

**The London School of Economics and Political Science**

**CONSUMING CONFLICTS: CONSUMER  
RESPONSIBILITY FOR ARMED CONFLICTS IN DR  
CONGO AND NIGERIA**

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**A thesis to be submitted to the International Relations Department of the  
London School of Economics and Political Science for the degree of Doctor of  
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# **DECLARATION**

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## ABSTRACT

This thesis investigates one of the central concepts in International Relations Theory, responsibility, and the challenges that the globalisation of production poses to its conventional understandings. As individuals' ties extend further beyond national boundaries, a myriad of harms enters the horizon of their moral appraisal. A case in point, in affluent democracies consumers are often urged to buy 'ethically' so that miseries ranging from labour rights violations to climate change and armed conflicts are ameliorated. However, approaches that systematically explore the grounds of consumers' responsibility to do so are few and far between.

Does the globalisation of supply chains give rise to consumers' moral responsibility to alleviate harms abroad? This thesis approaches the question from the perspective of global ethics. It draws on a reading of John Dewey's work to treat actors' capacities as a contingent compass to navigate through the challenges that global production processes present to consumers' habitual ways of moral thought and action. To generate the empirical basis for a plausible capacity-based argument, it launches a close study of consumers' means to alleviate armed conflicts linked with the resource curse phenomenon in eastern DR Congo and southern Nigeria.

The work contributes to contemporary studies of global ethics through a mid-level approach, as it draws on empirical research to rearticulate topical moral challenges. The three perspectives of guilty consumer claims, blame games and citizen-consumers weave the theoretical analysis with contemporary practices of assigning responsibility. While it is difficult to ameliorate resource-related armed conflicts by buying differently, in some cases purchase action may constitute a step towards a better world and individuals more capable of orienting through its ethical complexities.

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# PART I

## 1 INTRODUCTION

### 1.1 SITUATION

*People need to think that when they turn their heat on in Europe they're spilling pollution into the Niger Delta.*<sup>1</sup>

*Without knowing it, tens of millions of people in the United States may be putting money in the pockets of some of the worst human rights violators in the world, simply by using a cell phone or laptop computer.*<sup>2</sup>

*If we imagine we are voting every time we buy something, and we use our purchase power, then things will change.*<sup>3</sup>

Child labour, armed conflicts and ravaged nature give rise to demands in affluent democracies that global production processes ought to be more responsible. While states, corporations and international institutions governing the supply chains are usually expected to take up the task, individual consumers buying products for their own use also frequent the list of agents called for action. Activists in Europe, North America, Australia, and beyond encourage consumers to join anti-sweatshop boycotts, to avoid smartphones containing 'conflict minerals', and to demand eco-friendly products. Voices advocating ethical consumerism, according to which consumers ought to

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1 A Nigerian activist cited in: Leif Wenar, *Blood Oil: Tyrants, Violence, and the Rules That Run the World* (Oxford; New York: Oxford University Press, 2016), xviii.

2 United States Senator Richard J. Durbin cited in: Lydia Polgreen, 'Congo's Riches, Looted by Renegade Troops', *The New York Times*, 15 November 2008, <https://www.nytimes.com/2008/11/16/world/africa/16congo.html>.

3 Dolly Jones, 'How The World Has Changed Since Rana Plaza', *Vogue*, 1 April 2014, <https://www.vogue.co.uk/article/bangladesh-rana-plaza-anniversary-fashion-revolution-day>.

consider not only price and quality but also the overall social and environmental implications of their purchase, are identifying more and more targets for the purchase action of individual consumers.

An academic debate is gradually emerging, but approaches that systematically explore the grounds of consumers' responsibility to do something about harms linked with production processes abroad remain few and far between.<sup>4</sup> Practitioners who take up the broad rhetoric that morally implicates consumers with miseries of all kinds rarely take the time and effort needed to explicate the moral theory underlying the burden placed on them. While the statements above illustrate the persistent thrust towards mobilising consumers to act upon harms far away, as Christian Barry and Kate Macdonald point out: 'The activists who assert special ethical responsibilities for consumers have promoted many particular courses of action, but have seldom articulated the grounds of these responsibilities or explained why they should be taken to be stringent. And moral and political theorists have not devoted much focussed attention to this issue.'<sup>5</sup>

The silence of theorists is alarming, given that consumption is often treated as a potent force for change in affluent democracies.<sup>6</sup> Advocates of ethical consumerism have conceptualised consumer

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4 Waheed Hussain, 'Is Ethical Consumerism an Impermissible Form of Vigilantism?', *Philosophy & Public Affairs* 40, no. 2 (2012): 111–143; Thomas Christiano, 'The Tension between the Nature and the Norm of Voluntary Exchange', *Southern Journal of Philosophy* 54, no. S1 (2016): 109–129; Christian Barry and Kate Macdonald, 'Ethical Consumerism: A Defense of Market Vigilantism', *Philosophy and Public Affairs* 46, no. 3 (2018): 293–322; Nicole Hassoun, 'Consumption and Social Change', *Economics and Philosophy* 35, no. 1 (2019): 29–47.

5 Christian Barry and Kate Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', in *Global Justice and International Labour Rights*, ed. Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan (Cambridge University Press, 2016), 1, <https://philarchive.org/archive/BARHSW-2v1>. The version referred to throughout the thesis is behind this link.

6 Political, ethical and conscientious consumerism are among the terms used to refer to this phenomenon. Sarah Irving, Rob Harrison, and Mary Rayner, 'Ethical Consumerism - Democracy through the Wallet', *Journal of Research for Consumers*, no. 3 (2002); Rob Harrison, Terry Newholm, and Deirdre Shaw, *The Ethical Consumer* (London; Thousand oaks, CA: SAGE Publications, 2005); Dietlind Stolle and Michele Micheletti, *Political Consumerism: Global Responsibility in Action* (New York: Cambridge University Press, 2013); Tim Bartley et al.,

action as a way to make a positive impact in the world, and urged consumers to take up some of its most common forms, such as boycotts, that is, to deliberately avoid or threaten to avoid certain products and companies, and ‘buycotts’, that is, to prefer or signal a potential preference in favour of companies and products that meet some criteria of ethical excellence.<sup>7</sup> But as campaign rallying cries keep on underscoring the importance of preferring fair trade, green, sweatshop-free, cruelty-free, nationally or locally produced shopping, to name some of the most popular examples of ethical consumerism, a puzzle emerges: even if purchase action by consumers helps mitigate and prevent at least some of the harms linked with production processes around the world, it remains unclear whether consumers should engage in such action. Hence, the first research question: *Does the globalisation of supply chains give rise to consumers' moral responsibility to alleviate harms abroad?* Put another way, what reasons, if any, could there be for consumers to act upon the problems involved with producing things for them? Why should consumers care?

This thesis approaches the question above from the perspective of global ethics.<sup>8</sup> Cosmopolitans have for some time argued that globalisation, in its different forms, compromises the validity of the state and the community as a boundary to ethical discourse, for instance by claiming that individuals have similar duties and rights with regards to distant others as they have to their fellow

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*Looking behind the Label: Global Industries and the Conscientious Consumer* (Bloomington: Indiana University Press, 2015); Clive Barnett, Nick Clarke, and Paul Cloke, ‘Whatever Happened to Ethical Consumption’, *Journal of Consumer Ethics* 1, no. 1 (2017).

- 7 Stolle and Micheletti distinguish four kinds of political consumerism: boycotts, buycotts, discursive acts such as culture jamming, and lifestyle commitments: Stolle and Micheletti, *Political Consumerism*; Philippe Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, *Antipode*, 2006, 779; Daniel Miller, ‘Consumption as the Vanguard of History: A Polemic by Way of Introduction’, in *Acknowledging Consumption: A Review of New Studies*, ed. Daniel Miller (London: Routledge, 1995), 1–57; John McMurtry, *Unequal Freedoms: The Global Market as an Ethical System* (Toronto: Garamond Press, 1998); N. Craig Smith, *Morality and the Market: Consumer Pressure for Corporate Accountability*. (London: Routledge, 1989).
- 8 By global ethics I mean an ethical inquiry that stands apart from inquiries involving more conventional social spheres, such as domestic systems and relations between states. For a helpful discussion on the concept, see: Kimberley Hutchings, *Global Ethics: An Introduction* (Cambridge; Medford, MA: Polity, 2018), 11–18.

citizens.<sup>9</sup> In this thesis, I draw on John Dewey's situationist ethics to suggest that rather than conceiving of global ethics as an abstract exercise about the morally salient, stable characteristics of the individual and the state, the very research question arises from a specific situation created as large-scale processes of globalisation challenge the prevalent notions of responsibility held by individuals in affluent democracies. Instead of searching for universal truths about the right, the good, the bad, and the wrong, a situationist inquiry aims to provide consumers in affluent democracies with a contingent and corrigible moral compass to reflect on their role in a new situation, in which existing practices and conventions of allocating responsibilities are becoming perplexed by consumers' increasing connections to global processes. Ethical consumerism provides an enticing case to those averse of the fixed ethical foundations on which cosmopolitan as well as communitarian calls are often voiced.<sup>10</sup> Consumers, as members of the public of these communities, are increasingly aware of their diverse connections to miseries, conflicts and challenges in global production processes, but lack conceptual tools for moral thought and action with regards to them. As I will argue in chapter 2, aiming to provide guidance to resolve this specific situation is a more

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9 To compare, communitarian thinkers argue that the community constitutes the appropriate sphere of ethical discourse and that individual morality cannot be conceived as separate from it. David Held and Anthony G McGrew, *Globalization Theory: Approaches and Controversies* (Cambridge: Polity, 2007); Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005); Thomas Pogge, 'World Poverty and Human Rights', *Ethics & International Affairs* 19, no. 1 (2005): 1–7; Charles R. Beitz and Robert E. Goodin, *Global Basic Rights* (Oxford: Oxford University Press, 2011); Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1998); Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983); Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1985).

10 A growing literature seeks to move beyond the gap between the two camps by conceiving alternatives to the 'thick' universality often seen as inherent to their claims: Molly Cochran, *Normative Theory in International Relations: A Pragmatic Approach* (Cambridge: Cambridge University Press, 1999), 275; Kimberley Hutchings suggest that the dichotomy might not be the most fruitful approach in exploring global ethics: *Global Ethics*, 15; Toni Erskine, *Embedded Cosmopolitanism Duties to Strangers and Enemies in a World of 'Dislocated Communities'* (Oxford: Oxford University Press, 2008).

fruitful approach than aiming to develop universalisable ethical claims that ill reflect the pluralist, experimentalist and situationist nature of ethical inquiry.

In this introductory chapter, I draw contours of the harms that challenge the existing practices of assigning responsibility, the contributions this work attempts to make, and the structure that it follows. Further, while to Dewey definitions are a product rather than a starting point of any inquiry, I start with some initial conceptualisations to help orient through the chapters to follow. First, the concept of harm is a short-hand tool that refers to the kind of activities that have been pointed out as potentially requiring ameliorative and preventive action from members of affluent democracies.<sup>11</sup> The growing concern on harms in global supply chains provides pragmatist theorists an impetus for ‘a pointed inquiry and experimentation’ on consumers’ connection to them.<sup>12</sup> Violence, exploitation and suffering were Dewey’s enemies to fight, not because they are wrong based on any initial moral theory, but because the presence of social practices, norms and conventions that have accumulated over time to mitigate them indicate that they deserve attention. Such ontological ‘quasi-foundation’, to use Molly Cochran’s term, directs individuals separately and together towards ameliorating harms, and equips pragmatism with a normative edge to treat the international practices most blatantly inhibiting human ‘growth’ as requiring a moral inquiry.<sup>13</sup> Richard Bernstein writes that despite all their differences, pragmatists ranging from Richard Rorty to Hilary Putnam and Cornel West retain a deep commitment to ‘the amelioration of human suffering and humiliation, and a positive commitment to ongoing egalitarian democratic social reform’.<sup>14</sup> As I will elaborate in the

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11 For recent approaches presuming that several moral reasons exist to hold a harm in supply chains as worth acting upon: Holly Lawford-Smith, ‘Does Purchasing Make Consumers Complicit in Global Labour Injustice?’, *Res Publica* 24, no. 3 (2018): footnote 1; Jennifer Rubenstein, ‘Pluralism about Global Poverty’, *British Journal of Political Science* 43, no. 4 (2013): 775–797.

12 Molly Cochran, ‘Dewey as an International Thinker’, in *The Cambridge Companion to Dewey*, ed. Molly Cochran (Cambridge; New York: Cambridge University Press, 2010), 330.

13 Cochran, *Normative Theory in International Relations*, 251–52.

14 Richard Bernstein, ‘The Resurgence of Pragmatism’, *Social Research* 59, no. 4 (1992): 832.

next chapter, the concern on the adequacy of existing conventions, habits and norms to mitigate and prevent harms in global supply chains calls for an inquiry on whether the role of consumers in affluent democracies in tackling such harms should be reconsidered.

Second, the concept of responsibility that plays a central role in this work is, as David Miller notes, 'one of the most slippery and confusing terms in the lexicon of moral and political philosophy'.<sup>15</sup> To guide the inquiry ahead, I follow a distinction between outcome and remedial responsibility, and focus on the latter, which Miller defines in the following way: 'To be remedially responsible for a bad situation means to have a special obligation to put the bad situation right, in other words to be picked out, either individually or along with others, as having a responsibility towards the deprived or suffering party that is not shared equally among all agents.'<sup>16</sup> If Jack pushes a vase off the table, he would by default be considered outcome responsible for breaking it. This does not necessarily mean that he is remedially responsible for repairing the vase or compensating for the damage. Jack's remedial responsibility might arise even if he had not pushed the vase, for instance if he has the best means to pay for the reparations or if his son breaks the vase. A remedial responsibility can be established on many different grounds, and the context of harms linked with global production processes lacks formal institutional mechanisms or premeditated answers on who should remedy them.<sup>17</sup> Evaluating whether any of the grounds articulated in the global ethics literature resonates with the way consumers are connected to these harms constitutes a central component in this study.

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15 David Miller, *National Responsibility and Global Justice* (Oxford; New York: Oxford University Press, 2007), 82.

16 David Miller, 'Distributing Responsibilities', *Journal of Political Philosophy* 9, no. 4 (2001): 454; Tony Honoré, *Responsibility and Fault* (Oxford; Portland, OR: Hart Publishing, 1999).

17 The terms 'prospective responsibility' and 'forward-looking' responsibility are sometimes used interchangeably with 'remedial responsibility'. They highlight the perfectly valid point that not all responsibilities, such as a parental responsibility to look after one's child, are linked with acting upon a harm one has causally brought forth. For the sake of consistency, I prefer the term 'remedial responsibility' throughout this work.

Third, besides grounds, this thesis aims to clarify the relative stringency of consumer responsibilities. Even if plausible grounds for consumers' responsibility to act upon a harm are established, the stringency of a responsibility indicates whether it might be overridden under some circumstances.<sup>18</sup> While often interwoven, both the grounds and stringency of consumers' remedial responsibility are discussed in this work. Fourth, and equally, I refer to remedial responsibilities as distinct from duties and obligations. Joel Feinberg writes that responsibility refers to a specific outcome that an actor is expected to bring forth, whereas duties and obligations are linked with a specific act that an agent is supposed to undertake.<sup>19</sup> A responsibility gives more discretion to its bearer on how to realise the outcome desired, whereas a duty requires that its possessor undertakes a specific action. As Robert Goodin succinctly puts it: 'Duties dictate actions. Responsibilities dictate results.'<sup>20</sup> With these definitions in mind, the work in hand focuses on the grounds of consumers' remedial responsibility to act upon harms linked with global production processes.<sup>21</sup>

## 1.2 HARMS

The 21<sup>st</sup> century boasts new processes, institutions and ideas that motivate an inquiry into ethical consumerism. Surely, active citizens in affluent democracies have called for boycotts, buycotts, and other forms of consumer action as tools of political campaigning at least since the 18th century.<sup>22</sup>

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18 Christian Barry and Gerhard Øverland, *Responding to Global Poverty: Harm, Responsibility, and Agency* (New York: Cambridge University Press, 2016), 224; on perfect and imperfect duties, see: Robert E. Goodin, *Utilitarianism as a Public Philosophy* (Cambridge: Cambridge University press, 1995), 28–30.

19 Joel Feinberg, 'Duties, Rights, and Claims', *American Philosophical Quarterly* 3, no. 2 (1966): 137–44.

20 Robert E. Goodin, 'Responsibilities', *The Philosophical Quarterly* 36, no. 142 (1986): 50.

21 The terms are also used interchangeably: Anne Schwenkenbecher, 'Joint Duties and Global Moral Obligations', *Ratio* 26, no. 3 (2013): 311.

22 E.g. William Fox, an 18th century British pamphletist: 'If we purchase the commodity we participate in the crime. The slave dealer, the slave holder, and the slave driver, are virtually agents of the consumer, and may be considered as employed and hired by him to procure the commodity... In every pound of sugar used... we may be considered as consuming two ounces of human flesh. 'Address to the People of Great Britain, on the Propriety of Abstaining

Yet, I suggest that the diversity of contemporary harms with which consumers are linked requires more nuanced taxonomies than currently available, because over the last thirty years geographically more distant and causally more complex phenomena have entered the scope of consumers' moral appraisal, challenging their conventional ways to conceptualise their responsibilities.<sup>23</sup> There is a material change underlying the diverse claims, according to which consumers are morally implicated in completely new issues: the emergence of global supply chains.<sup>24</sup> Supply chains consist of sequences of activities through which technology is combined with material and labour inputs, and then assembled, marketed, and distributed.<sup>25</sup> The term 'global' here simply means that the complete process takes place in more than one country.<sup>26</sup> According to UNCTAD's World Investment Report focusing on global supply chains, around 80 percent of global trade accounts for such supply chains, global or regional, intra-firm or inter-firm.<sup>27</sup> More than half of manufactured imports are primary goods, components, semi-finished products, and other intermediate products.<sup>28</sup> Countries have always traded with each other, but nowadays the production process of a single item

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from West India Sugar and Rum' (London, 1791), 3.

23 David Schwartz, *Consuming Choices: Ethics in a Global Consumer Age* (Lanham, MD: Rowman & Littlefield Publishers, 2010).

24 Jennifer Bair, 'Global Capitalism and Commodity Chains: Looking Back, Going Forward', *Competition & Change* 9, no. 2 (2005): 162.

25 Gary Gereffi, John Humphrey, and Timothy Sturgeon, 'The Governance of Global Value Chains', *Review of International Political Economy* 12, no. 1 (2005): 78–104; Bruce Kogut, 'Designing Global Strategies: Comparative and Competitive Value-Added Chains', *Sloan Management Review* 26, no. 4 (1985): 15.

26 Cf. '[w]hile "internationalization" refers to the geographic spread of economic activities across national boundaries, "globalization" implies the functional integration and coordination of these internationally dispersed activities': Gereffi, Humphrey, and Sturgeon, 'The Governance of Global Value Chains', 100.

27 UNCTAD, 'World Investment Report 2013: Global Value Chains: Investment and Trade for Development' (Geneva: UNCTAD, 2013), x.

28 Koen De Backer and Sébastien Miroudot, 'Mapping Global Value Chains', OECD Trade Policy Papers (Paris: OECD, 2013), 5.



often stretches across several countries, drawing a complex map of stages and processes that are less dependent on geographical closeness to final markets than before.

While Immanuel Wallerstein suggests that geographically extensive commodity chains have been integral to the capitalist world-economy since the 'long sixteenth century', it is not an exaggeration to say that the contemporary scale of fragmentation is unprecedented.<sup>29</sup> Richard Baldwin argues that the introduction of global supply chains amounts to 'perhaps the most momentous global economic change in the last 100 years'.<sup>30</sup> The globalisation of production has taken place in two stages. The first unbundling became possible when steam machines were introduced in the 1830s. While goods had travelled across the world before, steamships and railways made it profitable to spatially separate production and consumption across the world, as long as quantities were sufficiently large. The second unbundling became possible in the 1980s through advances in ICT technology. In the 1970s cargo containers that could be loaded on massive freighters had already been introduced, making it affordable to move vast quantities of unfinished products to be refined or manufactured elsewhere. However, modern communications technology enabled the coordination of complex stages of production in which developed-economy technology was combined with developing-nation labour. While before the second unbundling most sourcing from other countries was done between mature economies, such as the United States and Canada in the auto industry or the intra-EU trade in machines, by the 1990s Asia, with its abundant supply of labour, had surpassed western economies as a site of low to intermediate stages of production. This time around, the wage

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29 Immanuel Wallerstein, *The Essential Wallerstein* (New York: New Press, 2000), 2; Sven W. Arndt and Henryk Kierzkowski, *Fragmentation: New Production Patterns in the World Economy* (Oxford: Oxford University Press, 2001).

30 Richard Baldwin, 'Global Supply Chains: Why They Emerged, Why They Matter, and Where They Are Going', in *Global Value Chains in a Changing World* (Geneva: World Trade Organization; Fung Global Institute; Temasek Foundation Centre for Trade & Negotiations, 2013), 13.

differences between rich and poor countries were the necessary condition to make the extension of commodity chains profitable.<sup>31</sup>

The roots of the globalisation of production are manifold: economies across the world are certainly interacting more and more not only because of technological advances, but also because political facilitation, such as multilateral negotiations on trade and finance, have made global constellations of production possible.<sup>32</sup> Nevertheless, what makes the globalisation of production morally salient from the perspective of an individual consumer, who engages with markets to acquire a product for his or her personal use, is that the average purchase has passed through more countries on its way to becoming a finished commodity than a similar product would have 20 years ago. Some stages, such as assembly and manufacturing, are more and more scattered across poorer, labour-abundant countries, whereas stages that add the most value to the product, such as development and retail, take place in the rich world. Similarly, raw materials, such as oil and rare minerals, are tapped from diverse resource-rich countries and shipped for refinement elsewhere. The degree of fragmentation varies among industries and the trend is especially accentuated in industries such as those of communications, motor vehicles and garments.<sup>33</sup>

Understandably, research on controlling, thriving and profiting from this new mode of production has been in much demand. Economists have suggested that developing countries ought to move from extractive and manufacturing industries to more profitable stages of commodity chains,

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31 Baldwin, 'Global Supply Chains: Why They Emerged, Why They Matter, and Where They Are Going'; Richard Baldwin, *The Great Convergence: Information Technology and the New Globalization* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2016).

32 Eric Thun, 'The Globalization of Production', in *Global Political Economy*, ed. John. Ravenhill (Oxford: Oxford University Press, 2011), 353; Gilbert Winham, 'The Evolution of the Global Trade Regime', in *Global Political Economy*, ed. John Ravenhill (Oxford: Oxford University Press, 2011).

33 De Backer and Miroudot, 'Mapping Global Value Chains', 14–15.

especially research, development and retail.<sup>34</sup> Corporate strategists have provided a wealth of literature to businesspeople on managing supply chains in a way that reduces vulnerabilities across wide-stretched networks.<sup>35</sup> Security experts have voiced geopolitical concerns about major manufacturing countries, usually China, exploiting their position as the global factory of daily electronics for spying.<sup>36</sup> Corporate, public and civil society actors have advanced mechanisms and agreements to ensure that human rights are protected in transnational production processes.<sup>37</sup> Political scientists have argued that the increased involvement of non-state actors in governing global supply chains is reshaping the patterns of global political power.<sup>38</sup>

Harms that are in one way or another involved with the production processes are a diverse category in which drawing similarities and differences raises issues of its own.<sup>39</sup> For instance, David Schwartz argues that consumers can be involved with four distinct types of wrongdoing: harms, injustices, bad consequences, and moral offenses.<sup>40</sup> Andrew Linklater categorises nine kinds of harms in world politics that humans try to control by various harm conventions.<sup>41</sup> Reinecke and Ansari refer to ‘wicked problems’ and ‘grand challenges’ as global issues, the complexity of which is so great that attributing a responsibility for them to any specific actor or actors is close to

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34 Deborah Kay Elms and Patrick Low, *Global Value Chains in a Changing World* (Geneva: World Trade Organization, 2013).

35 Ian Goldin and Mike Mariathan, *The Butterfly Defect : How Globalization Creates Systemic Risks, and What to Do about It* (Princeton: Princeton University Press, 2014).

36 Economist, ‘Huawei Has Been Cut off from American Technology’, 25 May 2019, <https://www.economist.com/business/2019/05/25/huawei-has-been-cut-off-from-american-technology>.

37 John Ruggie, *Just Business : Multinational Corporations and Human Rights* (New York: W.W. Norton & Company, 2013).

38 Kate Macdonald, *The Politics of Global Supply Chains: Power and Governance beyond the State* (Cambridge: Polity, 2014).

39 Bair, ‘Global Capitalism and Commodity Chains’, 161.

40 Schwartz, *Consuming Choices*, 7, 41.

41 Andrew Linklater, *The Problem of Harm in World Politics: Theoretical Investigations* (Cambridge: Cambridge University Press, 2011), chapter 1.

impossible.<sup>42</sup> The harms to which consumers are connected through their purchases can be framed using several of the taxonomies suggested above, and some issues will still fall through the cracks. I will steer my work by suggesting a typology according to which consumers have been linked with three kinds of harms in public debate: those faced by workers involved with the production processes; those faced by societies in which stages of production takes place; and those faced by the planet locally or as a whole. The categorisation is not exhaustive, and categories overlap in actual cases. Yet, they establish some order among the diverse challenges that call for a reconsideration of the existing practices of assigning responsibilities.

To illustrate each of them, activists, consumers and policy-makers have first focused attention on the working conditions in which production abroad takes place. For instance, violations of labour agreements and standards in garment factories in Bangladesh, China and Vietnam, from which the garments are sold to consumers in rich countries under fashionable brands, have sparked heated debate.<sup>43</sup> News about sweatshops, or workplaces in which national and international standards for minimum wages, working hours, and labour safety are broken, as well as documented instances of enslaved and child labour, have raised public concerns about the hidden human costs behind a lower price tag on clothes and other products.<sup>44</sup> Such concerns are accentuated each time a major disaster, such as the Rana Plaza disaster in 2013, captures international headlines.<sup>45</sup>

A second source of public concern has been the role of global production in feeding authoritarian rule, violent conflicts, and criminality. The integration of global markets has opened the way for

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42 Juliane Reinecke and Shaz Ansari, 'Taming Wicked Problems: The Role of Framing in the Construction of Corporate Social Responsibility', *Journal of Management Studies* 53, no. 3 (2016): 299–300.

43 Meenakshi Ramesh Kurpad, 'Made in Bangladesh: Challenges to the Ready-Made Garment Industry', *Journal of International Trade Law and Policy* 13, no. 1 (2014): 80–96.

44 Lucy Siegle and Jason Burke, *We Are What We Wear: Unravelling Fast Fashion and the Collapse of Rana Plaza* (London: Guardian, 2014).

45 Siegle and Burke; Iris Marion Young, 'Responsibility and Global Labor Justice', *Journal of Political Philosophy* 12, no. 4 (2004): 366–70.

both state and non-state actors in control of natural resources to finance their activities by selling to international buyers. Campaigners and activists in affluent democracies have for some time advocated that buyers ought to avoid the purchase of ‘conflict resources’, such as diamonds and minerals, which are legally traded but linked with violent conflicts in countries where they are extracted.<sup>46</sup> Similar concerns have been raised about illegal drugs, such as cocaine and heroin, which rebellious or criminal groups utilise to finance their operations in countries such as Columbia and Afghanistan.<sup>47</sup> The trade in rough diamonds involves probably the best-known example of a public measure taken against conflict-feeding trade: the Kimberley Certification Scheme aims to ensure that diamonds sold to consumers in international markets do not finance criminal or militant rebel groups seeking to overthrow governments.<sup>48</sup>

Third, buyers in global supply chains have received at least some of the blame for the local and global environmental damage inflicted by industries producing commodities for global markets. The more permissive and sometimes blatantly corrupt regulatory environment in many poor countries hungry for foreign investments has made it possible to spare consumers in rich countries from the negative externalities of pollution at the expense of host communities. For instance, the damage to the environment inflicted by long-term oil drilling in the Niger River Delta, as well as the extraction of rare minerals for smartphones in Inner Mongolia, have reached the attention of the international media.<sup>49</sup> Globally, individual consumption decisions have been linked with the process

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46 John Prendergast, ‘Can You Hear Congo Now? Cell Phones, Conflict Minerals, and the Worst Sexual Violence in the World’ (Enough Project, 2009), <https://enoughproject.org/reports/can-you-hear-congo-now-cell-phones-conflict-minerals-and-worst-sexual-violence-world>; Global Witness, ‘Conflict Minerals’, 2015, <https://www.globalwitness.org/en-gb/campaigns/conflict-minerals/>.

47 E.g. Count the Costs, a campaign: <https://idpc.net/profile/count-the-costs>

48 Virginia Haufler, ‘The Kimberley Process Certification Scheme: An Innovation in Global Governance and Conflict Prevention’, *Journal of Business Ethics* 89, no. 4 (2010): 403–16.

49 Tim Maughan, ‘The Dystopian Lake Filled by the World’s Tech Lust’, 2 April 2015, <http://www.bbc.com/future/story/20150402-the-worst-place-on-earth>.

of climate change. The habits of a middle-class citizen in many affluent democracies, such as taking long-haul flights for holidays, driving a fuel-thirsty car for commuting, and the vigorous consumption of animal products, are discussed as unsustainable practices that responsible consumers ought to avoid.<sup>50</sup>

These are the kinds of conditions to which consumers have become increasingly connected as the global production processes expand and become more complex. While starting with a wider discussion that encompasses all these harms, in the second and third parts of the thesis I will focus on the resource curse, and the related discussion on the responsibility of consumers to act upon armed conflicts that are linked with the trade and extraction of raw materials used to produce commodities for them.<sup>51</sup> Over the last 20 years, civil society campaigners especially in Europe and North America have voiced concerns about 'blood' that stains natural resources stemming from conflict-ridden areas, and have called for companies, states, and consumers to ensure that products including raw materials of such questionable origins have no place in international markets.<sup>52</sup> Nowadays, more and more corporate due diligence processes<sup>53</sup>, multi-stakeholder initiatives<sup>54</sup>, state

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50 Surely, conceptualise the environment as a moral agent that can be harmed requires theoretical footwork: David Evans, Daniel Welch, and Joanne Swaffield, 'Constructing and Mobilizing "the Consumer": Responsibility, Consumption and the Politics of Sustainability', *Environment and Planning* 49, no. 6 (2017): 1396–1412; Schwartz, *Consuming Choices*, 35; Arne Naess, 'The Shallow and the Deep, Long-range Ecology Movement. A Summary', *Inquiry* 16, no. 1–4 (1973): 95–100; Hugh P. McDonald, *John Dewey and Environmental Philosophy* (New York: State University of New York Press, 2012).

51 In what follows, I will use the concepts of civil war, violent conflict and armed conflict interchangeably. Cf. Michael Ross, *The Oil Curse: How Petroleum Wealth Shapes the Development of Nations* (Princeton; London: Princeton University Press, 2012), 145.

52 Some prominent NGOs and campaigns around the issue are: Global Witness (<https://www.globalwitness.org/en/campaigns/conflict-minerals/>), Enough Project (<http://www.raisehopeforcongo.org/>), Amnesty (<https://www.amnesty.org/en/latest/news/2014/09/europeancompanies-allowed-reap-rewards-deadly-conflict-mineral-trade/>), and IMPACT (<https://impacttransform.org/en/>)

53 For a lucid example of corporate action, see Intel's campaign against conflict minerals: <http://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>

legislation<sup>55</sup>, and institutional guidelines<sup>56</sup> aim to ensure that mineral supply chains are not implicated in war and violence. The second research question interrogates the normative basis for consumers to take part in these efforts: *Which factors affect consumers' responsibility to try to alleviate armed conflicts that persist in some countries from which the raw materials of their purchases originate?*

All harms listed above have generated calls for consumer action in affluent democracies. Why would conflicts deserve such a close study?<sup>57</sup> One answer is given by Molly Cochran, who suggests that a pragmatist resistance to absolute answers spills over to resisting absolute acts, such as the taking of a life and use of force, which violent conflicts necessarily involve.<sup>58</sup> Dewey, first in favour of international military action and then disillusioned by the First World War, calls in his later work for wars to be outlawed and eradicated.<sup>59</sup> My answer builds on both. Many domestic and international practices, including norms, rules, and institutions, are established and maintained precisely due to the painful memories of wars bygone and in order to prevent new social conflicts from escalating as violent. Rather than the wrongness or the unethicity of wars based on some

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54 The most visible initiative has been the Kimberley Process Certification Scheme on raw diamonds: Haufler, 'The Kimberley Process Certification Scheme'.

55 E.g. the Dodd-Frank Act in the United States: Daniel M. Firger, 'Transparency and the Natural Resource Curse: Examining the New Extraterritorial Information Forcing Rules in the DODD-Frank Wall Street Reform Act of 2010', *Georgetown Journal of International Law* 41 (2010): 1043; European Commission, 'The EU's Law on Conflict Minerals', 8 June 2017, [http://ec.europa.eu/trade/policy/in-focus/conflict-minerals-regulation/index\\_en.htm](http://ec.europa.eu/trade/policy/in-focus/conflict-minerals-regulation/index_en.htm).

56 See the focus areas of the 12<sup>th</sup> OECD Forum on responsible mineral supply chains held 17-20 April 2018 in Paris: <http://www.oecd.org/corporate/mne/forum-responsible-mineral-supply-chains.htm>

57 In this thesis, I prefer the term armed conflict to wars or civil wars, because in cases of Congo and Nigeria to be discussed the concept of wars extrapolates the nature of latent, intermittent violence in the areas. The term armed conflict captures this characteristic better and is aligned with the use in contemporary scholarship.

58 Cochran, *Normative Theory in International Relations*, 252–54.

59 Cochran, 'Dewey as an International Thinker'; John Dewey, 'Ethics and International Relations', *Foreign Affairs* 1, no. 3 (1923): 85–95; for a criticism of Dewey's approach to war: Randolph S. Bourne, *War and the Intellectuals: Collected Essays, 1915-1919*, ed. Carl Resek (Indianapolis: Hackett Publishing Company, 1999).

initial theory, it is the existence of established social and international practices to prevent wars together with consumers' ambiguous connection with warzones through their purchases, which indicates a need for an ethical inquiry to help resolve this tension. The severity of other harms faced by workers, societies and the planet is not to be belittled: they are equally targeted by mitigative and preventive schemes. Yet, the approach I take up in the second part of the thesis benefits from an empirically informed view that can be generated through an empirically informed close study of a narrower topic. Armed conflicts linked with 'conflict' or 'blood' resources used to make things for consumers in affluent democracies constitute a topical target for such a study.

### 1.3 CONTRIBUTIONS

Having now set the impetus and the context for this work, I discuss three needs that it aims to serve. First, this thesis complements the emerging global ethics scholarship on ethical consumerism by striving towards a practical guideline that attempts to manage the scope and stringency of responsibilities in a global context. Even if one subscribes to Cochran's view that the pragmatist 'weak' impetus to cultivate growth involves advancing 'the incorporation of marginalized groups in world politics and the possibilities for improving beyond the actually existing institutions of international practice', burdening consumers with a responsibility to act upon vast global challenges is a step not to be taken lightly.<sup>60</sup> Individuals have limited resources for moral action, and they engage in painful prioritising to set an order among the many morally appealing projects that seem worth pursuing. Shmuel Nili captures something important in stating that philosophers often argue about what ought to be done rather than what ought to be done *first*.<sup>61</sup> As Barry and Øverland write: '[I]t is one thing to recognize a terrible problem and quite another to establish who, if anyone, is

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60 Cochran, *Normative Theory in International Relations*, 272.

61 Shmuel Nili, 'Global Justice and Global Realities', *Journal of International Political Theory* 12, no. 2 (2016): 205.



responsible for doing something about it and what they might sensibly do.’<sup>62</sup> This setting calls for tools to think about consumer responsibility in a way that goes beyond a blanket assignation or absolution.<sup>63</sup>

I emphasise the prioritising inherent to ethical thought and action, because if the challenges linked with widening the scope of responsibility to the global context are not recognised, the function of assigning responsibility to recreate the world, including the responsibility-bearers themselves, is circumscribed. To Dewey, responsibility, as in holding someone accountable (or outcome responsible, to use the term introduced above), is central to human growth, because holding someone praiseworthy or blameworthy for a past state of affairs guides the way she operates in the world by setting expectations on the consequences of her future action.<sup>64</sup> I suggest that such a transformative, forward-looking function is inherent to all assignations of responsibilities to act upon harms, regardless of whether voiced in retrospective or prospective terms. And while pragmatist ethics skirts away from establishing rules and procedures set in stone, for thinking about one’s responsibility in relation to global supply chains, a plausible guideline needs to, in Samuel Scheffler’s words, include a ‘set of clear, action-guiding and psychologically feasible principles which would enable individuals to orient themselves in relation to larger processes, and general conformity to which would serve to regulate those processes and their effects in a morally satisfactory way’.<sup>65</sup> Existing scholarship on consumer responsibility has done a good job in

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62 Barry and Øverland, *Responding to Global Poverty*, 1.

63 Lisa Herzog, ‘Who Should Prevent Sweatshops? Duties, Excuses, and the Moral Division of Labour in the Global Economy’, *Deutsches Jahrbuch Philosophie* 7 (2016): 2, 5. The version used in the thesis is behind this link: [https://www.academia.edu/26515692/Who\\_should\\_prevent\\_sweatshops\\_Duties\\_excuses\\_and\\_the\\_moral\\_division\\_of\\_labour\\_in\\_the\\_global\\_economy](https://www.academia.edu/26515692/Who_should_prevent_sweatshops_Duties_excuses_and_the_moral_division_of_labour_in_the_global_economy).

64 John Dewey, *Reconstruction in Philosophy* (London: University of London Press, 1921), 177; John Dewey, ‘Ethics’, in *The Later Works of John Dewey, Volume 7, 1925 - 1953*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 2008), 303–5.

65 Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001), 39.

mapping the potential grounds of consumer responsibility. However, fewer studies are poised to provide advice that helps individuals manoeuvre in this non-ideal context in which a myriad of moral projects seems to call for their scarce resources. Without such a guideline, responsibility faces the same threat that Laura Valentini recognises as permeating the concept of justice in current political theory: it tends to ‘over-inflate’ and thereby lose its ‘normative currency’.<sup>66</sup>

I emphasise this risk, because the call for such a practice-based guideline on consumer responsibility seems to be implicit in much current literature. Theorists of global ethics writ large recognise the risk of making responsibility unwieldy by expanding it along global production processes. Iris Marion Young articulates a similar concern as a ‘vertigo of political responsibility’ that emerges if responsibility is not confined by nation or location.<sup>67</sup> Leif Wenar coins the ‘problem of intermediate goods’ to remind that burdening consumers with stringent responsibilities with regards to miseries in global supply chains is difficult, because it is very hard for consumers to know which products are ‘tainted by moral toxicity’.<sup>68</sup> David Schwartz points out that the act of shopping becomes an ‘ethical minefield’, when everything a consumer does is implicated in a wrong-doing of some kind.<sup>69</sup> Such concepts are only partially adopted in actual campaigns. Rob Harrison, director of the Ethical Consumer, a British NGO, quips: ‘I think you are responsible for everything. And Ethical Consumer has a special magazine to try help navigate the responsibilities without going mad, particularly with products such as the mobile phone, which carries very complex processes.’<sup>70</sup> This thesis takes the risk of ‘going mad’ seriously by acknowledging that responsibility cannot cover ‘everything’. At the same time, it attempts to answer Scheffler’s call,

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66 Laura Valentini, ‘The Natural Duty of Justice in Non-Ideal Circumstances: On the Moral Demands of Institution Building and Reform’, *European Journal of Political Theory*, 2017, 2.

67 Iris Marion Young, *Responsibility for Justice* (New York; Oxford: Oxford University Press, 2011), 123–24.

68 Wenar, *Blood Oil*, xx.

69 Schwartz, *Consuming Choices*, 12.

70 Interview #57: Rob Harrison, Director, Ethical Consumer

albeit in a qualified sense: guidelines or ‘principles’ for assigning responsibility in this context constitute contingent rules of thumb to be experimented on rather than generalisable principles that apply to all situations alike.

To illustrate, a responsibility to avoid ‘tainted hands’ by buying only ethically produced goods irrespective of whether one’s purchases make any positive or negative difference to the harms in question is one guideline for moral thought and action regarding harms in supply chains. A situationist approach does not reject such blanket principles prior to practice. It treats such a rule, just as any other device, as to be evaluated on the basis of whether it is suitable for a context in which several aims call for consumers’ moral attention and the prioritisation between them is complicated by interwoven normative considerations. Presuming that such pluralism is an inescapable characteristic of the world, some guidelines are likely to turn out better poised as moral compasses for specific situations than others.<sup>71</sup> No rules of thumb, such as ‘do not buy unethical goods’, are rejected based on a rational abstraction, but equally can no single guideline be fixed permanently above others even if found useful for a situation in hand. The choice of a guideline is to be made, experimented on and continuously recalibrated in the changing situations that individuals try to manage.<sup>72</sup> As Elizabeth Anderson writes on Deweyan ethics:

Value judgments are tools for satisfactorily redirecting conduct when habits fail... We test our value judgments by putting them into practice and seeing whether the results are satisfactory — whether they solve our problems with acceptable side-effects, whether

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71 Here, pluralism denotes a contrast to ethical monism. Pragmatism presumes that ‘commitments, aims and attitudes towards the natural world’ held by different persons originate from different theoretical starting points, and works towards the best way to approach practical problems, given the plurality. Christopher H. Pearson, ‘Does Environmental Pragmatism Shirk Philosophical Duty?’, *Environmental Values* 23, no. 3 (2014): 337–38; for a criticism, see: J. B. Callicott, ‘The Pragmatic Power and Promise of Theoretical Environmental Ethics: Forging a New Discourse’, *Environmental Values* 11, no. 1 (2002): 3–25.

72 Cf. deontological, consequentialist, contractualist and discourse ethics, which Hutchings discusses under the rubric of rationalist ethical theories: Hutchings, *Global Ethics*, 23–24, 36–37.

they enable successful responses to novel problems, whether living in accordance with alternative value judgments yields more satisfactory results.<sup>73</sup>

Second, although my focus is on conceptualising consumers' responsibility in the changing global context, the inquiry generates insights about the responsibilities of other actors. Global supply chains are governed by a panoply of legislative, corporate, and soft law codes of behaviour, which implicate states, companies, international institutions, and civil society organisations in resolving harms linked with the production processes. In this multi-layered system, the relation between the responsibilities of individual and collective agents remains debated. On the one hand, theorists of collective responsibility often suggest that assigning responsibility to institutions is more important than to individuals, because individuals cannot respond to the systemic changes needed to resolve large crises, such as climate change.<sup>74</sup> Consumers are a case in point. Divided by factors such as location, nationality, social class, gender, values, and religion, nothing unites consumers besides their involvement in global markets. With only some extrapolation, calling consumers responsible for harms in global supply chains resembles obliging humanity as a whole to bear such a responsibility. An argument follows that responsibility assigned to such a diffused group most likely remains unrealised, whereas powerful collective agents such as companies and states would constitute a more suitable bearer of remedial responsibilities.<sup>75</sup>

On the other hand, consumers are often assigned remedial responsibility for harms in supply chains precisely on the grounds that the collective agents are failing to deliver what they are expected to do. Michele Micheletti and Andreas Follesdal claim that 'political' consumerism, to use their term

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73 Elizabeth Anderson, 'Dewey's Moral Philosophy', in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford University, 2018).

74 Toni Erskine, ed., *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations* (Basingstoke: Palgrave Macmillan, 2003).

75 Michael F. Maniates, 'Individualization: Plant a Tree, Buy a Bike, Save the World?', *Global Environmental Politics* 1, no. 3 (2001): 31–52.

of choice, has emerged as a partial answer to the vacuum of government action that allows for human rights abuses.<sup>76</sup> Josée Johnston suggests that the retreat of the 'neo-liberal state' from social and ecological concerns makes space for corporations and the NGO sector to fill the gaps, tempting individuals to experiment with new ways to shape morally relevant issues.<sup>77</sup> Schwartz portrays the rise of ethical consumerism as a response to government failure to regulate decentralised, multinational companies conducting business around the world.<sup>78</sup> Hence, the existence of collectives running the supply chains might establish rather than override consumers' responsibility to act upon harms. For instance, Boris Holzer articulates the view that corporations with their border-crossing operations connect consumers with production across vast distances that are not covered by other political spheres.<sup>79</sup> Instead of collective agents being more suited for bearing responsibility than consumers, consumers come to bear responsibility for harms faced by distant others by buying things the purchase of which has been made possible by the collective agents.

Acknowledging both perspectives, in chapters 3 and 11 I explore the ambiguous relation between the responsibilities of individual and collective agents in the global economy. Andrew Linklater suggests that harm conventions, as practices through which societies control the ways their members can harm each other, and especially their cosmopolitan variants, deserve further attention in the study of International Relations Theory.<sup>80</sup> Researchers of global regulatory processes less often treat individuals as important agents alongside states, companies and international institutions.

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76 Michele Micheletti and Andreas Follesdal, 'Shopping for Human Rights. An Introduction to the Special Issue', *Journal of Consumer Policy* 30, no. 3 (2007): 173, 175; Michele Micheletti, *Political Virtue and Shopping: Individuals, Consumerism, and Collective Action* (New York: Basingstoke by Palgrave Macmillan, 2003).

77 Josée Johnston, 'The Citizen-Consumer Hybrid: Ideological Tensions and the Case of Whole Foods Market', *Theory and Society* 37, no. 3 (2008): 256.

78 Schwartz, *Consuming Choices*, 10–12.

79 Boris Holzer, 'Framing the Corporation: Royal Dutch/Shell and Human Rights Woes in Nigeria', *Journal of Consumer Policy* 30, no. 3 (2007): 281–301.

80 Linklater, *The Problem of Harm in World Politics: Theoretical Investigations*.

A pragmatist inquiry into consumer responsibility elucidates one perspective to the relation between the remedial responsibilities of individual and collective actors for harms in global production processes.

Third, this thesis is by itself a pushback against the suspicion that consumers do not constitute a viable object of ethical and political inquiry. Thinkers linked with the Frankfurt School, such as Herbert Marcuse and Vance Packard, argue that consumers are subjected to marketing, branding and other forms of influencing to the extent that a study considering their responsibilities is too detached from reality to be meaningful.<sup>81</sup> The desires of consumers are largely controlled by larger corporations or capitalist institutions, meaning that consumers lack the free will that is a conventional characteristic of a moral agent. Modern variations of the sceptical vein consider ethical consumerism as emblematic of neoliberal governance and ‘a perverse turn to consumption to solve the problems caused by consumption’.<sup>82</sup> Alternatively, one can argue that an emphasis on purchase decisions leads people to replace public and civic activism with private, consumer-led lives, and constitutes a cause or an expression of the triumph of the markets over democratic means in realising moral and political projects.<sup>83</sup>

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81 Herbert Marcuse, *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. (London: Routledge & Kegan Paul, 1964); Vance Packard, *The Hidden Persuaders*. (London: Longman, 1957).

82 Cf Evans, Welch, and Swaffield, ‘Constructing and Mobilizing “the Consumer”: Responsibility, Consumption and the Politics of Sustainability’, 1399.

83 For an overview of criticisms against political consumerism, see: Stolle and Micheletti, *Political Consumerism*, 205–9; Clive Barnett et al., *Globalizing Responsibility: The Political Rationalities of Ethical Consumption* (Chichester, UK: John Wiley & Sons, 2010), 32.

