Extraterritorial Sexual Exploitation of Children,” United States Department of Justice, accessed April 5, 2018, <https://www.justice.gov/criminal-ceos/extraterritorial-sexual-exploitation-children>.

⁷⁵ Ibid.

⁷⁶ Ibid.

Thailand (or the Philippines, or Eastern Europe, or India, etcetera) stays there.” This draw of sex tourism, of course, is not to the exclusion of the demand for sex with children among the locals as well.⁷⁷ As Batstone points out, “...the sex trade has raised the demand for slave children, and the impoverished masses generate the supply.”⁷⁸

2. Considering prostitution – is it free or coerced? One proposed solution to the problem of forced sexual exploitation, including human trafficking for the purpose of sexual exploitation, is the move by some to decriminalize (i.e. legalize) prostitution.⁷⁹ In fact, there are essentially three options when it comes to the legal status of prostitution. Option one includes the complete and total criminalization of prostitution. On this model, both the buying and selling of sex is illegal. This is the current model adopted by the United States of America under the belief that an especially effective way to fight sex trafficking and forced sexual exploitation is to make prostitution illegal.⁸⁰

Option two includes the criminalization of *buying* sex, and the decriminalization of *selling* sex. This means that it is illegal to buy sex, but not to sell it; the buyers can be prosecuted, but the sellers cannot. This is the current model in Sweden and Norway.⁸¹ The idea is that this shifts the balance of power away from the buyers (who act illegally when buying sex) and toward the sex workers (who act legally in selling sex, and can therefore speak out if they are mistreated or hurt).⁸² It attempts to protect the victims of

⁷⁷ Heather Montgomery, “Buying Innocence: Child-Sex Tourists in Thailand,” *Third World Quarterly* 29, no. 5 (2008): 905, accessed April 5, 2018, <http://www.jstor.org/stable/20455082>.

⁷⁸ Batstone, 23.

⁷⁹ Melissa Farley, “Theory versus reality: Commentary on four articles about trafficking for prostitution,” *Women’s Studies International Forum* 32 (2009), 311-314, accessed April 10, 2018, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.361.1304&rep=rep1&type=pdf>.

⁸⁰ Jakobsson and Kotsdam, 3.

⁸¹ *Ibid.*, 2.

⁸² Mary Ann Peters, “Nordic Model key to beating exploitation of sex workers,” April 18, 2016, accessed April 10, 2018, <https://www.cnn.com/2016/04/18/opinions/prostitution-nordic-model-peters/index.html>.

the commercial sex industry instead of criminalizing them, while working to sway the balance of power in their direction.

Option three includes the total decriminalization of prostitution, making it completely legal to both buy and sell sex. Neither party is breaking the law by engaging in sex-for-pay. This is the current Dutch and German model, as well as the model used in New Zealand and parts of Australia, among other countries.⁸³ For instance, prostitution in Amsterdam (Netherlands) is legal, and those who work as prostitutes are viewed as “independent entrepreneurs.” Legal prostitution is regulated and taxed in an attempt to combat forced prostitution and human trafficking for sexual exploitation.⁸⁴ The general argument for fully legalizing prostitution is summed up in a 2004 article from *The Economist*, which claims, “Criminalisation forces prostitution into the underworld. Legalisation would bring it into the open, where abuses such as trafficking and under-age prostitution can be more easily tackled. Brothels would develop reputations worth protecting.”⁸⁵

The question looming large is whether or not decriminalizing prostitution actually does have this ameliorating effect on human trafficking for sexual exploitation. Is it really the case that human trafficking and forced sexual exploitation diminish when prostitution is legalized? Cho, Dreher, and Neumayer assert the existence of two competing effects that must be examined in order to answer this question - the substitution effect and the

⁸³ Farley, 312; Rohit Bhattacharya, “15 Countries Around The World That Have Legalized Prostitution,” ScoopWhoop, June 26, 2015, accessed April 10, 2018, <https://www.scoopwhoop.com/inothernews/countries-with-legal-prostitution/#.xgihtepnz>.

⁸⁴ “Prostitution,” Amsterdam guide, 2003-2018, accessed April 10, 2018, <http://www.amsterdam.info/prostitution/>.

⁸⁵ “Sex is their business, *The Economist*, September 2, 2004, accessed April 10, 2018, <https://www.economist.com/node/3151258>.

scale effect - and they analyze which effect dominates the other.⁸⁶ The substitution effect exists when legal sex workers are favored over illegal workers, empowering local women (and men) who wish to engage in legal sex work, but who are not interested in participating in an illegal industry. This should supposedly lead to a decrease in illegal/trafficked/forced sex workers, and is what we *hope* will happen if we legalize prostitution. The second effect, the scale effect, explains that when prostitution is legalized, the market for commercial sex services expands, requiring a greater number of sex workers to meet the demand.⁸⁷ The question, then, is which effect is greater? Are there enough workers supplied by the substitution effect to meet the demands of the scale effect?

What Cho, Dreher, and Neumayer conclude is that the expansion of the market (i.e. the increased demand for commercial sex in places where it is legalized) makes it such that so many sex workers are needed that there is, in fact, no decrease in illegal sex workers. To the contrary, often times there is an increase in both legal (free) sex workers and illegal (slave) sex workers, and the illegal sex workers (i.e. trafficked people) are necessary to keep up with the demands of the market. The ugly truth is that the scale effect *dominates* the substitution effect, and that “countries with legalized prostitution have a statistically significantly larger reported incidence of human trafficking inflows.”⁸⁸

One study concludes: “...we find that the trafficking of women for commercial sexual exploitation is least prevalent in countries where prostitution is illegal, most

⁸⁶ Seo-Young Cho, Axel Dreher, and Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?” *World Development* 41, no.1 (2013), accessed April 10, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986065.

⁸⁷ *Ibid.*, 2-4.

⁸⁸ *Ibid.*, 6, 22, 25-26.

prevalent in countries where prostitution is legalized, and in between in those countries where prostitution is legal but procuring illegal.”⁸⁹ Another study commissioned by the European Parliament investigated 11 significant member states of the European Union, including the Netherlands, in an attempt to identify links between the level of legality of prostitution in those states and the prevalence of human trafficking for sexual exploitation. While this is a complicated and multi-faceted study that does not claim concrete results, the study does note increases in human trafficking statistics following the Dutch legalization of prostitution in 2000, and also notes that an extremely high percentage of Dutch prostitutes are not Dutch at all, but rather come (against their will) from numerous other countries, most notably Eastern European and African countries.⁹⁰

In further support of this conclusion, Farley states the following:

Evidence supports the theory that legal prostitution is associated with increased trafficking. Traffickers and pimps can easily operate with impunity when prostitution is legal...Wherever prostitution is legalized, trafficking to sex industry marketplaces in that region increases...After prostitution was legalized in Germany and the Netherlands, the numbers of trafficked women increased dramatically. Today, 80% of all women in German and Dutch prostitution are trafficked.⁹¹

Prostitution was legalized in New Zealand in 2003.⁹² In 2008, Debbie Baker, who runs an organization which provides support services for people in prostitution who wish to leave, noted the negative effects of New Zealand's decriminalization of prostitution.

We have also seen a marked increase in men cruising the streets trying to buy sex. Although the numbers vary from day to day, it appears to us that overall, the number of men buyers has doubled since decriminalization. We as a team have been solicited by men while working with our clients on the street. Before

⁸⁹ Jakobsson and Kotsdam, 4.

⁹⁰ “National Legislation on Prostitution and the Trafficking in Women and Children,” European Parliament, September 2005, 115-122, accessed April 10, 2018, https://ec.europa.eu/anti-trafficking/publications/study-national-legislation-prostitution-and-trafficking-women-and-children_en.

⁹¹ Farley, 313.

⁹² Ibid., 312.

decriminalisation this had not happened. These solicitations of the Streetreach staff occurred both in the street and also in massage parlours. The staff at Streetreach believe that the clients of prostitutes who are trying to pick up women have generally become more open and forthright.⁹³

It is also important to consider the impact that prostitution in general (and legalizing prostitution specifically) has on children. Sex with children is *always* coerced and illegal. Yet, the scale effect dominating the decriminalization of the commercial sex industry extends to the demand for and sexual exploitation of children. Only three years after prostitution was legalized in New Zealand, Auckland lawyer David Garrett “declared decriminalization a ‘disaster’ that had resulted in an ‘explosion’ of children trafficked for prostitution in Auckland and Christchurch,” and he reported that the overall trafficking of children in New Zealand increased following decriminalization, “especially the trafficking of ethnic minority Maori children.”⁹⁴

Former child victim Rachel Lloyd, who “worked” while underage in Germany’s legal sex industry, reports that most of the girls who worked with her were underage immigrants with histories of trauma and abuse prior to their exploitation in the commercial sex industry.⁹⁵ She affirms that legalizing prostitution has adverse effects on marginalized populations, including children. She states,

The presence of an adult sex industry increases both the rates of child sexual exploitation and trafficking. It may be true that some women in commercial sex exercised some level of informed choice, had other options to entering and have no histories of familial trauma, neglect or sexual abuse. But, these women are the minority and don’t represent the overwhelming majority of women, girls, boys and transgender youth, for whom the sex industry isn’t about choice but lack of choice. The argument that legalizing prostitution makes it safer for women just hasn’t been borne out in countries implementing full legalization. In fact,

⁹³ Farley, 313.

⁹⁴ Ibid.

⁹⁵ Rachel Lloyd, “Legalizing Prostitution Leads to More Trafficking,” *New York Times*, August 24, 2015, accessed April 11, 2018, <https://www.nytimes.com/roomfordebate/2012/04/19/is-legalized-prostitution-safer/legalizing-prostitution-leads-to-more-trafficking>.

legalization has spurred traffickers to recruit children and marginalized women to meet demand. Amsterdam, long touted as the model, recently started recognizing rates of trafficking into the country have increased and is beginning to address the enormous hub of trafficking and exploitation that it's created.⁹⁶

Some estimates claim that there are nearly two million children exploited in the global commercial sex trade,⁹⁷ while others fear that the actual situation is much worse.⁹⁸ Additionally, there are specific and extremely lucrative markets selling the services of virgins and young girls.⁹⁹ The following story from Shahnara exhibits many of the characteristics mentioned thus far (poverty and vulnerability), as well as several of the modern components of slavery (coercion, fraud, human trafficking, and sex tourism, maintained through debt bondage), leading to the sexual enslavement of children.

I was twelve when my mother died. My father and my uncle had been using drugs for many years. Soon my father was imprisoned; I do not know for what offense. My uncle sold everything in our house to buy drugs. When I was thirteen he forced me out on the street. I was living in the streets, sleeping under benches in the park. He told me to sell myself if I was not able to find money any other way. I went to the police and they sent me to Vartashen orphanage. Once my classmate told me that there was a woman in her neighborhood helping pretty young girls to go to Germany to work for a fashion magazine. I could not believe it. I was so happy. Later the woman told me that after she had arranged documents for me and the other persons we would travel together to Germany... There were fourteen of us, girls of different ages between thirteen and twenty-three. We went by taxi to Tbilisi. From there we traveled to Moscow and from Moscow to Dubai, as we found out later. The woman who had recruited me had twenty-seven children employed, mostly from orphanages or from the streets. She deals in this business for twelve years already. The hell I lived through at home continued in Dubai. They placed us in a hotel. They had special interest in young virgins. They were selling them at enormous prices to rich Arab sheikhs for one night, after which they were working with clients like other ordinary girls... My friend who was thirteen was taken to a wealthy man... Two days later they took us to a night club

⁹⁶ Lloyd.

⁹⁷ "Children Out of Sight," UNICEF.

⁹⁸ R. Barri Flowers, "The Sex Trade Industry's Worldwide Exploitation of Children," *The Annals of the American Academy of Political and Social Science* 575 (May, 2001), pp. 147-157 accessed April 4, 2018, <http://www.jstor.org/stable/1049185>.

⁹⁹ Donna M. Hughes, "The Demand for Victims of Sex Trafficking," University of Rhode Island (2005), 25, accessed April 5, 2018, https://www.researchgate.net/publication/265578917_The_Demand_for_Victims_of_Sex_Trafficking; Bales and Trodd, *Plead Our Own Cause*, 127.

and explained the nature of our work and the amount that we should pay them every day. They explained that they had paid a lot of money for our passports and travel, in total \$6,000 for permission to fly and tickets. They were also paying for our room and food. Almost all the children were crying. They could not understand what was expected from them and how they were going to do it. The Arab partner of our pimp was getting angry when he was not getting the amount of money they were expecting us to provide. He was beating children with a belt and was very violent. I was also crying at the very beginning, but what could I do? Sometimes there were rich businessmen who hired us every time they came to Dubai...After nights of work we were getting so tired that we could not do anything else but sleep...When our visas expired we traveled with our pimp to Iran to extend visas. We stayed there for no more than two hours. Our passports were usually given to us at the airport and taken away after passport control. We could not run away or complain to the police since they assured us that they were bribed...¹⁰⁰

The general point here is that the mere *existence* of prostitution promotes commercial sexual exploitation, and the outright *acceptance* of prostitution increases even more the demand for sex services and the presence of a commercial sex industry, which in turn increases the numbers of slaves (both adults and children) who are exploited in that industry. The reality is that the existence of legalized prostitution actually increases the overall demand and the need for trafficked victims. In the commercial sex industry, some workers are free, many more are coerced or forced, and it is often difficult or impossible for the consumer to tell the difference.

3. The problem of pornography. One obvious means of consuming sex, which implicates a much larger portion of the general population than does buying sex in a brothel or engaging in sex tourism, includes the consumption of pornography. The American Psychological Association puts porn consumption rates at 50 percent to 99 percent among [U.S.] men, and 30 percent to 86 percent among [U.S.] women.¹⁰¹

¹⁰⁰ Bales and Trodd, *Plead Our Own Cause*, 127-128.

¹⁰¹ Kristen Weir, "Is Pornography Addictive?" *Monitor on Psychology* 45, no. 4 (2014), accessed April 5, 2018, <http://www.apa.org/monitor/2014/04/pornography.aspx>.

Furthermore, there is evidence to suggest direct links between pornography and sex slavery. One author suggests:

In some parts of the world, centers of trafficking are also centers for the production of pornography. An example is St. Petersburg, where representatives from NGOs report that they have heard of many cases of women being forced to make pornography. Many of the women in prostitution in St. Petersburg have also been used to make pornography. They say the police will take complaints about the production of pornography only if children are used. Budapest, Hungary is a destination and transit city for women trafficked from central and eastern Europe. Budapest has also become the pornography production capital of Europe. American and European pornography producers moved to Budapest because of the cheap, available victims.¹⁰²

And even if the pornography consumed by some individuals does not directly support slavery (for instance, the actors are not themselves slaves), the pornography industry itself may directly and indirectly encourage practices that have been known to lead to sex trafficking and sex slavery.

One organization that seeks to help people break addictions to pornography points out that society at large sees sex trafficking as a problem that we should fight, while simultaneously overlooking pornography “as simply another genre of entertainment. This dichotomy between sex trafficking and the realities of pornography is a serious misconception that needs to be addressed.”¹⁰³ Such a claim leads us to ask an obvious question – What are some potential ways that commercial sexual exploitation (including human trafficking) and pornography are linked?

One potential link between pornography and sex slavery is that pornography drives up the demand for bought sex, and is the “primary gateway to the purchase of

¹⁰² Hughes, 26.

¹⁰³ Ana Stutler, “The Connections Between Pornography and Sex Trafficking,” Covenant Eyes, September 7, 2011, accessed April 12, 2018, http://www.covenanteyes.com/2011/09/07/the-connections-between-pornography-and-sex-trafficking/#_edn4.

humans for commercial sex.”¹⁰⁴ Pornography and sex slavery are both part of the *commercial* sex industry. As such, they easily become intertwined. Harvard Law professor Catharine MacKinnon argues that “[c]onsuming pornography is an experience of bought sex,”¹⁰⁵ and claims “that the sexually used are transported on paper or celluloid or digitally may make the transaction seem more distanced, but it is no less real a commercial act of sex for any of the people involved.”¹⁰⁶ Pornography stimulates the demand for purchasing future sex acts.¹⁰⁷ Furthermore, viewing pornography “creates a drug-like addiction which distorts the individual’s view on sexuality,” which sometimes results in seeking more explicit and violent content.¹⁰⁸ As MacKinnon reports, “Pornography is documented to create demand for specific acts, including dangerous and demeaning ones inflicted on prostituted people, as well as for bought sex in general...the more men use pornography, the more they use prostitutes.”¹⁰⁹ And I would add here, as we have previously established, that many prostitutes in the commercial sex industry are slaves. So pornography fuels the demand for sex consumption, which fuels the demand for sex slaves.

A second potential link between pornography and sex slavery, which is mentioned above in the quote from Donna M. Hughes, is that many of the people exploited in the actual production of pornography are trafficked victims, or slaves.¹¹⁰ This, of course, includes children as well as adults.

¹⁰⁴ Stutler.

¹⁰⁵ Catharine A. MacKinnon, “Pornography as Trafficking,” *Pornography: driving the demand in international sex trafficking* (2007), 34.

¹⁰⁶ *Ibid.*, 33.

¹⁰⁷ *Ibid.*, 34.

¹⁰⁸ Stutler.

¹⁰⁹ MacKinnon, 35.

¹¹⁰ Stutler; Hughes, 26.

Child pornography is, by most accounts, a multi-billion-dollar global enterprise. In Germany alone, estimated sales of child porn exceed \$250 million, with the number of consumers ranging from 30,000 to 40,000. The biggest market for child pornography is in the United States, where an estimated \$6 billion is generated annually. Eighty-five percent of the worldwide sales of child pornography comes from America. Each year, an estimated 30,000 children are sexually exploited by child pornographers in Los Angeles alone.¹¹¹

One brave survivor, Christine Stark, was born into sexual slavery in Minnesota (USA). She was born into a family of pimps, pornographers, and prostitutes. As Christine recalls, “The men pimped the women and girls and sometimes the boys. They made pornography. They sold us in whorehouses and at live sex shows. The men used me in pornography in basements, barns, houses, warehouses, isolated wooded areas, and public buildings.”¹¹²

The tangled truth is that pornography and prostitution (both of which rely on slaves to meet their demands) are inextricably woven together. Pornography is supply-driven, meaning that “[m]en do not want it until they see it. The more they see it, the more they want it.” Furthermore, prostitution is demand-driven, meaning that “[w]omen [and children] are in prostitution because men want to use them that way...”¹¹³ And as we can now see, often times the pornography consumed by many is made by slaves, and it encourages the continued exploitation – both through consuming more pornography and through buying *actual* sex from prostituted people – of many victims who are exploited in the multi-billion dollar commercial sex industry.

¹¹¹ Flowers, 152.

¹¹² Bales and Trodd, *Plead Our Own Cause*, 98-99. (Read Christine’s entire story on pages 98-102).

¹¹³ MacKinnon, 36.

C. The Demands on Commutative Justice on Behalf of Slaves

1. Recapping the scope of commutative justice. By way of a quick reminder, commutative justice concerns assuring that people treat those with whom they have relationships in ways that are fitting and fair, and considers the whole of human interactions to determine what justice requires of us as we live intersecting lives in a shared world.¹¹⁴ This includes, but is not limited to, taking corrective/restorative actions when we have participated in the harming of others.

We have also already discussed that of central importance in our understanding of commutative justice is our understanding of whom to count when we evaluate our duties and obligations in justice toward our ‘neighbors’. I argued in Chapter Four that individuals have duties/responsibilities in commutative justice both to other individuals *and* groups, and both to ascertained *and* unascertained peoples. Thus, our ‘neighbors’ are not only those people whom we find proximally close to us, and with whom we share close relational ties, but also many others with whom we share social structures and global ties. It is not necessary for us to *know* each of our ‘neighbors’ specifically in order for us to bear certain responsibilities in commutative justice toward them. This leads us to the main purpose of our discussion, which includes exploring how many (if not most or all) of us fail in our duties of commutative justice in relation to the millions of enslaved people both in our own neighborhoods and around the world.

2. When we find guilt and fault. In Chapter Four, I drew a distinction between instances in which individuals are at fault or guilty for injustices, and instances in which they may be *responsible* in some sense but are not *guilty* of wrongdoing. It is often times fairly easy to point out instances in which this category of guilt and fault applies to

¹¹⁴ Finnis, 179.

modern slavery. The most clear-cut case of this would be a slave-owner/slave-holder/human trafficker/pimp/etcetera who holds the power of ownership over another person or group of people. The individuals and criminal networks that sustain, perpetuate, and reap the benefits of the modern slave trade are most definitely in violation of the requirements of commutative justice, and are plainly guilty of injustice. Furthermore, when these people are caught, they should be obligated to take steps toward restoration, retribution, and reconciliation for those they have enslaved.

In Chapter Four I also pointed out that whether or not an agent is *morally* blameworthy may depend upon the intentions, motives, and consequences of his actions.¹¹⁵ I appealed to Joel Feinberg, who asserts that someone may commit *intentional* wrongdoing if he (a) “acts with a wrongful conscious objective” or (b) “knowingly produces a forbidden result even incidentally as a kind of side-effect of his effort to achieve his objective.”¹¹⁶ Those who enslave or trade in human beings commit intentional wrongdoing. They either act in full knowledge of their conscious objectives (i.e. they specifically enslave others, perhaps in order to assert their power or dominance or to attain a position of prestige), or they knowingly and willingly engage in some activity or enterprise with the full understanding that it will require or produce the enslavement of human beings (i.e. they willingly enslave in order to accomplish their objectives, such as the ability to produce cheap goods in a competitive market, or the ability to make easy money through the forced sexual exploitation of others). In such instances, the ascription of blame or fault results in guilt on behalf of the actor/agent(s).

¹¹⁵ Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2011), 98-99.

¹¹⁶ Joel Feinberg, *Doing and Deserving* (Princeton, NJ: Princeton University Press, 1970), 192.

Another somewhat straight-forward case of guilt and moral responsibility for violations of commutative justice involves the willing consumption of services offered through the commercial sex industry. In the previous section I explained the reality that the commercial sex industry, including the prostitution and pornography industries, drives the demand for commercial sex services, which results in a great deal of forced sexual exploitation (i.e. slavery) within these industries to meet this demand.

If Farley's numbers are correct and 80% of German and Dutch prostitutes are trafficking victims, then it follows that anyone who pays for commercial sex acts from prostitutes in these countries is very likely paying for sex with slaves. And this truth can be expanded to apply to the commercial sex industry outside of Germany and the Netherlands as well. While the people utilizing these services may not be specifically aware if and when they are having sex with slaves, engaging in the services offered by the commercial sex industry inevitably includes accepting the *risk* that when you pay for sex, or when you view pornography, you are actively participating in the forced sexual slavery of innocent victims. In such instances, you are guilty of violating your duties and obligations in commutative justice toward these 'neighbors' whom you exploit for your own sexual gratification. And even if the bought sex consumed by some individuals does not directly support slavery (i.e. the prostitutes or pornography actors are not themselves slaves), the industry itself may directly and indirectly encourage practices that have been known to lead to sex trafficking and sex slavery. Thus, by extension if you support the commercial sex industry, you are likely both guilty and morally responsible for supporting modern slavery.

As regards the link between consumerism and slavery that was mentioned above, it becomes much more difficult to ascribe guilt and fault, especially to individuals, for injustices that are largely the result of social and economic structures. Of course in instances where a consumer has very strong evidence that she is directly purchasing slave-made goods, it might be possible to ascribe such blame and guilt. For instance if a consumer were to visit a rug factory where children are forced to work the looms, and then purchase a rug from that factory, then we could more easily ascribe guilt for her action. But this is hardly ever the case when it comes to the relationships between consumers and the slaves who make their goods. Consumers are rarely aware of the histories of the products they buy, and even if they want to trace the supply chains of their purchases this is often difficult or impossible. However, as we discussed in Chapter Four, the absence of guilt and fault and moral blameworthiness does not necessarily mean that an individual or a group of people carries no responsibility for pursuing commutative justice, or no obligation to take steps toward reconciliation for the victims who suffer such injustices.

3. Responsibility without guilt or fault. In Chapter Four, we discussed the possibility that sometimes people can be held responsible for harmful actions they perform, but assigning responsibility for such actions does not *necessitate* a judgment of moral blameworthiness. People can be *responsible for* contributing to injustice without being *guilty of* engaging in morally wrong actions. The paradigm case of this involves what Iris Marion Young deems “structural injustice.” I will again recount her view as follows:

Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and

exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms.¹¹⁷

Unfortunately, our modern consumer system often produces a perfect example of structural injustice. One group of people is grossly deprived and desperate to meet their own fundamental needs, while another group of people economically benefits from this state of affairs through the existence of accepted social, economic, and legal norms. Or to make things more concrete, desperate people become trapped in slavery through force, fraud, or coercion, and other more privileged people benefit from a world in which these desperate people are used as free labor to produce cheap goods for consumers like many of us, myself included.

The question then remains – to what extent am I (or are many of us) implicated by this structural injustice? Speaking for myself, I do not own or control slaves, I do not visit brothels or view pornography, and I have no desire to support a system of slavery through my consumer habits. Nevertheless, I cannot escape the reality that when I purchase consumer products, some of them are inevitably made in part or whole by slaves.

It is perhaps helpful to remind ourselves here of Hannah Arendt's belief that guilt and blame cannot be applied to entire groups or collectives, but rather only specific deeds can be assessed as guilt inducing.¹¹⁸ Consequently, she does not believe that all German citizens were "guilty by association" of Nazi crimes. However, she does believe that many average German citizens, although not *guilty* of killing Jews and others,

¹¹⁷ Young, 52.

¹¹⁸ Ibid., 76.

nevertheless bore some *responsibility* for the atrocities committed all around them by the Nazi regime.¹¹⁹ As I explained in Chapter Four, these people often *did* things (e.g. blindly followed orders), or *failed to do* things (e.g. failed to investigate suspicious activities, or failed to stand up to evil leaders, etcetera), that indirectly contributed to the enactment of crimes or wrongs, and thus these people bore some responsibility for the consequences of those wrongs. But according to Arendt's view, only a relatively small number of people under the Nazi regime were *both* responsible *and* guilty. Nevertheless, many people shared responsibility *without* guilt.¹²⁰

This provides a helpful lens for us to look at cases of structural injustice which result in the slavery of some for the benefit of others (many who are unwitting or unwilling participants). Perhaps it is the case that many of us are like those average German citizens. Often times we are not fully or even partially aware of the slave-sustaining structures operating around us. Furthermore, if we do know about these structures, we may feel completely powerless to do anything to change these systems. After all, I conjecture that only a minute portion of the population really understands the intricacies of global trade structures, or the inter-workings of supply chain economics, or the political maneuvers of corrupt governments and law enforcement agencies. Yet these are some of the big-picture contributors to the unjust structures that support slavery. Furthermore, we often have no idea how to go about opposing such systems, and we question whether or not we possess any power at all to be agents of change.

But remember, even though the average German citizens during Nazi occupation were not actively involved in the injustices committed against millions of people, and

¹¹⁹ Young, 78-79; Hannah Arendt, "Organized Guilt and Universal Responsibility," in *Essays in Understanding, 1930-1954*, ed. Jerome Kohn (New York: Harcourt-Brace, 1994), 125.

¹²⁰ Young, 78, 80; Arendt, "Organized Guilt," 125.

therefore under Arendt's view they were not *guilty* of wrongdoing, they still bore *responsibility* in some sense for the injustices committed on their watch and in their name. And when it comes to the present-day global economic system, many of us are similarly implicated. Most of us are not *guilty* of committing injustice, but we bear some *responsibility* for injustice, because it is our consumer activity in conjunction with the consumer activities of numerous others that drives the demand for cheap, plentiful goods. In order to meet this demand, millions of people are enslaved. As David Batstone explains,

Like any other commercial market, the slave trade is driven by the dynamics of supply and demand...slaveholders can compete successfully in almost any market. The profit margins will rise as high as the demand will bear. We may not even realize how each of us drives the demand during the course of a normal day. Kevin Bales expresses well those commercial connections: "Slaves in Pakistan may have made the shoes you are wearing and the carpet you stand on. Slaves in the Caribbean may have put sugar in your kitchen and toys in the hands of your children. In India they may have sewn the shirt on your back and polished the ring on your finger."¹²¹

This being the case, and since the most basic aspect of commutative justice involves determining what is "fitting, fair, or just as between the parties"¹²² in numerous relationships, we can see how acting as a consumer in a global economic system that bolsters and supports slavery constitutes a failure of commutative justice. Even though we often do not know the people at the other end of the supply chain harvesting and crafting and assembling and transporting the goods we consume, we are still connected to these people. When our actions harm them, even when we do not intend to harm them, we bear responsibility for the results of our actions and our *failure* to fully achieve commutative justice on their behalf, even though we may not be guilty of wrongdoing or

¹²¹ Batstone, 10.

¹²² Finnis, 178.

of specifically *violating* the demands of commutative justice. And as MacIntyre explains, before we determine what we should do in certain circumstances, we must consider in what stories we find ourselves participants. I appealed to this in Chapter Three, but I will include it here again as a reminder:

We live out our lives, both individually and in our relationships with each other, in the light of certain conceptions of a possible shared future...I can only answer the question ‘What am I to do?’ if I can answer the prior question ‘Of what story or stories do I find myself a part?’ We enter human society, that is, with one or more imputed characters – roles into which we have been drafted – and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed.¹²³

Whether I like it or not, I play a role in the lives of the slaves who make the products I consume. I did not ask for the world to be set up this way, but it is a reality I inherited. And unless I withdraw completely from society, I will inevitably continue to and participate in the structural injustice of slavery unless and until something is done to bring about changes. Although I may not be *guilty of* wrongdoing when my contribution to slavery is through my participation in inherited structurally unjust systems, I am still *responsible for* the role I play. When my actions, even when only in concert with others, contribute to the harming of my neighbors who are slaves both near and far, I act in ways that are not fitting, fair, or just, and I thus fail to uphold the demands of commutative justice.