Ethical consumerism is not a panacea.<sup>84</sup> However, as Frank Trentmann points out, many of the critics misleadingly presume a juxtaposition between consumer and civic action. As I will discuss in chapter 12, seeing a zero-sum game between other-regarding citizenship and self-regarding commerce ignores that historically purchase decisions have been harnessed to support various forms of ideas, ranging from nationalism to radicalism, progressivism and socialism.<sup>85</sup> Many studies adopt a more reflective vein, treating consumer behaviour as 'a highly significant if not preferred venue for political participation', and suggesting that consumers use 'the market to vent their political concerns', 'combining morality and the market' to serve other than their immediate material needs through purchase decisions.<sup>86</sup> Consumers being more and more informed about and sensitive to the effects of production processes, and conceiving purchases as a form of micro-politics that shapes the political and social environment does not mean that other fora in which moral and political aims are pursued will dissolve. Boycotting and buycotting are embedded in wider practices of political activity, and the sceptics, as Nick Clarke articulates, disregard 'the political character of such consumption – the way in which such consumption is organised and mobilised by social

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84 Julie Guthman, 'Commentary on Teaching Food: Why I Am Fed up with Michael Pollan et al.', *Agriculture and Human Values* 24, no. 2 (1 June 2007): 261–64; Maniates, 'Individualization: Plant a Tree, Buy a Bike, Save the World?'; Thomas Princen, Michael Maniates, and Ken Conca, *Confronting Consumption* (MIT Press, 2002); Andrew Szasz, *Shopping Our Way to Safety: How We Changed from Protecting the Environment to Protecting Ourselves* (Minneapolis: University of Minnesota Press, 2007); Robert B. Reich, 'The Case Against Corporate Social Responsibility', SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2008); Robert B. Reich, *Supercapitalism: The Transformation of Business, Democracy, and Everyday Life* (New York: Alfred A. Knopf, 2007); Zygmund Bauman, 'Exit Homo Politics, Enter Homo Economicus', in *Citizenship and Consumption*, ed. Frank Trentmann and Kate Soper (Basingstoke; New York: Palgrave Macmillan, 2008).

85 Frank Trentmann, 'Knowing Consumers: Histories, Identities, Practices: An Introduction', in *The Making of the Consumer*, ed. Frank Trentmann (Oxford: Berg Publishers, 2005), 13; Frank Trentmann, 'Introduction', in *Citizenship and Consumption*, ed. Kate Soper and Frank Trentmann (Basingstoke; New York: Palgrave Macmillan, 2008); Frank Trentmann, *Empire of Things: How We Became a World of Consumers, from the Fifteenth Century to the Twenty-First* (London: Allen Lane, 2016).

86 Johnston, 'The Citizen-Consumer Hybrid', 230–31; Dietlind Stolle, Marc Hooghe, and Michele Micheletti, 'Politics in the Supermarket: Political Consumerism as a Form of Political Participation', *International Political Science Review* 26, no. 3 (2005): 284.

movement[s] and other organisations, and the way it acts as a medium through which commitments are registered, policymakers lobbied, and claims made on legislators’.<sup>87</sup>

Of course, one has to remain cautious. While much literature appreciates the function that ethical consumerism serves as a part of ‘multifaceted strategies for reforming global industries’, theorists and activists acknowledge that acting politically through consumption and commodities involves ‘contradictions, limitations, ambivalences, and unintended effects’.<sup>88</sup> Even more so, the rifts in the literature underline the importance of a further inquiry into ethical consumerism, the normative dimensions of which are fortunately accruing increasing attention from moral theorists. This thesis joins these efforts by taking up Dewey’s situationist approach to explore ethical consumerism in the very context in which the question rises, and to provide means through which individuals in affluent democracies, separately and together, may orient themselves in this complicated ethical landscape.<sup>89</sup>

## 1.4 OUTLINE

In three parts, the thesis starts with theory, dives into empirics and then surfaces with mid-level perspectives on consumer responsibility. Chapters 2-5 explore scholarship on the agency and responsibility of consumers. Chapters 6-9 present a pragmatist, capacity-based approach and the close study of the resource curse phenomenon linked with armed conflicts in the eastern Democratic Republic of Congo (‘Congo’) and the southern Federation of Nigeria (‘Nigeria’). Chapters 10-12 introduce three perspectives to guide thought and action regarding consumer responsibility for armed conflicts. Chapter 13 concludes.

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87 Nick Clarke, ‘From Ethical to Political Consumption’, *Geography Compass* 2, no. 6 (2008): 6. Italics omitted.

88 Bartley et al., *Looking behind the Label*, 5; Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, 779.

89 Dewey, ‘Ethics’, 303–5.



**Chapter 2** lays out the philosophical underpinnings of this work in John Dewey's situationist ethics. While traditional ethical theories are well poised to provide grounds for consumer responsibility, I draw on Dewey's work to suggest that by striving for fixed 'strong' answers, they are insensitive to the pluralist and contextual nature of ethical inquiry. Drawing on Molly Cochran's pragmatist inquiry in International Relations, I suggest that the 'quasi-foundation' of pragmatism, articulated as a push towards human growth and against suffering, oppression and violence, enables treating harms in global supply chains as potentially requiring a moral response from consumers, and grounds the kind of normative claims that remain open to continuous experimentation and scrutiny.

**Chapter 3** presents the main actors, consumers in affluent democracies, and their stage, markets. Assigning consumers with a responsibility to do something poses a dual challenge to conventional conceptions of moral agency. On one hand, consumers as individuals are trivial elements in vast global processes, making it seemingly meaningless to burden them with a responsibility to mitigate and prevent harms far away. On the other hand, although as a collective they have a vast potential to shape the global supply chains, they lack all the characteristics that are usually expected of a collective moral agent. Marion Smiley's framework of future-looking collective responsibility provides a working solution to this problem. As a definition of consumers' hypothetical responsibility, I suggest that they share a responsibility to collectivise into an entity or entities that are better geared towards mitigating harms in supply chains than as individuals.

**Chapters 4 and 5** adopt the toolbox of global ethics to explore potential grounds for consumers' remedial responsibility. Building on David Miller's work, Christian Barry has differentiated four principles to justify an allocation of responsibilities against the backdrop of transnational challenges, such as global poverty and climate change, which most agents see as worth tackling, although it remains unclear who among them ought to do so and bear the costs. I explore the

principles of contribution, association, benefit, and capacity as an organising device in order to i) create an orderly view of the existing approaches to vesting consumers with remedial responsibilities; and to ii) examine whether the principles, together or separately, establish plausible grounds for consumer responsibility.

**Chapter 6** begins the second part of the thesis, in which I introduce a pragmatist approach to responsibility. I return to Smiley's work to argue that actors' capacities to alleviate harms is a useful yardstick for exploring consumers' remedial responsibility in this global context, and suggest that a pragmatist variant of the capacity principle satisfies the criteria for a practical guideline on consumer responsibility better than monist, ideal-based variants of consequentialism. The normative application of pragmatist theorising I advocate bears a similarity with pluralist, mid-level ethics as presented by Jennifer Rubenstein. The latter part of the chapter suggests that a close study is needed to generate an empirical basis for conceptualising consumers' capacity to ameliorate specific harms, and argues that consumers' connection to the resource curse and armed conflicts in Congo and Nigeria constitutes a suitable object for one.

**Chapter 7** lays out the current state of literature on the resource curse. As a multi-faceted phenomenon, resource curse refers to problems related to economic growth, regime type, governance quality and violent conflicts that seem to co-occur with abundant natural resources. Based on a literature review, I conclude that although not all negative effects discussed as symptoms of the curse are as extensively evidenced, there are valid grounds for holding armed conflicts as associated with some natural resources, especially oil. In developing plausible responses to individual resource-linked conflicts, I suggest that detailed case studies can well complement the large-N scholarship.

**Chapters 8 and 9** zoom in on the recurrent conflicts in Congo and Nigeria. In both cases, violent groups accrue funds from the extraction and trade of raw materials, which are sold to produce items

for final consumers in affluent democracies. Several activists and scholars suggest that curbing the militants' access to these funds will help decrease the levels of instability and violence in these areas. Based on fieldwork, I agree that natural resource management policies can be an important tool in conflict mitigation and prevention. However, whether the current means fully realise this potential remains an open question. In the Kivu provinces, the effects of mineral traceability schemes that currently spearhead such policies remain ambiguous. Similarly, adopting narrow 'blood oil' policies in the Niger Delta would ignore the more pervasive forms of oil theft that have to be addressed to ameliorate the violence.

**Chapter 10** starts the third part of the thesis. In this chapter, I engage with 'guilty consumer' claims sometimes harnessed to motivate consumers in affluent democracies to act by suggesting that they causally contribute to conflicts through their purchases. I suggest that such arguments are best analysed by looking at the consumers' remedial capacity in two components, influence and costs. The influence of consumers is shaped by the policies that the advocates who aim to mobilise consumers for remedial action see as the most suitable solution to the problem in hand. Further, the costs of remedial action vary across different harms. Costs also play a role, for instance as it is very difficult for consumers to disengage through individual purchases from raw materials that permeate critical societal functions. The chapter suggests that actual and potential influence as well as acceptable and excessive costs are rudimentary but useful components when individuals set an order among the many harms they are demanded to act upon through guilt-inducing arguments.

**Chapter 11** engages with Iris Marion Young's shared conception of responsibility to argue that in order to alleviate harms in global supply chains it is sometimes better to let the less capable actors off the hook than to distribute responsibility among too many actors. The conflicts in Nigeria and Congo illustrate a context in which 'blame games' are accentuated when no clear guidelines exist to differentiate responsibilities between agents such as companies, importing states, host states, and

consumers. Consumers constitute an unstructured collective agent that has no potent means to alleviate conflicts in comparison to those wielded by structured collective agents, such as states and companies. Lacking all attributes of a collective agent, changes in global production processes happen *for* rather than *because of* consumers, an insight that implies allocating remedial responsibilities to collective agents more capable of resolving the conflicts, and to individuals in positions in which they are better capable of harnessing ‘their’ collectives for such purposes.

**Chapter 12** returns to the division between citizens and consumers, suggesting that they are best analysed as roles that come not only with their own capacities, but expectations on the kinds of capacities individuals in them are to nurture. There is no general argument based on which capacities vested in either role would be superior to or exclusive of the other. A role responsibility approach teases out a Deweyan point regarding the transformative dimension of responsibility: assigning to individuals in different roles is shaped not only by the best way to realise a specific moral project, but by differing understandings on the kinds of individuals and communities that best thrive in the complicated ethical landscape brought forth by the vast processes of globalisation.

**Chapter 13** concludes. While ameliorating resource-related armed conflicts in global supply chains through ethical consumerism is challenging, the practices of purchase action may constitute a step towards a better world and individuals capable of orienting through its ethical complexities. The three perspectives illustrate that Dewey-inspired normative theorising can provide contingent tools that are sensitive to the plural and interwoven normative considerations underlining assignments of responsibility. Such mid-level tools help resolve the situations brought forth as the conventional practices of assigning responsibility are perplexed by harms in global supply chains, and views on the role that consumers can and should play in tackling them diverge.

## 2 JOHN DEWEY'S ETHICS

### 2.1 INTRODUCTION

In this chapter, I first suggest that John Dewey's situationist ethics constitutes the most compelling ethical theory for considering whether harms faced by workers, societies and the planet in global supply chains potentially require moral action from consumers.<sup>90</sup> Global ethics scholarship provides ample frameworks, often woven around the concepts of the duty, the right and the good, which can be harnessed to justify a positive answer. I suggest that the 'strong' foundations of the so-called traditional ethical theories hinder their usability as practical guidelines: ethical inquiry is not about finding fixed and universalisable answers rather than developing solutions to unique situations in which conventions, norms, and habits of thought and action have been found lacking.

Second, I suggest that besides providing a pluralist, contextualist and experimentalist alternative through which answers provided by traditional ethical theories can be recast in methodological terms, Dewey-inspired ethics can ground normative claims. Deweyan ethics come with a 'weak' ontological commitment to growth, which guides individuals towards expanding the sphere in which they, together and separately, conceive oppression, violence, and exploitation as requiring ameliorative action, and towards cultivating and using their means to do so. Such 'quasi-foundationalism', to use Molly Cochran's term, provides a reason for exploring whether harms in global supply chains fall among the challenges that consumers in affluent democracies ought to address.

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90 I thank Molly Cochran, Frank Martela, Pentti Määttänen, Sami Pihlström, and all participants in the Philosophy and Public Policy seminar at the University of Helsinki in March 2019 for helpful discussions and correspondence on views presented in this chapter.

## 2.2 SITUATIONIST ETHICS

Kimberley Hutchings suggests that the nature and scope of global ethics revolves around a systematic investigation of four kinds of questions: why, what, who, and how. More specifically, the scholarship in global ethics includes:

‘(a) different accounts of how we are to ground the authority of moral claims about global issues (why); (b) different substantive answers to moral questions about war and peace, the global political economy, the global environment, clashes of incommensurate values exacerbated by globalized conditions (what); (c) different views about the identity and nature of morally relevant actors in the global sphere (who); and (d) different practical implications drawn from the above for the entitlements and obligations of individual and collective moral actors related to each other through conditions of globalization (how).’<sup>91</sup>

Although in this work I will explore consumers and their obligations, this chapter paves the way for the inquiry by discussing the ‘why’ and ‘what’ questions following Hutchings’s categorisation. I will present John Dewey’s situationism as providing a plausible answer, which differs from those provided by the foundationalist underpinnings of ‘traditional’ ethical theories.<sup>92</sup> Dewey was an early 20th-century philosopher usually labelled alongside Charles Peirce and William James as a forerunner of American pragmatism. To Dewey, the need for ethical theorising lies in people seeking new solutions to ‘situations’, that is, obstacles, confusions, conflicts, unmet needs, or other problems that disrupt their everyday habits and conventions through which they usually orient themselves. Managing these situations requires using one’s critical ethical judgment to continuously experiment on and readjust the solutions that have worked in previous, reminiscent cases. While

<sup>91</sup> Hutchings, *Global Ethics*, 17.

<sup>92</sup> E.g. Dewey, *Reconstruction in Philosophy*, 25.

these situations are faced by individuals, ethics is inherently a creative, social and political activity that takes place in a public, an instrument through which ‘problem-solving’ is socially coordinated.<sup>93</sup> No truths exist to be extracted: what can be achieved is ‘warranted assertability’ of the current way of thinking and doing being helpful for those concerned.<sup>94</sup> In Dewey’s own words, the task of such a philosophy is

to face the great social and moral defects and troubles from which humanity suffers, to concentrate its attention upon clearing up the causes and exact nature of these evils and upon developing a clear idea of better social possibilities; in short upon projecting an idea or an ideal which, instead of expressing the notion of some other world or some far-away unrealizable goal, would be used as a method of understanding and rectifying specific social ills.<sup>95</sup>

How does such an approach differ from established ethical theories? Global ethics scholarship provides several frameworks for treating harms in supply chains as requiring a moral response from consumers. To illustrate, deontologically oriented theories often derive such arguments from the capacity of individuals to discover through innate reasoning rules and principles that they do not want to violate due to respect for their own rational faculties. From this perspective one could, for instance, argue that by buying garments produced in ‘sweatshop’ conditions, consumers conduct a moral wrong by getting involved in an exploitative arrangement that fails to meet workers’ basic needs.<sup>96</sup> To compare, contractualists could suggest that the moral authority of claims lies in a

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93 Cochran, ‘Dewey as an International Thinker’, 325.

94 Molly Cochran, ‘Pragmatism and International Relations. A Story of Closure and Opening’, *European Journal of Pragmatism and American Philosophy* IV, no. 1 (2012): 14.

95 Dewey, *Reconstruction in Philosophy*, 124.

96 This is an application of Jeremy Snyder’s argument: ‘Needs Exploitation’, *Ethical Theory and Moral Practice* 11, no. 4 (2008); libertarians defend some forms of ‘sweatshop’ labour: Benjamin Powell and Matt Zwolinski, ‘The Ethical and Economic Case Against Sweatshop Labor: A Critical Assessment’, *Journal of Business Ethics* 107, no. 4 (2012): 466–71.

hypothetical or actual contract to which independent and rational individuals enter with each other. Here, reaping benefits from the trade of minerals that finances and motivates violence against the population unfolds as consumers supporting violations of human rights that they should be honouring on a contractual basis.<sup>97</sup> Further, proponents of utilitarian approaches could argue that moral action is best articulated as an activity that maximises aggregate happiness, welfare, pleasure or other desiderata of choice, to a maximum number of people. For instance, some patterns of consumption by individuals in affluent democracies could be morally wrong, if the accumulated damage inflicted on the planet both locally and globally outweighed the benefits generated through workers' employment, capitalists' profit, and consumers' access to cheap items.<sup>98</sup>

While the examples above do not do justice to the wealth of ethical arguments built on these and other traditions, they help capture a difference between traditional theories and the situationist approach. To Hutchings, deontological, contractualist and utilitarian ethics represent rationalist ethical theories united by two tenets: rationality plays an important role in establishing ethical claims, and these claims can be articulated by a theorist exercising her rationality in abstraction from actual ethical practice.<sup>99</sup> To pragmatists such as Paul Thompson, rationalism is a problematic presumption in doing ethics, as it means engaging with real-life debates, such as those on the legitimacy of abortion, war or lying, with a ready set of tools that are *applied* to abstract the philosophically salient characteristics of the situation. Real-life disputants are 'beckoned' to the academia in which their arguments are cleaned of complexities and empirical fuzziness, classified

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97 Thomas Pogge draws on both contractualist and deontological reasoning in his argument. 'World Poverty and Human Rights', 2005; *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge; Malden, MA: Polity, 2002).

98 Peter Singer, 'Famine, Affluence, and Morality', *Philosophy and Public Affairs* 1, no. 3 (1972): 229–243.

99 The fourth rationalist theory Hutchings discusses is Habermasian discursive ethics, which roots ethical principles to inter-subjective processes: the right takes the shape of universalisable principles, although it is reached through discourse. *Global Ethics*, 23–24, 36–37; Molly Cochran, 'Deweyan Pragmatism and Post-Positivist Social Science in IR', *Millennium* 31, no. 3 (2002): 541.



‘according to their particular theoretical cast’, and evaluated against each other in their pure, abstract form by pointing out their internal inconsistencies or by arguing for the strength of another foundation. This kind of applied ethics is to help disputants, once they return to the ‘real’ world, to make a right decision on what is to be done and why.<sup>100</sup>

To Thompson, such a procedure is unlikely to solve the conundrums, and potentially might even make them worse. Starting with a set of fixed foundations steers the inquiry towards creating the kinds of ‘dilemmas’ that characterise much philosophical thought. For instance, it is not likely that disagreements are resolved, as each disputant settles with a rigid foundation that seems useful for defending their own view, but changes one’s foundationalist argument when deemed useful. Kelly Parker argues that such pluralism is ‘a fact encountered in experience’, and suggests an alternative procedure.<sup>101</sup> Instead of subscribing to any particular foundation theory, an ethical inquiry is to first pinpoint those characteristics in the connection between consumers in affluent democracies and harms in global supply chains that are currently experienced as in tension with the current practices of assigning responsibility to act upon such harms. Once the political and social context in which the situation arises has been identified, ethical inquiry unfolds as an effort to improve one’s ethical experience by imagining and testing a new end in view that reconstructs the problematic situation as manageable. Such a process is ‘social, imaginative and artful in character’ rather than an application of existing tools to a situation in hand, and dismissive of contrasts between ‘reason’ and ‘emotion’, ‘desire’ or ‘imagination’ often drawn by philosophers.<sup>102</sup> This revising of ends to resolve the

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100 Paul B. Thompson, ‘Pragmatism and Policy - the Case of Water’, in *Environmental Pragmatism*, ed. Andrew Light and Eric Katz, Environmental Philosophies Series (London; New York: Routledge, 1995), 203–6.

101 Kelly Parker, ‘Pragmatism and Environmental Thought’, in *Environmental Pragmatism*, ed. Andrew Light and Eric Katz, Environmental Philosophies Series (London ; New York: Routledge, 1995), 25, 33.

102 Richard Bernstein, ‘The Normative Core of the Public Sphere’, *Political Theory* 40, no. 6 (2012): 776; Steven Fesmire, *John Dewey and Moral Imagination: Pragmatism in Ethics* (Bloomington: Indiana University Press, 2003), 2.

situation involves not only observing the immediate consequences but self-reflection on the kind of people that actors become by adopting any new goal.<sup>103</sup>

As Elizabeth Anderson describes Dewey's approach: 'Value judgments are tools for satisfactorily redirecting conduct when habits fail.'<sup>104</sup> Ethical theorising drawing on Dewey's work does not abandon the deontological, contractual, utilitarian or other established philosophical approaches, but views them through specific metaethical lenses grounded in developmental and social psychology.<sup>105</sup> By treating ethics as a rationalist inquiry aiming for firm answers through abstract reflection, traditional ethics tend to promise universalising and non-contingent answers that they ultimately cannot deliver. Thompson offers pragmatist deconstruction as a pedagogical tool to end 'moral gridlocks' and to build communities in which solutions to problems can be decided on. If understood as seeking 'truths' rather than as tools, as arising from 'contemplation' rather than 'action', and as aiming to provide objective and non-contingent characterisations of the morally salient features of harms, philosophy asserts certainty where none is to be had.<sup>106</sup> However, when treated as constructs that previous generations have developed to resolve the specific problems they have faced, established moral concepts such as duties, rights, and the good constitute a set of tools that may be reworked and honed to provide potentially useful solutions to currently pertaining problems.

To apply, rules can be useful guides to action, but subscribing to them is not to be driven by a respect for one's rational will central to Kantian accounts. In Dewey's words, a moral law is

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103 Joe Hoover, *Reconstructing Human Rights: A Pragmatist and Pluralist Inquiry into Global Ethics* (Oxford: Oxford University Press, 2016), 115–19.

104 Anderson, 'Dewey's Moral Philosophy'.

105 Anderson.

106 Dewey, *Reconstruction in Philosophy*, 128–31.

not something to swear by and stick to at all hazards; it is a formula of the way to respond when specified conditions present themselves. Its soundness and pertinence are tested by what happens when it is acted upon. Its claim or authority rests finally upon the imperativeness of the situation that has to be dealt with, not upon its own intrinsic nature—as any tool achieves dignity in the measure of the needs served by it.<sup>107</sup>

Similarly, a contractualist approach, such as monumental and influential work by John Rawls, aims for a geometrical system of culturally and historically contextual principles from which guidelines to action are to be derived.<sup>108</sup> These first principles bear little resemblance with the real behavioural tendencies of people weaving through everyday situations.<sup>109</sup> Rights and duties can be reconstructed as tools to be evaluated based on how they resolve political problems and the kinds of ideals they help realise.<sup>110</sup> An ethical inquiry that harnesses them in this way has to respect the richness and complexity of moral experience as lived; after all, it is the very fuzziness and uncertainty in such experiences that gives rise to it.

A utilitarian theorist would allocate responsibility solely as a means to reach a final goal, such as the minimising of suffering in the world. While to Dewey looking into consequences of acts is an appealing approach, the idea of ethical action as geared towards a single aim, be it pleasure, welfare, unity, or other maximand, is a misunderstanding.

Up to a certain point, [utilitarian ethics] reflected the meaning of modern thought and aspirations. But it was still tied down by fundamental ideas of that very order

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107 John Dewey, 'The Quest for Certainty', in *The Later Works of John Dewey, Volume 4, 1925 - 1953*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 2008), 222.

108 John Rawls, *A Theory of Justice* (Cambridge, MA; London: Harvard University Press, 2005).

109 Fesmire, *John Dewey and Moral Imagination*, 28.

110 Cf. Hoover, *Reconstructing Human Rights*, abstract.

which it thought it had completely left behind: The idea of a fixed and single end lying beyond the diversity of human needs and acts rendered utilitarianism incapable of being an adequate representative of the modern spirit. It has to be reconstructed through emancipation from its inherited elements.<sup>111</sup>

Consumers, just as individuals in general, are not guided by one moral end. The ‘ends-in-view’ they endorse might include ameliorating harms taking place in supply chains, but no single ideal captures why the harms are worthy of such moral attention.<sup>112</sup> In Dewey’s understanding of the process of ethical judgment, ends to which individuals aspire are interwoven with the means they possess, and striving for an aim changes the way individuals consider its desirability.<sup>113</sup> A strict separation between means and ends, as well as instrumental and final goods, which serves as a guideline in utilitarian ethics writ large, cannot be maintained. While consequences of action are morally significant in Deweyan ethics, assigning to consumers a responsibility to act upon harms in global supply chains cannot be justified on the basis of a single ideal, such as happiness, which ameliorating harms in global supply chains would serve to realise.

Instead of subscribing to any such principle, which descends out of the ‘a priori blue’ or from a ‘moral Mount Sinai’, a pragmatist inquiry first strives to get a clear view of the public and the situation that it is facing.<sup>114</sup> A situation calling for such an inquiry seems to persist in affluent democracies with regards to consumer responsibility. Calls to reform global production processes have been voiced powerfully among their publics, as consumers become aware of the various human tragedies, social ills, and environmental disasters occurring as things are made for them to buy. For instance, many consumers feel anxious when encountering the claim that they are feeding

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111 Dewey, *Reconstruction in Philosophy*, 183.

112 John Dewey, ‘Theory of Valuation’, in *The Later Works of John Dewey, Volume 13, 1925 - 1953*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 2008), 220.

113 Dewey, 220, 233–34; Dewey, ‘Ethics’, 308–9.

114 Dewey, ‘Theory of Valuation’, 219. I thank Molly Cochran for highlighting this point.

brutal civil wars, mass rapes and slave labour by their indirect purchases of ‘blood’ minerals, diamonds and oil. Joe Hoover, who takes up Dewey’s ethics in his pragmatist analysis of human rights, suggests that such ‘emotional and visceral responses to experience are central to ethics, as they provide the spur to self-reflection and reconstruction, which in turn inspires social and political action to reform custom and alter the social order’<sup>115</sup>. To Anderson, identifying a problem calling for an ethical inquiry starts with ‘often inchoate experiences of doubt, confusion, apprehension, frustration, distress, anger, conflict, and so forth, which call for articulate diagnosis’.<sup>116</sup> In Dewey’s psychological theory, emotional responses are inherent to desires, interests, and habits that arise out of individuals’ lifelong interaction with the external world.<sup>117</sup> As an ethical naturalist and cognitivist, to him moral problems are to be resolved by theoretical and empirical experimentation just as any other natural phenomena.<sup>118</sup> Equally, the solutions developed are not fixed rather than contingent, subject to revision by considering the widest consequences for everyone that following them involves.<sup>119</sup>

Pragmatism recognises as emotive-cognitive challenges the kind of questions linked with consumer responsibility that many moral philosophers would treat as to be solved in abstraction. To illustrate, Samuel Scheffler, a liberal thinker, argues that there is a gap between the ‘conventional conception of responsibility’ tied to local and national levels and a more universalist conception gaining currency through globalisation. The conventional conception operates on a phenomenology of agency according to which ‘acts have primacy over omissions, near effects have primacy over

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115 Hoover, *Reconstructing Human Rights*, 126.

116 Anderson, ‘Dewey’s Moral Philosophy’.

117 In Dewey’s terminology, ‘affective-motor conditions of action’ unite with the ideational or intellectual in a process in which desires and interests are cultivated. Dewey, ‘Theory of Valuation’, 218, 237.

118 James Bohman, ‘Ethics as Moral Inquiry: Dewey and the Moral Psychology of Social Reform’, in *The Cambridge Companion to Dewey*, ed. Molly Cochran (Cambridge; New York: Cambridge University Press, 2010), 207–8.

119 Anderson, ‘Dewey’s Moral Philosophy’.

remote effects, and individual effects have primacy over group effects'.<sup>120</sup> To him, such a disposition functions well in individual daily lives as long as attention is not paid to the level of transnational processes. However, if the transnational is observed, a plethora of complicated connections with distant others appears that seem meaningful although they do not resonate with the conventional phenomenology of agency. In other words, the current phenomenology is becoming a bad guide for understanding socially significant human action: individuals are 'subsumed' under larger processes from which they are unable to abstain, about which they cannot gather reliable information, and about which they are unsure how to contribute to in different ways.<sup>121</sup>

Although only one of the many possible articulations, Scheffler's conventional conception of responsibility can be read as pinpointing a practice of assigning responsibility the shortcomings of which as a habitual guideline to individuals' thought and action give rise to an ethical inquiry to improve it. Pragmatist ethics does not suggest that tools characteristic of a deontological, contractualist, consequentialist or any other position cannot be taken up as a starting point for this task. Rather, it reminds that a responsibility established on a 'strong' view of traditional ethics that strives to produce universalisable, non-corrigible and rationalist claims is not likely to provide a remedy to the emotionally-loaded uncertainty that consumers face amidst global production processes. Dewey's ethics provides a background theory that does not attempt to determine any of these accounts as 'a bedrock principle' for an ethical argument; it treats rules, principles, virtues, rights, duties, and so on, as supplementing rather than constituting ethics.<sup>122</sup>

Seminal moral concepts, such as duties, rights and the good, are independent factors that societies and individuals in the past have developed to address situations they have faced; they cannot be

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120 Scheffler, *Boundaries and Allegiances*, 44–45.

121 Scheffler, 44–45; Iris Marion Young reaches a similar conclusion: 'Responsibility and Global Labor Justice', 374.

122 Fesmire, *John Dewey and Moral Imagination*, 3, 57.

reduced to each other.<sup>123</sup> In this way, Deweyan ethics uproots substantive answers provided by traditional accounts to harness them in methodological terms as fallible and changing tools.<sup>124</sup> Accordingly, this work does not venture further into metaphysics by establishing a foundational theory, a move which is likely to leave unsatisfied those hoping for ‘certain’ answers.<sup>125</sup> Equally, it does not aspire to give a complete account or a final judgment on consumers’ responsibilities.<sup>126</sup> Rather, a Dewey-inspired approach I adopt identifies consumer responsibility as deserving an ethical inquiry, because the conventional practices, conceptions, and habits of assigning responsibility in affluent democracies are perceived as increasingly inadequate as guidelines to thought and action regarding consumers’ responsibility for miseries in global production processes.

## 2.3 NORMATIVE EDGE

In the previous section, I suggested that situationist ethics can be harnessed to argue that harms in supply chains require moral action from consumers. Yet, it is an oft-heard criticism that pragmatist ethicists are not prone to justify normative claims: even sympathisers, such as Cornel West, characterise Dewey as evading rather than solving traditional philosophical questions.<sup>127</sup> Pragmatism shares a challenge posed to poststructuralism: how does one create an ethics that does not rely on fixed foundations or is not articulated as universalisable, non-corrigible claims? Subsequently, pragmatists writ large engaging with real-life debates are sometimes accused of

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123 John Dewey, ‘Three Independent Factors in Morals’, in *The Later Works of John Dewey, Volume 5, 1925 - 1953*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 2008).

124 Anderson, ‘Dewey’s Moral Philosophy’.

125 Joel Mintz, ‘Some Thoughts on the Merits of Pragmatism as a Guide to Environmental Protection’, *Boston College Environmental Affairs Law Review* 31, no. 1 (2004): 25.

126 Cf. Hoover, *Reconstructing Human Rights*, 5; Donald Koch’s introduction to: John Dewey, *Lectures on Ethics*, ed. Donald Koch (Carbondale: Southern Illinois University Press, 1991), xxx, xxviii.

127 Cornel West, *The American Evasion of Philosophy: A Genealogy of Pragmatism* (Madison, Wis: University of Wisconsin Press, 1989), 72; Hoover, *Reconstructing Human Rights*, 121–22.

providing rough and ready prescriptions without grounding them on any normative theory. While Marion Smiley suggests that pragmatism is not to be confused with answering purely practical questions, such as ‘how do we solve problem X?’ and ‘what do we do now?’, the concern pertains: does pragmatism come with a normative edge?<sup>128</sup>

Instead of hovering above or dredging below crucial normative questions, Dewey’s ethics contains several normative threads that have been woven further by contemporary theorists. To Molly Cochran, Dewey’s ethics ‘brings together empirical and normative lines of inquiry backed by a philosophy of valuation.’<sup>129</sup> In her book *Normative Theory in International Relations*, she shares poststructuralists’ distrust of philosophical foundations, but concedes that normative ethics has to involve at least some degree of universalisation and foundationalism.<sup>130</sup> As a solution, Cochran suggests that the task of ethics in International Relations is to strengthen moral inclusion in international practices from a ‘quasi-foundationalist’ angle: building contingent normative criteria to guide intersocietal relations, and pointing out ways to create a consensus around them, is what a pragmatist critique can do.<sup>131</sup> Existing institutional arrangements and ethical criteria are to be interrogated and reimagined without presuming that a ‘strong’ ontological basis for such an activity can be attained. As above, ethical questions do not arise as perennial, abstract inquiries into a moral

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128 Smiley disagrees with a reading of pragmatism as a form of ‘instrumental rationality’ or ‘policy science’ that she conceives Ronald Dworkin as advocating. Marion Smiley, *Moral Responsibility and the Boundaries of Community : Power and Accountability from a Pragmatic Point of View* (Chicago: University of Chicago Press, 1992), 23; Ronald Dworkin, *Law’s Empire* (Cambridge, MA: Harvard University Press, 1986), 151–75.

129 Cochran, ‘Pragmatism and International Relations. A Story of Closure and Opening’, 13.

130 Cochran, *Normative Theory in International Relations*, 121–42; Richard K. Ashley, ‘The Geopolitics of Geopolitical Space: Toward a Critical Social Theory of International Politics’, *Alternatives: Global, Local, Political* 12, no. 4 (1987): 403–434; R. B. J. Walker, *International Relations as Political Theory* (Cambridge: Cambridge University Press, 1992); William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca, NY: Cornell University Press, 1991).

131 Cochran, *Normative Theory in International Relations*, 168–69, 255, 278. Cochran refers later in the book as ‘quasi-antifoundationalism’. For consistency, I will use the phrasing introduced first.



sphere that hovers above practical experience, and answers to them are to be situated, hypothetical and fallible; '[t]hat which is objective is that which settles a practical problem to the extent that doubt can be put aside for the time being.'<sup>132</sup>

Accordingly, Cochran suggests that a pragmatist ethical theory cannot sanctify the use of military force, because its denial of absolutes involves not supporting absolute acts, such as that of taking a life. While other systems, such as international law, may provide an instrumental reason for use of force, calling a doctrine that does so an ethics would not acknowledge the responsibility that the contingency of ethical claims involves.<sup>133</sup> More generally, pragmatist ethics in International Relations aspire to the moral inclusion of marginalised groups in world politics: very diverse situations ranging from unfair working conditions and wages in factories to child soldiering, use of military force for unilateral ends, and arms and drug trade, may call for a pragmatist ethical inquiry and experimentation.<sup>134</sup>

Joe Hoover conceives human rights as a valid tool for advancing a democratising ethos, which calls for respect for difference and awareness of exclusion and vulnerability. To Hoover, '[h]uman rights are only as good as the ends they help us realize', and best pursued as an agonistic politics manifesting values that are plural, incommensurable and irreducible to each other. Hoover treats pluralism as a distinct position of pragmatist thinking: drawing on work by Isaiah Berlin and Bernard Williams, he suggests that any attempt to prioritise a value over another is a political act, which involves an existential commitment.<sup>135</sup> Yet, it is the radical democratising potential of human rights that to Hoover conveys the value of adopting them as a contested but useful framework of

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132 Cochran, 'Deweyan Pragmatism and Post-Positivist Social Science in IR', 544.

133 Cochran, *Normative Theory in International Relations*, 252–54; Cochran, 'Dewey as an International Thinker'; Dewey, 'Ethics and International Relations'.

134 Cochran, 'Dewey as an International Thinker', 330.

135 Hoover, *Reconstructing Human Rights*, 108–9.

moral action. He develops further the strong affiliation that Dewey makes between democracy and growth, suggesting that human rights may help push for ‘more inclusive and fully democratic’ world politics that transcend the limitations of the nation state.<sup>136</sup>

Marion Smiley draws partially on Dewey’s ethics to expand the sphere of actors that can be held responsible for external harm from individuals to groups, such as clubs, corporations, and nation states. She suggests that the prevalent, modern conception of responsibility has peculiar characteristics, as it conflates blameworthiness with causal responsibility, and presumes that an actor has to possess a free will if it is to be assigned a responsibility for an external harm. With a strong affinity to Dewey’s view, Smiley reconceptualises causal blame: for instance, underlying the question of whether American capitalists were contributing to the apartheid in South Africa by financing it are considerations including what is expected of capitalists, what they should take into account in their investment decisions, what are the benefits of their activities, is the black population in South Africa part of the community they ought to care for, and so on. The assignation of blame is a forward-looking enterprise geared to resolving social ills rather than an inquiry into actors’ internal attributes, such as free will.<sup>137</sup>

Environmental philosophers have taken up pragmatist ethics as an approach that moves beyond the entrenched debates concerning anthropocentric and non-anthropocentric approaches towards nature.<sup>138</sup> Andrew Light distinguishes metaphilosophical pragmatism from philosophical pragmatism. The former is an activity of providing rules within which environmental philosophy should be done, and which embraces pluralism in the assessment and communication of normative issues on environmental policy. The latter is closer to the classical American tradition, including Dewey’s work, as it engages with environmental ethics ‘on their own ground’ in debates on whether

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<sup>136</sup> Hoover, 2–3.

<sup>137</sup> Dewey, ‘Ethics’, 303–5; and Smiley, *Moral Responsibility and the Boundaries of Community*, 24–26.

<sup>138</sup> Fesmire, *John Dewey and Moral Imagination*, 89.

nature ought to be treated as a resource, as God's domain, as property, as a mother, as a living organism and so on.<sup>139</sup> The philosophical variants of environmental pragmatism are poised to articulate views on daily issues such as policies related to climate change and nature conservation. While one can argue that all pragmatist work is metaphilosophical, Light suggests that a distinction is useful in understanding the variety of projects that take place under environmental pragmatism.<sup>140</sup> These are explicitly normative projects. What could be characterised as linking them to Dewey's work is an inclination to advance growth, which is closest to a foundation present in his situationist ethics.<sup>141</sup> Well aware that such a concept is easily misinterpreted as an objective ground for ethics or as a product of a means-end distinction, he writes:

the process of growth, of improvement and progress, rather than the static outcome and result, becomes the significant thing. Not health as an end fixed once and for all, but the needed improvement in health - a continual process - is the end and good. The end is no longer a terminus of limit to be reached. It is the active process of transforming the existent situation. Not perfection as a final goal, but the ever-enduring process of perfecting, maturing, refining is the aim in living...

Growth itself is the only moral 'end'.<sup>142</sup>

As individuals overcome situations that compromise their existing habitual ways of orienting themselves in the world, they are themselves changed in the process. To Dewey, the attainment of new skills, knowledge and embracing of culture were marks of growth, not means to reach it.<sup>143</sup>

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139 Andrew Light, 'Environmental Pragmatism as Philosophy or Metaphilosophy', in *Environmental Pragmatism*, ed. Andrew Light and Eric Katz (London; New York: Routledge, 1995), 330.

140 Light, 336.

141 Fesmire emphasises that the idea of growth in Dewey's thought is more substantively expressed as artistic creation that moral deliberation involves. Fesmire, *John Dewey and Moral Imagination*, chapter 7.

142 Dewey, *Reconstruction in Philosophy*, 177.

143 Dewey, 185.

Growth means maturing from spontaneity to the use of a reflective and critical attitude, from moving to esteem to estimation, from prizing to appraising, in establishing ends in view.<sup>144</sup> Alison Kadlec accurately emphasises that this process is inherently a public endeavour: individuals are not atomised entities rather than collective and communicative creatures, whereby to grow entails both enhancing an individual's capacity for social intelligence as well as translating this capacity to generate concrete goods.<sup>145</sup> As I elaborate further in chapters 6 and 12, the reflective, socially embedded concept of growth distinguishes Dewey's situationist ethics from utilitarianism, although he appreciates the latter's original vigorous spirit for social welfare and reform:

Like utilitarianism, the theory subjects every form of organization to continual scrutiny and criticism. But instead of leading us to ask what it does in the way of causing pains and pleasures to individuals already in existence, it inquires what is done to release specific capacities and co-ordinate them into working powers.

What sort of individuals are created?<sup>146</sup>

Importantly, to Dewey outcome responsibility is assigned in order to direct the actors towards growth. A child is not held accountable for a damage he has done because he possesses a free will to choose his actions but because blaming or praising him for the damage is to entice desirable changes in his character, which then hopefully shapes his future acts.<sup>147</sup> He writes that '[b]eing held accountable by others is, in every such instance, an important safeguard and directive force in growth'.<sup>148</sup> It cultivates characteristics, or 'virtues' needed in a critical inquiry, such as '[w]ide

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144 Dewey, 'Ethics', 264.

145 Alison Kadlec, 'Reconstructing Dewey: The Philosophy of Critical Pragmatism', *Polity* 38, no. 4 (2006): 537.

146 Dewey, *Reconstruction in Philosophy*, 198.

147 Dewey, 'Ethics', 304.

148 Dewey, 305.

sympathy, keen sensitiveness, persistence in the face of the disagreeable, balance of interests'.<sup>149</sup> In this way, assignments of both outcome and remedial responsibility shape not only the outcomes but the actors themselves, serving as a central component in growth.

In this thesis, growth, as in 'making better and more meaningful worlds for ourselves', creates the normative force for holding harms in global supply chains as worthy of moral action.<sup>150</sup> While growth could be deemed as an inherently internal activity, in Dewey's ethics growth includes engaging with the social sphere to ameliorate harms that individuals face, and to cultivate one's capacities to do so. Growth harnesses pragmatism with a normative edge: mitigating exploitation, oppression, and violence deserve a privileged role in driving ethical judgment and motivating social change, because such conditions have been experienced as inhibiting human flourishing in the past.<sup>151</sup> Here, 'human flourishing' is a loose concept, linking individual problem-solving and Dewey's affinity with democratic processes, as individuals flourish when they can realise their autonomy and possibilities for self-development.<sup>152</sup> This call is shared by many: Richard Bernstein reminds that despite their differences Richard Rorty, Hilary Putnam and Cornel West, who are some of the leading figures in the resurgence of pragmatism since the 1970s, all testify to the deep commitment of pragmatism to 'the amelioration of human suffering and humiliation' and to a pursuit of an 'ongoing egalitarian democratic social reform'.<sup>153</sup> True to its weak ontology, such commitments of pragmatism are not established on any universal and objective foundations. Yet, its normative force is nothing to belittle: potentially growth is the most widely acceptable grounds on

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149 The paragraph contains, essentially, a Deweyan view of virtue ethics. Reducing ethics to a person's characteristics misrepresents that behavioural dispositions are to be evaluated as per the consequences that those possessing them are inclined to produce. Dewey, *Reconstruction in Philosophy*, 164; Cochran, *Normative Theory in International Relations*, 251; Anderson, 'Dewey's Moral Philosophy'.

150 Cochran, *Normative Theory in International Relations*, 18.

151 Hoover, *Reconstructing Human Rights*, 127–28.

152 Hoover, 249.

153 Bernstein, 'The Resurgence of Pragmatism', 832.

which consumers can be called to act upon sweatshop labour, the extraction of ‘blood’ resources, environmental degradation, and other miseries in global supply chains.

Surely, Dewey left the concept of growth characteristically open. Does any situation, conflict or disruption, such as how to eradicate ethnic minorities in an authoritarian nation-state, deserve equal attention? Such a disposition, when read without a sensitivity to Dewey's normative inclination to moral inclusion, could be read in statements such as: 'Anything that in a given situation is an end and good at all is of equal worth, rank and dignity with every other good of any other situation, and deserves the same intelligent attention.'<sup>154</sup> To answer, I have indicated above that growth is intimately linked with the aim of moral inclusion pertinent in Dewey's thought. Cochran phrases the inclination of a pragmatist critique in international ethics as to create relationships that include marginalised groups and improve existing institutions of international practice.<sup>155</sup> For instance, consumers in affluent democracies resolving the moral anxiety of facing harms in global supply chains by becoming calloused enough to ignore the suffering of others is not a solution aligned with moral inclusion. Instead of recommending consumers to develop an emotionally numb mind-set, one can read this thesis as an exploration of the conditions under which a responsibility can be assigned in an era in which vast global processes threaten to ‘succumb’ the agency of individual, and of whether consumers embracing a responsibility for harms in global supply chains captures the pragmatist thrust towards moral inclusion.

Such an aspiration to growth can nevertheless be interpreted as a ‘strong’ foundation. To Dewey, experience, while always interpreted for and by someone, still constitutes a pedestal from which to exert ethical judgments of social practices. Cochran suggests that this solid ground, when connected with the maturing of individuals' critical intelligence, generates a kind of teleology in his work that takes harmony within a democratic public as occurring naturally, as a part of social and

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<sup>154</sup> Dewey, *Reconstruction in Philosophy*, 175–76.

<sup>155</sup> Cochran, *Normative Theory in International Relations*, 272.

technological progress. Such ‘naturalistic teleology’ can create a problematic thread of ‘strong’ foundations in Dewey’s work: the tendency to harmony among individuals’ identities, values and aspirations is not to be presumed, because growth has to be able to manifest in different ways beyond the minimum requirements of sympathy and sensitivity.<sup>156</sup> To answer, Cochran gestures towards Richard Rorty’s neopragmatism that presumes no experience or reality on which to draw as an authoritative base for social critique. Tensions in theory and societal practice give rise to new vocabularies, and moral inclusion may take place as common narratives that create solidarity between actors shape the ‘we’ communities in which practices are shared.<sup>157</sup> Rorty believes that expanding solidarity and sensitivising one’s society to the suffering of others is an intellectual’s responsibility. This process, however, is not captured in Dewey’s naturalistic teleology.<sup>158</sup>

This thesis emphasises the commonalities rather than divergences between the widely Deweyan and Rortyan positions. Cochran points out that the commitment to human flourishing through self-development and human autonomy is shared by both, although they see it realised in different ways, Dewey as social commitments and Rorty as private creativity.<sup>159</sup> Surely, the former has his focus on problematic situations, whereas the latter works on the tensions in human conduct that give rise to new, potentially useful redescrptions of the social world. Both material and discursive inquiries are to be included, and if conducted in an experimental fashion, allow for an expansion of the ‘we’ communities without succumbing to totalising claims or a teleological view on growth.<sup>160</sup> Rorty’s position is useful in introducing to the pragmatist tradition the Wittgensteinian insight that language

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<sup>156</sup> Cochran, 249.

<sup>157</sup> Cochran, 240.

<sup>158</sup> Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), part III; Bjørn Ramberg, ‘Richard Rorty’, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford University, 2009).

<sup>159</sup> Cochran, *Normative Theory in International Relations*, 204.

<sup>160</sup> Cochran, 206–7, 241.

encompasses social worlds much more thoroughly than an innocent statement, such as that experience is always interpreted, may initially reveal.<sup>161</sup> Yet, Rorty's wider theorising that treats lightly the risk of relativism need not be embraced to appreciate the insight that growth does not necessarily lead to social harmony. As Bernstein reminds, there are pragmatisms rather than a school of pragmatism, and both Dewey and Rorty subscribe to an 'ethical-political' strand that focuses on the 'practical' social life rather than to the more abstract pursuits interacting with analytical philosophy.<sup>162</sup> In line with Cochran's reading, I suggest that both theorists retain an aspiration to growth as an important normative element in their work and that there is a possibility of a synthesis between their positions.<sup>163</sup>

To summon one more potential concern, Dewey's work can be read as not contributing to global ethics. Instead of international affairs, he focused considerably on clarifying the relation between science, ethics, and democracy in western societies, especially in the United States. This reading may be seen as supported by the way Dewey's key concept of growth is linked with his concept of democracy to the extent that they can be read as being one thing.<sup>164</sup> To answer, while Dewey was not averse of talking about 'democratic faith' or 'ethos' as a constituent of growth, to him the public involvement that would lead to improved ethical experience was not in any essential sense tied to national boundaries:<sup>165</sup>

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161 Smiley argues that Rorty treats the 'we' communities as too homogenous. Glossing over their diversity is against the 'spirit of pragmatism', as it conceals how individual identities are masked by the uniformity, and how individuals judge and apply even shared practices to their own interests: Smiley, *Moral Responsibility and the Boundaries of Community*, 26.