4. What about correction? Finally, as we discussed in Chapter Four, while commutative justice is not limited to ensuring that restoration or compensation or retribution or correction is made when failures occur, this corrective component is a vitally important piece of commutative justice. In circumstances where a person is at fault or guilty of committing an injustice, then restitution or restoration is required in most (if

¹²³ MacIntyre, 215-216.

not all) such cases. If someone buys sex from a slave, then he should take steps to restore that victim (to the extent that restoration of the sexually exploited is even possible). But in circumstances where a person is *responsible* in some sense for an injustice but is not deemed *guilty*, is correction required?

In Chapter Four, I argued that in such cases, often times there is still an expectation or a requirement that those responsible for injustice take restorative steps. If I learn that my consumer habits contribute to the enslavement of others, I should do *something* other than just continue on as usual with no thought or care to my neighbors whose narrative quests intersect with my own, and who's lives my life impacts. Part of favoring and fostering the common good includes caring for those with whom I have relationships. Those who produce the goods I consume are others with whom I have relationships. If I know that my life and decisions and habits harm them, but I make no attempts to mitigate that harm or to restore their lives, *then* I can be said to *violate* commutative justice and to be not only responsible, but *guilty* of injustice. Consider the example from Chapter Four in which I lose control of my car after hitting an oddly placed construction cone, subsequently side-swiping another car. While I am responsible for the consequences of this unfortunate event, I am not initially *guilty* of committing an injustice against the other car owner. However, I *am* responsible to compensate the owner of the car I sideswiped, and if I fail to provide this restitution *then* I am considered *guilty* of violating the demands of commutative justice. The initial accident was not guilt inducing (although it was responsibility inducing), but my failure to restore the victim *is* guilt inducing.

Given the importance of our actions and responses in relation to the demands of both distributive and commutative justice, we should rightly be concerned with the question, “But *what* must I do?” What practical steps can and should I take to work toward restoration for these oppressed neighbors? Practically working toward fighting the unjust distributions and structural injustices that lead to slavery, and providing healing and restoration for victims of modern slavery will be the topic of our next and final chapter.

IV. Conclusion

The goal of this chapter has been to bring together what was explained in Chapter Two regarding the reality of modern slavery with the ideas of distributive justice from Chapter Three and commutative justice from Chapter Four. I have argued that the existence of modern slavery exemplifies failures of both forms of justice. Unjust distributions of resources and opportunities leads to poverty, which is a major contributor to the desperation and vulnerability that results in millions of people becoming enslaved. Unjust relational arrangements result in the exploitation of numerous ‘neighbors’. These unjust relationships can be direct, such as between a pimp and a sex slave, or they can be indirect, such as between consumers and the slaves producing certain goods.

The bottom line is that the existence of slavery represents grave failures of both distributive and commutative justice. Our responsibility to favor and foster the common good of others, and to consider those with whom our lives intersect and impact, pushes us forward in the hope that we can bring about positive changes and greater justice for the millions of enslaved people around the world. The reality of their lives is not okay. We should not be okay with their slavery. And we should not be okay with the ways in which

we contribute to their slavery. David Batstone sums these ideas up beautifully in the following way: “Powerful forces aim to turn human beings into commodities that can be bought and sold like any other piece of property. To declare ‘Not for sale’ affirms that every person has the inalienable right to be free, to pursue a God-given destiny.”¹²⁴

¹²⁴ Batstone, 15.

CHAPTER 6

CONCLUSION: A PRACTICAL RESPONSE TO MODERN SLAVERY – APPLICATION AND ACTION

I. What are We to Do?

A. Discharging “Wide Duties”

I have promised at several points throughout the preceding chapters that I would ultimately answer the practical question, “What are *we* obligated to do to help modern slaves?” As a person who cares deeply about the plight of slaves in our world, and who also hopes and wishes to fulfill the demands that justice (both distributive and commutative) place upon my own life, I would never commit to undertake a project such as this one without culminating in a discussion of what justice requires we actually *do* on behalf of the world’s modern slaves.

The realization that there are likely 45 million (or more) slaves in the world today,¹ coupled with an understanding that the distribution of common resources and the varied relationships we share with multiple ‘neighbors’ serve to unfairly advantage many of us while unfairly disadvantaging millions of others, should rightly cause us to question what changes we may be required to make in the name of justice for the benefit of slaves. We have continued to come back again and again to Alasdair MacIntyre’s picture of numerous people pursuing their own narrative quests while also intersecting and

¹ “Modern Day Slavery: The Facts,” International Justice Mission, accessed March 2, 2017, <https://www.ijm.org/slavery>.

impacting the quests of each other.² We cannot deny that the decisions we make in our own lives impact the lives of countless others, both near and far. Justice requires practically reasonable people to favor and foster the common good of those in our various communities, and to always act with consideration of how our decisions affect those around us. However, while we may wish for a list of definitive “dos and don’ts” when it comes to satisfying the demands justice places on us in regards to our neighbors who are slaves, things are not usually that straightforward.

But this lack of prescriptive instruction does not have to be crippling and overwhelming. On the contrary it may actually be freeing. In Chapter Three, I mentioned Sarah Clark Miller’s view that the duty to provide care for those whose fundamental needs are unmet is a “wide duty,” allowing for variety in the caring responses of moral agents who assume the caregiver role. The general duty of care involves *responding to* the fundamental needs of others, but it does not prescribe specific ways in which agents are to respond in order to fulfill their obligations.³ Caregivers can have freedom to respond to needs in a plethora of ways, as long as they are careful to preserve the dignity and agency of those in need.⁴

John Finnis, in his discussion of the reasons it is right and good to allocate common stock resources to individuals, explains that the purpose of such allocations is to ultimately benefit the common good. However, the way that the “owner” of such allocated resources chooses to put those resources to work is open, and could include a multitude of different activities or strategies. Finnis explains this as follows:

² Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 2007), 213-216.

³ Sarah Clark Miller, *The Ethics of Need: Agency, Dignity, and Obligation* (New York: Routledge, 2012), 61.

⁴ *Ibid.*, 62.

But beyond a reasonable measure and degree of such use for them and their dependants' or co-owners' needs, they each hold the remainder of their property and its fruits as part (in justice if not in law) of the common stock. In other words, beyond a certain point, what was commonly available but was justly made private, for the common good, becomes again, in justice, part of the common stock; although appropriated to management and control by an owner or owners, items of private property ('things') are now not for the owners' private benefit but are held by them immediately for common benefit...From this point, owners have, in justice, duties not altogether unlike those of a trustee in English law. **They may fulfill them in various ways – by investing their surpluses in production of more goods for later distribution and consumption; by providing gainful employment to people looking for work; by grants or loans for hospitals, schools, cultural centres, orphanages, etc., or directly for the relief of the poor. Where owners will not perform these duties, or cannot effectively co-ordinate their respective efforts to perform them, then public authority may rightly help them to perform their duties by devising and implementing schemes of distribution, e.g. by 'redistributive' taxation for purposes of 'social welfare', or by a measure of expropriation.**⁵

In writing about negative duties (i.e. duties to refrain from harming others, which we linked loosely in Chapter Four with duties of commutative justice), Elizabeth Ashford believes that when our actions harm others, even when the harm done to them is a result of our collaborative or cumulative actions, or due to our participation in unjust institutions, we often cannot know *exactly* what we must do in response to our own actions. She thus states:

Fulfillment of the negative duty not to collaborate in unjust institutions requires us to take actions to support reform of these institutions or so as to minimize the extent of our collaboration in them, or to provide recompense for the harms they cause. The nature of this action is no more specified than is the action we should take to carry out a positive duty of aid. The way in which we support institutional reform is open, and it is also open which particular harms we should seek to oppose or compensate for...**The duty of individual members is therefore not a perfect duty with a specific content that can be fully discharged...it is largely indeterminate how to prevent the right not to be deprived of access to basic necessities from being violated.** The onus is on individual agents to decide how to implement their share of the corresponding negative duty.⁶

⁵ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (New York: Oxford University Press, 2011), 173. (emphasis added).

⁶ Elizabeth Ashford, "The Inadequacy of our Traditional Conception of the Duties Imposed by Human Rights," *Canadian Journal of Law and Jurisprudence* 19, no.2 (July 2006), 232. (emphasis added).

And so, while a few extreme zealots may implore those of us with any surplus to give until it hurts to those with needs,⁷ the more prevalent (and perhaps more pragmatic) approach is to maintain the view just described that holds our duties in distributive justice and our duties in commutative justice to be wide, imperfect duties, with multiple and varied ways of addressing and answering their demands. However, this lack of prescriptive demands does not leave us without numerous suggestions of possible ways we can go about fighting against slavery and making strides to fulfill our duties and obligations in both distributive and commutative justice for those in our world who are slaves.

B. Practical Suggestions – The Multiple Ways to Discharge Our Duties and Fulfill Our Obligations

1. Collective efforts and institutional reforms. It has likely become clear that the primary way in which many of us are implicated in modern slavery is through our participation in certain established systems, and through the combined effects of our actions in concert with the actions of hundreds, thousand, and perhaps millions of others. Many of us have not ourselves organized the world in these ways, nor do we like the fact that we are inevitably connected to the slavery of others. Nevertheless we have inherited and benefited from structures and systems that favor some privileged global citizens at the expense of many other marginalized global citizens. When unjust systems and institutions produce distributive and commutative injustices that result in the slavery of millions, what should we *do* about this?

⁷ Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no.3 (1972), 229-43, in *The Global Justice Reader*, edited by Thom Brooks (Malden, MA: Blackwell Publishing, 2008), 390; Peter Singer, "The Singer Solution to World Poverty," *The New York Times*, September 5, 1999, in *The Ethical Life: Fundamental Readings in Ethics and Moral Problems*, 2nd ed., ed. Russ Shafer-Landau (New York: Oxford University Press, 2012), 235; Peter Unger, *Living High and Letting Die* (Oxford: Oxford University Press, 1996), 152-157.

One answer is that we can rally together with others to advocate for changes in the systems and institutions that support slavery. A collaborative problem can be met with collaborative solutions. As philosopher Lisa Tessman suggests, “It’s imperative that we work to eliminate the sources of moral conflicts whenever the conflicts are due to unjust social, political, or economic structures – that is, whenever they’re due to something that is within our collective control to change.”⁸ Thomas Pogge argues that many of us belong to certain subsets of people who, if we join our collective voices, could wield our collective power to demand changes in unjust social, political, and economic structures. He argues that if enough of us make demands of our elected government officials, for example, they will have no choice but to listen to us.⁹ For instance, if we join together to advocate for trade policies that are protective of the most vulnerable and not merely advantageous for the powerful, our collective voices just *might* be heard.¹⁰ As Bales and Trodd assert, “...trade policies should reflect the idea that slave-made goods are taboo on the world market. Trade financing can be linked to demonstrable efforts to remove slavery from local as well as international markets. From

⁸ Lisa Tessman, *When Doing the Right Thing is Impossible* (New York: Oxford University Press, 2017), 161.

⁹ Thomas Pogge, “Reply to the Critics: Severe Poverty as a Violation of Negative Duties,” *Ethics and International Affairs* 19, no. 1 (2005), 80; Also see David Batstone, *Not for Sale: The Return of the Global Slave Trade – And How We Can Fight It* (New York: HarperCollins, 2010), 255-259. Professor and abolitionist David Batstone recounts a project he devised in the early 1980s in El Salvador, which was plagued by a military government that was terrorizing El Salvadorian citizens. Military death squads threatened and killed many El Salvadorians working for social change. After the murders of several U.S. citizens, the U.S. government cut off millions of dollars of aid to the country for nine months. When the aid was restored, the government still killed El Salvadorians at will, but avoided harming U.S. citizens. Using this advantage, Batstone organized a group of Americans armed with nothing but U.S. passports to go in and protect El Salvadorians who had been threatened by death squads. These teams of bodyguards used their American advantage to protect their El Salvadorian brothers and sisters. As Batstone states, “Twenty years ago all it took for a U.S. citizen to save the life of an El Salvadorian was to hold up a passport. Sometimes it is simply who you are, and not only what you can do, that can make a difference.” (Batstone, 259).

¹⁰ Instituting globalized trade polices toward transparency is an example of one potential top-down solution to the problem of modern slavery. See Appendix B for a more thorough explanation of top-down versus bottom-up solutions, as well as an example of an organization engaging in both forms of action and advocacy on behalf of today’s slaves.

local police to the UN, all can play a part in ending slavery.”¹¹ Many of us have the ability to advocate for such trade policies.

An example of such a policy is the California Transparency in Supply Chains Act. Beginning in January 2012, California law required “that certain large companies disclose to the public the extent of their efforts, if any, to ensure that the goods they sell are not produced by workers who are enslaved, coerced, or otherwise forced into service or who have been the victims of human trafficking.”¹² This is not a regulatory act, but rather a law that requires that large companies “disclose their practices in five discrete areas so that interested consumers can make better informed purchasing decisions.”¹³ This is obviously a great step toward providing citizens with tools to aid them in becoming more responsible and ethical consumers. However, it is not enough. The law only applies to companies that “do business in California, [h]ave annual worldwide gross receipts exceeding \$100 million, and [a]re identified as manufactures or retail sellers on their California state tax returns.”¹⁴ By admission, this law only deals with large companies doing business in California, leaving unchecked numerous smaller businesses, as well as numerous businesses operating outside of California. Consumers, therefore, can advocate for laws similar to this which would apply to smaller companies and companies that operate in other places. Similarly, in September 2017, the European Parliament voted in favor of a resolution concerning “the impact of international trade and the EU policies on global value chains...calling for accountability, responsibility and

¹¹ Kevin Bales and Zoe Trodd, *To Plead Our Own Cause* (Ithaca, New York: Cornell University Press, 2008), 13.

¹² Kamala D. Harris, *The California Transparency in Supply Chains Act: A Resource Guide*, California Department of Justice (2015), 3, accessed May 24, 2018, <https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf>

¹³ Ibid.

¹⁴ Ibid.

transparency in the supply chains of businesses operating in Europe and globally.”¹⁵

These examples can pave the way for increased demand on the part of consumers for supply chain transparency, and we can advocate for more and better laws, resolutions, and policies like these. This act is an example of a top-down approach to combatting modern slavery.¹⁶

Iris Marion Young points out that the members of a given society have a specific political responsibility to speak out against injustices and crimes present in the communities and institutions in which they find themselves. She explains,

This responsibility falls on members of a society by virtue of the fact that they are aware moral agents who ought not to be indifferent to the fate of others and the danger that states and other organized institutions often pose to some people. This responsibility is largely unavoidable in the modern world, because we participate in and usually benefit from the operation of these institutions. The meaning of political responsibility is forward-looking. One *has* the responsibility always *now*, in relation to current events and in relations to their future consequences. We are in a condition of having such political responsibility, and the fact of having it implies an imperative to *take* political responsibility. If we see injustices or crimes being committed by the institutions of which we are a part, or believe that such crimes are being committed, then we have the responsibility to try to speak out against them with the intention of mobilizing others to oppose them, and to act together to transform the institutions to promote better ends...Political responsibility is not about doing something by myself, however, but about exhorting others to join me in collective action. When this occurs, and it occurs relatively infrequently, movement participants are often the most surprised at the transformative power they turn out to have.¹⁷

Furthermore, even when large-scale institutional reforms move at a snails pace, collaborating together with other groups and private organizations is often the best chance we have of rescuing slaves in a timely manner. Organizing rescue missions to free people from slavery is not an activity that most average citizens have the know-how or

¹⁵ “European Parliament should back transparency of global supply chains” Anti-Slavery International, September 8, 2017, accessed May 24, 2018, <https://www.antislavery.org/european-parliament-vote-favour-transparency-global-supply-chains/>.

¹⁶ See Appendix B for a more thorough explanation of top-down vs. bottom-up approaches.

¹⁷ Iris Marion Young, 92-93.

even the abilities and resources to do. If I determine this coming weekend to travel to India and organize and execute my own rescue mission of slaves in Delhi's red light district, I will likely be unsuccessful, I quite possibly might make things much worse for those who are enslaved, and I could end up injured or even dead. Fighting for the freedom of slaves is not something that can be accomplished on a whim apart from much time spent strategizing and planning and organizing and imagining multiple possible scenarios and numerous potential responses.

Kevin Bales points out that since World War II, movements and non-governmental organizations (NGOs) have emerged that deal with issues often neglected by nation-states and political parties. Universal human rights is one such issue, and of course slavery stands as a gross violation of established universal human rights.¹⁸ Furthermore, the process of globalization has resulted in many NGOs surpassing the importance and effectiveness of governmental, political, and nation-state structures. As Bales explains,

The process of globalization has created a fertile context for non-governmental organizations concerned with human rights. They are not restricted to nation-state boundaries (except by choice), and most important, their organizing intellectual paradigms center on moral concepts generalizable to all people. The object of their work is normally the alteration of a human activity that transcends cultural boundaries, and their potential market is the world population. Their challenge is to bring about a public redefinition of their issue as a moral issue, not locally but globally.¹⁹

These organizations are important for several reasons. First, many NGOs are “grassroots organizations that directly liberate and rehabilitate slaves.”²⁰ They physically

¹⁸ Kevin Bales, *Understanding Global Slavery: A Reader* (Berkeley: University of California Press, 2005), 69-70.

¹⁹ *Ibid.*, 78.

²⁰ *Ibid.*, 81. (Additionally, grassroots organizations are an example of a bottom-up approach to combatting modern slavery. See Appendix B for a more thorough discussion of this.)

free slaves, and they are much more effective than governments at “creating circumstances to ensure that reenslavement is less likely to occur.”²¹ The rehabilitation component of rescue is vital. We spoke at length in Chapter Five regarding the social and economic vulnerability that results in some people becoming enslaved. Those vulnerability factors do not disappear once a slave is liberated. David Batstone understands this importance when he points out the following:

Rescuing slaves does not end the moment they are freed from captivity. To abandon the rescued and expect them to fend for themselves leaves them vulnerable to falling back into a forced labor relationship with a different owner. Abolitionists, therefore, must answer the question ‘What next?’ before they rush into a rescue plan...For the period immediately following a rescue, IJM [International Justice Mission, a leading anti-slavery NGO] collaborates with a network of relief partners to provide ex-slaves with shelter, food, emotional counseling, and protection from vindictive owners...the agency will delay executing a rescue plan until it has a long-term support structure in place.²²

This is part of the reason my rushing off to India to rescue slaves from the red-light district on my own is foolish. The expertise of grassroots organizations on the ground is much more effective than my well intentioned yet poorly contemplated zeal. As Bales states, “Around the world, liberation without rehabilitation has been shown to be ineffectual and often temporary,”²³ and as Batstone points out, “Programs that encourage girls to escape the sex trade but leave them poor and jobless do not yield long term success stories.”²⁴

On the other hand, rescue operations that *do* take into account multiple factors contributing to enslavement, and which plan for long-term solutions can be extremely effective. Lake Volta in Ghana is one of the largest lakes in the world. Due to dwindling

²¹ Bales, *Understanding Global Slavery*, 81.

²² Batstone, 68-69.

²³ Bales, *Understanding Global Slavery*, 125.

²⁴ Batstone, 35.

fish stocks and related economic pressures, child slaves were used in virtually all aspects of the Lake Volta fishing industry. The use of children was seen as an economic necessity for the struggling industry. The children often suffered severe physical, mental, emotional, and sexual abuse, and many of them died working. Many of the children became enslaved when their desperate parents were tricked into sending them away with promises of future wages (in addition to the advances already paid to their families). After an NGO sent a researcher to gather data about the problem, its causes, and potential solutions, a number of local and international agencies became involved. One local organization began working with the children, and an international organization associated with the United Nations provided resources and expertise. These organizations, empowered by a large grant from the U.S. government, began freeing children, reuniting them with their families, and helping those families to increase their incomes, thus decreasing their vulnerability and desperation. The organizations also worked with the fisherman to help them find alternative sources of income in exchange for promises that they would no longer enslave children. Bales affirms that the rescue of these children and the transformation of the Lake Volta fishing industry shows that slavery can be stopped given comprehensive understanding of the problem, collaborative and comprehensive solutions led by organizations with appropriate skills and knowledge, and adequate funding. Furthermore, this shows what can happen when local, international, and government organizations band together. Bales states, “The rescue of the fishing children shows that real progress can be made when economic alternatives are developed for both those who would enslave and those who are vulnerable to enslavement.”²⁵

²⁵ Bales, *Understanding Global Slavery*, 12. (The full story of the Lake Volta fishing children can be found

In addition to the importance of NGOs in the physical liberation of slaves, they are also often used to teach, train, research, and help implement laws and policies. While government officials have to be generalists, caring about multiple issues and voter bases, NGOs can be specialists, providing expertise on specific human rights issues that governments and government officials simply do not possess. Moreover, NGOs usually operate outside political systems, meaning that they are not disrupted by party politics, elections, and changes in leadership. They can remain stable in the face of political changes, and they can remain focused on a singular issue of importance, such as eradicating slavery, even when politicians are juggling a plethora of issues and constantly evaluating their approval ratings.²⁶ And when it comes to the political processes in the developed world, Bales finds it encouraging that these are of less importance than the work that grassroots organizations have the ability to accomplish in these places.²⁷

2. Individual efforts.²⁸ To some extent, a section regarding “individual efforts” to eradicate slavery is a little misleading, especially in light of our discussion above involving the importance of working together in concert or collaboration with other people, organizations, and even governments. With such a massive issue, how can individuals actually effect any change? But this is not a second, isolated category. Many of the things mentioned in the previous section involving collective efforts have corollaries for individuals. The purpose of discussing “individual efforts” is to point out specific things that individuals can do to help fight against slavery. Some of these activities may only be possible because certain larger structures exist (such as NGOs), but

on pages 10-12).

²⁶ Bales, *Understanding Global Slavery*, 83.

²⁷ *Ibid.*, 84.

²⁸ ‘Individual efforts’ fall underneath the distinction of ‘bottom-up approaches’ to combatting modern slavery. See Appendix B for more on this.

the activities mentioned here are activities that one person (or two or three) can engage in and be assured that their actions matter. As modern abolitionist David Batstone states, “I believe in the power of individuals to save the world. Social movements take root and blossom when enough individuals take personal action. When you tell yourself that there is nothing you can do to arrest the global slave trade, you underestimate your own potential and abandon hope for those trapped in captivity.”²⁹ So in order to fight against the tendency toward apathy or hopelessness, instead ask yourself, “What can I do to become a ‘conditional cosmopolitan’ in the fight against modern slavery?”

One person can raise the alarm to let all those in her sphere of influence know that slavery still exists in our modern world. Bales points out that the biggest obstacle facing the abolitionist is that most people in the world are ignorant of the problem. He questions how we can hope to bring about large-scale change “when the problem is not apathy or indifference to the continued presence of slavery, but ignorance of it.”³⁰ One chief goal of the very first NGO, which was established in the late 1700s in order to abolish the slave trade and bring about emancipation for slaves, was “to bring about a shift in values by raising public awareness.”³¹

Several semesters ago I taught a class to undergraduate students on modern slavery. I had one wonderful student who was completely engaged in the class and who was determined to become a modern abolitionist. After the semester ended, he planned to take a world tour with several of his friends. His friends were planning to engage in sex tourism in Southeast Asia. After explaining to his friends that many of the “workers” in the commercial sex industry are slaves, and that sex tourism increases the demand for sex

²⁹ Batstone, 255.

³⁰ Bales, *Understanding Global Slavery*, 4.

³¹ *Ibid.*, 72.

slaves, his friends no longer wished to become sex tourists. In this instance, education and awareness from a peer was all it took to keep several college guys from potentially exploiting slaves in the commercial sex industry.

Perhaps we have jumped ahead though. Before we can become educators, we must ourselves be educated regarding the reality of modern slavery, its multiple manifestations, and effective tools for fighting slavery in our modern context. One important component of educating ourselves involves being aware of common places and occupations where slaves are often discovered so that we can be vigilant and look for signs of slavery in the world around us. David Batstone remembers discovering that his favorite San Francisco Bay Indian restaurant, unbeknownst to him, used slave labor. The operation thrived until a tragedy revealed the truth. This helped Batstone to understand that while slaves themselves are not invisible – meaning that we may see them all around us – the existence of slavery in our modern world is a largely invisible reality for many of us. He states,

Just as I never suspected that my favorite restaurant had become a hub for a trafficking ring, slavery likely crosses our path on a regular basis without our awareness. We may pass a construction site and never think twice about whether the laborers there work of their own volition. Or we might drive along city streets at night, see young girls on a street corner peddling their bodies, and wonder how they could ever “choose” such a life...slavery is in reality not invisible...slaves toil in the public eye.³²

So if slavery is all around us, how can we train ourselves to see and know when slavery is likely present? Anna Rodriguez, the founder of the Florida Coalition Against Human Trafficking, teaches workshops to citizens wishing to become better equipped to recognize slavery in their own communities. In her presentations she points out that slaves are often found in the following industries/occupations/situations:

³² Bales, *Understanding Global Slavery*, 7.

Housecleaning services, Landscape and gardening businesses, Households in which domestic (home) workers are present, Large-scale agricultural labor, Construction sites, Casinos, Garment factories, Hotels (housekeeping), Nail salons, Migrant or transitional communities, Zones known for prostitution, Strip clubs/ massage parlors, and Domestic violence cases.³³

Bales, Trodd, and Williamson point out some key warning signs that a person may be enslaved. We can all watch for these signs. A person may be enslaved if he or she:

...is not free to change employers; has been assaulted or threatened for refusing to work; has been cheated and forced to pay off “debts” upon arrival in the US or the UK; has had his or her passport or other documents taken away; lacks proper identification; is unable to move freely or is being watched or followed; is under the control or constant supervision of another; is rarely allowed to speak freely; has an “interpreter” with them; lacks the means to support him/herself or control money, in spite of long hours at work; lacks contact with or is isolated from family and friends; lacks permanency in the community; has a constant appearance of fear, nervousness, and/or apprehension; is afraid to talk in the presence of others; has unexplained injuries or is malnourished.³⁴

In February of 2017, an Alaska Airlines flight attendant noticed some of these signs in a young disheveled girl traveling with an older well-dressed man. The flight attendant, who had received training regarding human trafficking, wrote a note for the girl and left it in the bathroom. The girl wrote back on the note that she needed help. When the plane landed, law enforcement was ready to assess the situation and rescued the girl.³⁵ A person was rescued from slavery because of education, an astute individual, and a swift collaborative response.

Bales, Trodd, and Williamson offer multiple suggestions for individuals wishing to take steps toward eradicating slavery. One such suggestion is to “refuse to retire on the

³³ Batstone, 250-251.

³⁴ Kevin Bales, Zoe Trodd, and Alex Kent Williamson, *Modern Slavery: A Beginner’s Guide* (Oxford: Oneworld, 2011), 159-160.

³⁵ Kalhan Rosenblatt, “Flight Attendants Train to Spot Human Trafficking,” NBC News, February 4, 2017, accessed May 9, 2018, <https://www.nbcnews.com/storyline/airplane-mode/flight-attendants-train-spot-human-trafficking-n716181>.

backs of slaves.”³⁶ They further explain that retirement and pension funds may include investments in companies that “refuse to take responsibility for the slavery in their supply chains.”³⁷ When possible, we can instruct our financial advisors to exclude such companies from our portfolios. This may take some research on the part of those who invest in such funds, and it may not always be possible to know each company’s human rights track record, but in at least some instances this information is not impossible to find.³⁸

Other suggestions include writing to members of Parliament or Congress; writing letters in newspapers, magazines, or blogs; organizing neighborhood watch groups that include slavery issues as part of their agendas; and arranging for anti-slavery speakers at schools, colleges, and religious and community centers. More generally, individuals can assess their own passions, talents, abilities, and spheres of influence and get creative!³⁹ David Batstone advocates for “open-source activism,” which mandates “that individual abolitionists develop their own creative solutions wherever they live.”⁴⁰ For instance, I am a resident of the state of South Carolina. When Donald Trump was elected president, he chose our (now) former governor Nikki Haley as his ambassador to the United Nations. Before she began this new post, I wrote a letter as a fellow South Carolinian imploring her to use her new position of global influence to fight for freedom for the world’s enslaved. I do not know if she read my letter, but I hope that she did, and I hope

³⁶ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 159.

³⁷ Ibid.

³⁸ For instance, organizations like Transparency International might be helpful. See Transparency International: The global coalition against corruption, accessed May 24, 2018, <https://www.transparency.org>.

³⁹ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 159-163.

⁴⁰ Batstone, 263.

that it caused her to pause for a moment and to consider the role she *could* play in the modern abolition movement.