162 Bernstein, 'The Resurgence of Pragmatism', 827–33.

163 Cochran, *Normative Theory in International Relations*, 194–95.

164 Cochran, 'Dewey as an International Thinker', 313.

165 Richard Bernstein, 'Dewey's Vision of Radical Democracy', in *The Cambridge Companion to Dewey*, ed. Molly Cochran (Cambridge; New York: Cambridge University Press, 2010), 293–94.



[Democracy] is but a name for the fact that human nature is developed only when its elements take part in directing things which are common, things for the sake of which men and women form groups - families, industrial companies, governments, churches, scientific associations and so on.<sup>166</sup>

A public is not necessarily demarcated by national boundaries. In this thesis, the public in question consists of the political communities of affluent democracies, as it is in them in which calls for ethical consumerism have been most vocally voiced. Dewey saw in democratic practices, be they domestic, national or global, the social idea that human capacities are best unlocked in as free interaction as possible.<sup>167</sup> Whether acting as a consumer is conducive to such growth is a question to which I will return in chapter 12. At this stage, I retain that Dewey's situationist ethics can contribute to debates on consumers' cross-boundary responsibility for harms in global supply chains.<sup>168</sup>

## 2.4 CONCLUSION

First, I argued that John Dewey's ethics can provide a normative, 'quasi-foundationalist' framework for treating harms in global supply chains as to be ameliorated. A key step in adopting such situationist ethics is the appropriate framing of the research question and the answer to follow. Rather than as an endeavour into an abstract and objective sphere of ethics, the question arises from the 'situation' faced by consumers in affluent democracies who grow aware of the harms linked with global production processes, but find the conventional habits, norms, and practices of allocating responsibility as compromised amidst such global connections. The answer, which might involve suggesting tools conventionally linked with traditional ethical theories, is to be read as

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<sup>166</sup> Dewey, *Reconstruction in Philosophy*, 209–10.

<sup>167</sup> Cochran, 'Dewey as an International Thinker'.

<sup>168</sup> Cochran, *Normative Theory in International Relations*, 247.

experimental, as in to be revised by the actor if it does not help regain continuity in his or her ethical experience, and situationist, as in to be understood as a solution relevant to the challenge in hand rather than a general guideline to reminiscent cases.

In the second part, I suggested that such situationist ethics comes with a normative edge. A responsibility to act upon some harms may be ‘weakly’ founded on the pragmatist commitment to growth, which includes expanding one’s moral sphere and exercising and developing one’s capacities to ameliorate suffering, violence, and exploitation. This wide inclination, expressed in different ways across the many varieties of pragmatism, is normative despite it rejecting what Dewey conceives as the quest of traditional ethics for certain, fixed moral answers. As an open-ended ‘aim’ that urges individuals together and separately to ameliorate the worst of human conditions, growth serves as the normative thrust for consumers in affluent democracies to deliberate whether harms in global production processes potentially deserve their remedial action.

## 3 MORAL AGENCY

### 3.1 INTRODUCTION

This chapter establishes a theoretical basis for treating consumers as agents capable of bearing moral responsibilities. In the introductory chapter, I noted that while most attempts to mobilise consumers for alleviating miseries in supply chains presume that consumers' collective action holds tremendous potential to alleviate harms, the way consumers constitute a moral agent or agents remains unclear. This chapter engages with the 'who' question by discussing the various alternatives through which consumers' moral agency can be conceptualised, a step to be taken prior to exploring the grounds of the moral responsibility they potentially bear.<sup>169</sup>

I suggest that while consumers as an entity do not resonate with the conventional accounts of individual or collective moral agency, a pragmatist framework of future-looking collective responsibility enables treating them as moral agents on the basis that together they could ameliorate harms in global production processes. This potential establishes individual consumers with a potential duty to collectivise into organised groups that have better capacities to coordinate their remedial efforts for this purpose. I adopt these characterisations of consumers' moral agency and responsibility as working definitions for this thesis, and suggest that markets provide a platform in which such a responsibility can be discharged.

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169 I.e. the third question on 'different views about the identity and nature of morally relevant actors in the global sphere': Hutchings, *Global Ethics*, 17.

## 3.2 DOUBLE CHALLENGE

### 3.2.1 RESPONSIBLE INDIVIDUAL

In comparison to debates on the moral responsibilities of states, companies, international institutions, and other powerful collective agents that often get the attention in normative studies of International Relations, inquiries on consumer responsibility are tormented by a double challenge surrounding the agency of their object.<sup>170</sup> On one hand, acts of a single consumer matter little in the global markets, in which only larger shifts in consumer demand are of significance to the suppliers. The ‘causal impotence’ of an individual consumer stands in the way of holding individuals as moral agents capable of bearing responsibilities with regards to harms in global production processes. On the other hand, consumers do not constitute a structured collective capable of organised, purposeful action in the same way as corporations, states and organisations do. Because of these two challenges, it is hard to pinpoint who exactly would bear the remedial responsibility were ‘consumers’ attributed with one. This section explores the double challenge and its potential solutions.

To articulate the first half of the challenge, some theorists, such as David Schwartz, discuss consumer action as an instance of the collective action problem. Schwartz laments that a central challenge of adopting a bottom-up strategy to reforming global production processes is that mobilising a critical mass of consumers to demand changes is difficult because individual consumers hardly consider themselves as causally relevant actors.<sup>171</sup> Julia Nefsky defines the challenge as the ‘problem of collective impact’, or the challenge of ‘how to move from facts about the power of collective consumer demand to conclusions about what one ought to do as an

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<sup>170</sup> Erskine, *Can Institutions Have Responsibilities?*

<sup>171</sup> David Schwartz, *Consuming Choices: Ethics in a Global Consumer Age* (Rowman & Littlefield Publishers, 2010), 67–70, 123.

individual consumer'.<sup>172</sup> Michael Pollan writes about the motivational problem of being a 'drop-in-the-bucket': even if big challenges ahead, such as climate change, were more or less driven by countless everyday choices, any single purchase decision by an individual consumer appears as utterly inadequate to alleviate them.<sup>173</sup> The 'causal impotence' of an individual is especially disruptive for liberal thinkers, such as Samuel Scheffler. Losing one's self-conception as a causal actor is a major impediment for pushing for social and political change, and thus must be reconciled.<sup>174</sup> Reclaiming the status of individuals and providing an account of their correlative responsibilities is the primary concern of the 'individualist' camp, as contrasted to the 'collectivists' I will discuss below.<sup>175</sup>

Schwartz suggests that two approaches widely based on causality and complicity have emerged to show that individuals retain moral agency also when participating in large-scale, uncoordinated and harmful processes alongside many other individuals.<sup>176</sup> By and large, the proponents of the causal approach attempt to show that an individual consumer has had and maintains influence over harmful production processes. Derek Parfit makes a distinction between perceptible and imperceptible harming, claiming that the latter kind of action is also morally condemnable. An individual consumer's contribution qualifies for the latter: the impact of an individual purchase

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172 Julia Nefsky, 'Consumer Choice and Collective Impact', in *Oxford Handbook of Food Ethics*, ed. Anne Barnhill, Mark Budolfson, and Tyler Doggett (Oxford: Oxford University Press, 2018), 1.

173 Michael Pollan, 'Why Bother?', *The New York Times Magazine*, 20 April 2008, <http://michaelpollan.com/articles-archive/why-bother/>.

174 Schwartz, *Consuming Choices*, 67–70, 123.

175 Simo Kyllönen, 'Climate Change, No-Harm Principle, and Moral Responsibility of Individual Emitters', *Journal of Applied Philosophy*, 2016, 2.

176 Schwartz, *Consuming Choices*, 57; there are alternative categorisations. Nefsky considers instrumental, non-instrumental, and expressive reasons for buying ethical food products, and Sassatelli discusses consumer responsibility as a virtue: Nefsky, 'Consumer Choice and Collective Impact'; Roberta Sassatelli, 'Virtue, Responsibility and Consumer Choice', in *Consuming Cultures, Global Perspectives*, ed. John Brewer and Frank Trentmann (Oxford: Berg Publishers, 2006), 219–50.

decision is too small to be perceptible, but when joined with others produces a perceptible effect.<sup>177</sup>

Julia Nefsky suggests that a morally relevant instrumental contribution to a harm can be separate from what is seen as ‘making a difference’.<sup>178</sup> Shelly Kagan develops a threshold approach of expected utility, presenting the mere chance of contributing to a harm as a morally relevant factor. For instance, if buying an individual steak has the likelihood of incentivising the cattle farmer to slaughter more cattle, an individual consumer ought to refrain from purchasing it.<sup>179</sup>

These approaches might seem challenged when reflected against the sheer empirical complexity of global production processes. As Kagan states, in the ‘good old days’ examples used by consequentialist ethicists fared better than in more contemporary cases in which a plethora of actors interacts in complicated processes that generate the harmful outcomes.<sup>180</sup> A wider variant of the causality approach is what Nefsky refers to as the ‘indirect outcomes approach’.<sup>181</sup> For instance, Holly Lawford-Smith develops an argument in favour of consumer responsibility to signal a willingness to come together to form collectives that can prevent harms in global supply chains, arguing that treating purchase decisions as signals consumers send to each other better reflects the way they can make a difference.<sup>182</sup> Such approaches conceptualise purchase action by individual consumers as causally consequential, but in a wider sense than based on direct market pressure it places on companies.

To consider an alternative approach, an individual consumer can be portrayed as a meaningful moral agent in global supply chains also from a widely complicity-based perspective. Christopher

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<sup>177</sup> Schwartz, *Consuming Choices*, 86.

<sup>178</sup> Nefsky, ‘Consumer Choice and Collective Impact’.

<sup>179</sup> Shelly Kagan, ‘Do I Make a Difference?’, *Philosophy & Public Affairs* 39, no. 2 (2011): 105–141.

<sup>180</sup> Kagan, 105.

<sup>181</sup> Nefsky, ‘Consumer Choice and Collective Impact’.

<sup>182</sup> Holly Lawford-Smith, ‘Unethical Consumption and Obligations to Signal’, *Ethics & International Affairs* 29, no. 3 (2015): 315–330.

Kutz addresses what he sees as the failure of traditional consequentialist and Kantian accounts to provide tools to address individual contributions to collective wrongdoings. According to his complicity approach to responsibility, 'I am accountable for what others do when I intentionally participate in the wrong they do or harm they cause. I am accountable for the harm or wrong we do together, independently of the actual difference I make'.<sup>183</sup> Intentional participation to a harm rather than the harmful outcomes of one's acts grounds individual culpability. Kutz suggests that one can accrue culpability by being complicit in what he calls 'unstructured collective harms'.<sup>184</sup> Such a case manifests when individuals are aware of a damage they inflict while operating in an uncoordinated fashion others, for instance when people harm the environment by using fridges and automobiles with Freon coolants.<sup>185</sup>

Kutz claims that unstructured groups, such as consumers, can be complicit in harms, because they are actually often more structured than one initially thinks: even unstructured groups share 'deeper, systemic, forms of collective action' and participate in 'a culture of way of life'.<sup>186</sup> Schwartz suggests that Kutz's definition of the underlying cultural structures is too vague. To Schwartz, saying that also unstructured groups are structured does not stay focused on specific wrongdoings and sets too much weight on the 'passive fact of collective membership' rather than on consumers' agency.<sup>187</sup> To adjust the argument, Schwartz proposes that the level of structure does not determine individual culpability; individuals belonging to unstructured groups can bear as much remedial duties as individuals in structured groups. It is the intentional participation in a collective

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183 Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge; New York: Cambridge University Press, 2000), 122.

184 Kutz, *Complicity*, 146.

185 Kutz discusses extensively the example of Dresden fire-bombers as a local example of complicity in a harm: 171–72.

186 Kutz, 167.

187 Schwartz, *Consuming Choices*, 80.

wrongdoing that matters, and ultimately justifies holding consumers as complicit in harms taking place in global supply chains.<sup>188</sup>

Schwartz's adjustment of Kutz's complicity view runs on a Kantian vein: what makes complicity in harms as morally condemnable is that one ought not to treat people as mere means when interacting with them. While I agree with Schwartz's view that Kutz's cultural interconnectedness is a vague description of the diversity of practices in which consumption takes place across the world, it appears that Schwartz's response places a heavy weight on intentionality. Often, although surely not always, consumers are unaware of the harmful practices in production processes to the extent that would justify an indictment that they intend to be complicit in them. Schwartz's approach gives the ability to influence harms less central a role in determining agency than the widely causality-based approaches, but holding consumers as responsible on these grounds nevertheless requires that consumers have significant empirical knowledge about the production processes, about the roots of potential harms taking place in them, and about the alternative paths of action to alleviate the harm. Showing that consumers possess such knowledge needed to intentionally participate in the harms in global supply chains remains an obstacle in Schwartz's account, at least if consumers are to be held responsible for a wide variety of harms to workers, societies and the planet that potentially loom in complicated supply chains.

Complicity-based arguments on consumer responsibility are not built only on Kutz's seminal account, and alternatives are growing more and more articulated. Lawford-Smith takes up a complicity framework by Robert Goodin and Chiara Lepora to suggest that companies and corporations are the primary perpetrators of injustices in production processes, and consumers causing such injustices is at best a 'by-product' of the companies and corporations' causing them in the first place. Yet, consumers remain complicit in a more subtle manner, such as by conniving in

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<sup>188</sup> Schwartz, 80–82; for a distinction between structured and unstructured collectives: Schwenkenbecher, 'Joint Duties and Global Moral Obligations'.



and condoning harms.<sup>189</sup> Consumers being complicit in one or several of these ways may well provide a broadly non-causal articulation of the role that individual consumers play in relation to harms in supply chains. Yet, it is worth noticing that to Lawford-Smith complicity is a weak *grounds* for responsibility: it activates only when no other grounds are valid and even then its moral implications are similar to that of benefiting from an injustice. As I argue in more detail in chapter 5, benefiting from an injustice is unlikely to give rise to stringent moral responsibilities. Hence, at this stage it makes sense to pursue another articulation of moral agency that then may give rise to weightier remedial responsibilities.

The causality and complicity approaches offer two overlapping pathways to frame the individual consumer as a moral agent in the context of global production. In very crude terms, the difference in emphasis between them is that the former considers an individual consumer as a moral actor because her acts are causally significant, whereas the latter because she possesses the faculties to choose whether or not to participate in wrongdoings linked with global production.<sup>190</sup> The advocates of the former approach are prone to engage in causal theorising to show that an individual consumer's actions make a difference, whereas those in favour of the latter approach focus on showing that the moral agency of a single consumer lies on an individual's inherent capacity to choose whether or not to be complicit in collective action that treats those involved with production processes as mere means. However, both approaches acknowledge that the ability to cause things is part and parcel of what it means to be a moral agent. As pinpointing the way consumers play a causally meaningful role in the vast production processes remains a challenge to both approaches, I now consider whether consumers would be more conveniently considered as a collective that bears responsibilities.<sup>191</sup>

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189 Lawford-Smith, 'Does Purchasing Make Consumers Complicit in Global Labour Injustice?'

190 Schwartz, *Consuming Choices*, 157–58; Kutz, *Complicity*, 138.

191 A further inquiry into free will and determinism stands outside the scope of this work. As Francois Raffoul points out, judicial, penal and legal definitions of responsibility presuppose a certain conception of human being as a

### 3.2.2 RESPONSIBLE COLLECTIVE

Treating consumers as a collective moral agent would sidestep some of the difficulties encountered. A venerable line of theorising attempts to reclaim individual agency threatened by processes of globalisation by articulating collective agents, whose causal roles in complicated processes is often easier to discern, as moral agents. These approaches generally aim to show that collectives can have the morally relevant characteristics traditionally conceived as belonging to individuals, such as intentionality and a unified self. While such a move has been criticised by individualists, David Cooper points out that as in the real world collectives are nevertheless continuously ascribed responsibility and blame, such theoretical work is timely and well-placed.<sup>192</sup>

Recent examples of theorising collective moral agency abound. Toni Erskine states that the discussion of institutions as moral agents in the study of International Relations is impoverished, and that institutions, such as the United Nations, can be held as agents capable of purposive action in different degrees, and thus can incur responsibilities.<sup>193</sup> Peter French proposes that corporations are artificial moral agents because they satisfy two criteria: they are separate from mere crowds by having centralised decision-making structures which make them capable of formulating purposes

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capable agent. Also this thesis presupposes individuals as grounds and causes of their acts. Here, I follow Bernard Williams' warning against making the concept of responsibility 'metaphysically deep', that is, presuming there are profound forces, such as fate, that threaten individual responsibility. François Raffoul, *The Origins of Responsibility* (Bloomington, Indiana: Indiana University Press, 2010), 6, 24; Bernard Williams, *Shame and Necessity* (Berkeley, Oxford: University of California Press, 1993), chapter 3; also Peter F. Strawson, 'Freedom and Resentment', in *Proceedings of the British Academy, Volume 48: 1962*, ed. Gary Watson (Oxford: Oxford University Press, 1962), 1–25.

192 D. E. Cooper, 'Collective Responsibility', *Philosophy* 43, no. 165 (1968): 258; Jan Narveson argues that '[n]othing else [but the individual] can literally be the bearer of full responsibility.' Jan Narveson, 'Collective Responsibility', *The Journal of Ethics* 6, no. 2 (2002): 179.

193 Toni Erskine, "'Blood on the UN's Hands'"? Assigning Duties and Apportioning Blame to an Intergovernmental Organisation", *Global Society* 18, no. 1 (2004): 21–42; Toni Erskine, 'Coalitions of the Willing and Responsibilities to Protect: Informal Associations, Enhanced Capacities, and Shared Moral Burdens', *Ethics & International Affairs* 28, no. 1 (2014): 115–145.

for their action, and by having an identity over time, which makes them distinct from spontaneous gatherings.<sup>194</sup> Christian List and Philip Pettit suggest four conditions that ‘a system’ has to satisfy in order to qualify as an agent: it forms representational and goal-seeking states (e.g. beliefs and desires, or judgements and plans); in forming and revising these states it satisfies appropriate conditions of rationality; it acts or intervenes in the world on the basis of these states to realise its goals; and it exhibits these three properties not just contingently but robustly.<sup>195</sup>

Consumers constitute, to use Kutz’s term, an unstructured group and thus unlikely to meet these conditions. As an ‘aggregate collectivity’, or mere collections of people, they are distinct from ‘conglomerate collectivities’, or organisations of individuals the identity of which cannot be reduced to identities of the persons in the organisation.<sup>196</sup> John Searle suggests that shared action is distinguishable from ‘mere summation of heap of individual acts’ by the former being intentional; it is necessary that there is a ‘we do’ intention rather than only ‘I do’ in the action.<sup>197</sup> While this ‘we-intention’ might take various forms, it nevertheless has a central role in most accounts of shared action.<sup>198</sup> To be sure, consumers share similar sentiments by seeking their own welfare in an identical but independent fashion through market interactions, and some consumers indeed communicate with each other to organise collective action, such as boycotts and ‘buycotts’, in a way that might qualify calling them an organised group. However, it is still far-fetched to claim that consumers disaggregated around the world or even within a single political community are sharing

194 Peter French, *Collective and Corporate Responsibility* (New York: Columbia University Press, 1984).

195 Christian List and Philip Pettit, ‘Group Agency and Supervenience’, *Southern Journal of Philosophy* 44, no. 51 (2006): 87.

196 French, *Collective and Corporate Responsibility*, 5, 13.

197 John Searle, ‘Collective Intentions and Actions’, in *Intentions in Communication*, ed. Philip R. Cohen, Martha E. Pollack, and Jerry Morgan (Cambridge, MA: MIT Press, 1990), 401–415.

198 For instance, Raimo Tuomela and Kaarlo Miller take a reductionist individual view that does not need an element of cooperation between individual members: ‘We-Intentions’, *Philosophical Studies* 53, no. 3 (1988): 367–389; Abraham Sesshu Roth, ‘Shared Agency’, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford University, 2017).

a 'we-intent'. Despite a rising segment of consumers interested in buying 'ethically', consumers, as a general category, share no intentions in common.

This does not mean that prospective duties cannot be ascribed to very disparate groups. Some theorists have taken up the difficult task of considering under what conditions crowds and mobs, which lack decision-making procedures, whose members are not related, and which often act chaotically and irrationally, can be held as moral agents.<sup>199</sup> Raimo Tuomela argues that mobs can be collectively responsible if at least some of their members contribute directly to harm and others either facilitate these contributions or fail to prevent them. Mob members are 'implicated' in mob action even if they do not organise themselves to produce a specific harm. To Tuomela, even if crowds and rioters do not think of themselves as doing so, they perform their acts as members of a group.<sup>200</sup> Similarly, Virginia Held suggests that a 'random collection of individuals', as distinct from a mob, is an entity that can bear retrospective responsibility if its members choose not to take action to prevent a harm in a situation where they could do so. Passersby who witness a victim being beaten to death in their full sight can be blamed for the victim's death. They share a particular challenge and are able to communicate with each other, which makes them a 'related' rather than a 'random' group.<sup>201</sup>

Yet, these arguments on mobs and crowds operate in a different context than that of consumers in the global economy. They attempt to capture moral responsibility in a local and temporally confined setting instead of describing the responsibility of disaggregated individuals across the world who do

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199 Marion Smiley and Edward N. Zalta, 'Collective Responsibility', in *The Stanford Encyclopedia of Philosophy* (Stanford University, 2017).

200 Raimo Tuomela, 'Actions by Collectives', *Philosophical Perspectives* 3 (1989): 476; Raimo Tuomela and Kaarlo Miller, 'We-Intentions', *Philosophical Studies* 53, no. 3 (1988): 367–389.

201 Virginia Held, 'Can a Random Collection of Individuals Be Morally Responsible?', *The Journal of Philosophy* 67, no. 14 (1970): 471–481; on a similar vein, Stanley Bates argues that such groups are not as 'random' as they might seem: 'The Responsibility of "Random Collections"', *Ethics* 81, no. 4 (1971): 343–349.

not communicate with each other in any meaningful manner, or even the responsibility of consumers confined within a specific political community, such as an affluent democracy. While it seems possible to argue that sometimes also groups that have little in common can come together to bear responsibility, aiming to stretch the conventional criteria of collective moral agency to apply to consumers is a discouraging task.<sup>202</sup>

### **3.3 SHARED AGENCY**

Neither conceptualising the individual consumer as a moral agent in vast production processes, nor arguing that consumers constitute a collective moral agent, completely satisfies as a theoretical framework for arguing that consumers in affluent democracies constitute a moral agent capable of bearing remedial responsibilities with regards to harms in global supply chains. In this section, I claim that consumers share agency in the global markets in a way distinct from both individual and collective accounts discussed above. They are less than a collective, but more than a mob, which qualifies consumers as being able to bear shared responsibilities that can be discharged only through joint action. To be sure, a Kantian notion of moral responsibility and moral agency are distant from this view. A Kantian advocate of collective responsibility would insist that collective entities qualify as moral agents if they bear enough resemblance with individuals, for instance by having structures in place that resemble having a free will and a unified moral self. The framework I adopt rejects these conditions and allows a more diverse selection of collective entities to be considered as moral agents.

In political theory, the concept of shared responsibility is usually harnessed in the context of political collectives. Larry May argues that all members of a community in Southern post-bellum America were responsible for violent acts of racism, as the community nurtured attitudes and

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202 Cf. Lawford-Smith, 'Does Purchasing Make Consumers Complicit in Global Labour Injustice?'

sentiments that ultimately encouraged some members to act.<sup>203</sup> Neha Crawford suggests that individual citizens of a democratic society come to bear responsibility for military atrocities and unjust wars conducted by their state, instead of responsibility hovering ‘over and above’ its individual members.<sup>204</sup> Farid Abdel-Nour has also explored responsibility that individual citizens bear for harms conducted by their state. He uses Bernard Williams's concept of agent regret to argue that as the compliance of citizens is necessary for a state to conduct atrocities, citizens are responsible for the outcome, although not in a robust sense that would justify anyone else but the citizens themselves to say that they ought to remedy the bad deed.<sup>205</sup> Marion Smiley offers a succinct definition that captures the conventional use of the concept:

Collective responsibility refers to the responsibility of a collective entity, e.g., a corporation, a nation state, or a club, for harm in the world. Shared responsibility refers to the responsibility of group members for such harm in cases where they acted together to bring the harm about. Collective responsibility is associated with a single, unified, moral agent. Shared responsibility is associated with individual moral agents who contribute to harm as members of a group either directly through their own actions or indirectly through their membership in the group.<sup>206</sup>

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203 Larry May, *Sharing Responsibility* (Chicago: University of Chicago Press, 1992); May develops the concept of ‘putative’ as opposed to ‘actual’ groups or collective agents in: ‘Collective Inaction and Responsibility’, in *Individual and Collective Responsibility*, ed. Peter French (Rochester, VT: Schenkman Books, 1998), 218; also Larry May and Robert Strikwerda, ‘Men in Groups: Collective Responsibility for Rape’, *Hypatia* 9, no. 2 (1994): 134–151; Paul Kirby, ‘Refusing to Be a Man?’, *Men and Masculinities* 16, no. 1 (2013): 93–114.

204 Bill Wringe, ‘From Global Collective Obligations to Institutional Obligations’, *Midwest Studies In Philosophy* 38, no. 1 (2014): 172.

205 Farid Abdel-Nour, ‘Responsible for the State: The Case of Obedient Subjects’, *European Journal of Political Theory*, 2014.

206 Marion Smiley, ‘Collective Responsibility’, in *The Stanford Encyclopedia of Philosophy* (Stanford University, 2017).

To be sure, global markets are a sphere of action very different from political communities as discussed by May, Crawford, and Abdel-Nour above: whereas in the standard accounts those sharing responsibility are demarcated by communal boundaries, global supply chains extend well beyond them. However, Iris Marion Young has developed an elaborate notion of shared responsibility in this global context. Aiming to negotiate between the isolating concepts of individual responsibility and indiscriminating claims about collective responsibility, she suggests that there is a specific kind of shared responsibility to which civil society activists refer when they claim that buyers in industrialised countries have a responsibility to act upon injustices in the global garment industry, such as labour and human rights violations.<sup>207</sup> Individual consumers come to share political responsibility by ‘belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects’.<sup>208</sup> No membership in a political community is needed for individuals to share responsibility; political institutions rise as a response to these obligations rather than ground them.<sup>209</sup>

I will return to Young’s treatise in the following chapter. While her model of shared responsibility treats processes of global production as morally relevant, and usefully deepens the range of harms for which actors may bear responsibility together, her account remains tensioned regarding the connection between the actors sharing responsibility. May, Crawford and Abdel-Nour all broadly suggest that shared responsibility arises out of ‘contributing to a harm as members of a group’.<sup>210</sup> Young rejects this path as too blame-oriented, suggesting instead that the mere ‘belonging together’

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207 Barnett et al., *Globalizing Responsibility*, 8.

208 Iris Marion Young, ‘Responsibility and Global Justice: A Social Connection Model’, *Social Philosophy and Policy* 23, no. 1 (2006): 119.

209 Young, 102; for a contrast, Rawls argues that political institutions constitute the sphere of justice: Rawls, *A Theory of Justice*.

210 Smiley and Zalta, ‘Collective Responsibility’.

to a system of interconnected processes suffices as grounds of shared responsibility.<sup>211</sup> As I will detail, this leaves open the role that contribution plays in her account. Drawing on contributory language still seems necessary when differentiating between actors' responsibilities, making it unclear whether Young's model of shared responsibility ultimately distinguishes consumers as a group to which special responsibilities ought to be assigned.

The challenge of differentiating consumers as a group capable of bearing shared responsibilities is better managed by a pragmatist framework of future-looking collective responsibility (FLCR), which stands apart from conventional accounts of collective responsibility in two senses.<sup>212</sup> First, Marion Smiley emphasises that most conceptions of collective responsibility fail to distinguish backward-looking responsibility, as an agent having caused an existing state of affairs, from future-looking responsibility, as an agent being morally charged with bringing about a specific state of affairs. She argues that future-looking responsibility does not necessarily rest on a causal story about the agent's past involvement with the harm; remedial responsibility can be ascribed on a variety of grounds, only one among which is an actor's contribution to a harm. Second, the FLCR framework relaxes the requirement that the collective moral agent has to exhibit at least some kind of an individual-like intentionality in order to be able to bear responsibility. Assigning responsibility does not aim to 'capture an agent's will' rather than to 'distribute moral labor'; instead of resting on a metaphysically intricate view of a collective mind or we-intentions, a group can be a moral agent if it is 'able to *do something* in the world and *take responsibility* for making things happen'.<sup>213</sup>

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211 Young, 'Responsibility and Global Labor Justice', 380.

212 Future-looking and forward-looking are here used interchangeably. Peter French and Howard Wettstein, eds., *Forward Looking Collective Responsibility*, Midwest Studies in Philosophy, XXXVIII (Minneapolis: University of Minnesota Press, 2014).

213 Smiley and Zalta, 'Collective Responsibility'.



Smiley suggests that the most important criterion in identifying a group as a collective moral agent is its capacity to do something about a specific problem, for instance poverty, hunger, or racism.<sup>214</sup> Treating individuals and groups alike as agents capable of discharging moral responsibility is theoretically possible not because their internal organisation matches with some preset criteria, but because in some cases conceptualising them as moral agents offers a solution to contemporary moral challenges. From this perspective, holding consumers as a collective moral agent is justified if doing so seems like a realistic way to get something done. The metaphysical burden of showing that consumers as a group have certain ‘internal’ characteristics is replaced by worldly ‘external’ considerations of ends and means. In ascribing moral responsibilities, gauging the capacity of the consumers to ensure the success of a particular moral project becomes a pivotal consideration.

To be sure, the framework shares with Young's conception the struggle to ascertain the role that causing a harm has in acquiring remedial responsibilities.<sup>215</sup> Smiley, for instance, claims that if one does not want to reduce the FLCR framework to pure utilitarianism, one must assume that the collective in question has at least ‘produced’ the harm.<sup>216</sup> Initially, giving ‘producing’ a harm such a central role threatens to slide her approach towards holding outcome responsibility as a necessary condition to acquiring remedial responsibilities. Yet, the framework is clearer on the role of outcome responsibility than Young's model. Were assigning responsibility treated ‘only’ as an act of dividing the ‘moral labour’, many modern social institutions operating on highly sophisticated notions of causation, such as legal courts, might be threatened. Hence, presuming a causal linkage between a responsible party and a harm is ‘necessary’ in a pragmatist rather than metaphysical sense, a testimony to the persistence of evoking guilt as a central tool among contemporary

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214 Cf. David Schmitz and Robert E. Goodin, *Social Welfare and Individual Responsibility* (Cambridge; New York: Cambridge University Press, 1998), 50.

215 Smiley and Zalta, ‘Collective Responsibility’.

216 Smiley and Zalta; also: Kenneth Shockley, ‘Programming Collective Control’, *Journal of Social Philosophy* 38, no. 3 (2007): 442–455.

considerations, such as ‘judgments of fairness and obligations’, which guide the allocation of remedial responsibilities.<sup>217</sup>

Smiley’s work explicitly aligns with Dewey’s ethics, as she suggests that responsibility is meant to guide forward-looking action to achieve different moral projects, whereby concepts related to free will and agents’ internal states are only instrumentally relevant.<sup>218</sup> From these pragmatist underpinnings, it becomes possible to treat consumers as sharing agency. This move is not as radical as it might sound. Autonomous and capable individuals are usually able to make things happen, whereby assigning responsibilities to them makes sense. To compare, some groups, such as those lacking decision-making mechanisms, are less likely to achieve ends than their more structured cousins, such as companies and states, whereby it might not be useful to treat groups of the former kind as moral agents. Smiley recognises that remedial responsibility is usually placed on structured collective agents, such as states, companies and institutions, as they are more likely up to realise different projects. However, the status of a group or an individual, including that of consumers, as a moral agent is not preset but subject to recalibration. Consumers’ potential to shape the supply chains by acting together makes it worth asking whether treating consumers as a moral agent would unlock resources to alleviate harms in them.

### 3.4 DUTY TO COLLECTIVISE

Drawing on emerging literature on consumers’ collectivisation duties, I suggest as a working definition of consumer responsibility that by virtue of ‘belonging together’ in the global markets, consumers share a duty to organise themselves into collectives that are capable of pushing for

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217 Tracy Isaacs writes that an actor being causally implicated in a harm leads to a ‘heavier burden of obligation’ among the various grounds for collective obligations: ‘Collective Responsibility and Collective Obligation’, *Midwest Studies In Philosophy* 38, no. 1 (2014): 47.

218 Smiley, *Moral Responsibility and the Boundaries of Community*, 25–26.

reforms in global production processes. Collectivisation duties are usually elaborated in more confined cases. As it comes to applications in a global context, Erskine refers to a responsibility shared by individual states, non-state actors and intergovernmental organisations to create together a ‘coalition of the willing’ for the purpose of stopping a gross violation of human rights. As such collectivisation wields agents with ‘enhanced capacities’ to inhibit harms, those agents who are able to create or already find themselves in such associations are to be burdened with magnified individual responsibilities.<sup>219</sup> Stephanie Collins argues that duties to collectivise may arise when individuals face certain predicaments which can be solved only by collective action.<sup>220</sup> Such duties are borne, for instance, by individual swimmers on a beach who can save a drowning person only by working together. Instead of each swimmer having a duty to rescue, each of them ‘has an individual duty to act responsively to others with a view to there being a collective that can rescue the swimmer, if such a group would incur a duty to do so’.<sup>221</sup> Elizabeth Cripps calls some groups as ‘weakly collective’, and suggests that each member of such an unstructured collective has a derivative individual duty to promote the formation of a collective.<sup>222</sup> On a related note, Stephen Gardiner discusses the conditions under which momentarily gathered groups may come to be related rather than random on right conditions.<sup>223</sup>

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219 Erskine, ‘Coalitions of the Willing and Responsibilities to Protect’, 134–35.

220 Stephanie Collins, ‘Collectives’ Duties and Collectivization Duties’, *Australasian Journal of Philosophy*, 2012, 231–48.

221 Collins, 247; Similarly, Anne Schwenkenbecher takes up the concept of ‘joint duties’ to remind that such duties are distinct from a duty of a collective to act in a certain way: Schwenkenbecher, ‘Joint Duties and Global Moral Obligations’.

222 Elizabeth Cripps, *Climate Change and the Moral Agent: Individual Duties in an Interdependent World* (Oxford: Oxford University Press, 2013), 142–46.

223 Stephen Mark Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (New York; Oxford: Oxford University Press, 2011); Held, ‘Can a Random Collection of Individuals Be Morally Responsible?’

However, also wider applications exist.<sup>224</sup> Bill Wringe takes a global approach that is of interest to my argument, as he argues that a collective has a duty to organise itself in a way that discharging its obligations becomes possible, if spontaneous action on the part of its members is highly unlikely to resolve the situation.<sup>225</sup> Duties of individuals to collectivise are conceptually distinct from duties of the collective; the former are ‘grounded’ on the latter. From these underpinnings, Wringe draws the argument that every person living on the Earth has a duty to bring into existence the institutions that enable the ‘global collective’ that constitutes the humanity as a whole to realise its moral obligations to take care of global challenges that current institutions are unable to resolve.<sup>226</sup>

Wringe’s is a rather extreme interpretation of collectivisation duties. Anne Schwenkenbecher offers an empirical rebuttal, writing that such a global obligation cannot exist, because joint action works best on a small to medium scale, for instance in case of five passersby having the chance to help in a traffic accident.<sup>227</sup> Whether members of an unstructured group hold joint duties depends on a number of contingent factors, including capacities of individual actors and the ease of collectivisation, which in the case of a global collective are low. Wringe retorts by limiting his view: a duty to collectivise applies only if the problem in question is urgent enough. Taking a Kantian line, he suggests that the stringency of creating a global collective arises out of ‘a large number of significant violations of individuals’ basic rights’.<sup>228</sup> This is not enough to Schwenkenbecher, who rejects Wringe’s claim that humans have the potential for creating a ‘global collective agency’. Instead, she suggests that specific ‘subgroups of “humanity”’ are better equipped to combat such problems and are thus more suitable bearers of such collectivisation duties.<sup>229</sup>

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224 E.g. Erskine, ‘Coalitions of the Willing and Responsibilities to Protect’.

225 Wringe, ‘From Global Collective Obligations to Institutional Obligations’, 182.

226 Wringe, 176.

227 Schwenkenbecher, ‘Joint Duties and Global Moral Obligations’, 321.

228 Wringe, ‘From Global Collective Obligations to Institutional Obligations’, 178.

229 Schwenkenbecher, ‘Joint Duties and Global Moral Obligations’, 327.

I agree with Schwenkenbecher that a global duty to collectivise is unlikely to be realised, and recognise that a duty held by consumers to organise themselves into collective agents might be attacked on similar grounds. Obliging every individual to join together in a single collective entity has low chances of bringing forth much positive change, as such a duty ceases to be manageable. However, one can still argue that her criticism does not ultimately apply to consumers' duty to collectivise. Wringer grounds obligations to collectivise on humanity, in abstraction from any political or social structure, whereas consumers' duty to collectivise is grounded on their involvement with the markets. Although the scope of the argument is global, because transactions linked with global production processes extend across state boundaries, it is not universal, as in applying to every individual in the world.

As written above, Holly Lawford-Smith takes up the debate and applies it directly to the case of consumers. She suggests that unorganised groups ought to organise themselves only when there is a probable chance that a beneficial impact will be created, and argues that consumers are a group in which such potential lies. Consumers have an obligation to signal that they are ready to join up together with each other to put an end to serious harms faced by persons and the environment in production processes.<sup>230</sup> This signalling takes place by, for instance, refraining from some products while favouring others in costly and visible enough a manner that convinces others of the authenticity of the signal. With this move, Lawford-Smith shifts the desired outcome closer to consumers. While it is difficult to show that an individual consumer's purchases make a difference in relation to harms in global production processes, burdening her with a duty to signal an interest to form a collective that could end harmful practices has a chance of being efficacious relative to that end. Lawford-Smith's argument is a consequentialist approach to reclaiming individual agency; as she writes, '[a]n individual's obligation to signal her conditional willingness to get together with others in pursuit of a morally important end has a consequentialist justification, but of a broader sort

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230 Lawford-Smith, 'Unethical Consumption and Obligations to Signal', 316.

than is typically offered'.<sup>231</sup> She takes a very different route to reach the same outcome as Wringer: a collective can distribute roles to its members to see that its task is done. However, where she differs from Wringer is that a 'non-collective' such as consumers cannot bear duties, which are to be replaced with individuals' collectivisation duties.<sup>232</sup> As I will elucidate in the third part of the thesis, this leaves her argument somewhat vulnerable to regression, as it lacks an underlying moral principle to limit the scope of consumers' responsibility to collectivise in the first place.<sup>233</sup>

Yet, I contend that hers is a valid working definition of consumers' responsibility: consumers share a duty to collectivise into associations that are able to alleviate harms in global supply chains. A duty to collectivise is shared in the sense in which Young uses the term: it is impossible to discharge without getting together with others. Embracing such a duty does not presume a fixed ontological position on whether the origins of responsibilities lie in the collectives of which individuals are members, or whether the responsibilities of collectives derive from those of individuals. As the central function of assigning responsibility is to realise diverse moral projects, the main consideration is whether assigning a responsibility to any particular actor or actors, be they individuals or groups, creates the kind of a world and agents that align with the ends in view. This consideration does not take place ad hoc, as contingently derived from an actor's capacity to realise a particular project. Acknowledging the Deweyan insight that assigning responsibility involves shaping the habits, conventions and behavioural patterns to which actors resort in order to orient among the diverse 'situations' they face, the moral projects in relation to which actors are treated as moral agents span beyond a specific point in time and space.

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231 Lawford-Smith, 'Unethical Consumption and Obligations to Signal', 325.

232 Holly Lawford-Smith, 'What "We"?', *Journal of Social Ontology* 1, no. 2 (2015): 244.

233 Wringer criticises Collins of a similar move: Wringer, 'From Global Collective Obligations to Institutional Obligations', 179.

The hypothetical responsibility discussed here concerns primarily individuals. Assigning duties to a ‘non-collective’ of consumers would be superfluous and misleading, as there is no ‘we’ to bear any moral obligation. Rather, the elusive potential that consumers could harness together to redeem harms in global production processes gives rise to individual consumers’ shared duty to collectivise, to create a ‘we’.<sup>234</sup> This starting point is not to be taken for granted, as there might be instances in which assigning responsibilities to structured collective agents is more conducive to realising a moral project. For instance, Onora O’Neill suggests that there is more potential in burdening existing institutions than individuals with responsibilities, because institutions can better predict consequences, keep more systematic and accurate memories, as well as carry through plans and influence other agents.<sup>235</sup> I will return to this aspect in chapter 11, and in what follows discuss a responsibility shared by individual consumers that they can discharge by creating collectives that potentially have responsibilities of their own.

### 3.5 MARKETS

So far, I have focused on the main actor, consumers, but their stage remains unexplored. In this final section, I discuss whether markets, the social institution in which individuals are defined as consumers, constitutes a sphere of action in which moral responsibilities can be discharged. Matthew Hilton argues that seeing markets as a forum for positive moral action is largely a contemporary phenomenon: from the 18th to the mid-20th century consumption was subjected to a largely negative moral judgment, whereas the late 20th century saw an attempt to ‘remoralise’ the market.<sup>236</sup> Nowadays, the proponents of ethical consumerism suggest that even if most shopping

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234 Lawford-Smith, ‘What “We”?’’, 243–47.

235 Onora O’Neill, *Faces of Hunger: An Essay on Poverty, Justice and Development* (London: Allen & Unwin, 1986), 37–38.

236 Matthew Hilton, *Consumerism in Twentieth-Century Britain: The Search for a Historical Movement* (Cambridge: Cambridge University Press, 2003); Matthew Hilton, ‘The Legacy of Luxury: Moralities of Consumption Since the

decisions people make are individualised, materialistic, privatised and self-interested, consumers should take ethical concerns into account when deciding upon the ‘best deal’ available in the markets.<sup>237</sup>

In this final section, I side with the view that markets constitute a forum in which pursuing moral goals is possible. Lisa Herzog has distinguished three positions vis-à-vis markets as a system capable of realising various ethical values, such as equality, individual liberties, and efficiency in creating social welfare. Criticism against ethical consumerism can be summoned from each of the three camps, and I will address them in turn. First, Herzog refers to thinkers inspired by widely Marxist and Rousseauian traditions as ‘foes’ of the markets. To them, the challenges linked with ethical consumerism stem from the very definition of the markets: all interaction in the markets is by default self-interested, as distinct from, for instance, gift-giving for the sake of building relationships, and other activities in which goods and services are exchanged.<sup>238</sup> Hence, markets operate on a logic of self-interest that sits uneasily with the expectation that consumers ought to engage in other-regarding projects by their purchases.

To foes, ethical consumption can be helpful at most as attempts to veil and unveil commodity fetishism in more or less successful ways.<sup>239</sup> Such an approach is taken by some advocates of world-system research, which constitutes a major research agenda on global supply chains.<sup>240</sup> Immanuel Wallerstein’s work alludes that while asking consumers to act ethically is unlikely to change the exploitative capitalist system to which markets are inexorably linked, drawing cognitive maps about

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18th Century’, *Journal of Consumer Culture* 4, no. 1 (2004): 101–23.

237 To be sure, the concepts of ethical and political consumerism that refer to actions that consumers can take up in the markets are often used interchangeably. Barnett et al., *Globalizing Responsibility*, 13, 15, 41–42.

238 Lisa Herzog, ‘Markets’, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford University, 2016).

239 Barnett et al., *Globalizing Responsibility*, 2.

240 Bair, ‘Global Capitalism and Commodity Chains’.



the origins of products in modern supply chains is needed to expose the alienating and deleterious effects of the markets, and to resolve affluent consumers of their commodity fetishism. Activists can highlight the problems upstream in order to motivate practical action to deconstruct a destructive system encompassing commodification, accumulation and exploitation. Yet, attempts to ‘tame’ markets into being ethical are by themselves misguided.<sup>241</sup>

To counter, much of the criticism by the ‘foes’ too easily discards purchase action as intrinsic to the ‘supposedly all-encompassing capitalist monolith’.<sup>242</sup> Leyshon, Lee and Williams suggest that ethical consumerism can be seen as a form of ‘practical, day-to-day experiments in performing the economy otherwise’.<sup>243</sup> Disregarding such everyday practices is to lose sight of the groundwork needed for a higher-level structural transformation. Exposing information on production conditions to shake people of their ‘commodity fetishism’ does not exhaust reasons to conduct ethical consumerism. Such consumerism might well have some unknown beneficial effect to the market system as a whole, for instance in a hypothetical situation in which most consumers would subscribe to it. As long as such scenarios remain among the possible futures, taking an agnostic stance rather than blatantly dismissing ethical consumerism as redundant or even harmful is a more promising path.

Not accepting the most dismissive views of ‘foes’ of the markets does not exhaust the arguments that ethical consumerism is misplaced. Following Herzog’s categorisation, a ‘friend’ of the markets

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241 Jennifer Bair, ‘Global Commodity Chains: Genealogy and Review’, in *Frontiers of Commodity Chain Research*, ed. Jennifer Bair (Stanford, CA: Stanford University Press, 2009), 7–8; Immanuel Wallerstein, ‘Introduction to Special Issue on Commodity Chains in the World Economy, 1590 to 1790’, *Review* 23, no. 1 (2000): 1–13; David Harvey, ‘Between Space and Time: Reflections on the Geographical Imagination’, *Annals of the Association of American Geographers* 80, no. 3 (1990): 418–34.

242 Nick Clarke et al., ‘Globalising the Consumer: Doing Politics in an Ethical Register’, *Political Geography* 26, no. 3 (2007): 10.

243 Andrew Leyshon, Roger Lee, and Colin Williams, *Alternative Economic Spaces* (Gateshead, UK: SAGE Publications, 2003).

sympathetic to the contemporary, liberal international order of freer trade could state that markets ought to remain a sphere of self-interested action. If actors make choices in the market in other than a self-interested manner, the social benefits of markets as the best available mechanism of realising good ethical values, such as individual liberties and maximising social welfare, will be undermined.<sup>244</sup> The only responsibility that consumers are to honour is to respect their contractual obligations. Milton Friedman writes that the mere window-dressing of market behaviour as acts of ‘social responsibility’, or justifying one’s choices as a faster way of solving pressing social problems, is to slide towards a ‘centrally controlled system’; it welcomes ‘pure and unadulterated socialism’ by framing the seeking of profits as immoral and wicked activity to be curbed by political mechanisms.<sup>245</sup>

To add, a ‘critical friend’ might not be happy with all of Friedman’s prognostications, but would still concur that other than self-interested aims are best realised outside the markets. Political participation and acts of philanthropy are needed, because being able to choose between products, which is the primary activity of the consumer in the markets, is not truly moral action.<sup>246</sup> In line with some of the concerns raised by ‘foes’, markets can barely achieve their goal of efficient and just allocation of resources without substantial public oversight. Moral aspirations are more efficiently manifested elsewhere, such as in the realm of citizenship, which to some liberals is worryingly being replaced by consumerism as the primary forum of public action. For instance, the Economist, at times, acknowledges that there is a growing market in green, ethical, organic goods and services, but recommends voting as the primary means of reaching ‘ethical’ and ‘political’ goals.<sup>247</sup>

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244 Cf. Hussain, ‘Is Ethical Consumerism an Impermissible Form of Vigilantism?’, 137–38.

245 Milton Friedman, ‘The Social Responsibility of Business Is to Increase Its Profits’, *The New York Times Magazine*, 13 September 1970.