When it comes to slavery in the supply chains of the products we use, there are many ways we can begin to live more responsible lives as consumers. First and foremost, we can make ourselves aware of how our consumer lifestyles support slavery. I mentioned in Chapter Five that consumers can complete a “Slavery Footprint” survey, which calculates an estimation of how many slaves are required to sustain each individual’s lifestyle.⁴¹ Completing this survey is an invaluable first step on the journey to making more informed anti-slavery consumer choices. Once we are more aware of how our slavery footprints are impacted by our consumer habits, we can begin to make better informed purchasing decisions. One possibility is to buy Fair Trade products whenever they are available. “Once farms have been certified as having no slavery and child labor...farmers can sell their crops to Fair Trade buyers,” who then distribute the products to wholesalers and retailers who make the products available to consumer in more than forty countries.⁴² These products can be easily identified because they are stamped with one of several “Fair Trade Certified” (or equivalent) logos. The more consumers support and demand Fair Trade products, the more the supply and availability of such products will increase.⁴³

One industry that is especially implicated for its use of slave labor, and often child slave labor, is the carpet and rug-making industry. Hundreds of thousands of children are trapped in this industry in India and Pakistan alone. In India, most carpets are woven in

⁴¹ “Slavery Footprint,” Made in a Free World, accessed May 9, 2018, <http://slaveryfootprint.org>.

⁴² Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 156; “Fair Trade Certified,” Fair Trade Certified, accessed May 9, 2018, <https://www.fairtradecertified.org>.

⁴³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 156.

the state of Uttar Pradesh, “where the majority of workers are low-caste Hindu boys...The boys are forced to work for no pay, for ten to eighteen hours a day, seven days a week. They are beaten, tortured, branded, kept half-fed and half-clad, and are usually made to sleep in the loom shed.”⁴⁴ For this reason, when I see advertisements for “hand-made” or “hand-woven” rugs, I cannot help but wonder who wove them, under what conditions, and how young the weavers might have been. Bales and Trodd have compiled numerous stories from slave-children who were forced to work in looms weaving carpets and rugs. In one such story from a twelve-year-old boy named Ravi, he recalls that when he was hurt he was still made to weave. “Very often, because the wound was in raw condition, the blood would start oozing out of my finger. But then we could not stop. With the blood running down my finger I was made to weave.”⁴⁵ When Ravi’s father attempted to rescue him, the loom owner stated that Ravi could not leave because he was the only one who knew the pattern of the rug he was weaving.⁴⁶

If the thought of purchasing a rug woven by the bloody fingers of children horrifies you, then you are in luck! A process now exists in which rugs (and some other woven products) can receive a “GoodWeave label,” certifying that “no child, forced or bonded labor was used in the making of a certified product, and that your purchase supports programs that educate children and ensure decent work for adults.”⁴⁷ You can search the GoodWeave website to discover certain companies and brands that carry GoodWeave certified rugs, or you can look on the backs of rugs for the GoodWeave

⁴⁴ Bales and Trodd, *Plead Our Own Cause*, 69.

⁴⁵ *Ibid.*, 75-76.

⁴⁶ *Ibid.*, 76. (See pages 69-81 for several first-person accounts from children enslaved in the rug and carpet industry, including the entirety of Ravi’s story.)

⁴⁷ “The GoodWeave Label,” GoodWeave International, accessed May 10, 2018, <https://goodweave.org/about/goodweave-label/>.

label. “Each GoodWeave label has a unique code that can be traced back to the licensed producer.”⁴⁸ One mainstream retailer that has made major strides to incorporate GoodWeave certified rugs into its brand is the Target Corporation.⁴⁹ For many consumers this means that buying a GoodWeave certified rug is not only easy, it is also relatively inexpensive. Several years ago after learning of Target’s involvement with the GoodWeave label, I went to my local retailer. The first rug I turned over had a GoodWeave certification label on the back. A surge of adrenaline rushed through my veins at the sight of competitively priced, good quality, slavery-free rugs being sold five minutes from my house. For me, this made purchasing a slave-free rug a real, viable option rather than a distant, romanticized dream.

Closely related to purchasing Fair Trade products, we can “use our consumer power to ask companies to examine their supply chains.”⁵⁰ The goal with such endeavors is to “take the slavery out of the products without hurting the free farmers and workers at the same time.”⁵¹ For this reason, boycotts are strongly discouraged, because a majority of the farmers who supply materials used in production do not use slaves. When we boycott industries, we may cripple some of the criminals who use slaves, but we also risk hurting numerous free workers, and we are likely to push those workers into desperate situations that then leave *them* vulnerable to enslavement. Simply stated, “The boycott may hurt the slaveholder, but it will hurt the free farmer much more.”⁵² The better option

⁴⁸ “The GoodWeave Label.”

⁴⁹ “Target,” GoodWeave International, accessed May 10, 2018, <https://goodweave.org/brand/target/>; Andrea Lillo, “The Eco-Friendly Evolution: sustainable rugs become more mainstream – and price friendly,” HFN, December 8, 2015, accessed May 10, 2018, <http://www.hfndigital.com/news/eco-friendly-evolution/>.

⁵⁰ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 156.

⁵¹ Ibid.

⁵² Ibid., 156-157.

is to fight slavery at its source – the farm, the mine, and the workshop; and as Bales, Trodd, and Williamson explain, “To do that, everyone along the supply chain, from the farmer to the consumer, takes responsibility.”⁵³

Virtually all of our modern technological devices, as well as numerous other consumer products, possess certain minerals known as “conflict minerals.” These include tantalum, tin, tungsten and gold, and are largely mined by slaves in the Democratic Republic of the Congo. This is a perfect example of slavery found at the source of extraction of raw materials used in consumer products. In our global technology age, it is nearly impossible to eliminate these products from our lives. Doing so would include throwing out our phones, computers, tablets, and SIM cards. It would exclude car and train travel.⁵⁴ And unfortunately, there is no stamp or label that we can look for when we go to purchase a laptop like we can when we wish to purchase coffee, tea, textiles, or rugs. But because such a label does not exist today does not mean that it could not exist in the future. The Intel Corporation is leading the way in the effort to exclude conflict minerals from its supply chain. Intel is also encouraging other technology companies to join this pursuit.⁵⁵ Intel encourages students to join with the Enough Project’s “Conflict Free Campus Initiative” in an effort to make demands of electronics companies that they move toward using conflict-free minerals in their products.⁵⁶ The vision is that in five or

⁵³ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 157.

⁵⁴ Joyce Riha Linik, “What are Conflict Minerals and Why Does Conflict-Free Matter?” iQ (Intel), September 12, 2014, accessed May 10, 2018, <https://iq.intel.com/why-conflict-free-matters-in-your-everyday-life/>.

⁵⁵ “Intel’s Efforts to Achieve a ‘Conflict-Free’ Supply Chain,” Intel Corporation, May 2017, accessed May 10, 2018, <https://www.intel.com/content/www/us/en/corporate-responsibility/conflict-minerals-white-paper.html>.

⁵⁶ “In Pursuit of a Conflict Free Supply Chain,” Intel Corporation, accessed May 10, 2018, <https://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>; “Conflict Free Campus Initiative,” Enough Project, 2017, accessed May 10, 2018, <https://enoughproject.org/get-involved/cfci>.

ten years, when I walk into a retailer to buy a cell phone or a laptop, I can look for products with a “Conflict Free” label and choose to purchase these products instead of uncertified ones.

When it comes to our contributions in the commercial sex industry, the most comprehensive solution is simple in prescription, but perhaps extremely difficult in execution. The best, and often times only, way to definitively ensure that bought sex services are not performed by slaves is to never buy them in the first place. I recognize that many may laugh at this though and claim that this is an impossible hope, but in all seriousness, feeding your sex drive is insignificant when slaves pay the price for your sexual satisfaction.

We have now spent quite some time discussing the importance of educating ourselves and others, and then acting on our knowledge. But there is at least one other major obstacle to eradicating slavery, and this is a lack of resources.⁵⁷ As Bales, Trodd, and Williamson point out, “Anti-slavery groups must be reliable in everything they do with the communities they support; they can’t run out of money in the middle of a liberation.”⁵⁸ We already discussed in Chapter Five that if those of us with excess resources would make small sacrifices, such as curtailing our coffee and ice cream expenditures and instead funneling those funds into anti-slavery initiatives, then we could at least put a major dent in the existence of slavery, and at best actually achieve its eradication. In many instances, organizations and structures already exist with the skills and passion to fight modern slavery, but they cannot work to their fullest potential when they are underfunded. As Bales points out, most of the organizations working tirelessly to

⁵⁷ Bales, Trodd, and Williamson, *Modern Slavery: Beginner’s Guide*, 146.

⁵⁸ *Ibid.*, 154.

free slaves and to provide them with supportive services so that they do not remain vulnerable to reenslavement “have scant local resources and little or no support from the developed world.”⁵⁹ It may seem like sending money is too little a thing given the circumstances, but often times sending money is both the most feasible and practical way for us to help, and is also the most needed and effective way we can join the fight against slavery.

Of course, not all NGOs or other human rights organizations are maximally effective. In fact, some of them are rather ineffective.⁶⁰ Therefore blindly supporting NGOs may or may not be an effective way to fight against slavery. For this reason, Leif Wenar believes that while supporting NGOs and other aid organizations is important, we should not do so blindly.⁶¹ Wenar questions the validity of the assertion: “...small sacrifice from the rich can bring great benefit to the poor...”⁶² This assertion is used liberally in appeals for charitable contributions. However, Wenar believes that confidence in this statement is “seriously misplaced,” as empirical evidence to support the truth of this statement is often difficult to find.⁶³ Even in the age of globalization, it is often not as simple as rich people giving generously, and their contributions easily finding their way to their global neighbors who need assistance the most.⁶⁴ We should assess how each dollar we give will affect the long-term well being of the slaves we hope to help.⁶⁵

⁵⁹ Bales, *Understanding Global Slavery*, 81.

⁶⁰ “The complicated story of NGOs in post-disaster Haiti,” CBS News, December 19, 2016, accessed May 8, 2018, <https://www.cbsnews.com/news/how-some-foreign-ngos-failed-haiti/>.

⁶¹ This discussion of Wenar’s view is largely taken from my own unpublished paper, Tiffany Beaver, “A Discussion of Global Poverty and International Distributive Justice – What Does Justice Require, and What Are People Responsible to Do?” (University of South Carolina, 2014), 11.

⁶² Leif Wenar, “What We Owe to Distant Others,” *Politics, Philosophy & Economics* 1 (2003), 283-304, in *The Global Justice Reader*, edited by Thom Brooks, (Malden, MA: Blackwell Publishing Ltd., 2008), 403.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

Because this question often can only be answered by “informed, reasonable guesses,” part of our responsibility may be to advocate for greater transparency from organizations that redistribute aid. However, despite some of the implicit problems with NGOs and other similar organizations, there is evidence to support the idea that some of them *are* rather effective, and that some of them *do* accomplish quite a bit of good in the realm of fighting to alleviate numerous social injustices.⁶⁶

Additionally, there are ways of giving aid that might make things worse in the long run for those we are attempting to help. For instance, the methods of some NGOs may perpetuate practices that will increase injustice over time instead of decreasing it. Some types of aid may not actually work. For instance, practicing “redemption,” or the buying back of slaves from their oppressors, may actually make matters worse by profiting those who would enslave and giving them a reason to acquire more slaves...so these new slaves can also be redeemed.⁶⁷ More needs to be done to figure out which methods of aid will actually help people, and then to promote such methods.⁶⁸ We must walk in the tension of realizing we have an obligation to help these exploited neighbors in the developing world while also realizing that we must justify our actions to future generations.⁶⁹ This represents a crossroads between the two main responsibilities we have discussed – educating ourselves and others, and giving money and resources. We can be maximally effective in the fight to eradicate modern slavery when we are armed with knowledge, and when we use that knowledge to contribute toward organizations,

⁶⁶ Alan Fowler, “Demonstrating NGO performance: problems and possibilities,” *Development in Practice* 6, no.1 (February 1996): 58-65, accessed March 13, 2019, <https://www.jstor.org/stable/4029356>; Rana Lehr-Lehnardt, “NGO Legitimacy: Reassessing Democracy, Accountability and Transparency,” *Cornell Law School InterUniversity Graduate Student Conference Papers* (2005), accessed March 13, 2019, http://scholarship.law.cornell.edu/lps_clacp/6.

⁶⁷ Bales, *Understanding Global Slavery*, 115-122.

⁶⁸ Wenar, 405-406.

⁶⁹ *Ibid.*, 408.

agencies, and programs which are doing the best job of fighting slavery everywhere, from our local to our global communities.⁷⁰

I will close this section with one final thought. It is an observation made by Thomas Pogge specifically concerning our isolation from severe poverty. But I believe his observation speaks a great deal toward the situation in which most of us find ourselves in relation to the world's slaves. He states,

We live in extreme isolation from severe poverty. We do not know anyone earning less than \$30 for a 72-hour week of hard, monotonous labor. The one-third of human beings who die from poverty-related causes includes no one we have ever spent time with. Nor do we know anyone who knows and cares about these deceased – someone scarred by the experience of losing a child to hunger, diarrhea, or measles, for example. If we had such people as friends or neighbors, we would think harder about world poverty and work harder to help end this ongoing catastrophe.⁷¹

Most of us can likely say the same thing regarding our isolation from the millions of modern slaves in our world. We do not know them. We have not met them. We do not know their family members who have been left scarred and broken. We do not personally know the children who weave our rugs or the men and women who mine the minerals in our phones. But we *can* get to know some of these people. Many of their stories are available. I have recounted several of them throughout this project. Books containing modern slave narratives, video documentaries, news stories, and even numerous YouTube videos bring their experiences into our lives and homes. Tools exist to help us trace our connections to these neighbors. If we truly make attempts to *know* these people – our neighbors – their stories will likely change our lives.

⁷⁰ See Appendix A for a list of numerous organizations, websites, tools, and resources to assist in education regarding modern slavery, activism to fight against slavery, lifestyle changes to decrease one's involvement in slavery, and methods for supporting and sending resources to those who are on the front lines of the modern abolition movement.

⁷¹ Thomas Pogge, *World Poverty and Human Rights*, 2nd ed. (Cambridge: Polity Press, 2008), 4.

II. Concluding Remarks

As much as we may loathe the idea, the existence of slavery in our modern world is a heartbreaking reality. These millions upon millions of enslaved people are our neighbors. Some of them live in our immediate communities. Some of them live around the world. Some of them harvest, mine, sew, manufacture, and produce items that we consume daily. Others are sexually abused in the commercial sex industry, being forced to practice prostitution and film pornographic videos. Some of them work in our service industries cooking food and cleaning our hotel rooms. They are right in front of us. And they are invisible to us.

My first goal in this project has been to bring to light the reality of modern slavery. In Chapter Two, I worked to rigorously define modern slavery and to explain the various forms it takes in our world today.

My second goal in this project has been to generally explore the demands that justice – both distributive and commutative – place on individuals. The demands of justice are rooted in our responsibility to favor and foster the common good of those with whom we share resources and with whom we share varying relationships. The story of our lives intersects and impacts the lives and narrative quests of countless others, both proximally close and proximally distant from us.

Distributive justice requires that when we have more than we need, we use those surplus resources for the benefit of others. We must understand that when we hit the “distribution jackpot” so to speak, and find ourselves trustees over more than our share, we are responsible for using our excesses for the common good of those who were allocated less.

Commutative justice requires that we treat those with whom we share relationships – our neighbors widely construed – in ways that are fitting and fair. In some instances we are at fault or guilty for harming our neighbors. In others instances we may not be guilty of harming them, but we still carry some responsibility for their oppression. Additionally, when our actions *do* harm them, we may be especially obligated to take restorative steps for their benefit.

My third goal in this project has been to link our duties in distributive and commutative justice to the plight of modern slaves. Distributive injustice is a chief factor in rendering millions of people vulnerable to slavery because of their severe poverty. Greater justice in distribution would serve to decrease the number of people who find themselves hopeless, powerless, and especially vulnerable to slavery. Commutative injustice demands that we consider our varied relationships to the world's slaves, and that we understand both when we may be guilty for the enslavement of others, as is the case when one views child pornography, and when we may bear some responsibility without guilt for their slavery, as is the case when slave labor is mixed into the global commodities market and finds its way into consumer product. Our multiple and varied relationships to slaves mean that we share some responsibility for their abuse, regardless of guilt, when we both have the ability to help them and especially when we have contributed to harming them.

My fourth and final goal in this project has been to empower us to action. I have not wanted to paint a hopeless picture regarding slavery, nor to level an intense guilt burden on global citizens who genuinely wish we lived in a slavery-free world. I hope that we all feel the freedom to discharge our obligations toward the world's slaves in a

wide variety of ways. We can fight for modern abolition in multiple, creative ways that utilize our own spheres influence, talents, passions, resources, and convictions to mobilize us to action. We can become ‘conditional cosmopolitans’ in relation to modern slavery, truly evaluating when we should sacrifice particularist commitments for the sake of our globally enslaved brothers and sisters. We stand at a crossroads, and what we decide to do (or not do) will have historical ramifications. As David Batstone explains,

My students at the University of San Francisco often remark that they feel as if they were born in the wrong era, after the important issues of history have been decided...They could not be more wrong...There are times to read history, and there are times to make history. We live right now at one of those epic moments in the fight for human freedom. We no longer have to wonder how we might respond to our moment of truth. It is we who are on the stage, and we can change the winds of history with our actions. Future generations will look back to judge our choices and be inspired or disappointed.⁷²

Batstone also pleads with all of us to take up the cause, however we can, in whatever ways we are led.

It takes all of us. The original abolitionists were a varied lot, and their successes were due in part to their varied battle plans. From John Brown’s carbines and pikes [weapons] to Charles Sumner’s verbs and nouns [words], the antislavery vanguard used widely differing tools, but united in a common cause. Now, as then, all personalities are welcome.⁷³

And now, I will end where I began. In the words of the fierce British abolitionist William Wilberforce, I will raise my own voice to remind us all: "You may choose to look the other way but you can never say again that you did not know."⁷⁴ I *will* not, I *cannot*, look the other way. The world’s slaves deserve *my* attention. They deserve *our* attention. And we are obligated to give it to them.

ABOLITION!

⁷² Batstone, 16-17.

⁷³ Ibid., 294.

⁷⁴ William Wilberforce, “William Wilberforce’s 1789 Abolition Speech,” The Abolition Project, accessed May 29, 2018, <https://www.st-andrews-anglican-calgary.ca/downloads/WilberforceSpeech1789.pdf>.

BIBLIOGRAPHY

- “13th Amendment to the U.S. Constitution: Abolition of Slavery.” 1865. Accessed May 29, 2018. <https://www.ourdocuments.gov/doc.php?flash=false&doc=40>.
- Allain, Jean and Kevin Bales. “Slavery and Its Definition.” *Global Dialogue* 14, no. 2 (Summer/Autumn 2012). Queen's University Belfast Law Research Paper No. 12-06. Accessed November 10, 2017. SSRN: <http://ssrn.com/abstract=2123155>.
- Amsterdam guide. “Prostitution.” 2003-2018. Accessed April 10, 2018. <http://www.amsterdam.info/prostitution/>.
- Anti-Slavery International. “European Parliament should back transparency of global supply chains.” September 8, 2017. Accessed May 24, 2018. <https://www.antislavery.org/european-parliament-vote-favour-transparency-global-supply-chains/>.
- Appiah, Kwame Anthony. “Cosmopolitan Patriots.” In *For Love of Country? Debating the Limits of Patriotism*. Edited by Joshua Cohen, 21-29, 146 (notes). Boston, MA: Beacon Press, 2002.
- Arendt, Hannah. “Collective Responsibility.” In *Responsibility and Judgment*. Edited by Jerome Kohn, 147-158. New York: Schocken Books, 2003.
- . “Organized Guilt and Universal Responsibility.” In *Essays in Understanding, 1930-1954*. Edited by Jerome Kohn, 121-132. New York: Harcourt-Brace, 1994.
- Aristotle. *Nicomachean Ethics*. 2nd ed. Translated by Terence Irwin. Indianapolis, IN: Hackett Publishing, 1999.
- . “The Politics.” Translated by Ernest Barker. In Sandel, *Justice: A Reader*, 264-295.
- Arnold, Christopher. “Corrective Justice.” *Ethics* 90, no. 2 (January 1980): 180-190. Accessed May 9, 2017. <http://www.jstor.org/stable/2380841>.
- Ashford, Elizabeth. “The Inadequacy of our Traditional Conception of the Duties Imposed by Human Rights.” *Canadian Journal of Law and Jurisprudence* 19, no. 2 (July 2006): 217-235.

- Bales, Kevin. *Understanding Global Slavery: A Reader*. Berkeley: University of California Press, 2005.
- Bales, Kevin, and Zoe Trodd. *To Plead Our Own Cause: Personal Stories by Today's Slaves*. Ithaca, New York: Cornell University Press, 2008.
- Bales, Kevin, Zoe Trodd, and Alex Kent Williamson. *Modern Slavery: A Beginner's Guide*. Oxford: Oneworld, 2011.
- Batstone, David. *Not for Sale: The Return of the Global Slave Trade – And How We Can Fight It*. New York: HarperCollins, 2010.
- Beaver, Tiffany. “A Discussion of Global Poverty and International Distributive Justice – What Does Justice Require, and What Are People Responsible to Do?” University of South Carolina, 2014.
- . “Negative Duties and the Case of Modern Slavery.” In *Why Slavery Endures: Slavery Past, Present, and Future 2*, edited by David Bulla. Leiden, Netherlands: Brill, forthcoming.
- . “Negative Duties and the Case of Modern Day Slavery: Appropriating Pogge’s Theory of Negative Duties in the Assignment of Responsibility for Modern Day Slavery.” University of South Carolina, 2014.
- . “The Role of Narrative Quest in the Unity of Human Life.” University of South Carolina, 2013.
- Belliotti, Raymond A. “Negative and Positive Duties.” *Theoria* 47, no.2 (August 1981): 82-92.
- Bentham, Jeremy. “Principles of Morals and Legislation.” In Sandel, *Justice: A Reader*, 9-14.
- Bhattacharya, Rohit. “15 Countries Around The World That Have Legalized Prostitution.” ScoopWhoop. June 26, 2015. Accessed April 10, 2018. <https://www.scoopwhoop.com/inothernews/countries-with-legal-prostitution/#.xgihtepnz>.
- Bishop, Ryan and Lillian S. Robinson. “In the Night Market: Tourism, Sex, and Commerce in Contemporary Thailand.” *Women's Studies Quarterly* 27, no. 1/2 (Spring - Summer, 1999): 32-46. Accessed April 5, 2018. <http://www.jstor.org/stable/40003396>.
- Brooks, Thom, ed. *The Global Justice Reader*. Malden, MA: Blackwell Publishing, 2008.
- . “Part V Introduction.” In Brooks, *The Global Justice Reader*, 260-261.

- . “Part VI Introduction,” In Brooks, *The Global Justice Reader*, 316-317.
- CBS News. “The complicated story of NGOs in post-disaster Haiti.” December 19, 2016. Accessed May 8, 2018. <https://www.cbsnews.com/news/how-some-foreign-ngos-failed-haiti/>.
- Cho, Seo-Young, Axel Dreher, and Eric Neumayer. “Does Legalized Prostitution Increase Human Trafficking?” *World Development* 41, no.1 (2013): 67-82. Accessed April 10, 2018. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986065.
- Cohen, Joshua, ed. *For Love of Country? Debating the Limits of Patriotism*. Boston, MA: Beacon Press, 2002.
- Dahbour, Omar. “Three Models of Global Community.” *The Journal of Ethics* 9 (2005): 201-224.
- Diamond, Cora. “The Importance of Being Human.” In *Human Beings*. Edited by David Cockburn, 35-62. Cambridge: Cambridge University Press, 1991.
- Enough Project. “Conflict Free Campus Initiative.” 2017. Accessed May 10, 2018. <https://enoughproject.org/get-involved/cfci>.
- European Commission. “1926 Slavery Convention.” Together Against Trafficking in Human Beings. Accessed March 9, 2016. https://ec.europa.eu/anti-trafficking/legislation-and-case-law-international-legislation-united-nations/1926-slavery-convention_en.
- European Parliament. “National Legislation on Prostitution and the Trafficking in Women and Children.” September 2005, 115-122. Accessed April 10, 2018. https://ec.europa.eu/anti-trafficking/publications/study-national-legislation-prostitution-and-trafficking-women-and-children_en.
- Fair Trade Certified. Accessed May 9, 2018. <https://www.fairtradecertified.org>.
- Farley, Melissa. “Theory versus reality: Commentary on four articles about trafficking for prostitution.” *Women’s Studies International Forum* 32 (2009): 311-315. Accessed April 10, 2018. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.361.1304&rep=rep1&type=pdf>.
- Feinberg, Joel. *Doing and Deserving*. Princeton, NJ: Princeton University Press, 1970.
- Finnis, John. *Natural Law and Natural Rights*. 2nd ed. New York: Oxford University Press, 2011.

- “The First Session of the Twenty-Eighth Parliament of the United Kingdom of Great Britain and Ireland.” *The Parliamentary Debates*. Authorized Edition. Series 4. Vol.152. London: Wyman and Sons, Limited, 1906. Accessed May 21, 2018. <https://books.google.com/books?id=P0M6AQAAMAAJ>.
- Flowers, R. Barri. “The Sex Trade Industry's Worldwide Exploitation of Children.” *The Annals of the American Academy of Political and Social Science* 575 (May, 2001): 147-157. Accessed April 4, 2018. <http://www.jstor.org/stable/1049185>.
- Food and Agricultural Organization of the United Nations. “World hunger falls, but 805 million still chronically undernourished.” September 16, 2014. Accessed March 22, 2018. <http://www.fao.org/news/story/en/item/243839/icode/>.
- Fowler, Alan. “Demonstrating NGO performance: problems and possibilities.” *Development in Practice* 6, no.1 (February 1996), 58-65. Accessed March 13, 2019. <https://www.jstor.org/stable/4029356>.
- Free the Slaves. “Slavery Today.” Accessed May 4, 2015. <http://www.freetheslaves.net/about-slavery/slavery-today/>.
- . “Trafficking and Slavery Fact Sheet.” Accessed May 4, 2015. https://www.freetheslaves.net/wp-content/uploads/2015/01/FTS_factsheet-Nov17.21.pdf.
- Friedman, Milton and Rose. “Free to Choose.” In Sandel, *Justice: A Reader*, 49-60.
- GoodWeave International. Accessed May 10, 2018. <https://goodweave.org>.
- Harris, Kamala D. *The California Transparency in Supply Chains Act: A Resource Guide*. California Department of Justice. 2015. Accessed May 24, 2018. <https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf>.
- Himmelfarb, Gertrude. “The Illusions of Cosmopolitanism.” In Cohen, 72-77.
- Hogenboom, Melissa. “A tipping point in the fight against slavery.” BBC News. October 19, 2012. Accessed May 30, 2018. <http://www.bbc.com/news/magazine-19831913>.
- Hughes, Donna M. “The Demand for Victims of Sex Trafficking.” University of Rhode Island (2005). Accessed April 5, 2018. https://www.researchgate.net/publication/265578917_The_Demand_for_Victims_of_Sex_Trafficking.
- Intel Corporation. “In Pursuit of a Conflict Free Supply Chain.” Accessed May 10, 2018. <https://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>.

- “Intel’s Efforts to Achieve a ‘Conflict-Free’ Supply Chain.” May 2017. Accessed May 10, 2018. <https://www.intel.com/content/www/us/en/corporate-responsibility/conflict-minerals-white-paper.html>.
- International Justice Mission. “Modern Day Slavery: The Facts.” Accessed March 2, 2017. <https://www.ijm.org/slavery>.
- Jakobsson, Niklas and Andreas Kotsadam. “The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation.” *University of Gothenburg School of Business, Economics and Law*. (Revised May, 2013). Accessed April 18, 2018. https://gupea.ub.gu.se/bitstream/2077/22825/4/gupea_2077_22825_4.pdf.
- Kara, Siddharth. *Bonded Labor: Tackling the System of Slavery in South Asia*. New York: Columbia University Press, 2009.
- . *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press, 2009.
- Kant, Immanuel. *The Doctrine of Virtue: Part II of The Metaphysics of Morals*. Translated by Mary J. Gregor. New York: Harper & Row, 1964.
- . *Groundwork of the Metaphysics of Morals*. Rev ed. Edited by Mary Gregor and Jens Timmermann. Translated by Jens Timmermann. Cambridge, UK: Cambridge University Press, 2012.
- Khatri, Saleem S. “Crazy stats on how much Starbucks we drink each year.” *Business Insider*. July 29, 2015. Accessed March 27, 2018. www.businessinsider.com/here-are-some-crazy-stats-about-how-much-starbucks-we-drink-each-year-2015-7.
- KnowTheChain. “The Issue.” Accessed April 3, 2018. <https://knowthechain.org/the-issue/>.
- Lamont, W.D. “Justice: Distributive and Corrective.” *Philosophy* 16, no.61 (January 1941): 3-18. Accessed May 9, 2017. <http://www.jstor.org/stable/3747641>.
- Lehr-Lehnardt, Rana. "NGO Legitimacy: Reassessing Democracy, Accountability and Transparency." *Cornell Law School InterUniversity Graduate Student Conference Papers* (2005). Accessed March 13, 2019. http://scholarship.law.cornell.edu/lps_clacp/6.
- Lichtenberg, Judith. “Positive Duties, and the ‘New Harms.’” *Ethics* 120, no. 3 (2010): 557-578. Accessed April 13, 2015. <http://www.jstor.org/stable/10.1086/652294>.
- Lillo, Andrea. “The Eco-Friendly Evolution: sustainable rugs become more mainstream – and price friendly.” HFN. December 8, 2015. Accessed May 10, 2018. <http://www.hfndigital.com/news/eco-friendly-evolution/>.