246 Barnett et al., *Globalizing Responsibility*, 61.

247 Economist, ‘Good Food?’, 7 December 2006, <https://www.economist.com/leaders/2006/12/07/good-food>.

I find that also these concerns can be resolved to the extent that moral action in the markets is possible. Many accounts that are easily interpreted as portraying markets as a domain of narrowly self-interested behaviour allow for other modes of operation. To illustrate, Friedman is distrustful of ethical consumerism, claiming that ‘activists’ who entice stockholders and consumers towards pressuring companies to contribute to social causes are essentially imposing taxes, which is a task to be reserved for political decision-makers only.<sup>248</sup> To me, although consumers, just as individuals in general, are surely subject to external influences, treating consumers as agents completely separate from ‘activists’ is to mischaracterise their agency. Friedman might be right in saying that the aim of the businesses is to make money. However, as Nicole Hassoun points out, markets do not constrain consumers from including more sophisticated factors, such as ethical and political values, besides price and quality when considering between different products.<sup>249</sup> If consumers are willing to pay for ethical products, it is in the interest of stakeholders to answer such demand, which then unfolds as the CEOs’ obligation to reform the business models accordingly.

Equally, the argument of the ‘critical friends’ runs on a stylised distinction between state and markets. Barnett et al suggest that consumer choice ought not to be described as a narrow and misleading way of doing politics, because this view implies a romanticised view of civic behaviour.<sup>250</sup> Portraying consumer behaviour as self-centred instead of public-regarding, and claiming that consumption distracts people from realising their civic obligations, easily frames citizenship as a virtuous activity that runs on the public good. Michael Schudson argues that being a citizen is not all about selflessly pursuing the common good together with others, whereby the juxtaposition between citizens and consumers is too hasty.<sup>251</sup> Empirical studies suggest that

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248 Friedman, ‘The Social Responsibility of Business Is to Increase Its Profits’.

249 Hassoun, ‘Consumption and Social Change’, 314–15.

250 Barnett et al., *Globalizing Responsibility*.

251 Michael Schudson, ‘The Troubling Equivalence of Citizen and Consumer’, *The Annals of the American Academy of Political and Social Science* 608, no. 1 (2006): 193–204; Michael Schudson, ‘Citizens, Consumers, and the Good

consumer action is positively connected with political engagement.<sup>252</sup> Rob Harrison et al state that ethical consumerism is often just an element in a wider campaign of civic action, including ‘shareholder actions, political lobbying, pickets and non-violent direct action’.<sup>253</sup> To be sure, it is not to be mistaken as a form of ‘global citizenship’ that operates purely on cosmopolitan and humanitarian grounds. Micheletti reminds that consumption can equally well gain nationalistic undertones, such as when consumers prefer domestic products, and is often entangled in national public debates.<sup>254</sup> Waheed Hussain suggests that the contemporary acts of ethical consumerism ought to be treated as impermissible vigilantism, only some of which is acceptable as proto-legislative activity.<sup>255</sup> Subsequently, the distinction between civic and consumer action remains blurred, a division to which I will return in chapter 12.

The ongoing debate on the markets as a system capable of realising ethical values reminds that ethical consumerism is not to be idealised as an antidote to contemporary problems of global production processes. Clarke et al point out that while what exactly counts as ethical consumerism is open to debate, ‘ethical’ shopping is more conveniently understood in political terms.<sup>256</sup> Conceiving ethical consumerism as a form of politics that is done in an ethical register, and

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Society’, *The Annals of the American Academy of Political and Social Science* 611, no. 1 (2007): 236–249.

252 E.g. Margaret M. Willis and Juliet B. Schor, ‘Does Changing a Light Bulb Lead to Changing the World? Political Action and the Conscious Consumer’, *The Annals of the American Academy of Political and Social Science* 644, no. 1 (2012): 160–190.

253 Harrison, Newholm, and Shaw, *The Ethical Consumer*, 55.

254 Michele Micheletti, *Political Virtue and Shopping: Individuals, Consumerism, and Collective Action* (Basingstoke: Palgrave Macmillan, 2003), chapters 2 and 3.

255 Hussain, ‘Is Ethical Consumerism an Impermissible Form of Vigilantism?’; for a criticism, see: Sabine Hohl, ‘Ethical Consumerism: A Defense’, in *The Routledge Handbook of Food Ethics*, ed. Mary Rawlinson and Caleb Ward (New York: Routledge, 2016); Julian Fink and Daniel Schubert, ‘The Morality of Price/Quality and Ethical Consumerism’, *Res Publica*, 2018, 1–14.

256 Clarke, ‘From Ethical to Political Consumption’, 6; Clarke et al., ‘Globalising the Consumer’.

especially using the register of responsibility, usefully elucidates the diverse functions of markets as a sphere of action, but also that consumers themselves might not be the primary actors framing their shopping in ethical terms: organised activities by strategic actors, such as corporations, join up to conclude that ethical consumerism is not purely a bottom-up process.<sup>257</sup> The ‘consumer’ is not so much a sovereign agent rather than a ‘rhetorical figure and point of identification only contingently related to the politicization of consumption’, which conceals the range of roles and motivations that bring people to take part in ethical shopping campaigns.<sup>258</sup> Keeping an eye on these diverse uses of the ethical consumer narrative, I suggest that moral action in the markets remains possible. It is the practical conditions, or whether markets can actually be used to effectively advance moral projects, which comprise a more salient question to be discussed in the last part of the thesis.

### 3.6 CONCLUSION

In this dense chapter, I first argued that it is possible to hold consumers as agents capable of bearing moral responsibility, although characterising their status in global production processes is challenging as per conventional accounts of individual and collective moral agency. The choices made by an individual consumer make but the smallest difference in global demand, whereby treating him or her as a moral agent capable of interacting positively with the harms in supply chains requires delicate theoretical footwork. A collective they are not: consumers are an unstructured group with no we-intentions and organisatory structures, whereby they do not qualify as structured collective agents capable of bearing moral responsibility as individuals do.

My solution has been to suggest that consumers are able to share responsibilities by the virtue of their potential to come together to alleviate harms in supply chains. The theoretical blueprint for this move is provided by the pragmatist framework of future-looking collective responsibility, which

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<sup>257</sup> Barnett et al., *Globalizing Responsibility*, 34.

<sup>258</sup> Barnett et al., 19, 13.

emphasises external rather than internal criteria for moral agency: remedial responsibilities can be ascribed to groups if such an assignation helps realise moral projects in the world. Drawing on this approach, I suggested that one way to specify consumer responsibility is that individual consumers share a duty to collectivise into associations that tackle harms in global production processes, and concluded that markets constitute a sphere of action in which such a duty can be discharged. While the role that consumers play in the global economy remains elusive, a pragmatist framework provides sufficient reasons to turn to the potential grounds for their remedial responsibilities.

## 4 CONTRIBUTION AND ASSOCIATION

### 4.1 INTRODUCTION

The following two chapters explore the diverse grounds based on which consumers in affluent democracies could have a moral responsibility to do something about harms that take place abroad when items are produced for them. By grounds I mean simply ‘the criteria or reasons for attributing responsibilities to different agents’.<sup>259</sup> The pragmatist approach I outlined in chapter 5 and will continue to develop in chapter 6 treats any assignation of a remedial responsibility not as an abstract application of a single principle rather than as embedded within the norms and conventions prevalent in the public in question to cope amidst the diverse situations its members face in their everyday lives. An exploration of the grounds of responsibility as theorised in global ethics literature is a useful starting point for clarifying the limits and opportunities these practices provide for consumers to articulate their relation to harms in supply chains.

To organise the task ahead, I take up a framework introduced by David Miller and further developed by Christian Barry, which consists of principles of contribution, association, benefit, and capacity. This chapter engages with the first two approaches. First, I argue that the contribution principle, as advanced by Christian Barry and Kate Macdonald, taps on the socially prevalent categories of blame and fault but does not fully explicate the considerations, such as those on actors’ remedial capacities, their communal allegiances, fairness, and the distribution of power, which affect what kind of connections are considered as causally relevant in the first place. Second, I suggest that the association principle, as elaborated by Iris Marion Young, struggles to qualify as an independent

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259 Barry and Macdonald, ‘How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?’, 3.

grounds of responsibility: its underpinnings in notions of political responsibility complicate its transfer from a communal to a global context without resorting to vocabularies of contribution.

## 4.2 FOUR PRINCIPLES

The underlying reason for exploring different grounds of remedial responsibility is that while many theorists of global ethics consider the so-called conventional view as inadequate amidst individuals' deepening connections to harms that take place beyond social and communal boundaries, they disagree on the kind of conception that could be used to allocate responsibilities in such a global context. I have referred to some of these theorists in the introductory chapter. Samuel Scheffler argues that there is a gap between the conventional conception, according to which 'acts have primacy over omissions, near effects have primacy over remote effects, and individual effects have primacy over group effects', and a more universalist conception gaining currency through globalisation.<sup>260</sup> Iris Marion Young develops Scheffler's thought further by pointing out that the conventional understanding is institutionalised not only in communal practices but also in the law, which provides a distorted but persistent model for thinking about, for instance, consumers' moral connection to sweatshop labour conditions.<sup>261</sup> Marion Smiley suggests that the 'modern' understanding of responsibility is not universal rather than shaped by communal practices of blameworthiness, or inherently practical judgments that help communities prevent and mitigate harms.<sup>262</sup>

Accordingly, moral philosophers have articulated several conceptions of responsibility potentially more fitting to the context of global production processes. Christian Barry identifies four principles

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<sup>260</sup> Scheffler, *Boundaries and Allegiances*, 39.

<sup>261</sup> Young, 'Responsibility and Global Labor Justice'.

<sup>262</sup> Smiley, *Moral Responsibility and the Boundaries of Community*, 177–79, 258, 267.



that have been used to justify an allocation of responsibility against the backdrop of transnational problems. According to his categorisation, actors can be assigned remedial responsibility if they contribute to a harm, are associated with those who suffer, benefit from a harm, or are capable of helping those who suffer.<sup>263</sup> His work is in turn an adaptation of categories introduced by David Miller who writes about reasons based on which an agent is 'picked out, either individually or along with others, as having a responsibility towards the deprived or suffering party that is not shared equally among all agents'.<sup>264</sup> Miller separates six grounds: moral responsibility, outcome responsibility, causal responsibility, benefit, capacity, and community.<sup>265</sup>

The two frameworks are close to each other, but some differences are worth noticing. Barry discusses under the contribution principle much of what Miller separates as moral, outcome, and causal responsibility, and replaces the community principle with the association principle to emphasise that morally relevant connections among individuals transcend communal boundaries. Miller conceives primarily states and international institutions as agents, arguing that the discussion on responsibility ought to focus on the kind of principles that apply to those institutions that primarily determine people's life chances.<sup>266</sup> To compare, some of the work by Barry that is of most relevance to this thesis examines large categories of individuals, and especially consumers, as bearers of moral obligations.<sup>267</sup>

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263 Christian Barry, 'Global Justice: Aims, Arrangements, and Responsibilities', in *Can Institutions Have Responsibilities?*, ed. Toni Erskine (Basingstoke: Palgrave Macmillan, 2003), 227–31.

264 Miller, 'Distributing Responsibilities', 454.

265 Miller, *National Responsibility and Global Justice*, 100–105.

266 For instance, Miller suggests that: '[w]orld poverty is a macro-problem that requires a systemic solution, and so thinking about it in terms of individual moral obligations seems an irrelevance.' Miller, 10–12.

267 E.g. Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?'; Barry and Macdonald, 'Ethical Consumerism'; Christian Barry and Kate Macdonald, *Ethics for Consumers* (Oxford: Oxford University Press, forthcoming).

In the following two chapters, I will use Barry's framework to arrange the discussion on the diverse grounds of consumer responsibility.<sup>268</sup> To be sure, his categorisation belongs to the realm of ideal theory: acknowledging one or several of the principles does not lead into any of the responsibilities to be fulfilled. Further, their relative order of importance is initially left open by both philosophers. Miller explicitly advocates a pluralist view, suggesting that actors can often be pinpointed as remedially responsible for something using more than one principle. Although it is possible to arrange the principles into a hierarchy or challenge the distinctions between them, to him preferring one principle over another ultimately is a matter of moral intuition; there is no 'algorithm' to solve in actual situations which principle ought to be used.<sup>269</sup>

This thesis takes such pluralism as a starting point, but suggests that it is both possible and necessary to move beyond 'mere' moral intuition by providing at least contingent conceptual tools that help people manoeuvre in specific contexts. I will return to the concept of pluralism in chapters 5 and 6. The four-part framework is a useful starting point, because save for presentations by Barry and Miller, the principles based on which one can attribute remedial responsibility for harms beyond communal and state boundaries are conceptually unorganised and implicit across the bulk of theoretical work. Each principle has been harnessed or can be applied to develop an argument in favour of consumer responsibility. By serving as a device to organise the scattered scholarship, the framework helps illuminate at least some complexities that arise from ambiguous terms of debate. Being aware of the differences and similarities between the various arguments is a step towards

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268 With a slight adjustment by referring to the 'connectedness' principle as 'association' principle, as Barry also does in: Barry and Øverland, *Responding to Global Poverty*.

269 Miller, *National Responsibility and Global Justice*, 100–105, 107; such guidelines are nevertheless present in policy-making, as illustrated by the principle of Common but Differentiated Responsibilities on environmental protection. De Vito Lucia, 'Common But Differentiated Responsibility for the Global Environment', SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2008).

assessing whether they, together or separately, provide plausible tools in a situation in which conventional conceptions of responsibility are perplexed.

## 4.3 CONTRIBUTION PRINCIPLE

### 4.3.1 AIM

The aim of this section is to evaluate an application of the contribution or ‘fault’ principle on consumer responsibility as portrayed by Christian Barry and Kate Macdonald.<sup>270</sup> It is convenient to start with the contribution principle, because causing a harm seems to enjoy a special, almost intuitive status as a grounds for an actor's moral obligation to ‘put a bad situation right’.<sup>271</sup> Conventionally, the linkage between causation and moral responsibility is well established. Bernard Williams points out that in standard accounts being a cause is a primary and necessary condition for an agent to bear responsibility. While difficult cases such as collective harming make it sometimes difficult to trace the causal roots of a harm to individual actors, problems in applying do not blur its status.<sup>272</sup> Similarly, Scheffler calls as ‘common-sensical’ the intuition that agents are more responsible for what they do than for what they fail to prevent.<sup>273</sup> Marion Smiley points out that the ‘modern’ conception of responsibility conflates causation and blameworthiness together, making it crucial to show that an actor is a cause of harm were he or she to be shamed, socially excluded or legally punished.<sup>274</sup>

At the same time, normative theorists recognise that causation as a grounds of moral obligations in contexts such as global supply chains has its limits. Scheffler points out that global processes ‘subsume’ the causal role of individuals, making it close to impossible to trace down individual

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270 Daniel Butt refers to the ‘fault’ principle in: ‘On Benefiting from Injustice’, *Canadian Journal of Philosophy* 37, no. 1 (2007): 138.

271 Miller, *National Responsibility and Global Justice*, 84.

272 Williams, *Shame and Necessity*, 56.

273 Scheffler, *Boundaries and Allegiances*, 44–45.

274 Smiley, *Moral Responsibility and the Boundaries of Community*, 4, 179.

responsibility.<sup>275</sup> Considerable ‘empirical uncertainty’ prevails in complex processes that generate social injustice.<sup>276</sup> Robert Goodin argues that when causes are intertwined and complex, attempts to identify individual responsibility might be too costly to be worthwhile, and a no-fault based system of assigning obligations superior. In transnational settings, an overt focus on causal inquiry can distort the discourse on responsibility, leading to a point where harms are less effectively mitigated and prevented.<sup>277</sup> For instance, focusing only on emitters when combating climate change might not be an effective or ‘fair’ way to alleviate the global problem, whereby alternative grounds to allocate tasks have been introduced.<sup>278</sup>

A claim that consumers causally contribute to harms abroad by purchasing products has been voiced in different forms. To use an example central in the latter part of the thesis, an advertising summary of Peter Eichstaedt’s book on armed conflicts in eastern Congo aptly summarises the rhetoric: ‘Every time you use a cell phone or log on to a computer, you could be contributing to the death toll in the bloodiest, most violent region in the world: the eastern Congo.’<sup>279</sup> Philippe Le Billon points out that an aim of the Fatal Transactions campaigning against ‘conflict diamonds’ from Angola or Sierra Leone was, among other things, about awakening citizens to their responsibility as ‘terrorist consumers’, who indirectly perpetuate acts of violence against civilians by their consumption practices.<sup>280</sup> As I will elaborate in chapter 10, civil society campaigners resort to ‘guilty consumer’

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275 Scheffler, *Boundaries and Allegiances*, 44–45.

276 Barry and Macdonald, ‘How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?’, 5.

277 Robert E. Goodin, *Political Theory and Public Policy* (Chicago, London: University of Chicago Press, 1982), chapter 3.

278 E.g. Edward A. Page, ‘Give It up for Climate Change: A Defence of the Beneficiary Pays Principle’, *International Theory* 4, no. 2 (2012): 300–330.

279 Advertising summary. Peter Eichstaedt, *Consuming the Congo: War and Conflict Minerals in the World’s Deadliest Place* (Chicago: Lawrence Hill Books, 2011).

280 Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, 779.

claims to carve out a connection between a ‘peaceful’ space of consumption and ‘violent’ spaces of exploitation.<sup>281</sup>

Such campaigns comprise a stellar example of moral responsibility being established on an indirect connection between a very disparate class of actors and a complex harm. However, consumers are merely one among the many potential culprits from which remedial action based on their causal role could be demanded: also companies, host states, and importing states regularly get woven into such narratives. Socially and institutionally established categories for assigning remedial responsibility in this global context are lacking. Hence, finding out whether consumers’ contribution is morally relevant remains a question that cannot be answered based on empirical inquiry only. It also requires explicating the understanding of responsibility that sets the contribution of consumers to a harm as more or at least equally pivotal as contributions by other actors.

### 4.3.2 LEGAL THEORIES

What kind of an understanding of responsibility would underlie the claim that consumers are contributing to harms in global supply chains? The most rigorous studies of causation as grounds of responsibility are jurisprudential, as courts require clear rules for determining legal responsibility in a fixed and predictable manner. The notion of causation has many uses; my following argument concerns the use of causation in attributing agents with a remedial responsibility for outcomes that they themselves cause. I follow an established convention in legal scholarship and refer to ‘causation’ as a form of contribution that is elevated as being of heightened importance among the various contributions that different actors have made to a specific state of affairs.<sup>282</sup>

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281 Le Billon, 782.

282 The concept of causation has invigorated a critical vein of theorising: Raffoul, *The Origins of Responsibility*; following Tony Honoré’s insight on causation as a ‘multi-purpose tool’, the notion of cause serves at least predictive, explanatory and attributive functions. My argument concerns the third function: ‘Causation in the Law’, in *The Stanford Encyclopedia of Philosophy*, 2010.

Tony Honoré writes that theories of causation that help the courts weave through complex cases fall roughly into two classes. First, the cause-in-fact theories present a condition that an action or intervention must satisfy in relation to the outcome to count as causal. The most common test for determining such a condition is the sine qua non test, or the but-for test, which asks whether the harm would have occurred without an act or omission of the defendant. Second, the proximate cause theories define limits to causation. They save legal liability from expanding infinitely when a chosen test of causation is met. Honoré illustrates the abstract notion by claiming that without a proximate cause theory the mother of a murderer can be held responsible for the murder due to her causal role in bringing her son to the world. In order to cut the chain of causation, these limiting theories separate 'proximate', 'adequate' or 'direct' causes from 'remote', 'indirect' or 'legally inoperative' causes.<sup>283</sup>

While this general framework provides an analytical tool for understanding the kinds of theoretical challenges faced by those portraying consumers' contribution as morally relevant, I suggest that legal theories themselves can be only of limited guidance. Legal conventions are inclined to singling out individual actors as causes, whereas the contribution to a harm that consumers supposedly engage in by their purchases is not dependent on purchase decisions of any individual consumer. As argued in the previous chapter, it is difficult to build a convincing argument that an individual consumer makes a causal difference. Hence, harms such as labour rights violations and violent conflicts linked with global production quickly overwhelm the legal theories taken outside their natural habitat of domestic courtrooms. Jamie Cassels illustrates such challenges by recalling the Bhopal gas plant disaster in 1984, a disaster that exposed more than 500,000 people to toxic gas and ensued in decades of lawsuits against multinational companies in both Indian and American courts:

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<sup>283</sup> 'Causation in the Law'.

Intricate systems of production, control, and distribution make the lines of causation like the strands of a spider's web rather than the linear chain envisioned by tort law...<sup>284</sup>

and that

... individualistic conceptions of legal responsibility and causation do not fit well when the incident is the result of a complex combination of individual, corporate, and governmental decisions, actions, and omissions. It will often be impossible to isolate responsibility by focusing on the individual actions or omissions of only a few actors, and blame can easily be shifted from shoulder to shoulder ad infinitum.<sup>285</sup>

Legal liability can, to be sure, also accommodate more general categories of actors. Crude counterfactual dependence in the form of the *sine qua non* clause has already been 'widely rejected in law and by theorists of criminal and tort law'.<sup>286</sup> Cassels, for instance, recommends more probability-based methods among the range of tests for allocating liability in cases involving several actors, and there are other legal constructs that expand liability over a range of actors in causally indeterminate situations.<sup>287</sup>

Christian Barry has, however, pointed out a more fundamental issue in drawing on jurisprudential sources for making sense of actor's moral responsibility to act upon global challenges. He argues

284 Jamie. Cassels, *The Uncertain Promise of Law: Lessons from Bhopal*. (Toronto; Buffalo: University of Toronto Press, 1993), 80.

285 Cassels, 83.

286 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', 8; H. L. A. Hart and Tony Honoré, *Causation in the Law* (Oxford; New York: Oxford University Press, 1985), 112, 128; Michael Moore, 'For What Must We Pay? Causation and Counterfactual Baselines', *The San Diego Law Review* 40, no. 4 (2003): 1181–1272.

287 Cassels, *The Uncertain Promise of Law*, 89.



that the legal theories imported from courtrooms to moral contexts tend to be accompanied by their ‘standards of application’. Such standards, for instance those used for establishing the standard of proof, deciding on who bears the burden of proof, and what kind of evidence is admitted for assessing which agents have contributed to a harm, might be inadequate outside their conventional contexts. There are differences already within the legal sphere: in criminal law the threshold of error in the law is set to minimise potential social costs of erring by ensuring that as few innocents as possible are established as guilty, whereas in civil law the judgments are not that stigmatising, making it more a system of allocating costs than the criminal law.<sup>288</sup>

By pointing out that there are socially justified reasons behind establishing different standards in different circumstances, Barry warns against applying any such standard to a new context of global challenges without justifying such a move. To apply such a thought to the case of consumers’ contribution, the activists pointing at consumers’ contributions to a harm make a justified move in the sense that their conception of causation can be valid despite being unrecognisable to lawyers. The framework by Honoré helps to understand that causation and proximity can be articulated in different ways. However, the standards of application applied in legal contexts do not directly help address questions that relate to consumers’ *moral* responsibility; such standards need to be articulated separately. Legal theories offer a nuanced understanding of causation plausible in the courts, but can provide only limited analytical clarity on challenges that are involved with assigning liability in other environments.

#### **4.3.3 CHRISTIAN BARRY AND KATE MACDONALD**

Global ethics literature provides a recent example of defining consumers’ remedial responsibility in causal terms that differ from those recognised by courtrooms. Barry acknowledges both the intuitive

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288 Christian Barry, ‘Applying the Contribution Principle’, *Metaphilosophy* 36, no. 1-2 (2005): 9; Robert Nozick, *The Nature of Rationality* (Princeton: Princeton University Press, 1993), 85.

strength of the contribution principle vis-à-vis other principles as a grounds of responsibility, as well as the difficulties that follow from a crude import of the conventional repertoire of causal connections applied in the law to a moral context. Together with Kate Macdonald, he suggests that the contribution principle can be applied to argue that consumers have a moral responsibility to act to improve the working conditions of garment factory workers, whose labour and human rights are frequently violated. I will discuss their work as the most nuanced available application of the contribution principle to the case in hand.<sup>289</sup>

Barry and Macdonald suggest that consumers' moral responsibility is a form of 'liability' attributable to them as an 'identifiable class of agents'.<sup>290</sup> A harm can be traced to consumers as a class rather than as specific individuals, because they share a common connection to a harm. The connecting link between consumers and labour injustices is 'causal influence'. Evidencing that an actor has causal influence does not rely on showing an agent's direct and intentional conduct leading to an injustice, rather than on the relative capacity of an actor to act in a way that the injustice could be or could have been avoided. Crucially, this capacity includes exploring institutional relationships and structures through which actors are related to harmful outcomes, as well as the capacities to act otherwise that with reasonable effort would become accessible to them. Barry and Macdonald argue that their expanded liability model is applicable 'even where influence is highly diffused, where influence can be identified only in relation to general classes of actors and harms, and where cooperative action is required to achieve effective remedy'.<sup>291</sup>

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289 A forthcoming book by Barry and Macdonald on consumer responsibility is likely to provide a more comprehensive presentation of their argument than the version discussed here. *Ethics for Consumers*.

290 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', 17.

291 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?'; with Øverland, Barry articulates a more nuanced three-part distinction between doers, enablers, and allowers: Barry and Øverland, *Responding to Global Poverty*.

Their liability conception is articulated as a criticism of non-contributory conceptions of responsibility, such as Iris Marion Young's social connection model, to which I will return in the next chapter. In order to examine their argument, one has to first answer the underlying question Barry himself poses about the reasons why it should be adopted. As with different standards of fault operating in criminal and tort law, reasons for such a global application have to be explicated, especially because their account of contribution as causal influence clearly diverges from more common, courtroom-inspired understandings of contribution. In his earlier work, Barry proposes that for allocating moral responsibilities based on contributory fault in situations where evidence is unclear, one ought to apply the 'vulnerability presumption principle', according to which 'a willingness to err in favor of the acutely deprived subjects' ought to guide the evaluation.<sup>292</sup> Hence, one justification for adopting extended new standards of liability that include consumers as a remedially responsible group would be that the costs ensuing from erring on the evidence would be serious and carried by 'the acutely deprived subject', such as garment factory workers.<sup>293</sup> Conversely, consumers discharging their subsequent moral responsibility to act upon the injustices, for instance by demanding companies to reform their sourcing policies or calling for stricter regulatory oversight, could have a positive effect on the situation.

I find it plausible that many supporters of consumers' responsibility to buy differently or otherwise act upon harms in global supply chains implicitly rely on a vulnerability presumption principle of some kind. Taking up this principle would, among other things, call for relaxing the burden of proof needed to instigate consumers with a remedial responsibility. No empirical certainty on the impact of consumers' purchases contributing to the violations as would be suitable for criminal or tort law proceedings is needed. Rather, what would be needed is an agreement that the cost of *erroneously* assuming that consumers do not contribute to the violations in a way that justifies burdening them

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292 Barry, 'Applying the Contribution Principle', 225.

293 Barry, 225.

with a remedial responsibility would be intolerable to the already precarious workers. In the end, Barry's articulation is not revolutionary; his is a call for more 'just in case' thinking that highlights the potential risks to the most vulnerable that any act might involve.

Alas, identifying the terms of debate does not resolve whether the conception of causal influence identified by Barry and Macdonald ought to be embraced. Holding consumers as remedially responsible implies that it is justified to demand consumers to, for instance, pay a higher price for garments or use their time to campaign for tighter regulation of the garment industry.<sup>294</sup> Choosing new standards of application will shift the allocation of responsibility between various actors, and will thus meet resistance. As Deborah Stone suggests, conflicts take place over these causal stories, because portraying a harm as a product of human action often paves the way to reallocating the costs of remedial action among the agents.<sup>295</sup>

Hence, exposing that any contribution-based argument in favour of consumer responsibility runs on embracing certain standards of application moves the debate onto a new theoretical level rather than resolves it. This level remains often unexplicated: instead of engaging with the background debates on causation, theorists and practitioners alike less explicitly bring up their reasons for elevating some connections among the many as causal in order to allocate responsibility. As Barry points out about heated debates on HIV/AIDS and other global issues: 'These disputes seem to depend on substantial disagreement about how *causation* should be understood in social contexts, and also about other non-causal ways that conduct and social rules can plausibly be said to contribute to

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294 Barry discusses the conditions in which failing in one's moral responsibility will make it permissible for others to enforce that the responsibility is discharged: Barry and Øverland, *Responding to Global Poverty*, 192.

295 Deborah A. Stone, 'Causal Stories and the Formation of Policy Agendas', *Political Science Quarterly* 104, no. 2 (1989): 281–300.

global problems.<sup>296</sup> The standards of application are an inherent but less acutely explored element of the debates on who caused what rather than an issue preceding them.

Precisely how are such considerations interwoven with causal inquiry? One conceptualisation is offered by David Miller, who distinguishes causal responsibility as a component of outcome responsibility. His view is that in determining causal responsibility we ask why something happened, and in answering this question human agency has no special status, whereas when assigning outcome responsibility we are affected by normative purposes. Causal responsibility is unaffected by blaming or praising an agent that assigning outcome responsibility involves, and can hence be traced down also to entities lacking moral agency, such as to most animals and natural phenomena, which are incapable of bearing outcome responsibility.<sup>297</sup> From here it is convenient for Miller to consider identification and assignation as separate steps in the process of determining an agent's responsibility. The former is about finding out if anybody meets the relevant conditions for being responsible. The latter, by contrast, involves attaching costs or benefits to an agent, regardless of whether the relevant conditions are met. While we usually want our assignments of responsibility to track identified responsibility, this is not necessary: 'Unlike identifications, assignments of responsibility can be justified or unjustified, but they cannot be correct or incorrect'.<sup>298</sup>

The vocabulary of justification implies that to Miller, assigning responsibility is the step in which normative concerns of ends come to affect the conclusions drawn whereas the precluding step of identifying whether the relevant conditions for being responsible are met is free of these concerns. I think it is misleading to make the distinction between identifying and assigning responsibility too sharply. When responsibility for bringing forth the event is assigned to an agent, only one or some of the connections between different actors and a harm are elevated as causal whereas others are

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296 Barry, 'Global Justice', 228.

297 Miller, *National Responsibility and Global Justice*, 96–97.

298 Miller, 84.

rendered out as irrelevant. The process of filtering relevant causal linkages is not independent from normative concerns that, as Miller seems to suggest, step in only at the time of assigning responsibility. To be sure, Miller does not argue that there is a single correct answer to the question of why something happened.<sup>299</sup> But although there are several causal theories out there, he does not give an account of how the question should be answered. More precisely, his presentation of outcome responsibility omits the crucial stage of laying out the criteria based on which some conditions out of all the potential candidates available are selected in order to give an account of the course of events.

Zooming back on the case of consumers, Barry writes that the contribution principle inevitably incorporates the vulnerability presumption principle, as those subscribing to the former implicitly hold that contributing to an acute deprivation is a serious wrong. Rather, I suggest that pointing at the vulnerability presumption principle masks diverse considerations that also guide the argument on consumer responsibility he develops with Macdonald. To flesh out my argument, in the last section I draw on Smiley's work to illustrate four such considerations.

#### **4.3.4 INTERWOVEN CONSIDERATIONS**

While often treated as a fundamental grounds of assigning responsibility, the contribution principle is interwoven with considerations that are not usually recognised as part of a factual inquiry. Assignations of remedial responsibility, or saying that A caused B whereby A has to remedy those harmed by B, have to be evaluated by explicitly discussing the values that underlie the causal analysis. Barry recognises that there could be contributory and 'non-causal' principles that can ground remedial responsibility. I emphasise that such non-causal considerations are woven into all contributory claims that are aimed as justifications for allocating remedial responsibility among agents.

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<sup>299</sup> Miller, 86.

The first of these implicit considerations is an actor's capacity to advance a specific goal of choice, often that of remedying the harm in question. Consumers' capacity to alleviate labour injustices is a component also in the liability-based argument on consumer responsibility by Barry and Macdonald: arguing that consumers having causal influence over the injustices is interwoven with an analysis that diagnoses consumers as having potential to amend these injustices sometime in the future. Such a forward-looking aspect is alluded to in their description of the concept:

influence in this sense can refer not only to information or capacity that actors have at a given time, but also capacities and information that might, with reasonable effort, become accessible to them. Part of their responsibility in other words may be building capacities to better understand and monitor the social connections in which they are enmeshed, the consequences of these, and their feasible alternatives.<sup>300</sup>

Merging what consumers have caused with what they could be causing is a forward-looking element of the contribution principle more generally, and well recognised among legal and moral theorists of responsibility, who are aware that causation is not only an 'individualistic and mechanical' inquiry into facts.<sup>301</sup> Joel Feinberg reminds that causes are those issues we want to control to invoke a certain effect.<sup>302</sup> Likewise, Tony Honoré states that policy and other purposes are taken into account when determining which candidates can even potentially be held responsible for an outcome.<sup>303</sup> Nicola Lacey suggests that law promotes a rigid understanding of responsibility, or a 'metaphysical fantasy' that presupposes responsibility as a thing that can be discovered rather than a

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300 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', 10.

301 Cassels, *The Uncertain Promise of Law*, 76.

302 Joel Feinberg, *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton; London: Princeton University Press, 1974), 162.

303 Honoré, *Responsibility and Fault*, 3.

normative device, 'a matter of construction and ascription'.<sup>304</sup> Reinecke and Ansari suggest that '[s]ocial problems and those responsible do not exist in any objective sense but rather are 'named' as a result of collective practices.'<sup>305</sup> Such claims parallel Dewey's view on responsibility as a forward-looking device, and help tease out that by introducing contributory language Barry and Macdonald attempt to frame consumers and their purchase action as a handle by which the lot of garment workers could be improved.<sup>306</sup>

Another consideration underlying causal claims is that of community. Smiley suggests that what is considered as a cause interacts with the boundaries of community. Causation is not an object of factual discovery rather than a tool that might potentially redraw the boundaries of who belongs to those of having special moral importance. Accordingly, campaigners for consumer responsibility make a novel interpretation of the implicit rules based on which someone is to be conceived as a cause of a state of affairs, *because* they want to extend the ethical discourse beyond their present boundaries. Smiley's argument on the interaction between causation and community reminds that assigning a responsibility for harms in global supply chains to consumers in affluent democracies challenges political communities as sharply demarcating independent spheres of moral discourse, and includes new actors among those whose interests community members should be treated as worth pursuing.<sup>307</sup>

Third consideration is that of power. Smiley highlights that accounts of causal responsibility are sensitive to the distribution of power in social and political contexts, because power affects what is identified as a cause of an effect in situations in which such a 'discovery' involves differing and

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304 Nicola Lacey, 'Responsibility and Modernity in Criminal Law', *Journal of Political Philosophy* 9, no. 3 (2001): 275.

305 Reinecke and Ansari, 'Taming Wicked Problems', 320.

306 Cf. R.G. Collingwood, to whom causal responsibility serves as 'the handle' by means of which a particular state of affairs can be controlled: *An Essay on Metaphysics* (Oxford: Clarendon Press, 1948), 296–97.

307 Smiley, *Moral Responsibility and the Boundaries of Community*, 23, 258, 267.



conflicting interests.<sup>308</sup> Causal claims do not hover above or precede asymmetries in power between, for instance, the garment workers, factory owners and the multinational corporations governing the supply chains. However, power relations do not determine assignments either, as the relationship works both ways: by making causal judgments to blame actors for a harm one can challenge its prevalent distributions.<sup>309</sup> Although power is a component that Dewey gives less attention, Smiley highlights that debates on causes of things are sensitive to its use.<sup>310</sup>

The fourth consideration involves fairness, which comes into play when evaluating volitional excuses people use to avoid being blamed for their actions. Volitional excuses relate specifically to actors' inner states of mind instead of external circumstances. To Smiley, at least three kinds of fairness are relevant in evaluating the narratives that people weave to show that they are not to be held responsible for their actions: rules and norms that govern the relationship between the blamed and the blaming community; equality in sharing burdens; and reciprocity in treating other people. Arguing openly about what kinds of excuses are valid involves scientific discussions on mental capacity as well as normative debates on expectations set on agents, and includes the potential responsibility-bearers and those who accept and reject one's volitional excuses in practice. In this way, fairness enters contribution-based assignments of responsibility as a tool to demarcate the valid excuses that absolve an actor of remedial duties linked with contributing to a harm.<sup>311</sup>

These four elements illustrate the normative considerations in play when remedial responsibilities are assigned based on actors' causal roles in bringing forth a harm. Barry and Macdonald frame their argument for consumer responsibility as a defence of a liability-based understanding of

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308 Smiley, 185, 191–93.

309 Smiley, 211.

310 Cochran, *Normative Theory in International Relations*, 183.

311 Marion Smiley, 'Volitional Excuses, Self-Narration, and Blame', *Phenomenology and the Cognitive Sciences* 15, no. 1 (2016): 85–101.

responsibility, and in so doing well pinpoint the prevalent importance of blame and fault in contemporary practices of assigning responsibility. Ultimately evaluating any assignation of this kind requires exposing and discussing the underlying considerations, such as whether consumers are capable of changing the workers' situation, whether foreign workers' interests are a goal worth striving for as a community, whether doing so is aligned with or against the current distribution of power among the relevant actors, and so on. As Robert Goodin phrases: 'The notion of "causal responsibility" is not the unambiguous, technical term it seems. The ascription of causal responsibility for an outcome represents the conclusion of a moral argument, not the premise of one'.<sup>312</sup> Contribution-based allocations of responsibility are a site of interwoven considerations, the elaboration of and being honest about which lies at the core of a pragmatist analysis.<sup>313</sup>

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312 Robert E. Goodin, *Protecting the Vulnerable: A Re-Analysis of Our Social Responsibilities* (Chicago; London: University of Chicago Press, 1986), 126.

313 Marion Smiley, 'Future-Looking Collective Responsibility: A Preliminary Analysis', *Midwest Studies In Philosophy* 38, no. 1 (2014): 11.

## 4.4 ASSOCIATION PRINCIPLE

### 4.4.1 AIM

The aim of this section is to explore whether the association principle of responsibility resonates with the way consumers are linked to harms taking place in global supply chains.<sup>314</sup> The theories of responsibility discussed here under the broad category of the association principle share three grounding ideas. First, not all connections between an actor and a harm grounding remedial responsibilities are contributory relationships. Second, remedial responsibility derived from non-contributory connections are not primarily borne by individuals rather than shared by several actors. Third, ties reminiscent of, but not equal to communal bonds can ground a responsibility of actors to help distant others. By engaging with work of Iris Marion Young, whose social connection model is among the most developed applications of the approach on the case in hand, I argue that it is hard to distinguish the association principle from the contribution principle as a stand-alone grounds for consumer responsibility.

Before presenting my argument, a terminological caveat. David Miller uses the term ‘connection theory’ to refer to his overarching theory, which includes six criteria that can be combined in a pluralistic manner to harness actors with a responsibility to act upon a harm.<sup>315</sup> The understanding of association I explore here is not to be confused with Miller’s concept. Rather, I discuss a global application of what Miller somewhat narrowly refers to as the communal criterion. Communal approaches to responsibility pay attention to bonds such as family or friendship ties, collegiality, religion, and nationality, and consider remedial responsibility arising from these bonds as preceding

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314 I thank Paul Kirby and other participants in the Aberystwyth-LSE-Sussex Theory Colloquium in Sussex, May 2016, for comments on this chapter.

315 Miller, *National Responsibility and Global Justice*, 100–105.

and being independent from the moral grounds of fault discussed above.<sup>316</sup> Their advocates consider bonds shared by community members as being of special moral importance, and vest community members with weightier responsibilities towards their kin than towards distant others.

I prefer Barry's refurbishment of Miller's theory, which expands the communal criterion to the context of global challenges. For the purpose of the work in hand, exploring responsibilities held by community members in relation to their kin is not enough, as the form of consumer responsibility being studied concerns harms that take place far away or globally. That is why my main discussant is Young, whose social connection model treats the non-causal connections between consumers and global structural injustices as a grounds of shared remedial responsibility.<sup>317</sup> I will argue below that the theoretical baggage her model inherits from this strongly communal background wears down its applicability to the situation consumers in affluent democracies face. In order to defend this position, I will first discuss work on political responsibility that has inspired her theorising.

#### **4.4.2 KARL JASPERS AND HANNAH ARENDT**

Arguably the vein of theorising that wields significant influence on Young's contemporary application of the association principle on consumer responsibility traces back to the post-war context of the 1940s, and more specifically to work by Hannah Arendt and Karl Jaspers on political responsibility. After the Second World War both worked on the question of whether responsibility for the atrocities conducted over the course of war by the Nazi state was borne also by ordinary Germans, or was it justified to limit responsibility, and compensatory, retributive and mitigative duties to follow, to the German leaders.<sup>318</sup> In his essay on German guilt, Karl Jaspers answers the question by claiming that Germans of his time bear criminal, political, moral, and metaphysical

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<sup>316</sup> Miller, 104.

<sup>317</sup> Barry and Øverland, *Responding to Global Poverty*, 3.

<sup>318</sup> Karl Jaspers, *The Question of German Guilt* (New York: Dial Press, 1947), 33.

guilt. While the first two can be assigned by others, such as criminal courts or victors of war, the last two are beyond the reach of social realm: only individuals can assign moral guilt to themselves through self-reflection, whereas metaphysical guilt is observed by God only. To Jaspers, being held liable is separate from moral guilt, as grounds for each are different.<sup>319</sup>

The concept of political guilt, which is shared by definition, is the most interesting form of guilt in terms of the more recent applications of the association principle. By political guilt, Jaspers means citizens' burden of 'having to bear the consequences of the deeds of the state whose power governs me and under whose order I live'.<sup>320</sup> To Jaspers, this kind of guilt is less discriminating than other forms of guilt as it 'lets no man dodge'; indeed, no community member can be fully absolved of it.<sup>321</sup> The grounds of political guilt are not the causal connections considered important when legal liability is assigned.<sup>322</sup> Political guilt is borne by members of a political community in which the harm takes place, not because the harm is a consequence of their individual acts rather than because they are subjects to the state that has realised the harms.

The concept of political guilt was taken further by Hannah Arendt, who considered Jaspers' view as somewhat blame-focused. To her, guilt is not what most Germans bear; guilt is to be reserved for those who conducted individual deeds, not for ordinary Germans who were only indirectly involved in the organised killing of people. To Arendt, '[w]here all are guilty, nobody is'; while Jaspers correctly shows that those who are not guilty in a legal sense also carry a responsibility of some kind, his theory does not indicate how such responsibility could be vested for a productive purpose.<sup>323</sup> As a response, Arendt suggests that ordinary Germans of her time hold political

319 Jaspers, *The Question of German Guilt*.

320 Jaspers, 31.

321 Jaspers, 62.

322 Jaspers, 62.

323 Hannah Arendt, 'Collective Responsibility', in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. S.J. James and W. Bernauer, vol. 26 (Boston, MA; Lancaster: Nijhoff, 1987), 43.

responsibility for the atrocities done during the Nazi reign.<sup>324</sup> The concept of political responsibility complements legal liability. It is needed to properly provide reconciliation after atrocities and to prevent new ones, as judging an individual for monstrous acts is likely to leave unexamined the role of the surrounding community that enabled the individual to commit them.<sup>325</sup>

Jaspers and Arendt both articulate the view that ‘cogs in the wheel’ ought not to be left without responsibility of some kind despite not having been in a direct causal connection with a harm. Jaspers considers in contributory terms all kinds of activities through which community members are linked with a harm, but tones down the social repercussions of moral and metaphysical kinds of guilt that follow from certain kinds of contributory linkages. Jasper’s approach is in this sense more explicit: also ordinary Germans are guilty for harms that were enacted within their community, although the kind of guilt they bear does not imply similar formal repercussions that follow from breaking a law. He defines ‘guilt’ as an attribute shared by almost everyone in Germany in the same way as Arendt sees responsibility as being distributed across the society, but leaves some forms of guilt as socially inconsequential by not linking any remedial responsibilities to them. To compare, Arendt carries the work further by conceptualising why Germans are not directly guilty, but still responsible in another way.

To me, Arendt succeeds only partially in distinguishing a communal membership as an independent grounds of remedial responsibility from a being form of contribution. This is not an obvious tension: it becomes visible only in certain passages, for instance when Arendt discusses the diverse connections that Germans had with the atrocities. I follow here Young’s interpretation, according to which in Arendt’s writings one can distinguish those guilty of crimes; those not guilty, but who gave

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324 Arendt, ‘Collective Responsibility’; Hannah Arendt, ‘Organized Guilt and Universal Responsibility’, in *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism* (New York: Schocken Books, 2005).

325 Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York, NY, USA: Penguin Books, 1994).

at least passive support to the guilty; those who somewhat resisted and distanced themselves from the atrocities; and those who publicly opposed and resisted the actions.<sup>326</sup> While this is not Arendt's own categorisation, I find Young's reading of Arendt convincing enough to adopt it here.

Although Arendt claims that guilt for past deeds is reserved only for individuals who break the law, her writing remains ambiguous on whether the rest of the community is not guilty because they are not contributing to a harm or because they are contributing but their guilt cannot be distinguished by using the legal means available.<sup>327</sup> Arendt does not set out her reasons for establishing the boundary between the guilty and the responsible where she sets it, that is, she does not justify why contribution ought to be understood along the same lines as law courts do. A practical reason surely exists: no large numbers of people can be effectively put to trial. However, this does not mean that the rest of the Germans would not be in a contributory, and potentially morally relevant, relationship to the Nazi crimes. Above I introduced the argument by Barry and Macdonald, according to which large classes of actors can also be held liable, especially if the purpose is not to assign legal repercussions rather than to provide a moral justification for collective action.

Such extended notions of liability are not given space in Arendt's theory. In her treatment of guilt, Arendt leaves a vast majority of the German population as 'merely' politically responsible, which is distinct from both moral and legal understandings. To Arendt, the role of those passively supporting the Nazi atrocities cannot be seen as contributory, although by adopting a lens of a more expansive account of contribution, such as the one suggested by Barry and Macdonald, those passively supporting could just as well be seen as contributing to the murders, albeit in more indirect senses. I concur with Young that Arendt ultimately offers a sparse account of the relation between guilt and

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326 Young, *Responsibility for Justice*, 81–92.

327 M.C. McKeown writes that Young adopts and revises Arendt's distinction, according to which '[g]uilt is a function of legal and moral responsibility; political responsibility is something distinct': 'Responsibility without Guilt: A Youngian Approach to Responsibility for Global Injustice' (Doctoral Thesis, University College London, 2015), 23.

responsibility.<sup>328</sup> The sparsity emerges especially in borderline cases in which a connection with a harm could be seen as contributory using a wider definition of contribution than the one Arendt adopts. It is not clear in all instances whether the difference she makes between contributory and non-contributory linkages to a harm is of kind or of degree. Although she insists that political responsibility is rooted in one's membership in the community, Arendt does not completely manage to differentiate contributory and communal linkages that ground her distinction between guilt and responsibility.

#### 4.4.3 IRIS MARION YOUNG

Balancing between the contributory and non-contributory grounds of shared responsibility pertains to much contemporary theorising. As described in the previous chapter, Larry May argues that individual community members share responsibility for a harm if they are indirectly involved with bringing it forth, referring especially to the context of the Southern communities of post-bellum America in which a significant majority nurtured racist attitudes that enticed some to violence.<sup>329</sup> Farid Abdel-Nour distinguishes internal responsibility from external responsibility, out of which only the latter may justify punishment and exclusion from society. For instance, being a citizen of a state conducting atrocities does not necessarily invoke citizens' remedial duties rather than 'agent regret', or an emotional response in an actor who realises her causal connection to a harm.<sup>330</sup> To Onora O'Neill, moral responsibilities in global economic systems can be established through institutionalised linkages that individuals share across countries. Such responsibilities arise in

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328 Young, *Responsibility for Justice*, 87, 143.