- Linik, Joyce Riha. "What are Conflict Minerals and Why Does Conflict-Free Matter?" iQ (Intel). September 12, 2014. Accessed May 10, 2018. <https://iq.intel.com/why-conflict-free-matters-in-your-everyday-life/>.
- Lloyd, Rachel. "Legalizing Prostitution Leads to More Trafficking." *New York Times*. August 24, 2015. Accessed April 11, 2018. <https://www.nytimes.com/roomfordebate/2012/04/19/is-legalized-prostitution-safer/legalizing-prostitution-leads-to-more-trafficking>.
- MacIntyre, Alasdair. *After Virtue*. Notre Dame: University of Notre Dame Press, 2007.
- MacKinnon, Catharine A. "Pornography as Trafficking." *Pornography: driving the demand in international sex trafficking* (2007): 31-42.
- Made in a Free World. "Slavery Footprint." Accessed May 9, 2018. <http://slaveryfootprint.org>.
- Made in a Free World. "Slavery Footprint: Methodology." Accessed May 4, 2015. <http://slaveryfootprint.org/about/#methodology>.
- Marx, Karl and Frederick Engels. "Manifesto of the Communist Party." Accessed November 7, 2017. <https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf>.
- May, Larry. *Sharing Responsibility*. Chicago: University of Chicago Press, 1992.
- Mill, John Stuart. "On Liberty." In Sandel, *Justice: A Reader*, 14-47.
- Miller, David. *On Nationality*. Oxford: Oxford University Press, 1995.
- Miller, Sarah Clark. *The Ethics of Need: Agency, Dignity, and Obligation*. New York: Routledge, 2012.
- Montgomery, Heather. "Buying Innocence: Child-Sex Tourists in Thailand." *Third World Quarterly* 29, no. 5 (2008): 903-917. Accessed April 5, 2018. <http://www.jstor.org/stable/20455082>.
- Moore, Margaret. *The Ethics of Nationalism*. Oxford: Oxford University Press, 2001.
- Morris, Herbert. *On Guilt and Innocence: Essays in Legal Philosophy and Moral Psychology*. Berkeley: University of California Press, 1976.
- Morrison, Sarah. "220 million children who don't exist: A birth certificate is a passport to a better life – so why can't we all have one?" *Independent*. July 27, 2013. Accessed March 26, 2018. <https://www.independent.co.uk/news/world/politics/220-million-children-who-dont-exist-a-birth-certificate-is-a-passport-to-a-better-life-so-why-cant-8735046.html>.

- Nathanson, Stephen. "In Defense of 'Moderate Patriotism.'" *Ethics* 99, no.3 (1989): 535-552. Accessed October 30, 2017. <http://www.jstor.org/stable/2380865>.
- National Archives. "Emancipation." Accessed May 29, 2018. www.nationalarchives.gov.uk/pathways/blackhistory/rights/emancipation.htm
- North Korea Freedom Coalition. "North Korea Human Rights Information." Accessed March 7, 2017. <http://www.nkfreedom.org/Resources/Weblinks-to-Resources.aspx>.
- Nozick, Robert. "Anarchy, State, and Utopia." In Sandel, *Justice: A Reader*, 60-73.
- Nussbaum, Martha C. "Patriotism and Cosmopolitanism." In Cohen, 2-17, 145 (notes).
- Oxfam International. "Just 8 men own same wealth as half the world." January 16, 2017. Accessed March 26, 2018. <https://www.oxfam.org/en/pressroom/pressreleases/2017-01-16/just-8-men-own-same-wealth-half-world>.
- PBS Online. "Conditions of antebellum slavery." Accessed May 21, 2018. <http://www.pbs.org/wgbh/aia/part4/4p2956.html>.
- Peters, Mary Ann. "Nordic Model key to beating exploitation of sex workers." April 18, 2016. Accessed April 10, 2018, <https://www.cnn.com/2016/04/18/opinions/prostitution-nordic-model-peters/index.html>.
- Pogge, Thomas. "Moral Universalism and Global Economic Justice." *World Poverty and Human Rights*. Cambridge: Polity, 2002. In Brooks, *The Global Justice Reader*, 358-382.
- "Reply to the Critics: Severe Poverty as a Violation of Negative Duties." *Ethics and International Affairs* 19, no. 1 (2005): 55-83.
- *World Poverty and Human Rights*. 2nd ed. Cambridge: Polity Press, 2008.
- Rawls, John. "A Theory of Justice." In Sandel, *Justice: A Reader*, 203-221.
- Rodriguez, Anna. "Human Trafficking." Pre-Conference Workshop, North American Association of Christians in Social Work, Orlando, February 6, 2008.
- Rönnlund, Anna Rosling. "Dollar Street." gapminder.org. Accessed March 22, 2018. <https://www.gapminder.org/dollar-street/family>.
- Rosenblatt, Kalhan. "Flight Attendants Train to Spot Human Trafficking." NBC News. February 4, 2017. Accessed May 9, 2018. <https://www.nbcnews.com/storyline/airplane-mode/flight-attendants-train-spot-human-trafficking-n716181>.
- Sandel, Michael J., ed. *Justice: A Reader*. Oxford: Oxford University Press, 2007.

- . *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009.
- . "Rawls: Justice as Fairness." In Sandel, *Justice: A Reader*, 203.
- Samarasinghe, Vidyamali. "Confronting Globalization in Anti-trafficking Strategies in Asia." *Brown Journal of World Affairs* 10, no.1 (Summer/Fall 2003): 91-104.
- Sample, Ruth J. *Exploitation: What It Is and Why It Is Wrong*. Lanham, MD: Rowman and Littlefield, 2003.
- Scheffler, Samuel. "Individual Responsibility in a Global Age." *Social Philosophy and Policy* 12, no.1 (Winter 1995): 219-236.
- "Sex is their business." *The Economist*. September 2, 2004. Accessed April 10, 2018. <https://www.economist.com/node/3151258>.
- Shafer-Landau, Russ, ed. *The Ethical Life: Fundamental Readings in Ethics and Moral Problems*, 2nd ed. New York: Oxford University Press, 2012.
- Shelley, Louise. *Human Trafficking: A Global Perspective*. New York: Cambridge University Press, 2010.
- Singer, Marcus G. "Negative and Positive Duties." *The Philosophical Quarterly* 15, no. 59 (1965): 97-103. Accessed May 17, 2017. <http://www.jstor.org/stable/2218209>
- Singer, Peter. "Famine, Affluence, and Morality." *Philosophy & Public Affairs* 1, no.3 (1972): 229-43. In Brooks, *The Global Justice Reader*, 387-396.
- . *The Life You Can Save*. New York: Random House, 2009.
- . "The Singer Solution to World Poverty." *The New York Times*, September 5, 1999. In Shafer-Landau, *The Ethical Life*, 229-236.
- Skinner, Benjamin. *A Crime So Monstrous: Face-to-Face with Modern-Day Slavery*. New York: Free Press, 2009.
- Snyder, Jeremy. "Needs Exploitation." *Ethical Theory and Moral Practice* 11, no. 4 (2008): 389-405.

- Stutler, Ana. "The Connections Between Pornography and Sex Trafficking." Covenant Eyes. September 7, 2011. Accessed April 12, 2018. www.covenanteyes.com/2011/09/07/the-connections-between-pornography-and-sex-trafficking/#_edn4.
- Tessman, Lisa. *When Doing the Right Thing is Impossible*. New York: Oxford University Press, 2017.
- Transparency International: The global coalition against corruption. Accessed May 24, 2018. <https://www.transparency.org>.
- Unger, Peter. *Living High and Letting Die*. Oxford: Oxford University Press, 1996.
- UNICEF. "Children Out of Sight, Out of Mind, Out of Reach." Press Release. December 14, 2005. Accessed April 12, 2018. <https://www.unicef.org/sowc06/press/release.php>.
- UNICEF and World Bank Group. "Ending Extreme Poverty: A Focus on Children." Briefing Note. October 2016. Accessed March 22, 2018. https://data.unicef.org/wp-content/uploads/2017/09/Ending_Extreme_Poverty_A_Focus_on_Children_Oct_2016.pdf.
- United Nations. "History of the Document." Accessed May 30, 2018. <http://www.un.org/en/sections/universal-declaration/history-document/index.html>.
- "Universal Declaration of Human Rights." 1948. Accessed November 8, 2017. <http://www.un.org/en/universal-declaration-human-rights/>.
- United Nations Development Programme. "Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience." Human Development Report 2014. Accessed March 22, 2018. <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>.
- United Nations Human Rights Office of the High Commissioner. "Commission of Inquiry on Human Rights in the Democratic People's Republic of North Korea." Accessed March 7, 2017. <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>.
- "Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime." November 15, 2000. Accessed November 14, 2017. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

- . “United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.” Accessed March 8, 2017. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>.
- United Nations International Labour Office. “ILO Global Estimate of Forced Labor 2012: Results and Methodology.” June 1, 2012. Accessed May 4, 2015. www.ilo.org/washington/WCMS_182004/lang--en/index.htm.
- . "Profits and Poverty: The Economics of Forced Labour." 2014. Accessed May 4, 2015. http://www.ilo.org/wcmstp5/groups/public/---ed_norm/declaration/documents/publication/wcms_243391.pdf.
- United States Department of Justice. “Extraterritorial Sexual Exploitation of Children.” Accessed April 5, 2018. <https://www.justice.gov/criminal-ceos/extraterritorial-sexual-exploitation-children>.
- U.S. Department of Labor. “List of Goods Produced by Child Labor or Forced Labor.” Page 13. 2012. Accessed May 4, 2015. <http://issuu.com/stevebutton/docs/2012tvpra>.
- U.S Department of State. “2015 Trafficking in Persons Report.” Accessed November 10, 2017. <http://www.state.gov/documents/organization/243557.pdf>.
- . “2017 Trafficking in Persons Report.” Accessed March 2, 2017. <https://www.state.gov/j/tip/rls/tiprpt/>.
- U.S. Department of State Office to Monitor and Combat Trafficking in Persons. “What is Modern Slavery?” Accessed March 8, 2017. <https://www.state.gov/j/tip/what/>.
- Walk Free Foundation. “The Global Slavery Index.” 2014. <http://www.globalslaveryindex.org/findings/>.
- Walters, Joanna. “They are intentionally starved and worked to death!: The horrific conditions in North Korean labor camps.” *Business Insider*. March 18, 2016. Accessed November 14, 2017. <http://www.businessinsider.com/they-are-intentionally-starved-and-worked-to-death-the-horrific-conditions-in-north-korean-labor-camps-2016-3>.
- Weinrib, Ernest Joseph. *Corrective Justice*. Oxford: Oxford University Press, 2012.
- Weir, Kristen. “Is Pornography Addictive?” *Monitor on Psychology* 45, no. 4 (2014). Accessed April 5, 2018. <http://www.apa.org/monitor/2014/04/pornography.aspx>.
- Wenar, Leif. “What We Owe to Distant Others.” *Politics, Philosophy & Economics* 1 (2003): 283-304. In Brooks, *The Global Justice Reader*, 397-415.

Wertheimer, Alan. *Exploitation*. Princeton: Princeton University Press, 1996.

Wilberforce, William. "William Wilberforce's 1789 Abolition Speech." The Abolition Project. Accessed May 29, 2018. <https://www.st-andrews-anglican-calgary.ca/downloads/WilberforceSpeech1789.pdf>.

World Wildlife Fund. "What Americans and Europeans Spend on Ice Cream: \$31 Billion; Global Cost of Creating Marine Parks to Protect the Oceans: \$12 - \$14 Billion." June 14, 2004. Accessed March 27, 2018. www.worldwildlife.org/press-releases/what-americans-and-europeans-spend-on-ice-cream-31-billion-global-cost-of-creating-marine-parks-to-protect-the-oceans-12-14-billion.

Young, Iris Marion. *Responsibility for Justice*. New York: Oxford University Press, 2011.

Zwolinski, Matt and Alan Wertheimer. *The Stanford Encyclopedia of Philosophy*. s.v. "exploitation." Summer 2017 Edition. Accessed May 25, 2018. <https://plato.stanford.edu/archives/sum2017/entries/exploitation/>.

APPENDIX A

ORGANIZATIONS, TOOLS, AND RESOURCES TO HELP FIGHT SLAVERY

This is by no means an exhaustive list. However, it should give those who are interested plenty of resources to better educate yourselves and your neighbors, and to begin making small changes toward fighting for the abolition of modern slavery.

I. Anti-slavery Organizations

- EndIt Movement: www.enditmovement.com
A giant hub for fighting modern slavery; links to many other agencies and organizations
- International Justice Mission (IJM): www.ijm.org
Operates throughout the world fighting slavery; Focuses especially on prosecuting traffickers and slave-owners; Operates a gift catalog where you can give gifts of freedom in honor and memory of loved ones: gifts.ijm.org
- Polaris Project: www.polarisproject.org
Operates a national (USA) human trafficking hotline
- A21: www.a21.org
“Together, we are eradicating human trafficking through awareness, intervention, and aftercare.”
- Not For Sale Campaign: www.notforsalecampaign.org
“A network to grow self-sustaining social projects with purpose-driven business to end exploitation and forced labor.”
- Women At Risk Intl.: www.warinternational.org
“...established to create circles of protection around at-risk women and children.”
- Operation Underground Railroad: www.ourrescue.org
“We exist to rescue children from sex trafficking.”
- As Our Own: www.asourown.org
Provides rescue, aftercare, and prevention for vulnerable children in India.

- Made in a Free World: www.madeinafreeworld.com
“Software that turns supply chain risks into rewards.”
- Free the Slaves: www.freetheslaves.net
Focuses on labor slavery and consumerism
- Stop the Traffik: www.stopthetraffik.org
UK based, comprehensive anti-trafficking organization
- ECPAT: www.ecpat.org
Focuses on eliminating the sexual exploitation of children
- Love 146: www.love146.org
Works to eliminate child trafficking and exploitation
- Project Rescue: www.projectrescue.com
Operates in eight countries with various anti-slavery programs and initiatives. I have personally worked with this organization in Delhi, India, where they have safe homes for girls and boys rescued from the Red Light District.
- Bombay Teen Challenge: www.bombayteenchallenge.org
“With over a million children enslaved in the red light districts of India, BTC was created with a vision to break the cycle of trafficking through impact-driven initiatives that help those rescued become productive and empowered members of society.”
- The Exodus Road: www.theexodusroad.com
Rescues sex slaves in Southeast Asia and India
- Hope for Justice: www.hopeforjustice.org
A comprehensive rescue and restoration agency operating in eight countries
- Free to Run: www.freetorun.org
“[O]perates on the basic principle that sport is a human right and not a luxury.”
- Transparency International: www.transparency.org
“The global coalition against corruption”
- Lighthouse For Life: www.lighthouseforlife.org
Agency local to Columbia, South Carolina
- Out of Darkness: www.outofdarkness.org
Agency local to Atlanta, Georgia

- Florida Coalition Against Human Trafficking: www.stophumantrafficking.org
Works to collaborate with and train law enforcement, federal officials, service providers, community members, and others
- Amazonsmile (gives donations to a charity of your choice): smile.amazon.com

II. Tools and Resources

A. Websites and Articles

Consumerism and Product Supply Chains

- Slavery Footprint: www.slaveryfootprint.org
Online survey you can take to discover “how many slaves work for you”
- Done Good: www.donegood.co
“Shop hundreds of brands that make the world better.”
- Assessing Atrocity: <http://assessingatrocity.com/the-high-cost-of-cheap-labor-how-to-buy-clothing-without-supporting-slave-labor-2/>
A few of these links are outdated, but there are still plenty of good suggestions of ethically responsible companies in this article.
- The Good Trade: www.thegoodtrade.com
Suggestions for ethical clothing, travel, skincare, and other sustainable products
- Fair Trade USA: www.fairtradeusa.org/products-partners
The go-to place for information on Fair Trade in the USA, including suggestions of Fair Trade Certified products
- PACT Organic Clothing: www.wearpact.com
Ethically sourced, Fair Trade, organic cotton clothing. (Half of my casual wardrobe is from this company).
- Inkkas Shoes: www.inkkas.com
Sells Fair Trade sneakers and casual shoes
(my husband and I both own several pairs)
- Senda Athletics: www.sendaathletics.com
Offers fair trade sporting equipment, especially soccer balls
- Theo Chocolate: www.theochocolate.com
Fair Trade chocolate, ethically sourced “from bean to bar”

- Know the Chain: www.knowthechain.org
“...a resource for companies and investors to understand and address forced labor risks within their global supply chains.”
- The California Transparency in Supply Chains Act
Requires large companies in California to disclose efforts to ensure their products are not produced by slaves.
<https://oag.ca.gov/SB657>
<https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf>
- Ann Taylor Loft: www.responsiblyann.com/ourExpectations.asp
This is an example of a transparency statement as required by the California Transparency in Supply Chains Act.

The Carpet and Rug Industry

- GoodWeave: www.goodweave.org
“GoodWeave works to end child labor in global supply chains, from the producer’s hands to the consumer’s.”
- GoodWeave at Target - <https://goodweave.org/brand/target/>
“The Eco-Friendly Evolution,” by Andrea Lillo:
www.hfndigital.com/news/eco-friendly-evolution/
- Rugmark Foundation: www.rugmarkindia.org/Rugmark/index.htm

Conflict Free Minerals and Stones

- Responsible Minerals Initiative: <http://www.responsiblemineralsinitiative.org>
Helping companies make informed choices about responsibly sourced minerals in their supply chains.
- Intel, “In Pursuit of a Conflict Free Supply Chain”: <https://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>
- Intel, “What are conflict minerals and why does conflict-free matter?” by Joyce Riha Linki: <http://iq.intel.com/why-conflict-free-matters-in-your-everyday-life/>
- The Kimberly Process: <https://www.kimberleyprocess.com>
Process set up to certify conflict-free diamonds, although many are skeptical of its proposed success
- Brilliant Earth: www.brilliantearth.com
Source for conflict free jewelry and precious stones, although its trustworthiness is in question per the two articles immediately following

- Questioning conflict-free diamonds:
 - “Here’s Why Conflict Free Diamonds are a Hoax,” by Elizabeth Harper: <https://www.dealnews.com/features/Heres-Why-Conflict-Free-Diamonds-Are-a-Hoax/2030261.html>
 - “Inside the ‘conflict-free’ diamond scam costing online buyers millions [Updated]” by Bryan Clark, <https://thenextweb.com/insider/2017/06/17/shady-online-diamond-dealer-proves-conflict-free-is-no-guarantee/>
- Canadamark: <https://www.canadamark.com>
Assures diamonds are responsibly mined in Canada; May be safest way to ensure diamonds are conflict-free

Human Trafficking Initiatives

- “This Girl’s Senior Project Became a Law Enforcement Tool to Stop Sex Trafficking,” by Kate Dwyer: http://www.teenvogue.com/story/senior-project-stops-human-trafficking?mbid=social_facebook
Details Emily Kennedy’s (Carnegie Mellon University) senior project that “has evolved into a world-class database that provides law enforcement officials with the tools to combat human trafficking.”
- Fight the New Drug: www.fightthenewdrug.org
Details links between Human trafficking and pornography
- Safe Place: <http://www.nationalsafeplace.org>
“Safe Place designates businesses and organizations as Safe Place locations, making help readily available to youth in communities across the country.”
- QuikTrip partners with Safe Place: “This “Safe Place” Sign Saves Lives By Giving Them Refuge In Emergency Situations,” by Emerald Pellot, www.littlethings.com/quik-trip-safe-place/
- “Super Bowl Is Single Largest Human Trafficking Incident In U.S.: Attorney General,” by Eleanor Goldberg: http://www.huffingtonpost.com/2013/02/03/super-bowl-sex-trafficking_n_2607871.html
Explains the prevalence of human trafficking at major sporting events

B. Videos

- EndIt Movement
 - * Awareness and action among students: <https://www.youtube.com/watch?v=iokqGOQmt1U>
 - * Slavery at major sporting events: <https://www.youtube.com/watch?v=qMyExi2q-ZI>
- Kevin Bales defines slavery: www.youtube.com/watch?v=qfCiQJE_sBg

- *Fields of Mudan*, The Florida State University College of Motion Picture Arts,
www.youtube.com/watch?v=IO204wuT9mc
 “A young Asian girl forced into modern day child sex slavery, dreams of a better life with her mother in America.”

- *The Abolitionists*, a documentary film, must purchase to view:
www.abolitionistsmovement.com

- *I Am Jane Doe*, a documentary film about backpage.com, which has since been shut down: www.youtube.com/watch?v=xshDkqB1rYc

- “Is Consumerism Fueling Modern-Day Slavery?”
 An interview with David Batstone of the “Not For Sale Campaign”
www.youtube.com/watch?v=4QrmOtuAZjY

- “Modern day slavery – Supply Chains”
www.youtube.com/watch?v=YRu6CaXTAxA

- “Human Trafficking: Modern-day Slavery in America”
www.youtube.com/watch?v=_tQDYvPrE6k
 Slaves are forced to braid hair in Newark, New Jersey

- “What's Porn Got To Do With Sex Trafficking?: A survivor explains.”
www.youtube.com/watch?v=FnPp0DPnb9o

- “The Dutch Sex Industry’s Terrifying Underbelly”
www.youtube.com/watch?v=ht8wxROENdE

- “Look Inside: Carolyn Duran and the Pursuit of Conflict-free”
www.youtube.com/watch?v=HZDsNXtM-rk

- “Mystery Unboxing”
www.youtube.com/watch?v=CZkFdS8_Wfw

- “Conflict Minerals 101”
www.youtube.com/watch?v=aF-sJgcoY20

- “Conflict Minerals in Your Daily Life”
www.youtube.com/watch?v=n8Bq5R2RB6s

APPENDIX B

TOP-DOWN AND BOTTOM-UP APPROACHES TO FIGHTING MODERN SLAVERY: CASE EXAMPLE OF INTERNATIONAL JUSTICE MISSION (IJM)

A helpful distinction we could make when it comes to determining *how* we might act toward alleviating modern slavery, both close to home and around the globe, is the distinction between top-down and bottom-up solutions.¹ Top-down solutions include actions that governments and other larger institutional groups should undertake to fight modern slavery. Bottom-up solutions include actions that independently organized grassroots organizations and groups (as well as individuals) might undertake to bring freedom to modern slaves. Both of these approaches are necessary in the modern fight for abolition. This case study showcases how one global abolitionist organization, International Justice Mission (IJM) undertakes the fight against modern slavery using both top-down and bottom-up approaches.

International Justice Mission (IJM)

According to their website, IJM ranks as “the largest anti-slavery organization in the world.” Their claim is simple: “We know where slaves are. Your help is needed to rescue them.”² The model which IJM uses contains three main components: setting slaves free, throwing oppressors in jail, and advocating for changes in the systems that make the slave trade profitable (with the ultimate goal of eliminating the slave trade forever).³ In explaining how these components have proven effective, IJM states:

International Justice Mission is an organized group of advocates, donors, investigators, social workers, lawyers, and government leaders who are executing a proven plan that will stop the modern slave trade in its tracks.

We rescue slaves by disrupting the slave trade. At IJM, we work with local governments to rescue slaves and throw their oppressors in jail. Once the immediate crisis is managed, we disrupt the business model that fostered the slavery in the first place. Disrupting the model involves prosecuting slave owners

¹ I am indebted to Sheetal Shah, Ph.D. for pointing out this helpful distinction.
<http://www.webster.edu/arts-and-sciences/faculty/shah.html>.

² <https://www.ijm.org/>

³ Ibid.

and dramatically increasing the legal, financial and opportunity costs slave owners must pay to sustain a slave-labor model.

If we don't disrupt the model, slave owners will expand their power and steal more lives. But the world is changing. Modern slavery can end in our lifetime. Our proven model works. Our only limitations are financial. With your help, we can throw slave owners and traffickers in jail, rescue those whose lives have been stolen and prove to the world every human life matters.⁴

This is a helpful description of the work in which IJM is involved. I will use this to extrapolate how IJM employs both top-down and bottom-up approaches to eliminating modern slavery. We will begin with the bigger, global picture (top-down), and work toward establishing smaller-scale, more localized, and even individual approaches (bottom-up).

Top-down approaches used by IJM

One of IJM's the three major components of fighting against slavery includes disrupting the business model that renders slavery profitable for those willing to enslave and exploit human beings. In order to do this, IJM works alongside governments to help them enforce existing laws, and to create new laws and policies that will eliminate the financial benefits of engaging in the slave trade. For this to be successful, IJM recognizes that governments must be willing and able to enforce their own existing anti-slavery laws.

Furthermore, IJM recognizes that future agreements and legislation must undermine the profitability of the slave trade. Trade agreements between nations must discourage slavery. Governments that would be (and currently are) tempted to turn a blind eye to the slave trade must be pressured to end this inhumane practice. IJM understands this, and works alongside governments to encourage far-reaching, large-scale changes in policies to the detriment of slave traders and for the benefit of modern slaves. They do this by partnering with government officials who are sympathetic to the anti-slavery movement. They also employ numerous lawyers and other advocates, who in turn use their influence and expertise to pressure non-compliant governments and corrupt officials to govern with the goal of protecting the vulnerable people under their jurisdiction instead of tolerating, protecting, and participating in their exploitation.

These are some examples of how IJM employs a top-down approach in addressing modern slavery. IJM engages governments and systems in an attempt to systematically eliminate the structures that maintain slavery as a feasible and profitable industry.⁵ IJM engages with legal systems to ensure that those who enslave others are held accountable for their crimes, and that they are prohibited from enslaving others in the future.

⁴ <https://www.ijm.org/slavery>

⁵ For example, IJM works closely with the U.S. Trafficking in Persons Office (TIP Office); <https://freedomcommons.ijm.org/>

Bottom-up approaches used by IJM

There are *at least* four ways that IJM employs a bottom-up approach when fighting against modern slavery. First, IJM works on the ground to free slaves. They do this by working with local officials in communities across the globe to organize and execute rescue missions. IJM explains, "...we find the children and adults who are victims of violence, forced labor, or sex trafficking. We then support local police in rescue operations and help meet the victims' urgent needs, like safe housing, food, medical care, counseling, and education. We create a plan for every individual to succeed."⁶ Organizing raids and providing direct care resources for survivors most definitely exemplifies a bottom-up approach to fighting slavery.

Second, after rescue operations are performed and slaves are set free and cared for, IJM uses its involvement and influence to "...make sure criminals cannot continue to harm their victims. We support the police in investigating, arresting, and charging slave owners with crimes. We continue to fight until slave owners are behind bars."⁷ Because these efforts are focused at the level of local law enforcement and criminal justice, this is an example of a bottom-up approach.

Third, IJM encourages small pockets of abolition-advocates to organize themselves in their local communities wherever they are.⁸ IJM specifically focuses on encouraging such pockets of locally organized, grassroots chapters on college campuses.⁹ For instance, the University of South Carolina has a student chapter of IJM.¹⁰ This campus organization supports the work of IJM by meeting regularly, organizing events aimed at educating other students about the reality of modern slavery, raising money for IJM initiatives, and engaging in local community service projects aimed at fighting slavery in the communities surrounding the university. This provides a perfect example of a bottom-up approach to fighting against slavery.

Fourth, the primary way that IJM encourages support from smaller grassroots groups and individuals is through donating financially to the organization. IJM has proven that its comprehensive model works, but the numerous ambitious projects and initiatives that the organization has planned can only proceed if they are properly funded. Thus, the easiest, most straightforward, and most needed source of support for IJM comes from large and small donations, and from various individuals and groups.

IJM maintains a gift catalog, detailing monetary values needed to accomplish specific anti-slavery initiatives around the globe. Giving the gift of freedom in honor or memory of loved ones, or as a fundraising initiative for a group of modern abolitionists such as a campus IJM chapter, is made easy by this catalog that details a plethora of projects along with the monetary gifts needed to actualize them. From giving \$7 to

⁶ <https://www.ijm.org/our-work>

⁷ Ibid.

⁸ <https://freedomcommons.ijm.org/>

⁹ <https://www.ijm.org/students>

¹⁰ <https://ijmatusc.weebly.com/>

provide a hot meal to a survivor or \$9 for a new blanket, to donating \$35 for trauma-focused therapy for a child sex trafficking survivor, to contributing \$300 to rent boats for rescue operations, and on up to raising \$6,850 to fund a rescue mission and provide restorative services to victims of sex trafficking, there is truly something for everyone or every group in the IJM gift catalog.¹¹

IJM also asks that individuals or groups consider becoming a “freedom partner.” This involves making a commitment to donate \$24 (or more) on a monthly basis to support the various rescue operations, aftercare needs, legal fees, and other expenses incurred in the fight for modern abolition. This consistent support helps IJM to plan and execute properly funded rescue missions throughout the globe.¹²

Giving financially to an organization such as IJM is another perfect example of a bottom-up approach to fighting against slavery. IJM could not continue its global or local initiatives without this financial support. And while individuals and smaller groups may feel as if donating money doesn’t seem like enough, IJM clearly points out that they have the knowledge and manpower to execute numerous life-changing anti-slavery operations if only they have proper financial support.¹³ In this instance, this bottom-up approach helps to actualize other bottom-up approaches (such as rescue operations), as well as numerous top-down approaches (such as advocating to governments and engaging in justice systems) in the fight against the injustice of modern slavery.

¹¹ <https://gifts.ijm.org/>

¹² <https://www.ijm.org/partnerships>

¹³ <https://www.ijm.org/slavery>