329 May, *Sharing Responsibility*, 27, 52.

330 Farid Abdel-Nour, 'National Responsibility', *Political Theory* 31, no. 5 (2003): 696; Abdel-Nour, 'Responsible for the State', 10; also Neta Crawford, 'Individual and Collective Moral Responsibility for Systemic Military Atrocity', *Journal of Political Philosophy* 15, no. 2 (2007): 187–212.



proportion to the capacity that one has to affect the state of the deprived and vulnerable working under the same institutional scheme.<sup>331</sup>

Iris Marion Young builds on such work by asking who ought to act upon labour and human rights violations in the global garment industry. It seems that sometimes it is inadequate to identify individuals as responsible for bad things that happen: there are transnational processes that are produced by unorchestrated collective action in a way that a single agent cannot be held as causally responsible for them.<sup>332</sup> However, the theories Miller labels under the communal criterion are not satisfying conceptual tools to think of responsibility for such processes. Likewise, Arendt's work is too focused on nation-states, disregarding that individuals clearly share morally relevant connections across state boundaries. To Young, Arendt is inconsistent in her treatment of whether political responsibility spills over to other communities and countries.<sup>333</sup>

As a response, Young suggests a social connection model of responsibility to complement the conventional 'liability model of responsibility'. Young's model concerns especially actors, such as 'apparel manufacturers, institutional purchasers of apparel, and individual consumers', as it attempts to articulate their responsibility in relation to complex issues in which they are involved neither as a community nor alone but through interdependent processes.<sup>334</sup> Global supply chains form an objective economic structure that is operated by and affects several actors scattered across different countries. While theories that vest community members with responsibilities are somewhat unwieldy in addressing the kinds of harms that are linked with such transnational economic structures, Young refurbishes Arendt's notion of political responsibility to the level of global

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331 Published under a pseudonym 'Onora Nell'. Onora O'Neill, 'Lifeboat Earth', *Philosophy & Public Affairs* 4, no. 3 (1975): 286.

332 Young, 'Responsibility and Global Labor Justice', 371, 374; Young, 'Responsibility and Global Justice', 122.

333 Young, *Responsibility for Justice*, 60, 86–87; McKeown suggests that Arendt has good reasons to bind political responsibility with membership of a political community: McKeown, 'Responsibility without Guilt', 32.

334 Young, 'Responsibility and Global Labor Justice', 388.

processes.<sup>335</sup> Young argues that there is much more than what Arendt calls as ‘being born into a historical continuum’ of a political community that constitutes a ground for political responsibility.<sup>336</sup>

To Young, political responsibility arises ‘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’.<sup>337</sup> Whereas Arendt builds her theory to address the atrocities conducted in and by Nazi Germany, a specific harm pertinent in her time, Young keeps her model very general. Political responsibility is needed to face a wide set of challenges she labels as structural injustices, which are not produced intentionally rather than through agents' ordinary behaviour and activities. A structural injustice

exists when social processes put large categories of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as those processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities.<sup>338</sup>

In contrast to Barry and Macdonald, Young argues that consumers in high-income countries shopping the garments made in ‘sweatshop’ conditions cannot be said to bear responsibility on any meaningful contribution-based account. Her social connection model, she claims, manages better than the ‘liability’ understanding of responsibility in five respects. First, political responsibility does not isolate anyone by holding her alone responsible, because that would imply that others involved are absolved of responsibility. Second, in contrast to the liability model of responsibility that seeks

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335 Indeed, in some of her work Young calls her model a conception of political responsibility: Young, *Responsibility for Justice*, 122.

336 Young, 80.

337 Young, 47.

338 Young, 52.

to find out those that have done wrong by deviating from a baseline situation, political responsibility evaluates processes of domination and exploitation inherent in everyday situations. Young uses the anti-sweatshop movement to illustrate how political responsibility has been taken up in a global context to challenge the 'normal' course of consumerism and production.

Third, assigning political responsibility aims to prevent wrong things from happening in the future, or identifies institutional injustice in order to encourage reforms. It is forward-looking by highlighting cooperation to resolve a problem instead of a search for culprits behind it. Surely, a backward-looking conception of responsibility can also shape future action by instilling sanctions as deterrence. However, political responsibility mobilises behind the reform resources not only of those who were to blame for problems rather than of everyone who can contribute to the results – including the victims.<sup>339</sup> Fourth, political responsibility is discretionary regarding actions to take up to discharge the responsibility. Young subscribes to a distinction between responsibility and duty, arguing that the former varies based on a variety of 'parameters', whereas the latter is more stringent.<sup>340</sup> Fifth, political responsibility is shared: acting on one's responsibilities means joining with others in a public discourse to find the best way to ameliorate the problem at hand.<sup>341</sup>

Jessica Payson argues that Young does a better job in stepping beyond individual guilt than contributory theorists by 'decentralizing' causality as a central building block of responsibility. According to her, Young focuses on structures instead of institutions, thus acknowledging that individuals are socially embedded, while also retaining their role as moral agents despite their negligible role in vast transnational processes. This suffices for an enhanced way to conceptualise the responsibility that causally limited individuals have in a nonideal world.<sup>342</sup> I agree that Young indeed has an edge in attaching individual responsibility within economic and social systems of

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339 Young, 'Responsibility and Global Labor Justice', 379.

340 Cf. Goodin, 'Responsibilities'.

341 Young, *Responsibility for Justice*, 16.

interaction instead of political institutions. She ventures further than O'Neill in showing that being involved with purchases and market transactions does not have to be conceived as a form of contribution rather than as a connection of a completely different quality that is perpetuated by one's everyday purchase decisions; 'a matter not of degree, but of kind', as Young describes the distinction Arendt makes between responsibility and guilt.<sup>343</sup>

Further, Young does her best to accommodate the co-existence of liability and social connection models of responsibility: she emphasises that the latter aims not to replace rather than serve as 'separate from and additional to' the former.<sup>344</sup> There still remains a need to assign blame for many harms, although some massive global issues lack sole or primary cause and thus remain beyond the scope of the liability model. Moreover, she emphasises that backward-looking inquiry remains important: '[a]ssigning responsibility, whether under the liability model or the social connection model, always has both backward-looking and forward-looking aspects.'<sup>345</sup> A crucial difference between the models is one of a 'temporal emphasis', which however does not eliminate the need for either.<sup>346</sup>

However, I suggest that the challenge that Hannah Arendt faces in showing that political responsibility is an independent principle of responsibility instead of an application of the contribution principle redressed to match with contexts in which many actors contribute a harm together only accentuates in the global context that Young seeks to capture. The ambiguity pointed out above in Arendt's notion of political responsibility remains, as Young does not give an account of the contributory underpinnings in her own theory despite resorting to contributory vocabulary. To

342 Jessica Payson, 'Individuals, Institutions, and Structures: Agents of Political Responsibilities in Cohen, Pogge, and Young', *Social Theory and Practice* 38, no. 4 (2012): 645–62.

343 Young, *Responsibility for Justice*, 92.

344 Young, 'Responsibility and Global Labor Justice', 375, 381.

345 Young, 'Responsibility and Global Justice', 121.

346 Young, *Responsibility for Justice*, 121.

defend her claim that individual consumers bear a responsibility for unjust labour practices far away, Young writes, for instance, that individuals 'contribute by their actions to perpetuating the structural conditions, incentives and constraints that condition the actions of the owners and managers whose actions are the most immediate cause'.<sup>347</sup> Examining 'contributions' involves looking at agents' past actions, omissions, and affiliations in an inquiry that ultimately demands similar backward-looking methods as finding out about one's liability. Such ambiguity only accentuates in the context of global processes, the boundaries of which are harder to demarcate than boundaries of political communities. As McKeown points out, Young never defined 'connection' but fluctuated between 'participation', 'causation', and 'contribution' when giving it more specific content.<sup>348</sup> As a result, the importance of a past inquiry into contributions, to Young a vital component in a blame-oriented approach to responsibility from which she tries to distance her theory, remains a strong element also in the social connection model.

The underplayed role of contribution in her theory emerges in Young's attempts to advise how individuals, including consumers, could reason about their own responsibilities. In her two major articles on the social connection model, she acknowledges that an account of a particular agent's responsibilities is needed if a theory is to convincingly differentiate between remedial responsibilities, and advises to look at four 'parameters of reasoning', power, privilege, interest and collective ability, to determine an individual's degree of responsibility.<sup>349</sup> Yet, identifying an individual's role in processes leading to undesirable outcomes by using the parameters is also heavily reliant on an empirical inquiry that is unlikely to be any easier than when identifying those directly generating the harms. This conclusion is also reached by Christian Barry and Kate Macdonald. They agree with Young's view that liability models of responsibility run into trouble

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347 Young, 'Responsibility and Global Labor Justice', 382–83; Young, 'Responsibility and Global Justice', 114.

348 McKeown, 'Responsibility without Guilt', 33.

349 Young, 'Responsibility and Global Justice', 125; Young, 'Responsibility and Global Justice'.

when used to define and bind the responsibilities of individual agents in institutionally mediated settings.<sup>350</sup> At the same time, they point out that in Young's approach identifying the boundaries of the social system in which an individual is connected to an injustice 'boils down to roughly the same empirical question as asking who is causally implicated in the generation of harms in the first place'.<sup>351</sup>

To be sure, Young recognises that her parameters of understanding are rudimentary tools for reasoning about individual responsibility.<sup>352</sup> As commentators point out, she did not have the time to finalise these tentative moves for specifying individual responsibility.<sup>353</sup> Some of them would likely respond to my concern by reminding that demarcating between contribution and association as a difference of kind rather than of degree still remains meaningful, because the contribution principle alone cannot adequately address the shared and uncoordinated way through which consumers are involved with harms taking place in the production process of their purchases. This criticism is valid, because as shown above, contribution-based claims on consumer responsibility have to be evaluated against the backdrop of underlying normative considerations.

Yet, Young struggles to show that her conception 'stands on its own feet as an independent source of remedial responsibility', as Miller describes the conventional communal approaches.<sup>354</sup> Macdonald and Barry point out well that Young's scepticism of the 'liability' models of responsibility relies on a narrow reading of liability-based accounts available and exaggerations of the difficulties that follow from applying it to more indirect outcomes. The tacit reliance on the

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350 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', 3.

351 Barry and Macdonald, 23.

352 Young, 'Responsibility and Global Justice', 130.

353 Genevieve Fuji Johnson and Lorelea Michaelis, eds., *Political Responsibility Refocused: Thinking Justice after Iris Marion Young* (Toronto: University of Toronto Press, 2013).

354 Miller, *National Responsibility and Global Justice*, 104.

contribution principle only grows stronger when Young transfers her social connection model from the context of a political community in which Arendt developed her own answer to the questions on responsibility for German atrocities. In the fluctuating and massive process of globalising production, the distinction between the contribution and association principles becomes even harder to maintain.

## **4.5 CONCLUSION**

In this chapter, I introduced a four-part framework of responsibility as suggested by David Miller and honed by Christian Barry, and then explored the principles of contribution and association as potential grounds for consumers' remedial responsibility for harms in supply chains. The contribution principle remains a formidable tool for assigning remedial responsibilities: those actors who cause harms are obliged to compensate for them, suffer a punishment or reform their behaviour. However, legal theorising on liability is only of limited help in addressing the indirect and shared way in which consumers are linked with distant harms. A direct application to the case of consumers in global ethics is provided by Barry and Macdonald. Their treatise well captures the prevalence of blame-based practices in affluent democracies, but does not fully explicate the diverse normative considerations interwoven to the judgment of whether consumers' connection to harms in production processes ought to be seen as a morally relevant cause.

The association principle provides an initial response to the challenge of articulating the complex linkages that consumers may have with global production processes. Iris Marion Young builds on work by Karl Jaspers and Hannah Arendt to assign a shared responsibility to consumers without resorting to troubled causal vocabularies. However, her social connection model retains contributory underpinnings, the importance of which only accentuates when vast global processes

replace the political community as the platform on which remedial responsibilities are distributed among the diverse candidates.



## 5 BENEFIT AND CAPACITY

### 5.1 INTRODUCTION

This chapter introduces the benefit and capacity principles. First, I suggest that the benefit principle is an auxiliary principle: although consumers can be argued to be involuntarily benefiting from injustices in global supply chains, the ensuing moral burden does not qualify as a remedial responsibility. Second, the monistic, consequentialist variation of the capacity principle treats an analysis of actors' relative capacities to advance an ideal as a basis to which all other grounds of responsibility are reducible. I claim that such an ideal-based approach does not place adequate weight on the diversity of moral considerations that people use to orient themselves in the social world.

### 5.2 BENEFIT

#### 5.2.1 AIM

While different veins of the benefit principle have been advanced, in this section I will discuss the benefit principle as presented by Daniel Butt, one of its main proponents.<sup>355</sup> To Butt, most people intuitively think that while moral responsibilities held towards others are usually acquired through actions done voluntarily, such as by promising to do something or harming someone, they also accept that sometimes responsibilities emerge without voluntary action. For instance, at least the most rudimentary version of the capacity principle, in the form of having a duty to rescue someone

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355 Norbert Anwander, 'Contributing and Benefiting: Two Grounds for Duties to the Victims of Injustice', *Ethics & International Affairs* 19, no. 1 (2005): 39–45; Robert Huseby, 'Should the Beneficiaries Pay?', *Politics, Philosophy & Economics* 14, no. 2 (2015): 209–225; articles in: Avia Pasternak and Edward Page, eds., 'Special Issue: Benefiting from Wrongdoing', *Journal of Applied Philosophy* 31, no. 4 (2014).

in an emergency if able to do so with negligible costs, is in general recognised. If a child is drowning in a shallow pond next to John, he has a duty to rescue if doing so is of no burden to him even if John had not brought forth the dire situation.<sup>356</sup>

It is less clear, Butt continues, whether on a more general level one can come to bear responsibilities through actions of others. By introducing ‘benefiting from acts of injustice committed by others’ as a distinct principle of responsibility, Butt argues that sometimes this might be the case.<sup>357</sup> To him, the benefit principle stands as a principle of responsibility to be recognised alongside those of contribution, association and capacity. In this section, I suggest that consumers may indeed sometimes benefit involuntarily from harms taking places in global production processes. However, the benefit principle is an auxiliary rather than a stand-alone principle, and the remedial responsibilities ensuing from such benefiting are of little moral significance.

### **5.2.2 DANIEL BUTT**

Unlike principles of contribution and association explored above, the benefit principle has not been systematically advanced as a grounds of consumer responsibility. To Iris Marion Young, while benefit does not constitute a ‘parameter of reasoning’ she develops to differentiate individual actors’ responsibilities, she nevertheless places some moral weight on the concept by writing that ‘[p]ersons who benefit relatively from structural injustices have special moral responsibilities to contribute to organized efforts to correct them, not because they are to blame, but because they are able to adapt to changed circumstances without suffering serious deprivation.’<sup>358</sup> As per the quote above, benefiting from an injustice is morally relevant because the beneficiary is better off and hence more capable of alleviating the injustices. This reveals a central difference between

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356 Butt, ‘On Benefiting from Injustice’, 341.

357 Butt, 129, italics omitted.

358 Young, ‘Responsibility and Global Justice’, 126–28.

expositions of responsibility between Young and Butt: to the former, benefit indicates capacity, whereas to the latter, being a beneficiary composes an independent grounds of responsibility.<sup>359</sup> Further, the injustices Young has in mind are structural: they are condemnable aspects of the ‘normal’ baseline situation, including unfortunate aspects of the everyday, such as ethnic and gender discrimination and sweatshop labour. The injustices to which Butt ties his approach are relational in the sense that they are tied to specific acts of wrongdoers, be they states or individual actors, who distort the overall distribution of good, which, although not perfectly just, is at least ‘legitimate’.<sup>360</sup>

As I will elaborate below, Butt’s definition of an injustice is central to evaluating his approach. To compare with the claims made by the anti-sweatshop campaigners that Young articulates through her social connection model, Butt’s primary examples are historical and intergenerational injustices. As the argument goes, even though contemporary citizens of former colonialist nations, such as France and the United Kingdom, have inherited their material wellbeing involuntarily, their affluent way of life is built on past unjust treatment of the former colonies, whereby they have an obligation to compensate. Another real-life case Butt refers to is that of positive discrimination, such as when companies or corporations prefer others than white male candidates when recruiting new employees. While such practices might not be justified on the assumption that every particular white male applying for a job harms ethnic groups and women, positive discrimination can be justified on the grounds that every white male has benefited from the unjust social structures that discriminate against other groups. By positive discrimination white male job-seekers end up bearing some, if not all, of the costs and losses generated by the injustice from which they benefit.<sup>361</sup>

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359 Cf. Thomas Pogge, ‘Severe Poverty as a Violation of Negative Duties’, *Ethics & International Affairs* 19, no. 1 (2005): 69–74.

360 Daniel Butt, “‘A Doctrine Quite New and Altogether Untenable’: Defending the Beneficiary Pays Principle’, *Journal of Applied Philosophy* 31, no. 4 (2014): 337.

361 Butt, ‘On Benefiting from Injustice’, 136.

While the benefit principle has been harnessed in different contexts as a grounds of responsibility, for instance in relation to climate change, it has also encountered substantial criticism.<sup>362</sup> Butt acknowledges that the first ones lining up to shoot down his proposition are those who take a rigid stance towards the common law principle of ‘risk bearing’, according to which losses should generally lie where they fall. He discusses with Robert Fullinwider who writes that the only justified diversion from letting losses lie where they fall is to oblige those who cause them to compensate for damages - that is, to apply the contribution principle.<sup>363</sup> Fullinwider portrays it as counter-intuitive that someone becomes remedially responsible, because they benefit from a scheme to which he or she has neither consented nor actively participated.<sup>364</sup> There are no precedents in tort and criminal law for treating benefit as grounds of liability: standard deviations from the conventional liability model are justified on the basis of risk-sharing among those most likely to cause a harm, or on the basis of distribution of losses on a society as a whole on broadly communitarian grounds. Legal courts set a good example for rejecting any approach that punishes involuntary third parties benefiting from a harm. Echoing David Hume, Butt recognises that the benefit principle can be held as a principle ‘quite new... and altogether untenable’, lacking precedents and summoning undesirable consequences - a way of thinking about responsibility that ought not to be encouraged.<sup>365</sup>

Butt addresses this criticism by specifying the benefit principle in four steps. First, he tames down its demandingness: benefiting from an injustice might oblige an actor to compensate to suffering parties only partly, ‘up to the point where they are no longer beneficiaries of the injustice in

362 Christian Barry and Robert Kirby, ‘Scepticism about Beneficiary Pays: A Critique’, *Journal of Applied Philosophy* 34, no. 3 (2015); Holly Lawford-Smith, ‘Benefiting from Failures to Address Climate Change’, *Journal of Applied Philosophy* 31, no. 4 (2014): 392–404.

363 Butt, ‘On Benefiting from Injustice’, 136, 139–40.

364 Robert K. Fullinwider, *The Reverse Discrimination Controversy. A Moral and Legal Analysis* (Maryland: Maryland University, 1980).

365 David Hume as cited in: Butt, “‘A Doctrine Quite New and Altogether Untenable’”, 336.

question', instead of requiring her to compensate for the losses of the deprived in full.<sup>366</sup> Second, he narrows down its stringency: sometimes benefiting involuntarily from an injustice might not lead into compensatory obligations at all, as parties may have more acute responsibilities that stem from having been involved in bringing forth the injustice. Butt concedes that in general remedial responsibilities accrued from conducting an injustice override those accrued by benefiting from one. However, he refuses to set any 'lexical priority' between the principles: the contribution principle has only 'presumptive priority' over responsibilities of beneficiaries.<sup>367</sup> This is because there might be instances in which making the offender foot the full bill would be too stringent or unrealistic, whereby the benefit principle takes the primary role.

Third, Butt distances his approach from the vocabulary of 'obligation' by introducing the 'modified beneficiary principle', according to which '[a]gents can be morally blameworthy for failing to disgorge in compensation benefits which they involuntarily receive as a result of wrongdoing which harms other agents'.<sup>368</sup> Removing the language of enforceable obligations makes the principle more manageable especially to libertarians who insist that enforceable obligations can only result from voluntary action. Finally, he sets benefit as an element of subject-based morality that cannot be authoritatively determined or enforced from the outside.<sup>369</sup> Because there is a considerable 'subjective welfare element' in determining whether someone has benefited or not, the benefit principle is best seen as a guide of internal responsibility, to apply Farid Abdel-Nour's term, rather than a guideline that even in theory could be legally or socially enforceable.<sup>370</sup>

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366 Butt, 'On Benefiting from Injustice', 142.

367 Butt, 142.

368 Butt, "'A Doctrine Quite New and Altogether Untenable'", 343.

369 Butt, 341–42.

370 Butt, 346; Abdel-Nour, 'Responsible for the State'.

### 5.2.3 CONSUMERS AS BENEFICIARIES

The four qualifications above set the benefit principle as a complementary ground to the less disputed contribution principle, and a principle of a kind that nudges towards rather than morally obligates people to remedy the injustices from which they benefit. Having set up the broad lines of Butt's view, I now turn to explore whether consumers' responsibility to alleviate harms in global supply chains could be grounded on such a principle. Initially, the principle seems applicable. Adopting the definition of the principle above, consumers are involuntary beneficiaries to injustices writ large taking place in global supply chains. Their connection to the injustices is not contributory, as other agents are the ones causing the harms. Holly Lawford-Smith agrees that one can conjure a scenario in which consumers buying products with affordable prices are beneficiaries, whereas shareholders of companies governing different stages of the supply chains in which the injustices take place are the contributory wrongdoers.<sup>371</sup> Because of their shopping practices, consumers are also morally blameworthy, although not obliged to act upon the injustices in the production processes.

This depiction can be challenged by saying that benefiting frames consumers as too detached from the unjust processes. Consumers do not merely hover above the unjust transactions, as the benefit principle can be read to imply, because their purchase patterns are a central condition to the production processes operating as they do. Lawford-Smith suggests this argument against the complicity view of individual responsibility discussed in chapter 2, but I think it well applies also to the benefit principle.<sup>372</sup> Here, Barry and Øverland provide an unintended but useful alternative by discussing the concept of exploitation. Criticising Thomas Pogge's oft-cited claim that rich

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<sup>371</sup> Lawford-Smith, 'Unethical Consumption and Obligations to Signal', 317–18.

<sup>372</sup> Lawford-Smith, 318; Kutz, *Complicity*; Lawford-Smith presents a different complicity-based application in: 'Does Purchasing Make Consumers Complicit in Global Labour Injustice?'

countries are contributing to global poverty in a way that leads to remedial responsibilities, they suggest that rich countries exploiting poor countries is a more accurate description of the non-contributory but still morally relevant connection between the countries. They define exploitation as engaging in an transaction which leaves all parties better off, but some less than they should based on a chosen threshold of justice.<sup>373</sup> Leaving for now aside what ‘just’ in the previous statement exactly means, the concept of exploitation comprises an alternative depiction of consumers’ non-causal linkage with injustices. While exploitation has many things in common with benefit, the former portrays consumers as having a deeper and more active kind of a connection with a harm.

To answer, I think exploitation is unnecessarily deep; describing consumers as beneficiaries is more fitting than as exploiters. Exploitation implies a direct transaction with the exploited and the exploiter. Such a connection does not exist in intermediated supply chains, in which consumers deal with the retail shops and other downstream sellers. It might be more appropriate in relation to agents proximate to the harms: factory managers dictating working conditions, armed groups extorting miners, even shareholders agreeing on environmentally hazardous corporate strategies, to apply Lawford-Smith’s thought.<sup>374</sup> Further, in terms of moral relevance whether one calls the relationship as one of exploitation or of benefiting from an injustice does not make a great difference. Just as Butt emphasises the internal and non-obligatory nature of responsibilities arising from benefiting from an injustice, Barry and Øverland, from their position of holding contribution-based responsibilities as primary, conclude that responsibilities arising from exploitation are weaker than those arising from either contributing to or having a capacity to remedy a harm: ‘Although exploiting people is often morally wrong, exploitation-based responsibilities are much less constraining than contribution-based duties; in fact, they seem to be less constraining even than

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373 Barry and Øverland, *Responding to Global Poverty*, 140.

374 The vocabularies of exploitation, benefit, and injustice struggle if the object of mistreatment is not an animate object rather than the planet. Naess, ‘The Shallow and the Deep, Long-range Ecology Movement. A Summary’.

assistance-based responsibilities. Confronted with a choice of failing to assist and exploiting, all else being equal, it is typically better to exploit.<sup>375</sup>

This does not mean that benefiting from an injustice is morally irrelevant. However, a central challenge in applying the principle to the case of consumers concerns the form of injustice from which consumers benefit. Lawford-Smith points out that in applying the benefit principle to argue for consumer responsibility it is not easy to pinpoint the injustices that take place. In some cases it might be that not engaging in some transactions would even lead to those exposed to an injustice being worse off.<sup>376</sup> The paradigm case of sweatshop labour illustrates the complexity. Libertarians, such as Benjamin Powell and Matt Zwolinski, remind that it is not certain whether, for instance, introducing a higher minimum wage would improve workers' wellbeing without leading to layoffs and light-footed corporations moving their purchases elsewhere, thus harming the workers even more.<sup>377</sup> As per Zwolinski, there ought to be more talks of injustices in specific sweatshops rather than calling as unjust by default all businesses which operate in labour-abundant, low-wage countries. Clothing firms that commission factories and hire people for work in such countries might be morally preferable than firms that do not outsource their production.<sup>378</sup>

Lawford-Smith's call to clarify the concept of injustice underlining the benefit principle rings true. Harms to people, societies and the planet in supply chains are different phenomena. For instance, Barry and Øverland point out that the claim that buying and utilising raw materials from the conflict-ridden areas of DR Congo and Nigeria is exploitative depends on empirical contingencies, or on whether the Congolese and Nigerians are better or worse off due to the transactions.<sup>379</sup> Again,

375 Barry and Øverland, *Responding to Global Poverty*, 148.

376 Lawford-Smith, 'Unethical Consumption and Obligations to Signal', 318.

377 Powell and Zwolinski, 'The Ethical and Economic Case Against Sweatshop Labor'.

378 Matt Zwolinski, 'Sweatshops, Choice, and Exploitation', *Business Ethics Quarterly* 17, no. 4 (2007): 712; Joshua Preiss, 'Global Labor Justice and the Limits of Economic Analysis', *Business Ethics Quarterly* 24, no. 1 (2014): 55.

379 Barry and Øverland, *Responding to Global Poverty*, 145.



exploitation and benefit as moral grounds both depend on the conception of injustice harnessed. Butt's solution is to say that remedial obligations follow if the acts and schemes from which one benefits result from 'wrong-doing by other agents'.<sup>380</sup> Wrong-doing, then, comprises a distortion within the 'overall scheme of distribution', gaining from which signifies that one's resources can be tapped to annul losses accrued from it.<sup>381</sup> In this distinctively Aristotelian framework, discharging one's remedial responsibility is to conduct acts of corrective justice for the 'maintenance of an equilibrium of good between members of society'.<sup>382</sup>

However, portraying justice as a balance does not yet reveal what kind of a situation qualifies as the 'just' equilibrium for which one ought to strive, that is, what would be a good way to take advantage of abundant labour in Bangladesh or mineral riches in Congo. Butt does not establish a categorical threshold, such as a person's basic needs, the violation of which by definition would count as an injustice. Problematising the use of any absolute criterion as a method of separating just from unjust acts, he prefers a more fluid notion: if an act that wrongs and harms a party makes the party worse than they would have been had the act never occurred, the act is unjust. This step anchors his understanding of injustice on counterfactual thinking, i.e. being able to imagine alternative but realistic trajectories of events.<sup>383</sup> As Butt articulates it, a useful morally relevant counterfactual scenario to a wrong-doing from which actors benefit approximates the automatic effects of injustice while still holding persons accountable for their actions and omissions.<sup>384</sup> If such a scenario can be identified in the supply chains, the equilibrium of distribution is distorted and

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380 Butt, 'On Benefiting from Injustice', 143.

381 To be sure, Butt does not claim that benefit is the only grounds of distributing responsibilities. He refers to Miller's 'connection theory', according to which moral intuitions indicate which principle is invoked in a specific case, and that one or several grounds at the same time may justify calls for remedial action. Butt, 133; Miller, *National Responsibility and Global Justice*, 100–105.

382 Butt, 'On Benefiting from Injustice', 134–35.

383 Butt, 135–36.

384 Butt, 147.

consumers are involuntarily benefiting from injustice in a way that makes them morally ‘blameworthy’.<sup>385</sup>

This is easier said than done. In his flagship example of colonial injustices, Butt recognises that specifying the cases in which someone has been put to a disadvantage is complicated because the longer time passes from the colonial times the more difficult it becomes to differentiate whether deprivation in some former colonies results from the historical injustice or from autonomous decisions, policies and processes in the countries themselves.<sup>386</sup> Similarly, while one can quite confidently say that consumers are in a materially better position because of the affordable clothes the global garment industry brings to their convenience, it is less obvious that those toiling in sweatshop conditions are always put to a disadvantage. A similar argument can be woven about Nigeria and Congo, the two cases to which I will return in the latter part of the thesis. As Lawford-Smith points out, sometimes ‘we end up with an incongruous situation where we seem to both commit an injustice against someone while also making them better off’.<sup>387</sup>

Such scenarios are possible as consumers benefit from a myriad of different supply chains, some of which might be more easily judged as unjust than others. Further, the tension created by facing an unjust but mutually beneficial relation between consumers and those harmed can be reconciled: in classic cases of paternalism in which someone’s personal rights are violated as he is forced to take medical treatment in order to heal him, a wrong-doing is allowed for a greater good.<sup>388</sup> The very practical challenge in applying Butt’s concept of injustice to consumers is that requiring remedial action from them demands substantial empirical groundwork in order to build alternative scenarios to the schemes from which they benefit. Relying on counterfactual thinking more than Young, for

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385 Butt, “‘A Doctrine Quite New and Altogether Untenable’”, 343.

386 Butt, ‘On Benefiting from Injustice’, 147–50.

387 Lawford-Smith, ‘Unethical Consumption and Obligations to Signal’, 318.

388 Lawford-Smith, 318.

instance in her definition on structural injustices, Butt makes the concept of injustice reliant on empirical inquiry.<sup>389</sup>

#### 5.2.4 AN AUXILIARY PRINCIPLE

Although a strong reliance on counterfactuals makes applying the benefit principle challenging in practice, I suggest that the principle may be a plausible way to ground consumer responsibility. As I will elaborate in the second part of the thesis, an approach to responsibility relying on an empirically informed view of specific cases can be fruitful. The benefit principle has some characteristics that make it stand apart from the contribution and association principles. Advocates of the benefit principle do not engage in the tedious task of reasoning out an expanded notion of contribution to ground responsibility, nor do they resort to a plethora of parameters to establish a connection between consumers and structural injustices. To Butt, the grounds of moral blameworthiness is a relational rather than a structural connection to wrongs conducted by others.

Yet, the remedial responsibility derived from such a connection might not ultimately matter that much. To remind, the benefit principle is inherently an auxiliary principle in many respects. Butt recognises that the connection between benefit and contribution principles becomes apparent in real world compensation claims.<sup>390</sup> Referring to George Sher's work, he points out that if one concedes that the affluence of western countries rests on benefits accrued from injustices of the colonial era, and then proceeds not to act upon this insight, he or she turns into a wrong-doer by withholding due compensation and thus compounding the unjust situation; the beneficiaries become liable although they are not faulty.<sup>391</sup> Also, to remind, Butt gives the contribution principle a 'presumptive' priority, acknowledging that the moral task of beneficiaries from injustice is to chime in when the wrong-

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389 To be sure, Young's approach is not straightforward either. She accepts well-known human rights and labour standards as thresholds of injustice, while at the same time gearing her thesis towards exposing injustices in the baseline situation of the 'normal': 'Responsibility and Global Labor Justice', 369, 378.

390 Butt, 'On Benefiting from Injustice', 151–52.

doers are for some reason not up to the task of compensating for what they have done.<sup>392</sup> Finally, what constitutes an unjust act depends on the kind of interactions one treats as morally relevant under the contribution principle. No one can be identified as benefiting from an injustice without first identifying what kind of an act is unjust. Showing that consumers gain responsibilities as beneficiaries requires having a background theory on what is a morally relevant contribution, a question I highlighted in the first section of this chapter.

Ultimately, benefit as a moral ground activates when those who cause the harms have not or will not discharge their responsibility. Even then consumers face no remedial responsibilities in the same way as those having caused an injustice might: benefiting from an injustice does not obligate anyone to remedy the injustice, although doing so is not supererogatory either.<sup>393</sup> As no external responsibilities arise even as per Butt, an advocate of the principle, it is questionable whether the moral burden that consumers can impose on themselves on the basis of benefiting from injustices deserves to be called a responsibility. Hence, the benefit principle ought to be considered as grounds of consumer responsibility only if other principles do not seem to ground more serious remedial responsibilities.

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391 Butt, 152; George Sher, 'Ancient Wrongs and Modern Rights', *Philosophy & Public Affairs* 10, no. 1 (1981): 3–17; also: Janna Thompson, 'Collective Responsibility for Historic Injustices', *Midwest Studies In Philosophy* 30, no. 1 (2006): 154–167; Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice* (Cambridge: Polity, 2002).

392 Butt, 'On Benefiting from Injustice', 142.

393 Butt, "'A Doctrine Quite New and Altogether Untenable'", 346.

## 5.3 CAPACITY PRINCIPLE

### 5.3.1 AIM

Both Iris Marion Young and Daniel Butt, whom I presented as advocates of the association and benefit principles, concede that the contribution principle remains a formidable grounds of demanding remedial action. Despite the difficulties in applying a contributory approach to distribute remedial responsibility for harms in causally complex global processes, the alternative grounds they develop are to complement rather than to replace the contribution principle. As per Bernard Williams's insight, causation remains a central grounds in the conventional conception of responsibility, a tenet that those hoping to overcome its shortcomings in global processes have to accommodate one way or another.<sup>394</sup>

The variation of the capacity principle I will discuss, according to which the agent who is the most capable to act upon a harm has a responsibility to do so, challenges the cardinal role of the contribution principle.<sup>395</sup> In order to examine this approach in more detail, I engage with work by Peter Singer and Leif Wenar, who broadly claim that individuals living in affluent democracies have a duty that transcends communal boundaries to act upon a range of issues, such as global poverty and the resource curse. I show that these consequentialist approaches are very relevant to the question of consumer responsibility, but tend to define all grounds of responsibility as reducible to an analysis of actors' relative capacities to realise steps towards a chosen ideal.<sup>396</sup> Applying Dewey's criticism, I argue that treating capacity as the fundamental ground of remedial responsibility does not adequately reflect the pluralist, contextual and contingent nature of ethical inquiry.

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<sup>394</sup> Williams, *Shame and Necessity*, 56.

<sup>395</sup> E.g. Miller, *National Responsibility and Global Justice*, 103.

<sup>396</sup> Wenar, *Blood Oil*, 364.

### 5.3.2 PETER SINGER AND LEIF WENAR

The capacity principle is one of the most established approaches in global ethics that extends the sphere of moral discourse beyond communal boundaries. In his seminal article *Famine, Affluence and Morality*, Singer suggests that citizens of affluent countries have a positive duty to alleviate famine and poverty in distant parts of the world as long as helping those suffering does not involve citizens sacrificing anything of comparable moral significance. This responsibility treats distant strangers as moral equals to one's family, community or nation. If the suffering that an individual can most efficiently alleviate by the resources she has available is faced by those far away, then the distant ones are to be helped rather than those who are closer by but in less distress. Neglecting one's own community and family does not automatically follow: often special relationships with those one holds close on broadly association-based grounds are justified on the basis that their distress cannot be as effectively alleviated by those far away. To Singer, including distant others to the moral calculus is a consequence of embracing a maxim that an agent's remedial responsibility is a function of his or her unrealised potential to minimise suffering.<sup>397</sup>

To make the extent of his argument clear, Singer uses a now famous analogy between rescuing a child drowning in a shallow pond and resolving global poverty. Whether one's clothes get soggy while saving the child is not of much moral significance compared to the moral cost of a child losing his or her life if the person nearby did not jump into the pond to rescue. Similarly, citizens of affluent liberal democracies ought to do much more than they currently do to alleviate global poverty, because the costs of helping more are negligible. Accordingly, Singer's work serves as an inspiration to a social movement of 'effective altruism', which urges affluent individuals in rich

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397 Singer, 'Famine, Affluence, and Morality'; Peter Singer, *One World: The Ethics of Globalization* (New Haven; London: Yale University Press, 2002).

countries to spend a larger share of their income on charities that effectively mitigate global poverty.<sup>398</sup>

To compare, Leif Wenar writes that individuals broadly in ‘the West’ ought to take action to reform global trade regimes that allow importing of products from morally questionable origins.<sup>399</sup> He draws on empirical research on the resource curse phenomenon, stating that a country possessing abundant natural resources is more likely to encounter slow economic growth, to be ruled by authoritarian and corrupt regimes, and to undergo violent armed conflicts than those with less abundant natural resources. Among the countries suffering from the curse are many oil-rich countries, such as Saudi Arabia and Nigeria, but also countries with other kinds of sought-after raw materials, such as the conflict-torn DR Congo with its vast mineral riches. Many of these countries suffer from ‘pathologies’ of the resource curse at the same time as they export raw materials used to make products sold to consumers in affluent democracies.<sup>400</sup>

In his book *Blood oil*, Wenar takes up a myriad of arguments to push ‘citizens, consumers and leaders’ in the West towards acting upon the resource curse phenomenon.<sup>401</sup> He claims that the instability linked with the ‘pathologies’ will inevitably spread to affluent democracies, for instance as the resource-exporting countries provide feeding ground for terrorism and mass migration. Further, as neither the regimes of the ‘cursed’ countries, such as that of the authoritarian president Obiang controlling oil production in Equatorial Guinea, nor the armed rebels incentivised and financed by the resource trade, such as the diverse militias in eastern Congo, have the consent of the

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398 Peter Singer, *The Most Good You Can Do: How Effective Altruism Is Changing Ideas about Living Ethically* (New Haven; London: Yale University Press, 2015).

399 Wenar, *Blood Oil*, 54–62; Leif Wenar, ‘Poverty Is No Pond: Challenges For the Affluent’, in *Giving Well: The Ethics of Philanthropy*, ed. Patricia Illingworth, Thomas Pogge, and Leif Wenar (Oxford; New York: Oxford University Press, 2011), 104–132.

400 Wenar, *Blood Oil*, xxiv–xxvii, 54–62.

401 Leif Wenar, ‘Book’, 2018, <http://www.wenar.info/books#book-summary>.

population to tap on these resources, buying raw materials from them equals to buying stolen goods, which in many domestic legal systems is illegal.<sup>402</sup> He also summons a contribution-based argument, pointing out that the importing states, and indirectly consumers, are perpetuating the curse by funding and incentivising the rulers and rebels to continue their activities. Further, he suggests that there is a moral taint that stains products made using commodities stemming from suspicious origins, and finally evokes a historical analogy, stating that the current trade in raw materials has much in common with the now morally abhorrent and illegal slave trade.<sup>403</sup>

While the arguments harnessed are diverse compared to those taken up by Singer's in his early article, ultimately in both cases the responsibility of individuals in affluent democracies to mitigate suffering, harms and problems far away is grounded on their ample means to remedy the situation. In order to further flesh out these means, Wenar carves out practical steps towards mitigating the resource curse by reforms in international trade. As affluent democracies ceasing to buy products of suspicious origins would leave the resources in 'cursed' countries to be bought in by less scrupulous competitors, such as China, a two-step policy framework to guide import practices is needed. First, an international Clean Trade policy framework, according to which countries judged by a neutral body as facing the most severe authoritarianism or state failure would be disqualified from resource exports, is to be established. Second, to be airtight, this framework would be complemented by individual Clean Hands Trusts, to which money gathered by taxing imports from countries that break the Clean Trade policy would be saved for future use of the people in the suffering country. In *Blood Oil*, showing that steps to resolve the resource curse are mapped and feasible comprises an

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402 One of Wenar's broad strategies to generate moral motivation for remedial action is to portray the buying of imports from 'cursed' countries as a case of mala fide rather than bona fide: 'Property Rights and the Resource Curse', *Philosophy & Public Affairs* 36, no. 1 (2008): 17–19.

403 Wenar, *Blood Oil*, chapters I-II.



overarching case in favour of individuals in the West having a responsibility to do their best to ensure that they are taken.<sup>404</sup>

To highlight the consequentialist ethical theory that underlines Singer's and Wenar's claims, neither of the theorists places intrinsic moral value on acts. A conduct is evaluated as morally good or bad based on its outcomes, or more specifically in case of utilitarianism, how consequences of acts shape the aggregate level of utility among all the actors concerned.<sup>405</sup> While specific rules, such as do not harm, can be sometimes useful as practical guides to moral conduct, consequentialists do not see rules as foundational in the sense that replacing them with another set of rules leading to better outcomes would be morally impermissible.<sup>406</sup> When an issue such as the resource curse is to be remedied, both to Wenar and Singer the moral way of dividing the labour and costs involved is to allocate them among the potential actors in a way that the desired ideal is realised with least costs. Wenar writes about his choice of setting 'free unity among individuals' ends' as the ideal:

Policies, treaties, institutions, offices, traits, even what are conceived of as basic rules of interpersonal morality are ultimately to be evaluated by their contribution in their time, within a specific social world, to increasing or decreasing free unity among individuals' ends.<sup>407</sup>

And

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404 Leif Wenar, 'Fighting the Resource Curse', *Global Policy* 4, no. 3 (2013): 304; Wenar, *Blood Oil*, chapter IV; Leif Wenar et al., *Beyond Blood Oil: Philosophy, Policy, and the Future* (Lanham, MD: Rowman & Littlefield Publishers, 2018); Similarly, Pogge's Democracy Panel sets the criteria for who can sell resources. To compare, Wenar does not to frame the resource curse as a democratic deficit rather than as a violation of property rights and popular resource sovereignty: Thomas Pogge, 'The Influence of the Global Order on the Prospects for Genuine Democracy in the Developing Countries', *Ratio Juris* 14, no. 3 (2001): 326–43.

405 Wenar, *Blood Oil*, 363.

406 Utilitarians can also use rules to guide moral conduct. See: R. M. Hare, *Essays in Ethical Theory* (Oxford: Clarendon Press, 1993); Goodin, *Utilitarianism as a Public Philosophy*.

407 Wenar, *Blood Oil*, 363.

[t]his is an ideal-based consequentialism - a theory that judges everything by its contribution to the ideal, and with the ideal set by the maximum achievement of freely unified ends. The theory has many levels, including acts, rules, roles, principles, and identities. And the rule ordering these multiple levels is again unity. A person should reason on these levels as will result in the greatest free unity.<sup>408</sup>

A monistic consequentialist answer to the research question of the thesis would be that, despite the many paths of reasoning present in *Blood Oil*, consumers' responsibility to act upon harms in global supply chains is shaped by their capacity to efficiently advance projects in their time that comprise steps towards this ideal. Individuals in the West possess a variety of tools, such as taking up purchase action, calling for corporations to stop bad practices, and pressuring legislators to impose responsible import policies, to mitigate the resource curse that Wenar identifies as a major obstacle in the way of realising free unity among individuals' ends. These individuals, be they citizens, consumers, or leaders, are in a key position, even more so than those directly involved with or suffering from harms, as the latter group might not be able to act without incurring significant costs to themselves. In this case, the responsibility to act upon harms cascades down to individuals in affluent democracies.<sup>409</sup> Apportioning remedial responsibility in this way follows a vision of a better, reachable future; can implies ought.

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408 Wenar, 364.

409 Leif Wenar, 'Responsibility and Severe Poverty', in *Freedom From Poverty as a Human Right: Who Owes What to the Very Poor? Co-Published with UNESCO*, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 28–29.

### 5.3.3 UNIFORM THEORY

Ideal-based variations of consequentialism have been extensively discussed over the years.<sup>410</sup> For instance, Samuel Scheffler claims that consequentialist approaches to responsibility in general fail to appeal to individual morality in the context of global processes.<sup>411</sup> To him, although Singer's argument on global poverty seems useful in surpassing the shortcomings of the conventional notion of responsibility in the global era, the lack of limits it sets on individual responsibility makes the principle 'non-internalizable'.<sup>412</sup> To be sure, Singer's retort to the general accusation that he conflates the boundaries between moral and supererogatory acts is that such criticism exposes the inconsistencies in ordinary standards set for moral behaviour, not in his argument. Acting morally is not easy. Very few people actually do everything that they ought to do, whereby his way of following people's presumptions on what is moral to the bitter end might actually convince them to take their responsibilities extending beyond communal boundaries seriously.<sup>413</sup>

In what follows, I suggest that such a variant of the capacity principle runs a risk of being non-internalisable in a more fundamental sense. To start, the variation discussed below is monistic and ideal-based in a sense that all assignments of responsibility are derived from an analysis of the steps to be taken to realise the final goal, here 'the maximum achievement of freely unified ends'.<sup>414</sup> This variant treats the principles of contribution, benefit, and association discussed above as established on the capacity principle, although, to remind, Young and Butt themselves tend to envision their

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410 J. J. C. Smart and Bernard Arthur Owen Williams, *Utilitarianism - for and Against* (London: Cambridge University Press, 1973).

411 Scheffler, *Boundaries and Allegiances*, 42–46; McKeown, 'Responsibility without Guilt', 10–12.

412 Scheffler, *Boundaries and Allegiances*, 42–43.

413 Singer, 'Famine, Affluence, and Morality', 235–37.

414 Rubenstein, 'Pluralism about Global Poverty', 783; Wenar, *Blood Oil*, 364 Below, I suggest that Wenar's variation might leave some (unelaborated) space for endorsing further grounds of responsibility.

approaches as complementary to the contribution principle.<sup>415</sup> I will engage with Wenar's approach, because his argument broadly aligns with such an ideal-based monistic approach, and because his discussion of consumers well matches with the focus of this thesis.

The role of the capacity principle as a general theory of responsibility is less visible in *Blood Oil*, which harnesses diverse rhetoric to usher individuals in the West to fight the resource curse. Yet, it is explicit in Wenar's earlier article *Responsibility and Severe Poverty*, which presents 'a unified explanation of where to locate responsibility for averting threats to basic well-being'.<sup>416</sup> As per him, almost all assignments of responsibility are guided by the 'least-cost principle', according to which a 'responsibility for averting threats to basic well-being should be located in the agent who can most easily avert the threat'.<sup>417</sup> To illustrate, firefighters are assigned to fight a harm, because having an identifiable group to quench outbreaks of fires is the least costly way to systematically reduce the risk of serious damage; biological parents are considered as responsible for taking care of their children, because their proximity and natural affection to their child put them in the best position to do so; the driver of a trailing car rather than that of a leading car is usually held legally responsible for a collision, because the former is more able to avoid such an accident; and so on.<sup>418</sup>

To Wenar, the least-cost principle is vital in understanding and debating allocations of responsibility both in one-off situations and when systems involving roles such as those above are designed and evaluated. There is no competing logic to the adage: 'With power comes responsibility, and with great power comes great responsibility'.<sup>419</sup> Also the conventional notion of responsibility that theorists of global ethics try to revamp, according to which the individual actor with a direct and

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415 Wenar, *Blood Oil*, 364; Wenar, 'Responsibility and Severe Poverty'.

416 Wenar, 'Responsibility and Severe Poverty', 2.

417 Wenar, 5.

418 Wenar, 'Responsibility and Severe Poverty'.

419 Wenar, 18.

proximate contribution to a harm bears the remedial responsibility, is a contingent application of the least-cost approach. Although usually the least-cost approach presses remedial responsibility ‘inward’ to the very individuals suffering from a harm on the basis that they are most capable of helping themselves, in the case of the resource curse phenomenon this will not do. The economic and political power accumulated in importing countries to efficiently take steps towards mitigating the resource curse that stands in the way of unity among human ends vests individuals in them with a remedial responsibility to fight the phenomenon.

As per the ‘weak’ normative edge of pragmatism I described in chapter 2, aims set both by Singer and Wenar are broadly valid: both minimising suffering and free unity of ends among all humans comprise valid goals for action in specific situations.<sup>420</sup> However, here I highlight that these aims can be interpreted in pluralist terms and that various grounds can be adopted in ‘context-specific constellations’ to assign responsibilities to actors on a case-by-case basis.<sup>421</sup> As Dewey points out, taken as ultimate goals ideals do not easily turn into guides to thought and action: ethical inquiry involves experimenting on different frameworks to find out which one seems the most useful in individual situations, and reappraising the ends-in-view as their valuation might change in action.<sup>422</sup> Setting one principle as grounding all others fails to acknowledge this pluralism ‘encountered in experience’.<sup>423</sup>

Pluralism, as in acknowledging that there are several values that may guide moral reasoning, is illustrated in difficulties that follow when other grounds of responsibility are reduced to an analysis of actors’ remedial capacities.<sup>424</sup> In what follows, I engage with the way Wenar refutes the

420 Bernstein, ‘The Resurgence of Pragmatism’, 832.

421 Miller, *National Responsibility and Global Justice*, 100–105, 107; Rubenstein, ‘Pluralism about Global Poverty’.

422 Dewey, *Reconstruction in Philosophy*, 183, 198.

423 Parker, ‘Pragmatism and Environmental Thought’, 25.

424 Rubenstein, ‘Pluralism about Global Poverty’, 776; Elinor Mason, ‘Value Pluralism’, in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford University, 2018).

contribution principle, which he treats as the most prominent competitor to the capacity-based approach. Wenar discusses the principle as a duty to compensate, which activates ‘when one person has harmed another, and the harm to the victim constitutes a continuing threat to their basic wellbeing’.<sup>425</sup> To me, this definition likens the principle of compensation with the contribution principle discussed in the previous chapter, according to which those who cause a harm are primarily responsible for mitigating and compensating for it, regardless of whether they are most capable of doing so.

Wenar considers the contribution principle as limited and ‘surrounded’ by the least-cost principle in five ways.<sup>426</sup> First, the principle activates only when there is a harm, whereas in many cases in which someone’s well-being is threatened there is no identifiable person that has harmed or is going to harm another. Second, the identification of those persons who are held responsible for having caused the harm in question is also guided by the least-cost principle; that is, causal inquiry is guided by considerations on actors’ capacities. Third, the least-cost principle is superior to the principle of compensation, because the former overrides the latter in emergencies, such as in traffic accidents when the need to help those who are hurt is acute. Fourth, compensation is a ‘shallow’ principle compared to the capacity principle, because it does not indicate to whom a secondary responsibility should be assigned if those with a primary responsibility are unable or unwilling to fulfil their duty. And fifth, applying the contribution principle is unfeasible in complex cases, such as global poverty, in which it is impossible to convincingly reason who caused a harm, or if there is a harm in the first place.<sup>427</sup>

As it comes to the first point, there are definitely instances in which causes of harms cannot be traced to actors capable of carrying responsibility, whereby other means to allocate responsibilities

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<sup>425</sup> Wenar, ‘Responsibility and Severe Poverty’, 20.

<sup>426</sup> Wenar, 20–22.

<sup>427</sup> Wenar, 20–22.

are needed. However, there are many instances in which such tracing can be done as long as one does not rely only on narrow legal understandings of liability. In the previous chapter, I discussed the notion of causal influence as suggested by Barry and Macdonald. Many concepts in criminal and tort law, such as that of conspiracy, identify degrees of causal connection that can differentiate involved actors' relative fault in complex cases, illustrating that contributing to a harm is not a binary rather than a scalar issue.<sup>428</sup> Surely, there are situations in which harms are too complex, whereby relying on the capacity principle to build a no-fault based system to allocate responsibilities may be more useful.<sup>429</sup> Yet, tools exist to identify harms and their perpetrators in diverse situations beyond the standard case in which 'one person has harmed another'.<sup>430</sup>

This argument is linked with Wenar's fifth point. As Scheffler alludes, while finding out the causes of global poverty is an extremely challenging task, determining the extent to which actors can alleviate it equally requires vast knowledge of their respective capacities.<sup>431</sup> When applying the capacity principle, empirical complexity permeates a cost-benefit analysis to appraise an actor's responsibility at least as much as it does attempts to apply the contribution principle in causally complex cases. Wenar's least-cost principle is harder to apply than it sounds. For instance, treating national boundaries as an implausible limit to moral discourse in resolving grand problems, such as global poverty and the resource curse, invites a vast number of empirical factors to be taken into account when computing who among the many actors are the most capable of pushing towards the maximand. Such a computation is challenging, to say the least, at least as much as an inquiry into causes of harms.

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428 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?'

429 Goodin, *Political Theory and Public Policy*, chapter 3.

430 Wenar, 'Responsibility and Severe Poverty', 20.

431 Scheffler, *Boundaries and Allegiances*, 42.

I will return to the second and fourth points below. The third criticism, according to which the least-cost principle is superior, because it overrides the compensation principle in emergencies, implies that alleviating emergencies is more important than affecting the structural factors that enable such emergencies to take place. While a single famine can be partly alleviated by charity and donations, the underlying factors behind famines in general - such as speculative markets in global crop prices, failed agricultural policies, recurrent civil wars, and climate change, to name some explanatory factors – fade to the background if emergencies are prioritised as the events in which threats to people’s wellbeing are best averted. While it is quite intuitive to think that whoever is able to help when encountering a traffic accident should do so, a traffic engineer might have a more stringent duty to redesign the roundabout so that fewer accidents in the roundabout will happen in the future. The least-cost principle overriding the compensation principle in emergencies does not necessarily make the capacity principle any more ‘fundamental’; it might be the blame-inducing contribution principle that obliges traffic planners to take up the invaluable task of removing structural faults, such as ill-designed roundabouts increasing the likelihood of accidents.

Wenar’s fourth claim about the contribution principle as a ‘shallow’ principle could be turned on its head: contribution principle is actually primary, because it is the first device used to assign primary responsibility, and the capacity principle is only an auxiliary principle, because it activates if those having caused a harm are unwilling or unable to discharge their responsibility. As written above, some legal theorists take the view that redistributing costs of a harm from where they fall is justified primarily only if the responsibility is assigned to those who caused the harm.<sup>432</sup>

Finally, Wenar’s second criticism, which suggests that least-cost reasoning guides causal inquiry, is the most fundamental out of the five. If the least-cost reasoning guides causal inquiry, an analysis of actors’ remedial capacities underlines assignments of contribution-based responsibility rather than

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432 Butt, ‘On Benefiting from Injustice’, 136, 139–40; Fullinwider, *The Reverse Discrimination Controversy: A Moral and Legal Analysis*.



constitutes one of the considerations interwoven into them, as I suggested in the previous chapter. While I agree that the capacity principle constitutes an important lens through which one can evaluate the extent of responsibilities that consumers have in relation to harms in global supply chains, I find sufficient reasons not to consider the principle as a uniform or ‘general theory’ of responsibility.<sup>433</sup> What is easily masked by the alleged simplicity of the capacity approach is that further moral considerations guide its application. To illustrate, David Miller points out that the capacity principle by itself combines at least two elements, effectiveness and costs: a person can be able to mitigate a harm with best results but at a great personal cost, or with sufficient results and low personal costs. Consequentialist thinkers, then, have to strike a balance between these two elements in order to refine their appraisal of who is the most able act into practical guidelines.<sup>434</sup> Singer balances his approach by introducing limiting clauses, such as that the costs involved to a single actor are not to be ‘excessive’ or of ‘comparable moral significance’ or ‘importance’ in relation to the harm in hand.<sup>435</sup> Similarly, Wenar qualifies his least-cost principle by emphasising that discharging one’s responsibilities is not to generate ‘excessive costs’ to the responsibility-bearer. If costs are too high, it is better to transfer the responsibility to the actor next capable in the line.<sup>436</sup>

Ideal-based consequentialists define such clauses or principles against the final end that looms in the distance: ‘to a great extent, the ends justify the principles that constrain the means’.<sup>437</sup> On this basis, limits to costs could be justified, because too taxing demands might exhaust people, which would lead into the harms not being resolved and the ideal of freely united ends unrealised. Surely, establishing such clauses on this basis is a gargantuan empirical task not of the kind that resonates

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433 Wenar, ‘Responsibility and Severe Poverty’, 1.

434 Miller, *National Responsibility and Global Justice*, 104.

435 Singer, ‘Famine, Affluence, and Morality’, 388; McKeown, ‘Responsibility without Guilt’, 10–11.

436 Wenar, ‘Responsibility and Severe Poverty’, 7.

437 Wenar, *Blood Oil*, 364.

with the way people engage in moral action in their daily lives, and of complexity that matches with the efforts needed to apply the contribution principle in the context of global processes. The sheer amount of information needed about the global impact of different paths of action obstructs using the principle as a guideline to practical moral thought and action, for instance as it comes to deciphering what counts as an excessive cost.<sup>438</sup>

Surely, there are ways around this, for instance those provided by rule utilitarians, to whom everyday action can be guided by principles built on a utilitarian calculus.<sup>439</sup> Yet, my main concern is not about the prospects of ‘operationalising’ ideal-based consequentialism rather than about its foundations and its relation to the existing practices of assigning responsibility. Wenar acknowledges that existing conventions and habits of assigning responsibility are powerful as he harnesses very diverse arguments, ranging from blame-based vocabulary to moral taint and historical analogies, in order to motivate individuals to fight the resource curse. However, an important function that these arguments serve is to make western individuals reconsider the limits to costs they should bear in order to mitigate the resource curse. This is one of the ways the conventions carry independent moral weight that goes largely unrecognised in monistic accounts: showing through a calculus that consumers have a capacity to alleviate the resource curse, which in turn is a step towards realising the ideal of unity, does not resonate with the way existing habits, conventions and practices shape the solutions that can be taken up to orient in morally salient situations.<sup>440</sup> The limits to how much one has to do in order to discharge one’s responsibility are set using a plurality of considerations, involving communal boundaries, power, involuntary excuses,

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438 Scheffler, *Boundaries and Allegiances*, 42–43.

439 Hare, *Essays in Ethical Theory*.

440 Henry S. Richardson, ‘Beyond Good and Right: Toward a Constructive Ethical Pragmatism’, *Philosophy & Public Affairs* 24, no. 2 (1995): 126.

and blame-based rhetoric, whereas monistic accounts strive to derive such limits from the ideal itself.<sup>441</sup>

My point on further considerations shaping excessive costs does not conclude the discussion. For instance, one can argue that more pluralist forms of consequentialism, which allow for two or more moral reasons for assigning responsibility, can overcome this challenge. Both in *Blood oil* and in *Responsibility and Severe Poverty* Wenar resorts to a kind of vocabulary that retains a possibility for further considerations: by acknowledging that the capacity principle guides thinking in ‘almost’ all instances, that the contribution principle is ‘surrounded’ by rather than reducible to the least-cost principle, and that ends justify the principles that constrain means ‘to a great extent’ he leaves some, albeit unelaborated, space for other principles of responsibility to co-exist.<sup>442</sup> In the next chapter, I suggest an approach that does not enthrone the capacity principle as a general theory of responsibility, but nevertheless retains it as a yardstick for assessing consumer responsibility in global production processes.

## 5.4 CONCLUSION

This chapter has introduced the principles of benefit and capacity. First, I discussed Daniel Butt’s claim that it is justified to harness resources of an actor benefiting from an injustice to compensate for the injustice, even if the actor is neither directly involved with conducting the injustice nor voluntarily reaping the benefits. No nuanced applications of the benefit principle to the question of consumer responsibility exist, but I have suggested that it indeed can be used to argue that consumers bear a moral burden. Yet, the responsibilities that follow from adopting a benefit-based

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441 As Smiley points out, utilitarians sometimes frame their argument on other forms of reasoning in order to strengthen the motivational power of their claims. Smiley, *Moral Responsibility and the Boundaries of Community*, 171–72.

442 Wenar, ‘Responsibility and Severe Poverty’, 2, 20; Wenar, *Blood Oil*, 364.

approach are modest: the principle is conceptually an auxiliary principle that complements cases in which those having caused an injustice are for some reason not discharging their responsibilities. As per Butt's own view, 'obligation' is too strong a term to describe the moral burden that actors may take up based on them involuntarily benefiting from an injustice.

Second, I introduced the capacity principle, whose ideal-based consequentialist advocates argue that all assignments of moral responsibilities are to be guided by actors' capacities to advance the realisation of a morally desirable, fixed end. Engaging with Peter Singer's and Leif Wenar's arguments, I argued that monistic consequentialist approaches do not manage to 'crowd out' the need for further moral considerations, which people draw on to orient themselves in the social world. In line with the weak foundations of the pragmatist approach I introduced in the previous chapters, the grounds for assigning remedial responsibility are contextual, contingent, and plural, which has to be acknowledged in order to develop useful tools for ethical thought and action.

## PART II

### 6 A PRAGMATIST APPROACH

#### 6.1 INTRODUCTION

In this chapter, I first suggest that ethical situationism drawing on Dewey's work forms a basis for exploring consumers' remedial responsibility for harms in global supply chains from a capacity-based perspective.<sup>443</sup> When harnessed to produce normative guidelines, the approach bears a resemblance but stands apart from some variants of consequentialism. It acknowledges that all assignments of responsibility are interwoven with existing practices; striving for ends in view is a creative activity, which changes the responsibility-bearers as well as the valuation of the ends; and consumers' capacity to alleviate harms in global supply chains is a hypothetical rather than a fixed grounds for considering their responsibilities.

Second, I establish a rationale for supporting the capacity-based approach with a close study on armed conflicts linked with the resource curse phenomenon in some supply chains. I suggest that an overview of the empirical literature and conducting field research is needed for building an informed argument on consumers' remedial capacities. Accordingly, I elaborate the reasons and design for investigating consumers' linkage with the conflicts in eastern Congo and southern Nigeria. As a guideline to ethical thought and action, the approach bears a similarity to pluralist, 'mid-level' theorising, as it makes use of empirical research to rearticulate topical moral challenges.

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443 As in chapter 2, I thank Molly Cochran, Frank Martela, Pentti Määttänen, Sami Pihlström, and all participants in the Philosophy and Public Policy seminar at the University of Helsinki in March 2019 for helpful discussions and correspondence on this chapter. Further, I thank Helen Frowe and other participants in the Humanitarian Ethics and Action conference at the University of Birmingham in June 2017 for comments on the function of the close study.

## 6.2 CAPACITY REVISED

As this chapter begins the second part of the thesis, a recap of the steps taken so far is in order. In chapter 2, I aligned my approach broadly with John Dewey's situationist ethics, and suggested that its inclination to growth, interpreted by Molly Cochran as a weak normative foundation, establishes the possibility that harms in global supply chains require moral action from consumers. In chapter 3, I drew on Marion Smiley's framework of future-looking collective responsibility, which treats a group's potential capacity to realise moral projects as a basis of its moral agency, to justify holding consumers as potentially sharing remedial responsibilities. Chapters 4 and 5 explored four grounds that have been or can be used to argue that consumers, among the many potential candidates, bear such responsibilities with regards to harms in global supply chains. The categorisation between the principles of contribution, association, benefit, and capacity, as developed by Christian Barry and David Miller, provided a useful framework for this task.

In this chapter, I suggest that Deweyan situationism provides a basis for experimenting on an approach in which consumers' remedial capacities constitute an important guideline for assessing their responsibilities to act upon harms in supply chains. Placing moral importance on outcomes that an actor can generate is usually seen as a domain of consequentialist accounts, such as those discussed in the previous chapter. However, the approach I advocate stands apart from ideal-based consequentialism. I treat ethical inquiry as a fallible and situated tool to resolve disruptions that people experience in their habitual ethical thought and action, highlight the internal reconstruction that individuals undergo as they embrace and strive for plural ends-in-view to resolve them, and recognise that existing practices of assigning responsibility shape the context in which suffering, exploitation and violence are to be ameliorated. While the emphasis on consumers' capacity as a ground of responsibility in the following chapters may be partially read through a pluralist

consequentialist lens, I suggest that this approach differs from work usually characterised as consequentialist.

In chapter 2, I pointed out that Dewey rejects the means-ends distinction, which characterises utilitarian theorising, and in chapter 5 applied his view to claim that monistic consequentialist variants of the capacity principle might not be that applicable as guidelines to thought and action regarding consumer responsibility. To continue, the logic of the accounts that establish an ideal goal, such as the minimising of suffering, in order to focus on means to achieve it are not adequately sensitive to the transformative nature of ethical inquiry and deliberation. As Elizabeth Anderson describes Dewey's approach: '[t]he point of inquiring into means, and into ends considered as means or causes of further consequences, is not merely to determine how to achieve an end, but to appraise the value of the end itself'.<sup>444</sup> Grasping the course of action needed to reach an end gives a better view of whether the end is worth achieving, and cultivates novel ways to cope with the diverse situations people face. The value that his pragmatism nurtures is growth in individual and social critical intelligence, and the cultivation of the kind of mature and reflective individuals who are sensitive to and capable of ameliorating human suffering, exploitation and violence in ever-widening moral spheres. Fixing such an activity to any specific ultimate goal is but to 'arrest growth'.<sup>445</sup>

This concern on individuals' internal processes, on the kind of individuals they become, aligns Dewey-inspired pragmatists with some of consequentialism's most established criticisms. To Bernard Williams, utilitarians such as J.J.C. Smart do not appreciate the importance of individual integrity. When subjected to a utilitarian calculus, individuals are detached from their own

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444 Anderson, 'Dewey's Moral Philosophy'.

445 Dewey, 'Ethics', 306; Dewey, 'Theory of Valuation', 210–19; John Dewey, 'Human Nature and Conduct', in *The Middle Works of John Dewey, Volume 14, 1899 - 1924*, ed. Jo Ann Boydston and Ralph Ross (Carbondale: Southern Illinois University Press, 2008), 4–7.

commitments and projects. Expectations placed on them can shift and change, and individuals are treated as ‘channels’ between the input of projects held by everyone, including themselves, and an output of an ‘optimific decision’ that aims at an ultimate end, such as happiness. In so doing, consequentialists ignore that people are identified with their actions flowing from their deeply held attitudes and projects, and that demanding changes in those attitudes and projects is an attack on their individual integrity.<sup>446</sup> To me, a strong parallel exists between Williams’s criticism and Dewey’s emphasis on habits and conventions that are to be improved rather than discarded through ethical inquiry. The latter’s social psychological account of ethics does not reject but is wary of radically detaching individuals from their existing practices of thought and action in order to resolve a tension in them. Habits are vital for individuals steering themselves through the everyday; ‘blocked habits’ are to be improved rather than discarded.<sup>447</sup>

Accordingly, Marion Smiley takes up Williams’s criticism to argue that to maintain individual integrity one has to pay close attention to the prevailing practices of assigning responsibility. A downside of the consequentialist accounts is that, although useful and ‘metaphysically accessible’ to the extent that they do not presume free will or an intention to cause harm, they lack means to generate moral motivation.<sup>448</sup> The social practices of shaming, ideas on just deserts, and emotional linkages with those suffering from a harm are among the prevalent components in getting people to do something; telling to most people that calculation and utility oblige is not enough.<sup>449</sup> Smiley’s point is not conservative as in individual integrity and the existing conceptions of responsibility to

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446 Smart and Williams, *Utilitarianism - for and Against*, 116–17.

447 Anderson, ‘Dewey’s Moral Philosophy’; Hoover, *Reconstructing Human Rights*, 125.

448 Smiley, *Moral Responsibility and the Boundaries of Community*, 174; Richard B. Brandt, ‘A Utilitarian Theory of Excuses’, *Philosophical Review* 78, no. 3 (1969): 337–361.

449 ‘Utilitarians are in general reluctant to put forward their own, purely utilitarian, notion of moral responsibility, since thinking about blame in terms of utility always brings with it the possibility of draining blame of its power to influence behavior, i.e., its utility.’ Marion Smiley, ‘From Moral Agency to Collective Wrongs: Re-Thinking Collective Moral Responsibility’, *Journal of Law and Policy*, no. 1 (2010): 191.



be left as they are. In discussing Peter Singer's thesis on a duty to help, she points out that even if distant strangers are to be included to individuals' sphere of moral responsibility, in practice one has to think about 'the institutions and practices' that motivate individuals to embrace responsibilities, and about how the distant others who suffer could be included to an individual's 'realm of concern'.<sup>450</sup> Treating the grounds of responsibility as universal and separate from established practices, as consequentialists tend to do, is not likely to support such aspirations.<sup>451</sup>

Building an alternative approach on Deweyan underpinnings, Smiley suggests that allocating forward-looking collective responsibilities takes place by using a 'cluster of values and principles', whereby it is not useful to treat one principle as fundamentally prior to others. Moral values simply do not function like that, although arguments about them often so imply.<sup>452</sup> People use several moral rules, principles and other devices they and the generations preceding them have developed to orient in the social world, and a suitable analysis starts from acknowledging the contingency and interwovenness of these existing categories. Such an analysis is situated rather than objective and universalisable, and precisely due to its underpinnings on 'worldly considerations', Smiley suggests, may create opportunities for the moral inclusion of actors previously held outside moral discussion.<sup>453</sup> Accordingly, she encourages 'arguing openly and honestly about our moral responsibility for external harm in cases where we are now unable to communicate with one another'.<sup>454</sup>

To illustrate, in affluent democracies in which calls for ethical consumerism have been voiced, the contribution principle rules supreme, forming the core of both legal and often also social

450 Smiley, *Moral Responsibility and the Boundaries of Community*, 173–75.

451 Surely, a consequentialist counterargument could be that consequentialist benefits may be motivated by non-consequentialist reasons: Goodin, *Utilitarianism as a Public Philosophy*.

452 Smiley and Zalta, 'Collective Responsibility'.

453 Smiley, *Moral Responsibility and the Boundaries of Community*, 14.

454 Smiley, 13.

assignments of remedial responsibility. While other grounds, such as that of association, benefit, and capacity, can indeed complement contribution-based assignments, they are often vested in such blame-based rhetoric, because it resonates with powerful sources of moral motivation. Williams and Farid Abdel-Nour refer to ‘agent regret’ when describing the emotional response that most people face when they ‘discover’ they have caused a harm, no matter if there are circumstances, such as involuntariness or unintentionality, which in legal settings usually mitigate one’s liability.<sup>455</sup> In Williams’s classic example, a lorry driver feels an emotional wave for having driven over a child who without any warning ran to her way. Smiley’s analysis highlights that an agent’s self-reflection on whether she caused a harm is shaped by interweaving considerations, such as her notion of communal boundaries, the distribution of power in the society, and the kinds of volitional excuses that are generally seen as acceptable. While regret is a powerful visceral response, a pragmatist analysis reminds that it is invigorated by the driver’s conception of responsibility, which is in turn embedded in contemporary social practices; regret is not inevitable per se.

I suggest that Smiley’s analysis serves as a stepping stone towards treating consumers’ remedial capacities as a ground of remedial responsibility in a way that differs from ideal-based consequentialism. To her, Robert Goodin provides a promising example of a capacity-based approach, which can be honed into an account that acknowledges the need to prioritise between various ends without embracing capacity as a foundational ground of responsibility.<sup>456</sup> Whereas to the monistic consequentialist vein being ‘honest’ means acknowledging that the contribution principle as well as other principles are underlined purely by capacity-based considerations, the pragmatist vein interprets being ‘honest’ as recognising the plurality of considerations weighted against as well as intersecting with each other when remedial responsibilities are assigned using any

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455 Abdel-Nour, ‘Responsible for the State’; Williams, *Shame and Necessity*.

456 Smiley, ‘Future-Looking Collective Responsibility’, 9; Schmidtz and Goodin, *Social Welfare and Individual Responsibility*, 50–55.

grounds. A pragmatist approach lets go of the ‘quest for certainty’, and, as Kelly Parker phrases it, strives towards ‘creative mediation of conflicting claims to value, aimed at making life on the planet relatively better than it is’.<sup>457</sup> It gives up the search for general principles in order to locate rules that guide the current practices of assigning responsibility, be they based on contribution, capacity or other lines of reasoning.<sup>458</sup>

Can such an approach provide enough discipline to satisfy as a guideline for thought and action? The capacity-based approach I argue as worth experimenting on presumes a pluralist setting, echoing David Miller's ‘connection theory of responsibility’. Each ground of responsibility corresponds at least partly to the way people reason about moral duties in everyday situations, and there is no in-built hierarchy for handling conflicts between them. Each of them is relevant as long as all actors involved agree on a common purpose ‘to relieve P, and the necessity of identifying a particular agent as having the obligation to provide the relief’; ‘intuitions’ guide the choice of a ground in actual situations, as no specific ‘algorithm’ or a rank order can establish which one to prefer in resolving conflicts.<sup>459</sup> Miller’s view, as he points out himself, is indeterminate. The relations between the principles are left ambiguous, in some passages as ‘independent’ grounds of responsibility, and in others distinguished only by blurred boundaries.<sup>460</sup>

Jennifer Rubenstein takes up the task of providing an organising device for Miller’s pluralist setting. She points out that even if some aims, such as resolving global poverty, are embraced by almost all discussants endorsing diverse ethical theories, the very plurality of reasons may lead to problems, as they lead to disagreements on who should act and what kind of remedial activities each actor should take up to ameliorate the commonly recognised issue. Rubenstein raises these ‘case-centered’ and

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457 Parker, ‘Pragmatism and Environmental Thought’, 27.

458 Smiley, *Moral Responsibility and the Boundaries of Community*, 21, 23.

459 Miller, *National Responsibility and Global Justice*, 100, 107.

460 Miller, 100–105; Miller, ‘Distributing Responsibilities’.

‘agent-centered’ questions on allocating responsibilities as secondary but still important challenges to be tackled if global poverty is to be alleviated, and suggests three different ways of ordering the ‘mid-level’ moral reasons: counting reasons, that is, counting for which path of action there are the most reasons to follow and which actor there are the most reasons to assign responsibility to; setting up a general ranking of reasons that applies across different situations; or establishing assignments of responsibility based on the strongest ‘context-specific constellation of reasons’ in a particular situation. Her conclusion is that while the third device is not a perfect guide to allocating responsibility, it nevertheless serves as a more convincing organising principle than the other two: agreeing with Miller, she states that the grounds interact with each other, making it impossible to decipher which ones are stronger or weaker without looking at the particular situations in which responsibilities are allocated.<sup>461</sup>

Surely, pointing at context-specific constellations of reasons is a fuzzy compass. By embracing a capacity-based approach I do not attempt to explain the plurality away, or ‘replace quarrel with calculation’, a move characteristic of consequentialist thinking.<sup>462</sup> As Barry and Kirby put it, ‘giving up on pluralism seems a very high price to pay to gain in precision’.<sup>463</sup> The situationist approach I advocate treats as contingent the ontological status of both ‘foundational’ reasons for treating a state of affairs as deserving moral action, as well as of the ‘mid-level’ reasons for allocating responsibilities to act upon it in a specific way. Despite being averse of foundations, the weak normative commitment of pragmatism to growth orients ethical inquiries towards ameliorating the worst forms of exploitation, violence, and oppression, and provides a ‘quasi-foundation’ from which to proceed to the ‘mid-level’ questions to which Rubenstein formulates a blueprint of an

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461 Rubenstein, ‘Pluralism about Global Poverty’ Rubenstein lists ten ‘mid-level’ sources of remedial responsibility: causal, intention, capacity, humanitarian grounds, equality between moral persons, utilitarianism, association, benefit, promise, and office-based reasoning.

462 Onora O’Neill, *Bounds of Justice* (Cambridge; New York: Cambridge University Press, 2000), 124.

463 Barry and Kirby, ‘Scepticism about Beneficiary Pays’, 9.

answer. Even if there is no fixed North Star to help navigate this complicated ethical landscape, bearing responsibilities remains central to cultivating human growth. Assignations of responsibility encapsulate both the conventions and habits using which individuals have, together and separately, oriented through their everyday lives in the past, as well as their attempts to improve these habits in order to cope with the novel situations the world presents them with.

This might seem insufficient. Indeed, if no general hierarchy can be attained, one can ask why an exploration of actors' remedial capacities, an approach mostly familiar to consequentialist ethics, is to be preferred even as a hypothetical guideline to consumer responsibility over, for instance, constructing a system of *prima facie* duties, or taking up the 'do no harm' principle as an overarching principle?<sup>464</sup> The first part of my answer flows from the analysis I presented in the introductory chapter: a focus on capacities seem to be one way to limit the erosion of responsibility in the context of global production processes, which I diagnose as the most salient characteristic of the situation that this work attempts to resolve. The reason to pause and reflect instead of burdening consumers with more and stronger demands to consider harms in supply chains in their purchase decisions is that simply extending their moral sphere along supply chains might not lead individuals to cultivate and use their critical intelligence for activities that are conducive to growth, including the moral inclusion and the amelioration of harms. As I suggested in the first chapter, venturing too far from the conventional, spatially and communally bound practices of assigning responsibility by extending consumers' responsibilities to cover 'complex' or 'intermediate' goods risks creating shopping as an 'ethical minefield' that excites a 'vertigo' or paralysis at the height of discharging them. To me, starting with a capacity-based approach is justified, because it shows potential to help tackle this important characteristic of the situation.

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464 W.D. Ross, *The Right and the Good*, British Moral Philosophers (Oxford: Clarendon Press, 2002); Mary B.

Anderson, *Do No Harm: How Aid Can Support Peace - or War* (Boulder, Co.: Lynne Rienner Publishers, 1999).

Whether the approach actually meets these expectations is not asserted rather than subjected to empirical and theoretical experimentation. This lack of an anchoring point exposes both the strength and weakness of Deweyan naturalist ethics.<sup>465</sup> On the one hand, it treats value judgments to be studied as natural phenomena, starting with hypotheses to be tested and revised against evidence.<sup>466</sup> On the other hand, neither the hypotheses to be tested nor the standards of whether the hypotheses pass these tests are set outside practice: whether the tools provided are useful or not is tested against experience, both of the actors and of those affected by their acts.<sup>467</sup> Hence, although I draw on Smiley's example to suggest that actors' capacities can serve as a useful approach to allocating responsibilities, I readily concede that other tools could be taken as 'hypotheses' to be experimented on.

As the second part of my answer, I suggest that the 'weak' normative edge in Dewey's ethics guides the gaze on consequences when normative guidelines are sought for specific cases. Pointing out veins of consequentialism in Dewey's work is a not an uncommon reading. Jennifer Welchman suggests that in modern terms Dewey's normative philosophy can be defined broadly as 'pluralist welfare consequentialist'.<sup>468</sup> James Bohman considers whether Dewey could be characterised as a consequentialist thinker, although not necessarily a utilitarian, by his endorsement of statements such as 'judge an act by its consequences'.<sup>469</sup> Elizabeth Anderson notes that pragmatism in ethics is often regarded as a form of teleology or consequentialism.<sup>470</sup> Indeed, thinkers of both

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465 Hoover, *Reconstructing Human Rights*, 18–21.

466 Bohman, 'Ethics as Moral Inquiry: Dewey and the Moral Psychology of Social Reform', 207–8.

467 Hoover, *Reconstructing Human Rights*, 218.

468 Jennifer Welchman, 'Dewey's Moral Philosophy', in *The Cambridge Companion to Dewey*, ed. Molly Cochran (Cambridge; New York: Cambridge University Press, 2010), 182; for an indicative view on welfare as a standard rather than an end: Dewey, 'Ethics', 281.

469 Bohman, 'Ethics as Moral Inquiry: Dewey and the Moral Psychology of Social Reform', 187.

470 Anderson is sceptical of such readings, reminding that Dewey rejected accounts of the right that defined it in terms of the good: Anderson, 'Dewey's Moral Philosophy'.

consequentialist and pragmatist views have engaged with the wide framework of future-looking collective responsibility.<sup>471</sup>

Rather than embracing Dewey's work as outright consequentialist, I contend that such a move might not satisfy those conventionally identifying their work as consequentialist. A pragmatist commitment to ethical inquiry as an experimentalist, transformative and situated process, and to conceiving the moral aims people strive to realise as plural and changing, would be disconcerting to many consequentialist theorists building prescriptions regarding personal or social conduct on one or several 'strong' ideals. The capacity-based approach in this thesis takes habits, conventions and norms seriously: while actors' remedial capacities are indeed an important factor when allocating responsibilities to advance various moral goals, replacing all other considerations with this criterion would not only imply radical shifts in the everyday practices of responsibility, but disregard that such habits, conventions and norms are the backbone using which individuals navigate through situations calling for an ethical inquiry. Situationism recasts ethical theories in methodological terms as tools stemming from and potentially useful in improving these practices, whereas most consequentialist variations are inclined to portraying other than efficiency calculi as somewhat misguided distortions or, at best, instrumentally useful manifestations of a capacity-based approach.

A case in point, situationism treats deontology and consequentialism not as reducible to each other, but as situated answers to different problems that people face and have faced in the past.<sup>472</sup>

Deontological accounts, by harnessing the concept of the right, portray the value attributed to claims that individuals and groups make against one another within the cooperative practices they share, whereas consequentialist accounts, by taking up the concept of the good, capture what

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471 Smiley, 'From Moral Agency to Collective Wrongs', 191; Smiley, 'Future-Looking Collective Responsibility', 9–10; as above, Smiley draws on Robert Goodin's work: Schmidtz and Goodin, *Social Welfare and Individual Responsibility*, 50–55; also: Marion Smiley, ed., 'Special Issue: Forward-Looking Collective Responsibility', *Midwest Studies In Philosophy* 38, no. 1 (2014).

472 'Three Independent Factors in Morals'.

people, uncritically or based on intelligent reflection, prize, desire and see worth striving towards.<sup>473</sup> Dewey aspired to move not only beyond a Kantian inclination to treat reason as a power that issues commands to restrict desire, but also beyond the consequentialist inclination to hold aims as fixed. The authority of claims made towards others is to be assessed and reassessed based on individuals' 'affective-ideational' interaction with the world, and the ethicality of their activities based on their propensity to cultivate growth on a temporal continuum in which 'each successive stage is equally ends and means'.<sup>474</sup> For instance, Henry Richardson argues that 'constructive ethical pragmatism' gives up both on deontology and consequentialism: in ethical deliberation one cannot reach a point in which a moral principle has been worked out sufficiently to declare it as inflexible. Such deliberation involves specifying norms to particular situations and integrating the conceptions of the good and the right in new ways.<sup>475</sup>

Yet, Dewey-inspired readers differ on their understanding of the exact relationship between metaethical and ethical theorising: to use Light's categorisation, my reading is philosophical rather than metaphilosophical.<sup>476</sup> In drawing normative guidelines, I emphasise 'the widest consequences for everyone of following them' as a leitmotif that runs through the criteria for evaluating whether different ways to approach a situation deserve 'warranted assertibility', and suggest that a capacity-based constitutes a promising, although not the only alternative that potentially matches these criteria.<sup>477</sup> Hugh McDonald's rightly suggests that Dewey 'transforms' consequentialism by considering an act's consequences as an important but not a foundational factor in assessing its

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473 Anderson, 'Dewey's Moral Philosophy'; Welchman, 'Dewey's Moral Philosophy', 177–79.

474 Dewey, 'Ethics', 308–9; Dewey, 'Human Nature and Conduct', 138; Dewey, 'Theory of Valuation', 218, 234–37.

475 Richardson, 'Beyond Good and Right: Toward a Constructive Ethical Pragmatism', 140.

476 Light, 'Environmental Pragmatism as Philosophy or Metaphilosophy', 330.

477 Anderson, 'Dewey's Moral Philosophy'; Cochran, 'Deweyan Pragmatism and Post-Positivist Social Science in IR', 547.



moral value.<sup>478</sup> If pragmatism is treated as a form of consequentialist ethics, consequentialism risks becoming redefined as something else than what the term usually captures. As long as Dewey's meta-ethics and moral psychology are held as careful caveats, situationism allows constructing a normative guideline that treats consumers' remedial capacities as a contingent yardstick of their responsibility to help alleviate harms.

## 6.3 CLOSE STUDY

Based on the discussion above, in the remaining thesis I launch an inquiry into consumers' connection with the resource curse and armed conflicts. As I started elaborating in the first chapter, and will continue to do so in the following one, armed conflicts in the extractive stages of some supply chains are one of the harms in supply chains flagged as important by advocates of ethical consumerism. In a world of complex supply chains in which, to adopt David Schwartz's language, having completely 'clean hands' is impossible for most people, investigating this connection may reveal meaningful steps towards at least cleaner hands, an objective that resonates with the need to respond to the moral anxieties that many consumers in affluent democracies are facing.<sup>479</sup> Further, a close study can produce insights of a kind that a theoretically inclined research dwelling less on the empirical complexities of the harm in question may not be able to articulate, as the latter is not that sensitive to the actual practices of assigning responsibilities.

Again, Rubenstein's approach carries methodological insights importable to my approach. Rubenstein suggests that great challenges, such as global poverty, can be reconceptualised as comprising of smaller components that better fit with the moral reasons actors recognise, and which make the actor-specific and case-specific questions involved easier to manage.<sup>480</sup> She treats

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478 McDonald, *John Dewey and Environmental Philosophy*, 117.

479 Schwartz, *Consuming Choices*, 94.

480 Rubenstein, 'Pluralism about Global Poverty', 792–94.

empirical work as useful in teasing out such mid-level insights on complex ethical challenges. To illustrate, her book *Between Samaritans and States* conceptualises four moral predicaments that international non-governmental organisations, such as Oxfam and Médecins Sans Frontières, face when trying to help deprived people in conflict areas. Taking up interviews, participatory observation and archival research in what she calls a ‘cartographic’ approach, Rubenstein aims to ‘draw distinctions, offer re-conceptualizations, deploy normative arguments, and otherwise try to make (one kind of) sense of a dauntingly complex terrain’.<sup>481</sup> Maps are a useful analogy: they highlight characteristics, such as differences in altitude, ecology, human and animal densities, depending on the purpose for which they are drawn, without alluding that the complete complex ethical terrain can be portrayed on a single presentation.

Surely, Rubenstein is not alone, as researchers inclined to pragmatist and non-ideal theorising have in different terms voiced a need for mid-level approaches to ethics.<sup>482</sup> The empirical part of the close study in this work commences in two stages. First, a convincing argument on consumers’ capacity to help alleviate conflicts in supply chains requires an informed view of the linkage between armed conflicts and natural resources. I will establish an overview of the resource curse in the next chapter. By itself, the overview is unlikely to yield practical insights on consumers’ remedial capacities: even if countries with very different characteristics are treated as ‘cursed’, the intricate causal

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481 Jennifer C. Rubenstein, *Between Samaritans and States: The Political Ethics of Humanitarian INGOs* (Oxford: Oxford University Press, 2015), 18.

482 Further approaches that integrate ‘applied ethical and applied social sciences’ have been advanced in different forms for instance by: David Wiens, ‘Prescribing Institutions Without Ideal Theory’, *Journal of Political Philosophy* 20, no. 1 (2012): 53; Friedrich Kratochwil and Jörg Friedrichs, ‘On Acting and Knowing: How Pragmatism Can Advance International Relations Research and Methodology’, *International Organization* 63, no. 4 (2009); Shmuel Nili, ‘Global Justice and Global Realities’, *Journal of International Political Theory* 12, no. 2 (2016): 205; Valentini, ‘The Natural Duty of Justice in Non-Ideal Circumstances’; Laura Valentini, ‘Ideal vs. Non-Ideal Theory: A Conceptual Map’, *Philosophy Compass* 7, no. 9 (2012): 654–64; Amartya Sen, *The Idea of Justice* (Cambridge, MA: Belknap, 2009), xi–xii, 15; A. John Simmons, ‘Ideal and Nonideal Theory’, *Philosophy and Public Affairs* 38, no. 1 (2010): 20.

mechanisms driving violence and instability in them might vary, whereby also the conflict prevention and mitigation policies, which consumers could support by their purchase decisions, might differ across cases. Accordingly, and second, chapters 8 and 9 will focus on armed conflicts in eastern Congo and southern Nigeria. Whether the insights accrued through these two steps are generalisable to other conflicts linked with natural resources remains ultimately an empirical question. At the very least, an in-depth look into two conflicts enables articulating factors and resources that can be considered in future studies mapping consumers' capacity to act upon other conflicts.<sup>483</sup>

Congo and Nigeria deserve the attention, *because both constitute an integral link in global supply chains governed by multinational corporations, and because the raw materials they produce are used in wide-spread products that are legally sold to consumers across the world.* To unpack the reasoning, I have selected cases in which multinationals tap on the natural resources in the area, because zooming in on two well-known cases in which supply chains linking the war-torn areas with consumers are governed by MNCs allows me to include an important category of actors and their relative responsibilities to the analysis. Most transnational initiatives trying to alleviate armed conflicts in global supply chains target MNCs as the key actors.<sup>484</sup> While multinational corporations do not play a part in all conflicts that involve extraction and trade of natural resources, for instance when the products are aimed for national or regional markets, their involvement adds an important factor to the analysis.

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483 Cf. Evans, Welch, and Swaffield, 'Constructing and Mobilizing "the Consumer": Responsibility, Consumption and the Politics of Sustainability', 1398.

484 I use the conventional operational definition of a multinational corporation as an entity that 'owns (in whole or in part), controls and manages income generating assets in more than one country', e.g.: Emeka Duruigbo, 'The World Bank, Multinational Oil Corporations, and the Resource Curse in Africa', *University of Pennsylvania Journal of International Law* 26 (2005): 29.

Another factor in choosing the cases is that both oil from Nigeria and minerals from Congo end up in products sold to final consumers in affluent democracies. My initial focus is on consumers' capacities to alleviate the conflicts by market-based action, that is, by purchasing or refraining from purchasing a commodity, or by indicating to the market actors running the supply chain that they might do either. While the discussion will quickly involve the relation between market-based and political capacities of individuals in affluent democracies, the initial focus is on consumers' market-based capacity to make a difference by their purchases. Suitably, Congo and Nigeria provide raw materials for global supply chains that provide consumers with daily commodities ranging from fuels to electronic devices.

Third, the resources in question are used to produce commodities that are sold to final consumers in a legal and widespread manner. Leaving out commodities, such as heroin stemming from Afghanistan, the sale and purchase of which is illegal around the world, I ensure that the ethical considerations around buying a product are not reducible to the deceptively simple distinction between legal and illegal products.<sup>485</sup> On a similar vein, focusing on wide-spread commodities, such as minerals and oil, increases the probability that at least some scholarship and public discussion on the ethical aspects of the resource in question exists, which I can draw on with reasonable effort. Adding a commodity less known or of illegal nature will be left for further work.

Fourth, there are useful similarities and differences between the Congo and Nigeria to examine in the close study. Both are countries in Sub-Saharan Africa, which in 2018 was the region second-most affected by highly violent conflicts.<sup>486</sup> While adding a case from another continent, such as cocaine from Colombia, would provide geographical diversity, the case selection is guided by a

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485 Such a distinction is difficult to make in many cases, in which raw materials travel across several legislations and intermediaries: Carolyn Nordstrom, *Global Outlaws: Crime, Money, and Power in the Contemporary World* (Berkeley: University of California Press, 2007).

486 Heidelberg Institute for International Conflict Research, 'Heidelberg Institute for International Conflict Research Conflict Barometer', 2019, 13, <https://hiik.de/conflict-barometer/current-version/?lang=en>.

presumption that considerations related to consumer responsibility are not that likely to be affected by the exact geographical location of the exporting country. As the next chapters show, natural resources interweave in different ways with other factors, such as elite competition and international trade policies, elaborating the conjunctures of which can tease out the kinds of factors relevant to consumers' remedial capacity.

The case selection emulates a 'most likely' research design by choosing two cases that are likely to yield moral attention and controversy.<sup>487</sup> Congo and Nigeria match the criteria. Wenar uses both countries to illustrate a morally unsustainable situation in which consumers buy 'stolen goods' from countries suffering from the resource curse.<sup>488</sup> Barry and Øverland draw a parallel between the two countries to exemplify situations in which empirical contingencies complicate normative reasoning on who should act to resolve the situation and on what grounds.<sup>489</sup> Further, both conflicts are well-known. Many of the best-publicised international initiatives to control trade in 'conflict resources' have focused on eastern Congo. Nigeria was a target for international campaigning especially in the early 1990s, although the attention has arguably shifted from sporadic violence in the Niger Delta to the Boko Haram movement in the north.<sup>490</sup> The concepts of 'conflict' and 'blood' resources are used in connection to violence both in eastern Congo and southern Nigeria.<sup>491</sup>

Besides a review of academic literature on the resource curse and the two conflicts, the close study draws on fieldwork conducted mostly in Congo and Nigeria in autumn 2017, consisting of 59

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487 Cf. Michael Ross, 'What Do We Know about Natural Resources and Civil War?', *Journal of Peace Research* 41, no. 3 (2004): 337–56.

488 Wenar, 'Property Rights and the Resource Curse', 5–6; Wenar, *Blood Oil*, 54–64.

489 Barry and Øverland, *Responding to Global Poverty*, 145.

490 Interview #52: Godwin Aseku Ojezele, Former Participant in the Presidential Amnesty Program.

491 Iro Aghedo and Oarhe Osumah, 'Insurgency in Nigeria: A Comparative Study of Niger Delta and Boko Haram Uprisings', *Journal of Asian and African Studies* 50, no. 2 (1 April 2015): 208–22.

interviews with practitioners and participant observation in five stakeholder meetings. The practitioners are broadly defined as non-academic individuals that through their professional, voluntary or other activities are informed about efforts to make the global supply chains that draw on raw materials from the Congo and Nigeria as 'conflict-free'. They consist of three groups that can be suspected of nurturing valuable but differing views on the role that consumers play in the conflicts: 1) policy-makers involved with legal and political initiatives to fight the resource curse; 2) representatives of corporations involved with international trade in the resources; and 3) representatives of civil society organisations and affected communities who advocate efforts to make supply chains 'conflict-free'. The interviewees include members of all three groups reached through snowballing sampling as well as some not falling neatly to any of the categories (see Appendix I: List of interviews and meetings).

To be sure, while the close study focuses on conflict dynamics, which is a familiar territory to the study of International Relations, other important dimensions would also deserve attention. For instance, consumers' self-perceptions of their own or other agents' capacities, factors affecting under what conditions consumers are motivated to purchase 'ethically' produced products, domestic conditions under which consumers joining together brings the best results, and the international power dynamics between companies, states, and international institutions to which consumers ought to focus, are elements subjected to research in political, sociological and marketing studies. While generally speaking such research could be included to an evaluation of consumers' capacities, the emphasis on conflict dynamics in the exporting countries is a field in which the toolbox of International Relations is at its strongest. The close study does not aim to be an exhaustive treatment of consumers' capacities. Rather, the fieldwork-based approach sheds light on the complex conflict dynamics, which are currently recognised as a major impediment and disincentive to normative theorising on consumer responsibility for armed conflicts in general.<sup>492</sup> Drawing a

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492 Herzog, 'Who Should Prevent Sweatshops?', 2, 5.

‘map’ of consumers’ remedial capacities involves giving more attention to some stages over others in the connection between consumers and violence; a cartographer’s pain is to include enough without adding too much.

More precisely, the substantial close study has two aims. First, by examining academic scholarship on the recurrent conflicts and conducting semi-structured interviews with practitioners who are informed about the efforts to make the extraction and trade of the natural resources originating from the areas ‘conflict-free’, I develop an informed understanding of the conflict dynamics. The purpose of the fieldwork is not to carve out new empirical discoveries on the role that international demand of raw materials plays in the conflicts rather than to ensure that I have an informed view that helps articulate a normative argument on consumers’ capacity. Second, interviewing practitioners exposes me to alternative ways to think about the complicated moral position in which consumers find themselves, as they purchase products directly or indirectly originating from such questionable sources. I treat the practitioners as moral theorists in their own right with potentially valuable insights to the topic in hand, rather than as informants or data points as would be adequate for approaches such as ethnographic research.<sup>493</sup> Engaging with the practitioners enables me to connect the theoretical apparatus built over the previous chapters with the very tangible empirical landscape of the conflicts, and helps conceptualise practice-based insights on consumers’ potential role in alleviating the conflicts.

## 6.4 CONCLUSION

In this chapter, I first paved the way for the second part of the thesis by introducing a pragmatist normative approach that places a hypothetical emphasis on capacity in assessing consumers’ responsibility in the context of global supply chains. The approach draws on Deweyan situationism,

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<sup>493</sup> Rubenstein, *Between Samaritans and States*, 22–23.

the pluralist, experimentalist and transformative underpinnings of which distinguish it from monistic, ideal-based consequentialism. These underpinnings are usefully complemented with tools from mid-level theorising in global ethics, which uses empirical research to reconceptualise topical ethical challenges in order to manage them. Second, I argued that a capacity-based approach benefits from a close study that generates insights on consumers' remedial capacities with regards to the resource curse and armed conflicts in some supply chains. I suggested that the resource-linked conflicts in eastern Congo and southern Nigeria constitute a promising target for such research, and introduced the two-step research design through which I explore their dynamics.



## **7 RESOURCE CURSE**

### **7.1 INTRODUCTION**

In this chapter, I explore the resource curse, a phenomenon that covers diverse societal and political challenges including slow economic growth, authoritarian regimes, failing institutions, and armed conflicts. What is meant by the curse has to be established for calibrating the close study. First, I describe the recent initiatives to include consumers among the international actors who should join together to fight the phenomenon. I reiterate and strengthen the point made in the introductory chapter, according to which consumers' connection to resource-related armed conflicts comprises a challenge to everyday thought and action that calls for an ethical inquiry.

Second, I explore empirical scholarship on the connection between the trade and extraction of natural resources and the wide array of pathologies described above. Broadly, quantitative studies indicate that there is a basis for treating abundant natural resources, especially oil, as conducive to armed conflicts. I argue that to develop efficient policies for alleviating particular conflicts, and to articulate the role that consumers can play in advancing such policies, insights generated by large-N studies are usefully deepened through case analyses and by embracing wider theoretical standing points.

## 7.2 JUSTIFYING THE FOCUS

To apply the typology I introduced in the first chapter, the resource curse phenomenon is primarily a harm that is faced by societies rather than workers and the planet, and of a kind that can be further divided into three kinds of ‘pathologies’: slow economic growth, authoritarianism and weak institutions, and armed conflicts. Since the 1980s, academics have discussed whether countries with high-value natural resources, such as oil, gas, and minerals, are inclined to be facing such challenges, and while many countries diagnosed as suffering from the curse are in Africa or the Middle East, the phenomenon is claimed to bear global validity.<sup>494</sup> In this section, I justify the focus on the resource curse, and especially on armed conflicts linked with it.

One might suspect that looking at the phenomenon unhelpfully shifts the gaze from consumers to states, international institutions and non-state groups, which are more typically diagnosed as playing a pivotal role in both feeding and resolving such miseries. Below I show that this is not the case.<sup>495</sup> Consumers’ alleged connection to ‘resource wars’ upstream illustrates how globalisation brings new issues to individuals’ moral horizon, creating pressure to reconsider the prevalent conceptions and practices of allocating responsibilities to act upon such harms. Karen Ballentine and Heiko Nitzschke suggest somewhat provocatively that most natural resources fuelling conflicts are destined for licit and illicit consumer markets in the developed world.<sup>496</sup> Be their claim accurate or

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494 Leif Wenar, ‘Fighting the Resource Curse’, *Global Policy* 4, no. 3 (2013): 298; Michael Ross, ‘Does Oil Hinder Democracy?’, *World Politics* 53, no. 3 (2001): 325–61.

495 Flagship cases in normative treatises on ethical consumerism remain sweatshop labour and climate change. E.g. Herzog, ‘Who Should Prevent Sweatshops?’; Young, ‘Responsibility and Global Labor Justice’; Walter Sinnott-Armstrong, ‘It’s Not My Fault: Global Warming and Individual Moral Obligations’, in *Perspectives on Climate Change: Science, Economics, Politics, Ethics*, ed. Walter Sinnott-Armstrong and Richard B. Howarth (Amsterdam; London: Elsevier, 2005), 285–307; As before, Wenar’s work is a notable exception: *Blood Oil*.

496 Karen Ballentine and Heiko Nitzschke, *Profiting from Peace: Managing the Resource Dimension of Civil War*, Project of the International Peace Academy (Boulder, Co.: Lynne Rienner, 2005), 4.

not, consumers are increasingly ushered to use their purchase power to shape the rules and patterns of international trade seen to exacerbate this specific symptom of the resource curse.<sup>497</sup> They are to join a 'coalition', to fight the resource curse alongside civil society organisations, governments, international institutions, and transnational corporations.

To illustrate, since the early 2000s several western NGOs have drawn attention to armed conflicts ongoing in several countries that provide raw materials for consumer products. Although campaigning coalitions have varied over the years, some of them have been central in bringing the resource-conflict connection to the international agenda. Global Witness, an investigative NGO based in London, pressures corporations and governments to adopt 'conflict mineral' and 'conflict resource' policies in order to help war-torn countries, such as Congo, Afghanistan, and Myanmar.<sup>498</sup> Amnesty International and other major human rights NGOs have subsequently adopted global trade in natural resources as an item in conflict resolution campaigns.<sup>499</sup> The cause of Global Witness intertwines with that of The Enough Project, a campaign in the United States aiming to build a civil movement to end genocide and poverty in Africa. The Project has been vocal in arguing that the imports of Congolese minerals in Europe, United States, and elsewhere must be better regulated, because 'there will be little chance for peace in Congo until the world figures out a way to purchase that country's minerals without fueling horrific violence'.<sup>500</sup>

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497 Philippe Le Billon, *Wars of Plunder: Conflicts, Profits and the Politics of Resources* (New York: Oxford University Press, 2013), 226; Macartan Humphreys, Jeffrey Sachs, and Joseph E. Stiglitz, *Escaping the Resource Curse* (New York: Columbia University Press, 2007).

498 Global Witness, 'Conflict Minerals'.

499 Amnesty International and Global Witness, 'United States of America: Digging for Transparency: How U.S. Companies Are Only Scratching the Surface of Conflict Minerals Reporting', 2015, <https://www.amnesty.org/en/documents/AMR51/1499/2015/en/>.

500 John Prendergast, 'Eastern Congo: An Action Plan to End The World's Deadliest War' (Enough Project, 2009), <http://www.enoughproject.org/publications/eastern-congo-action-plan-end-worlds-deadliest-war>.

Partially as a reaction to public attention generated by these and other NGOs, such as the Natural Resource Governance Institute, several governments and other public organisations have supported transnational 'soft law' regulation, such as the UN Guiding Principles on Business and Human Rights and the OECD guidelines, which guides but does not legally obligate corporations to avoid contributing to violence in their operating countries.<sup>501</sup> A more robust example of regulatory initiatives is the Kimberley process, an international certification scheme endorsed by the United Nations to prevent trade in diamonds that are used to finance a civil war against legitimate governments.<sup>502</sup> Initiated in 2003 as a response to parties to a conflict in Angola and Sierra Leone financing their operations through the diamond business, the Kimberley Process refers to a joint partnership scheme between states, corporations, and civil society actors, which strives for a better control of the diamond supply chain by legislation, trade controls, and exchange of information.<sup>503</sup> The theme issue has been taken up in Hollywood films to the extent that in popular imagination 'blood diamonds' arguably remains a blueprint of an issue that connects shopping malls with warzones.<sup>504</sup>

The conflict resource approach, however, stretches beyond diamonds. The EITI and the Publish What You Pay initiative illustrate attempts to establish transparency in the handling of revenues from the extractive industries. Legal measures, such as the Dodd-Frank Act in the United States,

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501 UN, 'Guiding Principles on Business and Human Rights' (New York; Geneva, 2011); OECD, 'Due Diligence Guidance for Responsible Business Conduct' (Paris, 2018); OECD, 'Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas', 2018

502 Kimberley Process, 'About', 2018, <https://www.kimberleyprocess.com/en/about>.

503 Franziska Bieri, *From Blood Diamonds to the Kimberley Process: How NGOs Cleaned Up the Global Diamond Industry* (Farnham Surrey: Ashgate, 2010); Kimberley Process, 'About'.

504 Le Billon, *Wars of Plunder*, chapter 4; Le Billon, 'Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer'; Douglas Farah, *Blood From Stones: The Secret Financial Network of Terror* (New York: Broadway, 2004); Michael Klare, *Blood and Oil: The Dangers and Consequences of America's Growing Dependency on Imported Petroleum* (New York: Henry Holt and Company, 2007); Ian Smillie, *Blood on the Stone* (London, New York: Anthem Press, 2010).

oblige corporations to report the due diligence measures they have taken to ensure that their products do not contain 'conflict minerals' from the Congo or neighbouring countries. Whereas at the time of writing the conflict mineral sections of the Act is resisted by the Trump administration, the forthcoming legislation by the European Union not only retains its purpose but expands the scope from the Great Lakes region in Africa to the imports of certain minerals from all countries.<sup>505</sup> Such measures are spreading beyond affluent democracies: in 2015, the China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters published its own due diligence recommendations, according to which individual companies in Chinese mineral trading sector have a responsibility to address conflicts and human rights abuses around the world.<sup>506</sup>

As the efforts above already indicate, NGOs and public regulators usually focus on pushing corporations governing the global supply chains into adopting policies that mitigate their suspected role in contributing to the resource curse.<sup>507</sup> The trend accentuated after the Dodd-Frank Act: to illustrate, in 2014 the semiconductor giant Intel introduced 'conflict-free' due diligence schemes to ensure and evidence that the extraction and trade of minerals used in their products does not fuel wars upstream.<sup>508</sup> At the same time, new players enter the markets, such as Fairphone, a Dutch advocacy campaign evolved into a phones company, which sources the minerals needed in products

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505 European Parliament, 'Conflict Minerals: MEPs Secure Mandatory Due Diligence for Importers', 22 November 2016, <https://goo.gl/bGX9o7>; Supply Chain Dive, 'SEC Suspends Conflict Mineral Rule Enforcement', 11 April 2017, <https://www.supplychaine.com/news/SEC-conflict-mineral-rule-dodd-frank-enforcement/440175/>.

506 OECD, 'Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains', 2018, <https://mneguidelines.oecd.org/chinese-due-diligence-guidelines-for-responsible-mineral-supply-chains.htm>.

507 Elisabet Garriga and Domènec Melé, 'Corporate Social Responsibility Theories: Mapping the Territory', *Journal of Business Ethics* 53, no. 1–2 (2004): 51–71; Archie B. Carroll and Kareem M. Shabana, 'The Business Case for Corporate Social Responsibility: A Review of Concepts, Research and Practice', *International Journal of Management Reviews* 12, no. 1 (2010): 85–105.

508 Intel, 'Conflict Free Minerals and Intel', 2018, <http://www.intel.com/content/www/us/en/corporate-responsibility/conflict-free-minerals.html>.

as transparently as possible, thus putting 'ethical values' first.<sup>509</sup> Due to increased pressure, companies are varyingly embracing the view that they can contribute either to peace or war in conflict zones, and have taken up measures to show that they honour the obligation bestowed on them to work towards the former.

Ethical consumerism constitutes a vital part of this pressure. Civil society, public, and corporate actors alike have called for consumers in affluent democracies to bear some of the costs of ameliorating the armed violence upstream in supply chains.<sup>510</sup> Consumers, invigorated by the revelations of activists and journalists about the questionable origins of their purchases, are to take the potential roots of products in conflict-related zones into account in their purchase decisions.<sup>511</sup> For instance, they are provided with action guides, which rank corporations according to how 'responsibly' their minerals are sourced, and encourage to utilise boycotts and buycotts as one of the potential tools through which wider reforms can be realised.<sup>512</sup> The advocates diagnose several armed conflicts in countries providing raw materials to global supply chains as being fed by resource curse, and continue that some of its symptoms can be alleviated by shaping the international demand of these raw materials.

Accordingly, there seems to be a rough empirical hypothesis, surely voiced in different strengths and forms, implicit in the calls for consumer action: instability and violence recurring in some areas that produce raw materials for global supply chains to which consumers in affluent democracies are

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509 Fairphone, 'Fairphone', 2018, <https://www.fairphone.com/en/>.

510 Tom Burgis, *The Looting Machine* (London; New York: William Collins; PublicAffairs, 2015).

511 For publications that serve this attention, see Ethical Consumer reports on conflict minerals, for instance: Ethical Consumer, 'Cobalt Mining', 2016, <http://www.ethicalconsumer.org/ethicalreports/mobilesreport/cobaltmining.aspx>; Greg Campbell, *Blood Diamonds* (New York: Westview Press, 2002).

512 Responsible Sourcing Network, 'Mining the Disclosures', 2017, <https://www.sourcingnetwork.org/mining-the-disclosures-2017>; Enough Project, 'Conflict Minerals Company Rankings | RAISE Hope for Congo', 2017, <http://www.raisehopeforcongo.org/content/conflict-minerals-company-rankings-0>.

connected can be alleviated by shaping the international demand of these raw materials. The following section explores the empirical underpinnings of this rudimentary hypothesis by investigating the causal link between natural resources and armed conflicts. An informed view of the empirical processes surrounding the harm that this amorphous international ‘coalition’ fights against is needed, if consumers’ capacity to make a positive impact is to serve as a yardstick of their remedial responsibilities; one needs a ‘curse’ to fight, after all.

### 7.3 ECONOMIC GROWTH AND REGIMES

To be sure, the discussion in this section does not exhaust the ‘immensely popular’ field of research, as the resource curse scholarship is vast and constantly growing.<sup>513</sup> However, by describing three of its variants it draws the main lines of the current knowledge as the first step in elaborating an informed argument on consumers’ capacity to act upon the curse. In this section, I discuss those variants linked with economic growth and regime type and quality. Consumers’ connection to armed conflicts is the focus of the close study, whereby I will explore the resource-conflict variant in a separate section.

One of the best-known uses of the concept is in the *Economist*, a magazine, which used the term ‘Dutch disease’ to refer to the economic issues that followed a discovery of natural gas fields in Groningen in the Netherlands in the 1970s.<sup>514</sup> Broadly, the extractive sector attracted capital from abroad as well as from other domestic sectors, such as manufacture and agriculture, upon which the appreciating currency as well as the rising production costs in non-extractive businesses damaged the international competitiveness of other sectors. However, the economic effects of abundant

513 C. N. Brunnschweiler and E. H. Bulte, ‘Linking Natural Resources to Slow Growth and More Conflict’, *Science* 320, no. 5876 (2008): 616–17.

514 *Economist*, ‘What Dutch Disease Is, and Why It’s Bad’, 5 November 2014, <https://www.economist.com/the-economist-explains/2014/11/05/what-dutch-disease-is-and-why-its-bad>; for further examples, see: Ross, *The Oil Curse*, 47.

natural resources gained much more academic attention in the wake of studies published by Jeffrey Sachs and Andrew Warner in 1995. They suggested on a more general level that a high level of exports of natural resources slows down the economic growth of a country: possessing riches, such as oil, gems or fertile lands, is not necessarily beneficial in terms of economic growth.<sup>515</sup>

Research by Sachs and Warner joined wider work emerging in the 1990s, which established the terms ‘paradox of plenty’ and ‘resource curse’ for academic use.<sup>516</sup> Further studies emphasise that the resource curse does not always seem to occur. Norwegians enjoy a high level of affluence provided by their oil wealth, and Botswana has put its diamonds to good use.<sup>517</sup> The quality of economic and political institutions affects the outcome: if resources are well managed and the risk of abuse controlled by a system of check and balances, the riches can lead to sustained economic development.<sup>518</sup> Resource abundance or dependence per se seem less likely to cause the curse, as factors such as the institutional setting at the time of the discovery matter. Norway was a strong democracy already when oil was first commercially discovered in 1969, and diamonds were discovered in Botswana in the post-independence era, gaining the country more leverage to

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515 Jeffrey D. Sachs and Andrew Warner, ‘Natural Resource Abundance and Economic Growth’, NBER Working Paper No. 5398, 1995.

516 Terry Lynn Karl, *The Paradox of Plenty Oil Booms and Petro-States* (Berkeley: University of California Press, 1997); Richard Auty, *Sustaining Development in Mineral Economies: The Resource Curse Thesis* (London: Routledge, 1993); Richard Auty, *Resource-Based Industrialization: Sowing the Oil in Eight Developing Countries* (Oxford: Clarendon Press, 1990); Alan et al Gelb, *Oil Windfalls - Blessing or Curse?* (New York: Oxford University Press, 1988); Thorvaldur Gylfason, ‘Natural Resources, Education, and Economic Development’, *European Economic Review* 45, no. 4 (2001): 847–859.

517 Roland Hodler, ‘The Curse of Natural Resources in Fractionalized Countries’, *European Economic Review* 50, no. 6 (2006): 1367–86; James Robinson, ‘Botswana as a Role Model for Country Success’ (UNU-WIDER, 2009).

518 Halvor Mehlum, Karl Moene, and Ragnar Torvik, ‘Institutions and the Resource Curse’, *Economic Journal* 116, no. 508 (2006): 1–20; David Wiens, ‘Natural Resources and Institutional Development’, *Journal of Theoretical Politics* 26, no. 2 (2014): 197–221.



negotiate good deals with international companies than, for instance, Sierra Leone and Liberia had when diamonds were discovered there.<sup>519</sup>

Subsequently, the original thesis has been improved and qualified.<sup>520</sup> A consensus on the impact of natural resources on economic growth or its underlying causal mechanisms remains absent, as recent meta-analyses and literature surveys find arguments for different interpretations.<sup>521</sup> Some indicate that despite more than two decades of scholarship there is no agreement that a negative effect on economic growth persists, whereas others conclude that the evidence is nuanced but strong enough to affirm that some kind of a curse exists.<sup>522</sup> Van der Ploeg and Poelhekke suggest that the older resource curse literature is not to be relied on too much, as it suffers from shortcomings in research design and methodology. Recent work offers more quantitative evidence on the economic resource curse by introducing careful caveats to the oft-heard claim that oil, often a resource of choice in such studies because of its prevalence, geopolitical importance and value, leads to slower economic growth. Without such caveats, the curse argument is likely to ‘fall prey to some common fallacies’, such as a restricting the time period to the troubled 1970-1990 period and misinterpreting

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519 Philippe Le Billon, ‘The Political Ecology of War: Natural Resources and Armed Conflicts’, *Political Geography* 20, no. 5 (2001): 565; Gavin Wright and Jesse Czelusta, ‘Exorcizing the Resource Curse: Minerals as a Knowledge Industry, Past and Present’, Working Papers (Stanford University, 2002).

520 Jonathan Isham et al., ‘Varieties of Resource Experience: Natural Resource Export Structures and the Political Economy of Economic Growth’, *The World Bank Economic Review* 19, no. 2 (2005): 141–74; James Robinson, Ragnar Torvik, and Thierry Verdier, ‘Political Foundations of the Resource Curse’, *Journal of Development Economics* 79, no. 2 (2006): 447–68; Jeffrey D. Sachs and Andrew Warner, ‘The Curse of Natural Resources’, *European Economic Review* 45, no. 4–6 (2001): 827–38.

521 Michael Alexeev and Robert Conrad, ‘The Elusive Curse of Oil’, *The Review of Economics and Statistics* 91, no. 3 (2009): 586–598; Jeffrey A. Frankel, ‘The Natural Resource Curse: A Survey of Diagnoses and Some Prescriptions’, 2012; Frederick van der Ploeg, ‘Natural Resources: Curse or Blessing?’, *Journal of Economic Literature* 49, no. 2 (2011): 366–420.

522 Tomas Havranek, Roman Horvath, and Ayaz Zeynalov, ‘Natural Resources and Economic Growth: A Meta-Analysis’, *World Development* 88 (2015): 134–51; Ramez Abubakr Badeeb, Hooi Hooi Lean, and Jeremy Clark, ‘The Evolution of the Natural Resource Curse Thesis: A Critical Literature Survey’, *Resources Policy* 51 (2017): 123–34.

the causal mechanisms.<sup>523</sup> As Michael Ross, referring partially to his own seminal work with which I engage below, suggests, there is ‘little evidence for some of the claims made by earlier studies: that extracting oil leads to abnormally slow economic growth, or makes governments weaker, more corrupt, or less effective’.<sup>524</sup>

For instance, Philippe Le Billon writes that empirical evidence for the economic resource curse argument is strong, although ‘historically and institutionally contingent’.<sup>525</sup> Paul Collier calls the economic challenges of oil producers ‘predominantly a missed opportunity’, a depiction Ross expands to argue that the economic growth of countries with abundant oil resources has neither been slower nor faster than the rest of the world.<sup>526</sup> Oil revenues tend to affect economic growth, as they are associated with fewer women gaining access to job markets, and with increased volatility in state revenues.<sup>527</sup> However, taking into account the increase in government revenues that oil production usually brings, the status of being ‘cursed’ in the economic sense has to be carefully defined. As Ross puts it: ‘The real problem is not that growth in the oil states has been slow when it should have been “normal” but rather that it has been normal when it should have been faster than normal, given the enormous revenues these governments have collected.’<sup>528</sup>

Also the second pathology of the curse faces constant specification. Ross discusses under the term ‘political resource curse’ broadly the adverse effect that resource wealth is suspected to have in the

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523 Ross, *The Oil Curse*, 13, 221.

524 Ross, 3.

525 Le Billon, *Wars of Plunder*, 29.

526 Paul Collier, *The Plundered Planet: How to Reconcile Prosperity With Nature* (London: Viking Adult, 2010), 44; Ross, *The Oil Curse*, 198; Paul Collier, ‘Is Aid Oil? An Analysis Of Whether Africa Can Absorb More Aid’, *World Development* 34, no. 9 (2006): 1482–97.

527 Ross, *The Oil Curse*, 13; Indra De Soysa and Theodora-Ismene Gizelis, ‘The Natural Resource Curse and the Spread of HIV/AIDS, 1990–2008’, *Social Science & Medicine* 77, no. C (2013): 90–96.

528 Ross, *The Oil Curse*, 13.

form of authoritarianism, weak institutions, and civil wars.<sup>529</sup> I will discuss the first two elements below and focus on civil wars in the next section. The resource curse argument on authoritarianism overlaps with Hossein Mahdavi's early articulation of the rentier state theory, as per which states whose governments gain revenues mostly through the extraction of natural resources face institutional problems.<sup>530</sup> One variation of the rentier state argument is that these governments are less accountable to their citizens and more prone to follow policies that favour themselves and their immediate allies instead of the general population.<sup>531</sup> Vice versa, as citizens pay less taxes they are less likely to instil pressure on the government to respond to their needs; a 'rentier mentality' takes over, making it possible to 'bribe' people into accepting the regime by offering extensive social programmes.<sup>532</sup> Abundant natural resources might lead to sectional and inefficient economic policies, which are then ruinous for sustainable economic development.<sup>533</sup>

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529 Michael Ross, 'The Politics of the Resource Curse: A Review', in *Oxford Handbook of the Politics of Development*, ed. Carol Lancaster and Nicholas Van de Walle (Oxford: Oxford University Press, 2018); several ways to define and generate measures of a country's natural resource endowments exist, which in turn affect the findings: Michael Ross, 'What Have We Learned about the Resource Curse?', *Annual Review of Political Science* 18, no. 1 (2015): 240–43.

530 Hossein Mahdavi, 'The Patterns and Problems of Economic Development in Rentier States: The Case of Iran', *Life* 1000, no. 1 (1970); Beblawi has later refined this definition, noting that in a rentier state rents are paid by foreign actors directly to the state, and 'only a few are engaged in the generation of this rent (wealth), the majority being only involved in the distribution or utilization of it'. Hazem Beblawi, 'The Rentier State in the Arab World', *Arab Studies Quarterly* 9, no. 4 (1987): 51; Ross, 'Does Oil Hinder Democracy?', 329.

531 Uriel Abulof, "'Can't Buy Me Legitimacy': The Elusive Stability of Mideast Rentier Regimes', *Journal of International Relations and Development*, 2015; Leonard Wantchekon, 'Why Do Resource Dependent Countries Have Authoritarian Governments?', *Journal of African Finance and Economic Development* 2 (2002): 57–77.

532 Beblawi, 'The Rentier State in the Arab World'.

533 Richard Auty and Alan Gelb, 'Political Economy of Resource-Abundant States', *Resource Abundance and Economic Development*, 2001, 126–44; Daron Acemoglu, Thierry Verdier, and James Robinson, 'Kleptocracy and Divide-and-Rule: A Model of Personal Rule', *Journal of the European Economic Association* 2, no. 2–3 (2004): 162–92; Toke S. Aidt, 'Corruption, Institutions, and Economic Development', *Oxford Review of Economic Policy* 25, no. 2 (2009): 271–91; Omar Al-Ubaydli, 'Natural Resources and the Tradeoff between Authoritarianism and Development', *Journal of Economic Behavior & Organization* 81, no. 1 (2012): 137–52; Sarah Chayes, *Thieves of State: Why Corruption Threatens Global Security* (New York: W. W. Norton & Company, 2016).

While the early research focused mostly on the Middle East region, more quantitative and globally oriented studies have emerged to study natural riches as i) making state institutions perform less well and/or ii) preventing transitions to democracy.<sup>534</sup> As it comes to the first claim, despite there being diverse ways to define ‘institutions’ and to measure their performance, several studies suggest that certain forms of corruption, institutional degradation, rent-seeking and patronage are linked with resource and especially oil wealth.<sup>535</sup> For instance, based on their study of Soviet successor states, Luong and Weinthal claim that it is the ownership structure of mineral reserves which shapes the quality of institutions, especially fiscal regimes.<sup>536</sup> To Ross, however, the broad claim that government quality suffers from oil revenues is backed by ‘little prima facie evidence’, as at least two fallacies abound: first, its advocates sometimes implicitly indicate that the institutions of newly enriched countries can be expected to quickly attain the same quality as the more mature institutions of established middle- and high-income states; and second, diagnosing poor revenue management in oil-rich states as caused by the government’s institutional weakness ignores that managing vast and volatile oil reserves instead of a smoother flow of tax receipts might need strong rather than just ‘normal’ institutions.<sup>537</sup>

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534 Lisa Anderson, ‘The State in the Middle East and North Africa’, *Comparative Politics* 20, no. 1 (1987): 1–18; Michael Herb, *All in the Family: Absolutism, Revolution, and Democracy in Middle Eastern Monarchies* (New York: State University of New York Press, 1999); also: Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (New York: Currency, 2013).

535 Edward L Glaeser et al., ‘Do Institutions Cause Growth?’, Working Paper (National Bureau of Economic Research, 2004); Ivar Kolstad and Tina Søreide, ‘Corruption in Natural Resource Management: Implications for Policy Makers’, *Resources Policy* 34, no. 4 (2009): 214–26; Ivar Kolstad and Arne Wiig, ‘It’s the Rents, Stupid! The Political Economy of the Resource Curse’, *Energy Policy* 37, no. 12 (2009): 5317–25; Ivar Kolstad and Arne Wiig, ‘Testing The Pearl Hypothesis: Natural Resources and Trust’, *Resources Policy* 37, no. 3 (2012): 358–67; Carlos A. Leite and Jens Weidmann, ‘Does Mother Nature Corrupt? Natural Resources, Corruption, and Economic Growth’, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 1999); Kevin M. Morrison, ‘Oil, Nontax Revenue, and the Redistributive Foundations of Regime Stability’, *International Organization* 63, no. 1 (2009): 107–38.

536 Pauline Jones Luong and Erika Weinthal, *Oil Is Not a Curse* (Cambridge: Cambridge University Press, 2012).

537 Ross, *The Oil Curse*, 212–16.

Ross suggests that whereas petroleum wealth seems to increase certain types of corruption, the latter claim has wide empirical support: higher levels of oil wealth make autocratic governments more stable and hinder a transition to democracy.<sup>538</sup> As per him, today's oil states are 50 percent more likely to be ruled by autocrats.<sup>539</sup> Especially poor countries seem to suffer from oil discoveries in a way that is not associated with other natural resources, meaning that countries such as Nigeria might have hard time in their democratisation efforts because of their oil wealth.<sup>540</sup> Surely, the debate on the connection between natural wealth and regimes continues.<sup>541</sup> Rosser points out that there seem to be political and social factors that enable some countries to utilise their resources to promote development: governments in resource-abundant countries, such as those in Malaysia and Botswana, are not running 'predatory, factional or rentier states'.<sup>542</sup> Dunning attempts to refine different mechanisms through which oil and other forms of mineral wealth can fuel both

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538 Ross, 'What Have We Learned about the Resource Curse?', 243; Ross, 'The Politics of the Resource Curse: A Review'.

539 Ross, *The Oil Curse*, 2.

540 Ross, 'What Have We Learned about the Resource Curse?', 248; for a criticism, see: Michael Herb, 'No Representation without Taxation? Rents, Development, and Democracy', *Comparative Politics* 37, no. 3 (2005): 297–316; Ross, 'Does Oil Hinder Democracy?'

541 Anar K. Ahmadov, 'Oil, Democracy, and Context: A Meta-Analysis', *Comparative Political Studies* 47, no. 9 (2014): 1238–67; Jørgen Andersen et al., 'Petro Rents, Political Institutions, and Hidden Wealth: Evidence from Bank Deposits in Tax Havens', Working Paper (CAMP, BI Norwegian Business School, 2013); Rabah Arezki and Markus Brückner, 'Oil Rents, Corruption, and State Stability: Evidence from Panel Data Regressions', *European Economic Review* 55, no. 7 (2011): 955–63; Kazim Kazimov, Kirk Hamilton, and Rabah Arezki, 'Resource Windfalls, Macroeconomic Stability and Growth: The Role of Political Institutions', IMF Working Papers (International Monetary Fund, 2011); Pedro C. Vicente, 'Does Oil Corrupt? Evidence from a Natural Experiment in West Africa', *Journal of Development Economics* 92, no. 1 (2010): 28–38; John Clark, 'Petro-Politics in Congo', *Journal of Democracy* 8, no. 3 (1997): 62–76.

542 Andrew Rosser, 'The Political Economy of the Resource Curse : A Literature Survey', IDS Working Paper 268, 2006, 22; Robert T. Deacon, 'The Political Economy of the Natural Resource Curse: A Survey of Theory and Evidence', *Foundations and Trends in Microeconomics* 7, no. 2 (2011): 111–208.

authoritarianism and democracy, suggesting that in Latin America such riches have affected democracy positively.<sup>543</sup>

A major qualification to the anti-democratising variant of the curse is suggested by Stephen Haber and Victor Menaldo, who introduce an original long-time series data extending from 1800 to 2006 to argue that oil and mineral reliance are not associated with dictatorship in the long run. Rather, a resource blessing of a kind is a better characterisation of the connection, and no sweeping, law-like statements on the resource curse are to be made.<sup>544</sup> Accordingly, Ross and Anderson have refined their claim: the effects of oil wealth on authoritarianism have appeared after the 1970s at the time of ‘the big oil change’, when the global petroleum industry experienced a wave of nationalisations. Only since then have governments had access to oil revenues to the extent that affects the regime type, and after this turning point the deteriorating effects emerge.<sup>545</sup> Hence, the anti-democratising effect of oil wealth is a historical phenomenon shaped by the contingent relationship between oil and governments, which affects several contemporary oil-abundant states.<sup>546</sup>

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543 Thad Dunning, *Crude Democracy* (Cambridge: Cambridge University Press, 2009).

544 Stephen Haber and Victor Menaldo, ‘Do Natural Resources Fuel Authoritarianism? A Reappraisal of the Resource Curse’, *American Political Science Review* 105, no. 01 (2011): 25; also Mehmet Gurses, ‘State-Sponsored Development, Oil and Democratization’, *Democratization* 16, no. 3 (2009): 508–29; Cf. David Wiens, Paul Poast, and William Roberts Clark, ‘The Political Resource Curse: An Empirical Re-Evaluation’, *Political Research Quarterly* 67, no. 4 (2014): 783–94.

545 Jørgen Andersen and Michael Ross, ‘The Big Oil Change: A Closer Look at the Haber–Menaldo Analysis’, *Comparative Political Studies* 47, no. 7 (2014): 993–1021; Ross, ‘What Have We Learned about the Resource Curse?’, 240.

546 For a more detailed treatment of the debate, see: Jørgen Andersen and Silje Aslaksen, ‘Oil and Political Survival’, *Journal of Development Economics* 100, no. 1 (2013): 89–106; Silje Aslaksen, ‘Oil and Democracy: More than a Cross-Country Correlation?’, *Journal of Peace Research* 47, no. 4 (2010): 421–31; Jørgen Andersen and Silje Aslaksen, ‘Constitutions and the Resource Curse’, *Journal of Development Economics* 87, no. 2 (2008): 227–46; Anca Cotet-Grecu and Kevin K. Tsui, ‘Oil and Conflict: What Does the Cross Country Evidence Really Show’, *American Economic Journal: Macroeconomics* 5, no. 1 (2013): 49–80; Anca Cotet-Grecu and Kevin K. Tsui, ‘Resource Curse or Malthusian Trap? Evidence from Oil Discoveries and Extractions’, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2009); Kristopher W. Ramsay, ‘Revisiting the Resource Curse: Natural Disasters, the Price of Oil, and Democracy’, *International Organization* 65, no. 3 (2011): 507–29; Martin

## 7.4 ARMED CONFLICTS

The close study to follow will focus on armed conflicts, or the third ‘pathology’ of the resource curse.<sup>547</sup> Instances of armed violence and war are arguably the most acute of problems related to the curse, as they indicate that peaceful mechanisms of resolving disputes and conflicting interests in the area have no purchase. The Conflict Barometer by the Heidelberg Institute for International Conflict Research lists ‘resources’ as being the third-most frequent conflict item, playing a role in 62 out of the 213 violent crises, limited wars and wars observed in 2018.<sup>548</sup> Ross suggests that studies exploring the connection between natural resources and civil wars diverge from other resource curse scholarship. Whereas research on the economic growth and regimes was inspired by studies on primary commodities and rentier states conducted between the 1950s and the 1980s, the third vein of research was invigorated by a wave of violent conflicts in the 1990s, such as those in Angola, Cambodia, Colombia, the DR Congo, Liberia, Sierra Leone, Indonesia, and Sudan.<sup>549</sup> During the Cold War, the parties to different armed conflicts had often been financed by the United States and Russia. After its end, belligerents in low-income countries started exploring other sources

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Gassebner, Michael J. Lamla, and James Raymond Vreeland, ‘Extreme Bounds of Democracy’, *Journal of Conflict Resolution* 57, no. 2 (2013): 171–97; Wilson Prichard, Paola Salardi, and Paul Segal, ‘Taxation, Non-Tax Revenue and Democracy: New Evidence Using New Cross-Country Data’, *World Development* 109 (2018): 295–312.

547 As per academic convention in this subfield, I use the terms civil war, armed conflict and violent conflict interchangeably. Cf. Ross, *The Oil Curse*, 145.

548 The more frequent conflict items are ‘System & Ideology’ and ‘Subnational Predominance’, occurring in 90 and 64 out of 213 cases, respectively. Heidelberg Institute for International Conflict Research, ‘Heidelberg Institute for International Conflict Research Conflict Barometer’, 15–16.

549 David Keen, ‘The Economic Functions of Violence in Civil Wars’, *Adelphi Papers* 38 (1998): 1–89; William Reno, *Corruption and State Politics in Sierra Leone* (Cambridge; New York: Cambridge University Press, 1995); William Reno, *Warlord Politics and African States* (Boulder, Colorado: Lynner Rienner Publishers, 1998); Le Billon, ‘The Political Ecology of War’; Paul Collier and Anke Hoeffler, ‘On Economic Causes of Civil War’, *Oxford Economic Papers* 50, no. 4 (1998): 563–573.

of financing.<sup>550</sup> This apparent change in conflict dynamics caught the attention of several researchers.

Much work is methodologically inspired by economic theories of conflicts, such as early work by Collier and Hoffman, according to which conflicts can usually be explained by parties to conflict wanting to improve their financial position; resources in the country are tempting to rebels, criminals and separatists alike. Making a comparison with murder detection that presumes a motive and an opportunity as necessary conditions for a crime, their influential approach suggests that the latter component explains many of the conflict onsets.<sup>551</sup> In their later work, Collier et al refine their claim, suggesting that where a rebellion is feasible it will occur, whereby looking into distinct motivations, which include both greed and grievances, is less useful in explaining any outbreak of violence. The surrounding debate on whether any variant of the greed argument or the grievance argument, or an attempt to overcome this distinction (including work by Collier and his colleagues) establishes a plausible theory of armed conflict outbreak, serves as a referent point to much subsequent scholarship, including both detailed case studies and cross-country research.<sup>552</sup>

To illustrate, David Keen retains a critical view of the ‘greed’ hypothesis: the existence of financial incentives strengthens the reasons to resolve existing grievances by violence, and an overtly determinist focus on economic predeterminants of conflicts masks these more nuanced processes. Zooming in on the Sierra Leonean civil war, he suggests that some conflicts are orchestrated rather than antagonistic, and that belligerents have an incentive to continue rather than to conclude the

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550 Paul Collier and Anke Hoeffler, ‘Greed and Grievance in Civil War’, *Oxford Economic Papers* 56, no. 4 (2004): 568–69.

551 Collier and Hoeffler, ‘Greed and Grievance in Civil War’.

552 Ian Bannon and Paul Collier, *Natural Resources and Violent Conflict: Options and Actions* (World Bank Publications, 2003); James D. Fearon and David D. Laitin, ‘Ethnicity, Insurgency, and Civil War’, *American Political Science Review* 97, no. 1 (2003): 75–90.



‘state of emergency’.<sup>553</sup> Mary Kaldor reconceptualises war in order to develop more effective, cosmopolitan responses to contemporary conflicts. She claims that ‘new wars’ are characterised by actors, goals, methods and forms of finance different from those in traditional, state-centred ones, and better described as ‘mutual enterprises’ than Clausewitzian clashes of wills.<sup>554</sup> Ballentine et al suggest that in some cases economic incentives may motivate conflict, whereas in others financial incentives merely contribute to ‘root causes’ lying elsewhere.<sup>555</sup> These studies advance the position that the conceptual framing of civil wars being driven solely by scarcity or greed is overly simplistic.<sup>556</sup>

Varyingly responsive to these theoretical frameworks, large-N studies have articulated general patterns in the connection between natural resources and civil wars. Ross suggests that oil states of today are more than twice as likely to face civil wars than non-oil states.<sup>557</sup> However, the connection between natural resources and war differs from the pathologies set above in three respects. First,

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553 Paul Collier, Anke Hoeffler, and Dominic Rohner, ‘Beyond Greed and Grievance: Feasibility and Civil War’, *Oxford Economic Papers* 61, no. 1 (2009): 1–27; David Keen, ‘Greed and Grievance in Civil War’, *International Affairs* 88, no. 4 (2012): 757–777; Keen, ‘The Economic Functions of Violence in Civil Wars’; David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey, 2005).

554 Mary Kaldor, ‘In Defence of New Wars’, *Stability: International Journal of Security and Development* 2, no. 1 (2013); Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Cambridge; Malden, MA: Polity, 2013); Erik Melander, Magnus Öberg, and Jonathan Hall, ‘Are “New Wars” More Atrocious? Battle Severity, Civilians Killed and Forced Migration Before and After the End of the Cold War’, *European Journal of International Relations* 15, no. 3 (2009): 505–36.

555 Karen Ballentine, Jake Sherman, and International Peace Academy, *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder, Colorado: Lynne Rienner Publishers, 2003).

556 Le Billon, *Wars of Plunder*, 61; Richard Ned Lebow, *Why Nations Fight* by Richard Ned Lebow (Cambridge: Cambridge University Press, 2010); Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006); Indra De Soysa, ‘Paradise Is a Bazaar? Greed, Creed, and Governance in Civil War, 1989–99’, *Journal of Peace Research* 39, no. 4 (2002): 395–416; J. Herbst, ‘Economic Incentives, Natural Resources and Conflict in Africa’, *Journal of African Economies* 9, no. 3 (2000): 270–94.

557 Ross, *The Oil Curse*, 2; J.D. Colgan, ‘Petro-Aggression: When Oil Causes War’, *Petro-Aggression: When Oil Causes War*, 2011, 1–312.

resource type matters. Oil wealth seems to increase the likelihood of civil war, and the abundance of alluvial diamonds seemed to have the same effect in relation to ethnic conflicts in the 1990s. However, other resources, such as gemstones, timber, and drugs and narcotics, do not affect the likelihood of conflict onset, although some might affect its duration, as I will discuss below.<sup>558</sup> Second, even in the case of oil the relation with conflict onset is not linear but U-shaped: Basedau and Lay argue that countries with high oil wealth per capita are protected from the negative effects of oil dependency, whereas middle- and low-income countries are not.<sup>559</sup> As Le Billon writes: ‘you had better be rich if you are resource dependent’, as in rich countries governments can either pay off rivals or boost the security apparatus to eliminate them.<sup>560</sup> Third, location matters. Oil increases the likelihood of conflict if it is located onshore and in a region that is poor compared to the national average as well as inhabited by an ethnic minority.<sup>561</sup> To compare, offshore oil does not increase conflict risk, and actually oil exploitation outside the conflict zone tends to shorten conflict duration.<sup>562</sup>

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558 Ross, *The Oil Curse*, 29; Le Billon, *Wars of Plunder*, 31–32.

559 Matthias Basedau and Jann Lay, ‘Resource Curse or Rentier Peace? The Ambiguous Effects of Oil Wealth and Oil Dependence on Violent Conflict’, *Journal of Peace Research* 46, no. 6 (2009): 774; Collier and Hoeffler, ‘Greed and Grievance in Civil War’; Ross, ‘What Have We Learned about the Resource Curse?’, 252; Indra De Soysa and Eric Neumayer, ‘Resource Wealth and the Risk of Civil War Onset: Results from a New Dataset of Natural Resource Rents, 1970—1999’, *Conflict Management and Peace Science* 24, no. 3 (2007): 201–18.

560 Le Billon, *Wars of Plunder*, 5.

561 Yu-Hsiang Lei and Guy Michaels, ‘Do Giant Oilfield Discoveries Fuel Internal Armed Conflicts?’, *Journal of Development Economics* 110, no. C (2014): 139–57.

562 Ross, *The Oil Curse*, 65–66; Ross, ‘The Politics of the Resource Curse: A Review’, 210–13; Cotet-Grecu and Tsui, ‘Oil and Conflict’; Paivi Lujala, ‘Deadly Combat over Natural Resources: Gems, Petroleum, Drugs, and the Severity of Armed Civil Conflict’, *Journal of Conflict Resolution* 53, no. 1 (2009): 50–71; Paivi Lujala, ‘The Spoils of Nature: Armed Civil Conflict and Rebel Access to Natural Resources’, *Journal of Peace Research* 47, no. 1 (2010): 15–28.

However, fuzz remains around these three arguments about the onset of conflict, as well as on the impact of natural resources on conflict duration and severity.<sup>563</sup> For instance, Buhaug, Gates and Lujala suggest that civil wars involving resources last longer and are more likely to restart than those that do not.<sup>564</sup> To Mildner, Lauster and Wodni, studies pointing out that abundant resources contribute to conflicts are hard to compare for the simple reason that they lack general definitions of scarcity, abundance and conflict.<sup>565</sup> Yet other researchers contemplate on whether resource abundance explains roots of conflicts in the first place, taken that also resource scarcity in relation to challenges such as environmental degradation has been associated with conflicts.<sup>566</sup> In a seminal article published in *Science*, Brunnschweiler and Bulte distinguish resource abundance and dependence, igniting yet another fierce debate on whether the curse is a ‘red herring’ and natural resources a potential blessing for their owner.<sup>567</sup> The remaining uncertainties lead Le Billon to suggest that the presence of valuable natural resources generally prolongs armed conflicts, but the

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563 E.g. James D. Fearon, ‘Why Do Some Civil Wars Last So Much Longer than Others?’, *Journal of Peace Research* 41, no. 3 (2004): 275–301; Eleonora Nillesen and Erwin Bulte, ‘Natural Resources and Violent Conflict’, *Annual Review of Resource Economics* 6 (2014): 69; Siri Aas Rustad and Helga Malmin Binningsbø, ‘A Price Worth Fighting for? Natural Resources and Conflict Recurrence’, *Journal of Peace Research* 49, no. 4 (2012): 531–546.

564 Halvard Buhaug, Scott Gates, and Paivi Lujala, ‘Geography, Rebel Capability, and the Duration of Civil Conflict’, *Journal of Conflict Resolution*, 2009; Rustad and Binningsbø, ‘A Price Worth Fighting For?’

565 Stormy-Annika Mildner, Gitta Lauster, and Wiebke Wodni, ‘Scarcity and Abundance Revisited: A Literature Review on Natural Resources and Conflict’, *International Journal of Conflict and Violence* 5, no. 1 (2011): 155–72.

566 E.g. Michael D. Beevers, ‘Peace Resources? Governing Liberia’s Forests in the Aftermath of Conflict’, *International Peacekeeping* 22, no. 1 (2015): 26–42; Clionadh Raleigh and Henrik Urdal, ‘Climate Change, Environmental Degradation and Armed Conflict’, *Political Geography*, Climate Change and Conflict, 26, no. 6 (2007): 674–94; Vally Koubi et al., ‘Do Natural Resources Matter for Interstate and Intrastate Armed Conflict?’, *Journal of Peace Research* 51, no. 2 (2014): 227–43.

567 Brunnschweiler and Bulte, ‘Linking Natural Resources to Slow Growth and More Conflict’; a criticism: Frederick van der Ploeg and Steven Poelhekke, ‘The Pungent Smell of “Red Herrings”: Subsoil Assets, Rents, Volatility and the Resource Curse’, *Journal of Environmental Economics and Management* 60, no. 1 (2010): 44–55; Anne D. Boschini, Jan Pettersson, and Jesper Roine, ‘Resource Curse or Not: A Question of Appropriability’, *Scandinavian Journal of Economics* 109, no. 3 (2007): 593–617.

connection is not ‘universally accepted and requires careful qualification’: statements have to be precise and focus on specific resources, their locations and their modes of exploitation.<sup>568</sup>

Accordingly, the resource-conflict connection is becoming tackled through more and more nuanced subquestions. To illustrate, one major approach maps the impact of price shocks on conflicts. Based on studies of oil and coffee sectors in Colombia, Dube and Vargas argue that rising prices in high-rent and low-employment resources sectors can increase violence, in contrast to a situation in which low-rent and high-employment sectors, such as cash crops, face a cut in prices.<sup>569</sup> Another vein explores whether the type of actor that benefits from the resources matters to the conflict dynamics. Rebel organisations can gain an opportunity to finance a rebellion or enrich themselves by looting, and governments might become more repressive through additional revenues and thus increase the chance of an escalating conflict.<sup>570</sup> In individual cases, however, making clear-cut divisions is difficult. For instance, in Angola offshore oil production was tapped by the government at the same time as rebels used diamonds to finance their activities.<sup>571</sup>

What to make of the discussion so far? Again, the chapter does not exhaust the literature but paves the way for an empirically informed analysis of consumer responsibility by building an overview on three broad pathologies of the resource curse sometimes treated without much differentiation. That said, the overview indicates qualified support for the claim that some resource endowments,

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568 Le Billon, *Wars of Plunder*, 155; Macartan Humphreys, ‘Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms’, *Journal of Conflict Resolution* 49, no. 4 (2005): 508–37; Paul Collier and Anke Hoeffler, ‘Resource Rents, Governance, and Conflict’, *The Journal of Conflict Resolution* 49, no. 4 (2005): 625–633.

569 Oeindrila Dube and Juan Vargas, ‘Commodity Price Shocks and Civil Conflict: Evidence from Colombia’, *The Review of Economic Studies* 80, no. 4 (2013): 1384.

570 Mildner, Lauster, and Wodni, ‘Scarcity and Abundance Revisited’, 162–63.

571 Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, 778–79; Assis Malaquias, ‘Diamonds Are a Guerrilla’s Best Friend: The Impact of Illicit Wealth on Insurgency Strategy’, *Third World Quarterly* 22, no. 3 (2001): 311–25.

especially oil, increase the likelihood of civil wars, and that the access of belligerents to revenues from some resources, most clearly alluvial diamonds, prolongs armed conflicts.<sup>572</sup> This specific variant of the curse is a scourge to which consumers in affluent democracies are indirectly connected, as many natural resources from conflict-prone areas are used as raw materials for producing goods and services for their habitual use. This empirical insight suggests taking seriously the initial role set for consumers in a wide international coalition to alleviate armed conflicts in supply chains, and provides a stepping stone towards assigning to consumers a capacity-based responsibility to act upon these conflicts.

However, whether consumers can sensibly do something about the curse cannot be simply inferred from the discussion above. Quantitative studies say little about the potential of consumers in affluent democracies to either perpetuate or mitigate the resource curse phenomenon. Mostly, consumers are mentioned in passing.<sup>573</sup> Here, approaches that move beyond the large-N approaches possess a certain edge, as some of them not only take steps towards conceptualising consumers' capacities in relation to conflicts, but help devise solutions tailored to specific conflicts that consumers can advance. Such studies are launched from a variety of theoretical premises. Nillesen and Bulte point out that over the recent years research has developed from cross-country conflict models towards micro-level analyses, and argue that this step leads to an enhanced understanding of the relation between resources and conflicts.<sup>574</sup> Gilberthorpe and Papyrakis recognise that while the

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572 Ross, 'The Politics of the Resource Curse: A Review'; Le Billon, *Wars of Plunder*, 15–18, 37, 185; Håvard Hegre and Nicholas Sambanis, 'Sensitivity Analysis of Empirical Results on Civil War Onset', *Journal of Conflict Resolution* 50, no. 4 (2006): 508–35; Christopher Blattman and Edward Miguel, 'Civil War', *Journal of Economic Literature* 48, no. 1 (2010): 3–57; Emma Gilberthorpe and Elissaios Papyrakis, 'The Extractive Industries and Development: The Resource Curse at the Micro, Meso and Macro Levels', *The Extractive Industries and Society* 2, no. 2 (2015): 383–85.

573 E.g. 'These countries suffer from authoritarian rule, violent conflict, and economic disarray because they produce oil - and because consumers in oil-importing states buy it from them.' Ross, *The Oil Curse*, 3.

574 Nillesen and Bulte, 'Natural Resources and Violent Conflict'.

macro and meso literature on the resource curse has been populated by economists, micro resource curse literature is advanced by anthropologists and other social scientists that adopt more diverse approaches.<sup>575</sup> They are joined by the insight that large-N studies by themselves provide only a partial guide to finding solutions to particular instances of the resource curse.

To illustrate, Le Billon conceives the term ‘resource wars’ as conceptually ‘reductionist’.<sup>576</sup> Although large-N studies and case studies combined have managed to generate strong evidence on a connection between oil and wars, and to some extent on a connection between diamonds and wars, one should move away from any deterministic or generalised reading of the resource curse argument: it is plausible only when understood as not applying equally to all resources and societies.<sup>577</sup> Economic and geopolitical approaches have dominated international policy-making on natural resources, but there is a need to be more self-reflective of the interests that are served by choosing these or other perspectives and methodologies.<sup>578</sup> To him, geopolitical, economic and political ecology perspectives, the last of which he utilises, are to be joined in order to produce reflective insights about the so-called resources wars and ways to alleviate them for purposes of security as well as social and environmental justice.<sup>579</sup>

An important aspect of Le Billon’s work is his analysis of ‘blood diamond’ campaigns surrounding the civil wars in Sierra Leone and Angola.<sup>580</sup> He points out that the official wording of ‘conflict diamonds’ agreed on by the UN General Assembly, as per which conflict diamonds are ‘rough

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575 Gilberthorpe and Papyrakis, ‘The Extractive Industries and Development’.

576 Le Billon, *Wars of Plunder*, 41.

577 Le Billon, 5, 9, 82; Gavin Bridge and Philippe Le Billon, *Oil* (Cambridge; Malden, MA: Polity, 2012); Philippe Le Billon, ‘Diamond Wars? Conflict Diamonds and Geographies of Resource Wars’, *Annals of the Association of American Geographers* 98, no. 2 (2008): 348.

578 Le Billon, *Wars of Plunder*, 41–42.

579 Le Billon, 42.

580 Le Billon, 116.

diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments', conceals many sources and forms of violence.<sup>581</sup> While adopting a narrow definition helped conclude the Kimberley Process and legitimise the rest of the industry, it did not address the 'cleaning up' and 'legalization' processes in Angola's diamond industry, which involved Angolan security forces engaging in the forced deportation, abusing and shooting of artisanal diamond diggers. By recognising only the violence by rebel movements 'aimed at undermining legitimate governments', the Kimberley Process carefully filtered which acts of violence and by whom mattered.<sup>582</sup> More generally, Le Billon advocates that in studying the connection between natural resources and violence the focus should be expanded. The studies ought to cover not only killings and forced displacement often seen as the characteristic forms of armed conflicts, but mismanagement, corruption, racism, ethnocentrism, environmental and social impacts of resource extraction, as well as cycles of resistance and repression linked with the rights of people to control their resources. Such forms of violence are less pertinent in the kinds of analyses that take battle-related deaths as an indicator of a conflict and its severity.<sup>583</sup>

To improve analysis, Le Billon builds on Macartan Humphreys's influential categorisation of causal links between resources and conflicts to suggest that the relation between them is often articulated only in one or two of the three possible ways. The first one is the 'resource curse' argument, as per which being dependent on resources weakens the economic growth as well as social and state institutions of a country, rendering it vulnerable to armed conflict. The second is the 'resource conflict' argument, based on which grievances, conflicts and violence associated with the control and exploitation of natural resources increase the risk of larger-scale armed conflicts. The third variant is the 'conflict resource' argument, which treats the opportunities that abundant and

581 Kimberley Process, 'World Diamond Council', 2018, <https://www.kimberleyprocess.com/en/world-diamond-council>.

582 Le Billon, 'Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer', 790–92.

583 Le Billon, *Wars of Plunder*, 6.

especially ‘lootable’ natural resources provide to belligerents to finance their activities as a manifestation of the curse.<sup>584</sup>

Each argument is, in turn, connected to a distinct characterisation of a given conflict. The resource curse argument points at the *vulnerability* to conflict of a given society, which accentuates as state institutions become weaker, less dependent on taxation and less supportive of social cohesion and regional integration. The resource conflict argument centre on the *risk* of conflict increasing on the basis of factors such as higher income inequality, grievances over socio-cultural-environmental externalities of the industry, and greater rewards for secession or state capture. The conflict resource argument, then, points at the *opportunity* provided to belligerents to finance armed hostilities through natural resources.<sup>585</sup> The triad framework resists the essentialising tendency of discussions on ‘resource wars’: resources are social processes, whereby neither absolute resource scarcity nor abundance determines the conflict dynamics.<sup>586</sup> Taken singly, any of the three components fails to capture the complexity of the politically and socially mediated relationship between resources and wars. For instance, Humphreys and Le Billon criticise policies built on a one-sided emphasis on the ‘greedy rebels’ mechanism aligned with a risk-based conflict analysis.<sup>587</sup> When adopted together for analytical purposes, the three arguments help explain how ‘resource endowments, exploitation practices, social entitlements, and discursive representation’ contribute to shaping the countries’ vulnerability to, the risk of, and the opportunities for armed conflicts.<sup>588</sup>

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584 Le Billon, 13; Humphreys, ‘Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms’; Michael Ross, ‘How Do Natural Resources Influence Civil War? Evidence from Thirteen Cases’, *International Organization* 58, no. 1 (2004): 35–67.

585 Le Billon, *Wars of Plunder*, 17.

586 Le Billon, 12–42.

587 Humphreys, ‘Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms’.

588 Le Billon, *Wars of Plunder*, 14.



Such typologies are always contingent, to be refined following the various purposes for which they are harnessed. Le Billon uses his to generate categories of conflict outcomes, which emphasise the geographical propensities of different resources.<sup>589</sup> I highlight Le Billon's three-part typology of resource curse, resource conflict, and conflict resource arguments for three reasons. First, his work, drawing on political ecology, exemplifies the diverse standing points from which contemporary studies on the resource curse phenomenon are launched. The means in use include ethnographic, political economy, commodity chain analysis, and spatial science methods, thus stretching beyond the econometric tool box.<sup>590</sup> Second, I will draw on his triad framework in the following chapters to suggest that existing approaches to mobilise consumers into alleviating conflicts upstream in Congo and Nigeria mask various understandings of the resource curse phenomenon, and that the sometimes implicit choices made between policies guided by these understandings affect consumers' remedial capacities. Finally, the framework showcases that reconceptualisations can help attain useful perspectives to well-established conundrums, in Le Billon's case to the resource curse, or, as I illustrate in the last part of the thesis, to consumer responsibility.

## 7.5 CONCLUSION

In this chapter, I presented the empirical underpinnings of holding the resource curse phenomenon as a harm that consumers may be capable of alleviating. In the first part, I argued that the curse has emerged as an issue to be fought against by international means including coordinated import policies, corporate due diligence efforts, civil society advocacy campaigns, and consumers'

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589 Le Billon, 29; for a criticism regarding a shallow treatment of capital accumulation and powerful actors in the framework, see: Michael Watts, 'Wars of Plunder: Conflicts, Profits and the Politics of Resources. Book Review.', *Journal of Agrarian Change* 15, no. 2 (2015): 286–98; Michael Watts and Nancy Peluso, 'Resource Violence', in *Critical Environmental Politics*, ed. Carl Death (New York: Routledge, 2014), 193–94.

590 Le Billon's own political ecology approach is devised as a 'radical critique against the apolitical perspective and depoliticising effects of mainstream environmental and developmental research and practice'. Le Billon, *Wars of Plunder*, 12–13, 22–23, 563.

purchase action. I highlighted that the linkage between consumers and armed conflicts deserves attention from normative theorists, as consumers are increasingly included among the actors in this international 'coalition' to fight resource-related violence upstream in supply chains.

In the second part, I examined the current state of research on the resource curse by discussing three pathologies: slow economic growth, authoritarian regimes and failing institutions, and armed conflicts. The literature, albeit not without its ambiguities, supports taking seriously the general argument that the trade and exploitation of high-value resources, especially oil, increases the risk, duration and/or severity of a violent conflict in a given area or country. Such findings, in turn, support the idea that consumers may have a capacity-based responsibility to act upon some conflicts: global supply chains connect their purchases raw materials originating from many conflict-prone areas. I suggested that zooming in on individual conflicts and embracing wider theoretical standing points will enable exploring whether and how this connection can be harnessed for alleviating the conflicts.

## 8 CONGO

### 8.1 INTRODUCTION

This chapter focuses on an area that provides raw materials for making products to consumers in affluent democracies while suffering from recurring violent conflicts often diagnosed as symptoms of the resource curse.<sup>591</sup> In my examination of the role that conflict minerals have in perpetuating the violence in eastern Congo, I highlight that the results of the recent international thrust to alleviate violence and instability in the region by isolating armed groups from mineral supply chains remain mixed. A form of resource curse pertains in eastern Congo. However, the ‘blood mineral’ narrative often taken up to persuade consumers to join the remedial efforts predominantly focuses the attention on minerals as a means and a motive for armed groups to conduct acts of violence.

The conflict in eastern Congo is linked with the failing state apparatus captured by political and economic elites rather than the armed groups’ greed for mineral revenues per se. Applying Philip Le Billon’s framework, I suggest that ameliorative policies guided by ‘conflict resource’ and ‘resource conflict’ diagnoses of the relation between natural resources and violence are to be complemented with policies stemming from the ‘resource curse’ analysis which, while not promising fast results, would place a heavier emphasis on tackling corruption in public mineral revenue management, illicit financial flows, and the way elites have militarised their competition for power and profit. A comprehensive set of international strategies, which is now gradually unfolding, can be helpful in tackling these wider ramifications.

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591 I am grateful to participants in the Congo Research Network Conference at St. Antony’s College, University of Oxford, in April 2018, for their extensive comments on this chapter.

## 8.2 RICHES AND STRIFE

Natural resources have always been crucial to the Congolese economy. The estimated value of the country's untapped mineral wealth amounts to \$24 trillion.<sup>592</sup> Congo produces approximately 60 percent of the world's cobalt, possesses around 8 percent of global coltan reserves, and serves as a major source of many other minerals, such as copper, tin, gold, and tungsten, which have several uses in global production processes.<sup>593</sup> To name some applications, cobalt's world prices soared in 2017, as demand for electric cars and subsequently for lithium-ion batteries, which contain cobalt, soared.<sup>594</sup> The demand for tantalum, extracted from coltan, exploded in the early 2000s. The metal can be found in gadgets such as smartphones and video game consoles, and as an alloy for carbide tools and jet engine components.<sup>595</sup> Gold is used in making jewellery, but also in electronic, communications, and aerospace equipment. Tungsten is used in lightning, heating and welding applications, whereas tin is applied in alloys, plating and solders for pipes as well as electronic circuits.<sup>596</sup>

In Congo, mining these much-sought riches is done by the big and small alike. Companies with access to finance operate large-scale industrial sites with modern technology and heavy machinery.

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592 Zoë Marriage, 'The Elephant in the Room: Offshore Companies, Liberalisation and Extension of Presidential Power in DR Congo', *Third World Quarterly* 39, no. 5 (2018): 893.

593 BGR, 'Cobalt from the DR Congo - Potential, Risks and Significance for the Global Cobalt Market' (Hannover, 2017); BGR, in *DR Congo*, 2018, [https://www.bgr.bund.de/EN/Themen/Min\\_rohstoffe/CTC/Mineral-Certification-DRC/CTC\\_DRC\\_node\\_en.html](https://www.bgr.bund.de/EN/Themen/Min_rohstoffe/CTC/Mineral-Certification-DRC/CTC_DRC_node_en.html).

594 David Pilling, 'Clean Electric Cars Are Built on Pollution in Congo', *Financial Times*, 26 July 2017, <https://www.ft.com/content/427b8cb0-71d7-11e7-aca6-c6bd07df1a3c>.

595 Christoph Vogel and Timothy Raeymaekers, 'Terr(It)or(Ies) of Peace? The Congolese Mining Frontier and the Fight Against "Conflict Minerals"', *Antipode* 48, no. 4 (2016): 1107.

596 Celia Taylor, 'Conflict Minerals and SEC Disclosure Regulation', *Harvard Business Law Review Online*, 2012, 107, footnotes, <http://www.hblr.org/2012/01/conflict-minerals-and-sec-disclosure-regulation/>.

Yet, approximately 800,000 miners and from 8 to 10 million people across the country are directly or indirectly dependent on small-scale mining.<sup>597</sup> Small-scale and artisanal mining is an arduous and sometimes dangerous profession: miners operate in deep tunnels and remote sites using manual tools, and serious accidents are not uncommon. As years of unrest have shrunk industrial-scale mining, the World Bank estimates that artisanal miners produce 90 percent of the minerals exported from the country.<sup>598</sup> Although exact numbers are not available, it is difficult to overstate the role of the mining sector in the Congolese economy.<sup>599</sup> Nationally, around 80 percent of Congo's total export earnings are made up by two metals, cobalt and copper. EITI accounts that the extractive industry contributes 97.5 percent of exports, 20 percent of GDP, 24.7 percent of government revenue and 23.9 percent of employment in the country.<sup>600</sup> Locally, 'everybody depends on mining!', according to Aloys Tegera of the Pole Institute based in Goma.<sup>601</sup>

To draw the main lines of the complicated supply chain linking its minerals with consumers in affluent democracies, eastern Congo belongs to the economic region of the Great Lakes and East Africa rather than that of Kinshasa, the distant capital in the west. A large share of tin, tungsten, and tantalum extracted in the artisanal mining sites of the Kivu provinces are brought first by foot, then by motorbike, car, truck, and finally by plane to the export centres, such as the cities of Bukavu, Butembo, Goma, and Uvira, from where they transit through Burundi, Kenya, Rwanda, Uganda, and Tanzania to Mombasa and Dar es Salaam, the great eastern African ports. Loaded onto cargo ships, they are then shipped to Asia and Europe to solder and electronics contract manufacturers,

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597 Ben Radley and Christoph Vogel, 'Fighting Windmills in Eastern Congo? The Ambiguous Impact of the "Conflict Minerals" Movement', *The Extractive Industries and Society* 2, no. 3 (2015): 406.

598 World Bank, 'Democratic Republic of Congo: Growth with Governance In the Mining Sector', 2008, 10.

599 MakeITfair, 'Report on "Roundtable on Conflict Minerals Legislation"', 2011, <https://www.somo.nl/wp-content/uploads/2011/07/Roundtable-on-conflict-minerals-legislation.pdf>.

600 EITI, '2015 Democratic Republic of Congo EITI Report', 2017, 14; EITI, '2014 Democratic Republic of Congo EITI Report', 2015, 65; Global Witness, 'Regime Cash Machine', 2017, 7.

601 MakeITfair, 'Report on "Roundtable on Conflict Minerals Legislation"'.

who turn them into usable components for a wide range of applications described above. Gold is so valuable that its supply chain differs from those of other minerals extracted in Congo: its main destinations are in United Arab Emirates, from which gold travels elsewhere.<sup>602</sup>

Most exports, regardless of the mineral, remain non-regulated.<sup>603</sup> The products are gradually formalised as they pass downstream, yet estimates made in the 2000s suggest that up to 90 percent of mineral production and export in eastern Congo is beyond state control.<sup>604</sup> There are no reliable statistics on actual exports and imports from and into North Kivu; goods exported to Asia and Europe leave via East African ports often outside the attention and control of the state.<sup>605</sup> The emergence of international certification schemes has improved the situation with regards to tin, tantalum and tungsten. However, challenges in the mineral sector remain widespread: in August 2017, the Group of Experts on the Democratic Republic of the Congo, a UN body reporting to the Security Council on the sanctions regime established on the country, estimated that over 98 percent of the Congolese gold is smuggled abroad.<sup>606</sup>

While Congo has enjoyed periods of economic growth in the 1960s and the 1970s, the Congolese have seen no benefit that one might expect from a country endowed with such natural riches. On the contrary, the devastation in the Democratic Republic is multi-pronged. In the Human Development Index, Congo falls to the lowest decile, ranking 176 out of 187 countries.<sup>607</sup> In the Corruption

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602 Nicholas Garrett and Harrison Mitchell, 'Trading Conflict for Development: Utilising the Trade in Minerals from Eastern DR Congo for Development.' (Resource Consulting Services, 2009), 23; Eichstaedt, *Consuming the Congo*, 123.

603 Garrett and Mitchell, 'Trading Conflict for Development', 27.

604 Aloys Tegera and Dominic Johnson, 'Rules for Sale: Formal and Informal Cross-Border Trade in Eastern DRC' (Goma, Congo: Pole Institute, 2007), 5–6.

605 Tegera and Johnson, 15, 22.

606 UN Group of Experts on the Democratic Republic of the Congo, 'Final Report of the Group of Experts on the Democratic Republic of the Congo, 10 August 2017', 10 August 2017, 23.

607 UNDP, 'Human Development Index - DR Congo', 2018, <http://hdr.undp.org/en/countries/profiles/COD>.

Perceptions Index maintained by Transparency International, Congo retains a similarly low position, 161th out of the 180 countries observed.<sup>608</sup> Recently, outbreaks of Ebola and cholera have ravaged some of its rural parts.<sup>609</sup> Over its recent history, the country has gone through multiple wars; the United Nations peacekeeping operation, MONUSCO, has operated in the country since 1999.<sup>610</sup> Being labelled the ‘rape capital of the world’ by Margot Wallström, the UN’s special representative on sexual violence in conflict, rape remains a tragic feature of the ongoing conflicts in the Congo.<sup>611</sup>

Among the many calamities, the persistent violence in its eastern region has arguably gained the most persistent international attention. Milli Lake alludes to the complexity of the reasons for violence by noting that Congo is unique among protracted low-intensity armed conflicts for its ‘large number of operative armed groups’, and that the conflict is best understood through ‘geopolitical master cleavages overlaid against a collection of micro-level conflicts involving a multitude of discrete interests’.<sup>612</sup> The complicated landscape of violence involves recurrent human rights violations. Mass rape has been used as a weapon of war; children kidnapped and forced to join the brutal militant groups; and civilians subjected to slave labour and exploitation.<sup>613</sup> No faction

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608 Transparency International, ‘Democratic Republic of the Congo’, 2018, <https://www.transparency.org/country/COD>.

609 BBC, ‘Ebola-Hit DR Congo Begins Vaccination’, 21 May 2018, <http://www.bbc.com/news/world-africa-44194065>.

610 Jason Stearns, *Dancing in the Glory of Monsters* (New York: PublicAffairs, 2011).

611 BBC, ‘DR Congo Is World “Rape Capital”’, 28 April 2010, <http://news.bbc.co.uk/2/hi/8650112.stm>.

612 Milli Lake, ‘Building the Rule of War: Postconflict Institutions and the Micro-Dynamics of Conflict in Eastern DR Congo’ 71, no. 2 (2017): 289, 291.

613 E.g. UN Group of Experts on the Democratic Republic of the Congo, ‘Final Report of the Group of Experts on the Democratic Republic of the Congo, 10 August 2017’, 32–34; Amnesty International, ‘DR Congo’, 2018, <https://www.amnesty.org/en/countries/africa/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/>; Human Rights Watch, ‘World Report 2018: Rights Trends in Democratic Republic of Congo’, 2 January 2018, <https://www.hrw.org/world-report/2018/country-chapters/democratic-republic-congo>; Stearns, *Dancing in the Glory of Monsters*.

has a monopoly of violence in the provinces of North and South Kivu, Orientale, Maniema, and Katanga, whereby such deeds often go unpunished.<sup>614</sup> Since the transition period of 2003-2006 that followed the Second Congo War, the security situation in eastern Congo has remained either unchanged or has deteriorated, a trend to which I will return below.<sup>615</sup>

As discussed in the previous chapter, the strongest association between natural resources and armed conflicts identified by large-N scholarship concerns crude oil and alluvial diamonds, whereas the relation between conflicts and other minerals remains more ambiguous. Yet, there is a general consensus that mineral wealth comprises one of the diverse factors that Lake describes as shaping eastern Congo's dire situation.<sup>616</sup> Global Witness suggests that the concept of conflict resources well captures the role that minerals play in the Kivus and the surrounding regions, defining them as 'natural resources whose systematic exploitation and trade in a context of conflict contribute to, benefit from or result in the commission of serious violations of human rights, violations of international humanitarian law or violations amounting to crimes under international law'.<sup>617</sup> Since the early 2000s the exploitation of three 'T' metals, tantalum, tungsten, and tin, and gold, together known as the 3TG minerals, has gained the most international attention.<sup>618</sup> The challenges related to cobalt differ somewhat from those linked with 3TGs, as most cobalt is industrially extracted and

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614 Michael Nest, *Coltan* (Cambridge; Malden, MA: Polity, 2011), 67; Clementine Burnley, 'Natural Resources Conflict in the Democratic Republic of the Congo: A Question of Governance?', *Sustainable Development Law & Policy* 12, no. 1 (2011): 8.

615 For general trends, see reports by the UN Group of Experts on the Democratic Republic of the Congo: <https://www.un.org/securitycouncil/sanctions/1533/work-and-mandate/expert-reports>

616 Jason Stearns, 'Causality and Conflict: Tracing the Origins of Armed Groups in the Eastern Congo', *Peacebuilding* 2, no. 2 (2014): 167.

617 Global Witness, 'Sinews of War: Eliminating the Trade in Conflict Resources', 2006, 1; the definition has subsequently been adopted in the European Parliament: 'European Parliament Resolution of 16 April 2013 on Advancing Development through Trade (2012/2224(INI))', 5 February 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0119>.

618 Garrett and Mitchell, 'Trading Conflict for Development', 5; Vogel and Raeymaekers, 'Terr(It)or(Ies) of Peace?'



mainly in other parts of the country. However, while not listed as a ‘conflict resource’ in major public policy initiatives, cobalt’s rising global demand has brought increasing attention to human rights concerns and problems in its extraction.<sup>619</sup>

In 2010, the UN Group of Experts on the Democratic Republic of the Congo reported to the Security Council that almost every mining deposit in the South and North Kivu provinces was controlled by armed groups.<sup>620</sup> Based on data collected by the International Peace Information Service (IPIS), a Belgian think tank, in 2009-2010 around 57 percent of the tin, tantalum and tungsten (3Ts) miners was being controlled or being regularly visited by armed actors.<sup>621</sup> To date, revenues generated by the mining of 3Ts and gold (3TGs) remain important to all sides in the conflict: the Armed Forces of the Democratic Republic of the Congo (FARDC) is heavily involved with the mining business, and a major source of insecurity by itself.<sup>622</sup> While accurate estimates are difficult, armed groups and army brigades rely on mineral revenues on varying degrees, ranging from 15 to 95 percent of their total revenues.<sup>623</sup> The mines constitute a useful source of revenue for a range of purposes, from paying salaries of fighters and boosting state budget to reinforcing criminal networks or local rebel rule.<sup>624</sup>

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619 Global Witness, ‘Regime Cash Machine’; Annie Callaway, ‘Powering Down Corruption’ (Enough Project, 2018); Amnesty International, ‘Time to Recharge’, 2017.

620 UN Group of Experts on the Democratic Republic of the Congo, ‘Interim Report of the Group of Experts on the Democratic Republic of the Congo, 25 May 2010’, 25 May 2010, 17.

621 IPIS, ‘Analysis of the Interactive Map of Artisanal Mining in Eastern DR Congo, 2015 Update’ (Antwerp: IPIS, 2015), 40.

622 Dominic P. Parker and Bryan Vadheim, ‘Resource Cursed or Policy Cursed? US Regulation of Conflict Minerals and Violence in the Congo’, *Journal of the Association of Environmental and Resource Economists* 4, no. 1 (2017): 8.

623 Garrett and Mitchell, ‘Trading Conflict for Development’, 6.

624 Jason Stearns and Christoph Vogel, ‘The Landscape of Armed Groups in the Eastern Congo’ (New York: Congo Research Group, New York University, 2015).

## 8.3 REMEDIES

In the 2010s, ‘breaking the link between conflict and trade in natural resources’ has become a visible part of the efforts to assist the war-torn eastern Congo.<sup>625</sup> According to Laura Seay, there was no sustained advocacy attention on eastern Congo prior to the late 2000s.<sup>626</sup> While the United Nations and other international actors acknowledged that minerals were boosting war funding already during the First and Second Congo Wars, one indicator of change was a report by the UN Group of Experts, which the Security Council requested after large-scale violence again broke out in the Kivus in March 2008. In the dramatic report, the Panel recommended all states to ‘take measures, as they deem appropriate, to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase’.<sup>627</sup> The report was significant in the sense that the concept of ‘due diligence’ entered the vocabulary used in the Security Council’s resolutions for the first time: it framed the Congolese government as unable to address the exploitation of the country’s natural resources, and other states as bearing a responsibility to ensure that companies under their jurisdiction were doing their best to alleviate the violence in their supply chains.<sup>628</sup>

Civil society campaigners based in North America and Europe were crucial in amplifying the call for due diligence measures. Michael Nest writes that the activists are best understood as a network sharing the idea that the course of the Congolese war can be shaped by affecting mineral trade, and

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625 Enough Project, ‘A Comprehensive Approach to Congo’s Conflict Minerals - Strategy Paper’, 2009, 7, <https://enoughproject.org/reports/comprehensive-approach-conflict-minerals-strategy-paper>.

626 Laura Seay, ‘What’s Wrong with Dodd-Frank 1502? Conflict Minerals, Civilian Livelihoods, and the Unintended Consequences of Western Advocacy’, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2012), 18.

627 UN Security Council, ‘S/RES/1857, Para 15(g).’, 22 December 2008.

628 Louise Arimatsu and Hemi Mistry, ‘Conflict Minerals: The Search for a Normative Framework’ (Chatham House, 2012), 16–17.

variously engaging in strategic cooperation to push the agenda further. While before the 2000s Congolese minerals, such as coltan, were little known among western campaigners, a few years later they were framing consumer electronics connected to violence in Congo.<sup>629</sup> Two organisations had a pivotal role in this change of lens. Global Witness, operating in London, had since the early 2000s highlighted the role of multinational companies in perpetuating the status quo by buying minerals from armed groups.<sup>630</sup> Seay emphasises the role of the Enough Project, an American NGO created in 2007 to develop an American constituency to end and prevent conflicts in Africa.<sup>631</sup> The Enough Project quickly engaged with coalition-building and advocacy work to gain publicity for the connection between everyday electronics and sexual violence linked with the Congo. Its rhetoric, captured in the title of a 2009 paper ‘Can You Hear Congo Now? Cell Phones, Conflict Minerals, and the Worst Sexual Violence in the World’, was varyingly taken up in other western campaigns, such as No Blood on my Mobile and Fatal Transactions.<sup>632</sup>

The so-called conflict minerals approach, elevated by campaigning, a threat of consumer boycotts and investigative journalism, has since evolved into public policies. In 2010, both the OECD and the UN published their due diligence guidelines for companies to avoid doing harm in conflict areas.<sup>633</sup> Campaigners gained a major victory the same year, as the United States Congress passed the Section 1502, or the Conflict Minerals Provision, of the Dodd-Frank Wall Street Reform and Consumer Protection Act.<sup>634</sup> Successfully advocated by a coalition of NGOs, including the Enough Project, the Section 1502 obliges corporations registered with the Securities and Exchange

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629 Nest, *Coltan*, 105, 148.

630 Global Witness, ‘Conflict Minerals’; Global Witness, ‘Same Old Story’, 2004.

631 Seay, ‘What’s Wrong with Dodd-Frank 1502?’, 9.

632 Prendergast, ‘Can You Hear Congo Now?’; Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’.

633 Vogel and Raeymaekers, ‘Terr(It)or(Ies) of Peace?’, 1100.

634 Parker and Vadheim, ‘Resource Cursed or Policy Cursed?’, 8–11.

Commission (SEC) to investigate and report the extent to which their supply chains sourcing from Congo and its neighbouring countries are ‘conflict-free’.<sup>635</sup> Compiled in the aftermath of the financial crisis, the Act ignited a major revamp in the electronics industry, as companies operating in the United States were obliged to scrutinise their sourcing practices in order to avoid not only reputational damage but also legal repercussions. Similarly, in 2017 the European Union agreed on regulatory guidelines on importing resources from conflict countries. The legislation, which comes to full force in 2021, is drafted on the blueprint of the Section 1502, but is global in scope where the Dodd-Frank Act focuses on the Great Lakes region.<sup>636</sup> Such public efforts are gradually taken up elsewhere: China, to which many of the Congolese minerals are exported, has encouraged Chinese companies to take steps towards responsible mineral supply chains.<sup>637</sup>

Hewlett-Packard, Motorola, Intel, Nokia, Microsoft, and Dell were among the first consumer-facing electronics giants to announce that they, together with mining and smelting companies, would build sector-wide certification systems to ensure their supply chains are not affected by ore mined ‘illegally’ in Congo.<sup>638</sup> Such schemes are implemented in Congo to ensure that minerals are extracted and traded in a way that human rights are not violated and armed groups funded through

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635 Emily Veale, ‘Is There Blood on Your Hands-Free Device: Examining Legislative Approaches to the Conflict Minerals Problem in the Democratic Republic of Congo’, *Cardozo Journal of International and Comparative Law* 21 (2013 2012): 505; Shannon Raj, ‘Blood Electronics: Congo’s Conflict Minerals and the Legislation That Could Cleanse the Trade’, *Southern California Law Review* 84, no. 4 (2011): 981; for the purpose of ranking companies, the Enough Project defines ‘conflict-free minerals’ as ‘minerals that do not directly or indirectly finance or benefit armed groups, including state military units from Congo as well as other predatory regional governments.’ Annie Callaway, ‘Demand the Supply: Ranking Consumer Electronics and Jewelry Retail Companies on Their Efforts to Develop Conflict-Free Minerals Supply Chains from Congo’ (Enough Project, November 2017), 4.

636 European Parliament, ‘Conflict Minerals’.

637 OECD, ‘Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains’; Global Witness, ‘Global Witness Welcomes Progressive New Chinese Mineral Supply Chain Guidelines’, 2 December 2015, <https://www.globalwitness.org/en-gb/press-releases/global-witness-welcomes-progressive-new-chinese-mineral-supply-chain-guidelines/>.

638 Seay, ‘What’s Wrong with Dodd-Frank 1502?’, 9–10; Reinecke and Ansari, ‘Taming Wicked Problems’.

their businesses.<sup>639</sup> Over the last decade, the picture of ‘blood minerals’ feeding the long-lasting conflict in Congo has entered popular imagination and evolved into consumers demanding products that come through ‘closed’ supply chains, and companies risking reputational damage and loss of revenue through boycotts if they fail to provide them. In the future, the conflict mineral approach may manifest for instance as import bans on consumer goods containing minerals sourced from the Congo; blanket commodity sanctions; targeted sanctions on companies and individuals; mandatory mineral certification of origin schemes by mine or country; and mandatory due diligence processes.<sup>640</sup> For now, the mineral traceability schemes remain its best-known policy product.

## 8.4 IMPLEMENTATION

*Trump threatened to suspend the ‘conflict minerals’ provision of Dodd-Frank. That might actually be good for Congo.*<sup>641</sup>

*While Section 1502 of Dodd Frank was not well conceived and did create significant harm, the situation in the 3T sector has overcome these various hurdles and is now on a positive trend. On balance, repeal of the Rule would now have further negative, rather than positive effects.*<sup>642</sup>

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639 The main schemes to ensure the transparency and legality of the mineral supply chain in eastern Congo are the iTSCI scheme by the International Tin Research Association, the certification scheme by the German Federal Institute for Geosciences and Natural Resources (BGR), and the scheme facilitated by the International Conference of the Great Lakes Region (ICGLR) to certify mineral origins: Interview #21: Yannick Weyns, Natural Resources Expert, MONUSCO.

640 Garrett and Mitchell, ‘Trading Conflict for Development’, 13.

641 Nik Stoop, Marijke Verpoorten, and Peter van der Windt, ‘Trump Threatened to Suspend the “Conflict Minerals” Provision of Dodd-Frank. That Might Actually Be Good for Congo.’, *Washington Post*, 27 September 2018, [https://www.washingtonpost.com/news/monkey-cage/wp/2018/09/27/trump-canceled-the-conflict-minerals-provision-of-dodd-frank-thats-probably-good-for-the-congo/?utm\\_term=.f166b11624d0](https://www.washingtonpost.com/news/monkey-cage/wp/2018/09/27/trump-canceled-the-conflict-minerals-provision-of-dodd-frank-thats-probably-good-for-the-congo/?utm_term=.f166b11624d0).

642 iTSCI, ‘Comments on January 31, 2017, Statement on the Commission’s Conflict Minerals Rule’, 2017, 6–7, <https://www.itsci.org/2017/03/27/itri-letter-sec-acting-chairman-piwowar-march-2017/>.

Although the machinery of responsible mineral supply chains is becoming more and more embedded within the international trade agenda, attempts to readjust the trajectory of the eastern Congo towards peace and development by curbing trade in conflict minerals have also met criticism.<sup>643</sup> The debate accentuated since the US Trump administration began dismantling the sections of the Dodd-Frank Act it considers ineffective or too damaging to American corporate interests.<sup>644</sup> The critics of the conflict minerals approach, who comprise academics, activists and policy-makers, are not necessarily in favour of the deregulatory trend. However, some of them concede that dismantling the Section 1502 might be a correct step, albeit, as per Sara Geenen, it is currently done ‘for all the wrong reasons’.<sup>645</sup> The critics have advanced roughly two claims: i) the conflict-free mineral policies have been implemented in a way that has had unintended, harmful consequences on local livelihoods, and ii) the conflict mineral approach cannot effectively alleviate the violence because it lies on a misunderstanding of the conflict. In this section, I focus on the first claim, and turn to the more fundamental second claim in the next one. Together, dissecting the two claims facilitates the third part of the thesis: the analysis enable assessing the extent to which consumers are capable of helping reduce violence and instability in eastern Congo by aligning their purchases to support the conflict mineral approach as it currently stands.

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643 Séverine Autesserre, ‘Dangerous Tales: Dominant Narratives on the Congo and Their Unintended Consequences’, *African Affairs* 111, no. 443 (2012): 202–222; Jeroen Cuvelier et al., ‘Analyzing the Impact of the Dodd-Frank Act on Congolese Livelihoods’, Social Science Research Council, 2014; Jeroen Cuvelier, Jose Diemel, and Koen Vlassenroot, ‘Digging Deeper: The Politics of “Conflict Minerals” in the Eastern Democratic Republic of the Congo’, *Global Policy* 4, no. 4 (2013): 449–451; Radley and Vogel, ‘Fighting Windmills in Eastern Congo?’; Seay, ‘What’s Wrong with Dodd-Frank 1502?’; See also an open letter signed by 72 Congo experts, academics, and activists. ‘An Open Letter’, 2014, <https://ethuin.files.wordpress.com/2014/10/09092014-open-letter-final-and-list-doc.pdf>.

644 iTSCI, ‘Trump Administration Recommends Dodd-Frank “Conflict Minerals” Disclosure Repeal’, 10 December 2017, <https://www.itsci.org/2017/10/12/trump-administration-recommends-dodd-frank-conflict-minerals-disclosure-repeal/>.

645 Sara Geenen, ‘Trump Is Right on Congo’s Minerals, but for All the Wrong Reasons’, *The Conversation*, 22 February 2017, <http://theconversation.com/trump-is-right-on-congos-minerals-but-for-all-the-wrong-reasons-73320>.

To start with the first claim, much of the criticism targets the immediate aftermath of the Dodd-Frank Act in 2010, which most scholars treat as the starting point to major policy efforts. An early critic is Seay, who argues that the Act was conducive to creating a ‘de facto ban’ on Congolese mineral exports, which was further solidified by President Joseph Kabila’s six-month ban on artisanal mining between September 2009 and March 2010 aimed at increasing pressure towards formalising the sector.<sup>646</sup> Although the growing NGO advocacy in the 2000s had already led to some companies suspending all purchases of tin from Congo, such national and international attention pushed more major companies towards taking a ‘Congo-free’ instead of a ‘conflict-free’ approach to sourcing raw materials.<sup>647</sup> A drop in demand of resources put anywhere from tens of thousands up to 2 million Congolese miners out of work in the eastern region, causing loss of livelihoods among those already in a precarious situation.<sup>648</sup>

The damage done to local livelihoods in the first years has been widely acknowledged. A recent quantitative study at UNU-WIDER, a UN think-tank, indicates an increase of at least 143 percent in the probability of infant deaths in villages close to the mines that were ‘treated’ by the regulation.<sup>649</sup> To Parker, Foltz and Elsea, the increased infant mortality occurring after the Act calls to question whether such a top-down measure can have a purely positive impact, as infant mortality rose potentially in those villages that were not dependent on minerals benefiting armed groups. The International Tin Association (ITA, formerly known as ITRI), an industry organisation that runs iTSCi, the most prevalent traceability scheme of 3T minerals in Congo, has equally acknowledged

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646 Seay, ‘What’s Wrong with Dodd-Frank 1502?’, 16; Sara Geenen, ‘A Dangerous Bet: The Challenges of Formalizing Artisanal Mining in the Democratic Republic of Congo’, *Resources Policy* 37, no. 3 (2012): 326; Vogel and Raeymaekers, ‘Terr(It)or(Ies) of Peace?’, 1111.

647 Radley and Vogel, ‘Fighting Windmills in Eastern Congo?’, 407.

648 Radley and Vogel, 409; Seay, ‘What’s Wrong with Dodd-Frank 1502?’

649 Dominic P. Parker, Jeremy D. Foltz, and David Elsea, ‘Unintended Consequences of Economic Sanctions for Human Rights’, Working Paper (UNU-WIDER, 2016).

that the Dodd-Frank measures caused ‘significant harm’ in their early stages.<sup>650</sup> Data gathered by IPIS confirms the socio-economic damage inflicted on artisanal miners.<sup>651</sup>

While advocates of the legislation lament the harm done to miners, they maintain that the trend has since become more positive. Civil society organisations are doing their best to ensure that ‘accompanying measures’ are taken up in the forthcoming EU legislation.<sup>652</sup> As per Koch and Kinsbergen, the ‘dominant narrative’ of the de facto embargo hurting the population lingers on, although this early, ‘intended’ and maybe even necessary stage to ‘flush out the rebels’ is over. Generally, those advocates suggest that the benefits of the legislation ultimately outweigh the costs inflicted on the local population. For instance, the ITA claims that although costs involved with due diligence, traceability, improving governance and other measures are inevitable, ‘these actions certainly lead to better working and living environments for many thousands of individuals and it would surely be impossible to argue against these benefits of formalisation of the artisanal mining sector’.<sup>653</sup>

To counter, the critics state that the current way of implementing the traceability schemes is unlikely to deliver the reduction in violence without disproportionately damaging the locals. Until 2018, the Congolese authorities identified the iTSCi scheme as the only accredited traceability mechanism, effectively making a membership in it a necessary condition if one wanted to export 3T minerals from Congo. In the Kivu provinces, the iTSCi scheme has pushed down miners’ revenues, as they

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650 Enough Project, ‘Resource Page - Conflict Minerals: A Broader Push for Reform Is Essential’, *The Enough Project* (blog), 2014, <https://enoughproject.org/one-pager/resource-page-conflict-minerals-a-broader-push-for-reform-is-essential>; iTSCi, ‘Comments on January 31, 2017, Statement on the Commission’s Conflict Minerals Rule’, 7.

651 IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’ (Antwerp: IPIS, 2019).

652 EURAC, ‘Accompanying Measures to the EU Regulation on Responsible Mineral Sourcing’ (European Network for Central Africa, 2017).

653 iTSCi, ‘Comments on January 31, 2017, Statement on the Commission’s Conflict Minerals Rule’, 3.



can sell the minerals they dig up only to one buyer.<sup>654</sup> Accordingly, those most vulnerable in the global supply chain, the miners, local producers and local governments, are still bearing the brunt of the iTSCi-centred reform processes.<sup>655</sup> The European Network for Central Africa, an NGO network, suggests that in the current arrangement ‘it is the artisanal miners, and not the multinationals that process and market minerals, who ultimately bear the cost of the iTSCi.’<sup>656</sup>

The efforts can be nevertheless be defended. Yannick Weyns, a natural resource expert at MONUSCO, reminds that some of the decrease in the price miners get is due to an increased control and regulation of the sector in accordance with Congo’s updated mining code rather than a direct consequence of the due diligence schemes.<sup>657</sup> Further, alternative traceability schemes, such as the Better Sourcing programme, are emerging to dismantle the monopsony status of the pioneering iTSCi initiative.<sup>658</sup> Yet, critics doubt whether any scheme can fully overcome the contextual difficulties inherent to eastern Congo. Radley and Vogel state that the iTSCi scheme remains porous, which implies that small-scale miners pay the industry for a process that ultimately does not isolate armed groups from the supply chain.<sup>659</sup> In 2014, the Group of Experts suggested that the pattern of smuggling continues with regards to 3T minerals, and in 2017 documented that iTSCi, ‘while well intentioned and designed — has shortcomings in its implementation, enabling

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654 Radley and Vogel, ‘Fighting Windmills in Eastern Congo?’, 409; Interview #28: Seremi Chibashimba, President of Surveillance Commission, Former President of Cooperative, COMIKA; IRIN News, ‘Who Pays the Hidden Price for Congo’s Conflict-Free Minerals?’, *IRIN*, 14 February 2017, <https://www.irinnews.org/investigations/2017/02/14/who-pays-hidden-price-congo-s-conflict-free-minerals>.

655 EURAC, ‘Accompanying Measures to the EU Regulation on Responsible Mineral Sourcing’, 26; Several authors, ‘Open Letter: Broader Push for Reform Is Essential’, 2014, 4, [https://enoughproject.org/files/OpenLetterConflictMinerals\\_October\\_2014.pdf](https://enoughproject.org/files/OpenLetterConflictMinerals_October_2014.pdf).

656 EURAC, ‘Accompanying Measures to the EU Regulation on Responsible Mineral Sourcing’.

657 Interview #21: Yannick Weyns, Natural Resources Expert, MONUSCO.

658 Reuters, ‘Congo Miner SMB Leaves ITSCI Responsible-Sourcing Scheme over Cost’, *Reuters*, 8 January 2019, <https://www.reuters.com/article/us-itsci-congo-idUSKCN1P20OV>.

659 Radley and Vogel, ‘Fighting Windmills in Eastern Congo?’, 408; Eichstaedt, *Consuming the Congo*, 208.

different actors to intentionally or inadvertently facilitate smuggling'.<sup>660</sup> Breaches of the chain of custody and ongoing sale of bag tags on the black market in North Kivu persist, although their role is downplayed by advocates.<sup>661</sup> Low prices weaken the incentive for artisanal miners to comply with the scheme, creating an impetus to sell minerals to smugglers heading to Burundi, Uganda, Rwanda and other neighbouring countries, and encouraging a shift to less regulated commodities, especially lucrative gold.<sup>662</sup>

Critics continue that even strengthened due diligence schemes cannot serve their purpose in the unruly eastern Congo. Government troops do not have an effective control over the Kivu provinces. In a violence-prone environment, a time-consuming, difficult, costly and sometimes dangerous follow-up is necessary to ensure that the validation process of mines really indicates the origins of the minerals.<sup>663</sup> A mine validated as 'green' might be controlled by an armed group soon after a visit by a joint validation team, complicating the process to ascertain that the minerals are not benefiting a militant group upstream.<sup>664</sup> Seay suggests that the feasibility of the iTSCI and other traceability

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660 UN Group of Experts on the Democratic Republic of the Congo, 'Final Report of the Group of Experts on the Democratic Republic of the Congo, 23 January 2014', 23 January 2014, 42; UN Group of Experts on the Democratic Republic of the Congo, 'Final Report of the Group of Experts on the Democratic Republic of the Congo, 10 August 2017', 2.

661 For an industry response, see: iTSCI, 'ITRI Comments on the UN Group of Experts Final Report', 2017, <https://www.itsci.org/wp-content/uploads/2017/09/ITRI-Letter-Comments-on-UN-GOE-report-040917-.pdf>; Toby Whitney, 'Conflict Minerals, Black Markets, and Transparency: The Legislative Background of Dodd-Frank Section 1502 and Its Historical Lessons', *Journal of Human Rights* 14, no. 2 (2015): 183–85.

662 UN Group of Experts on the Democratic Republic of the Congo, 'Midterm Report of the Group of Experts on the Democratic Republic of the Congo, 18 December 2018', 18 December 2018, 2; UN Group of Experts on the Democratic Republic of the Congo, 'Final Report of the Group of Experts on the Democratic Republic of the Congo, 10 August 2017', 6, 18, 21.

663 Interview #17: Bali Barume and Martin Neumann, Project Manager & Project Officer, BGR Bukavu; Barume's view is that the certification and due diligence schemes can reduce the potential for conflict in South Kivu. The disagreement among the practitioners interviewed well illustrates the complexity of the situation.

664 Radley and Vogel, 'Fighting Windmills in Eastern Congo?', 409; Interview #17: Bali Barume and Martin Neumann, Project Manager & Project Officer, BGR Bukavu

schemes aiming to create closed supply chains from originating from mines in a ‘failed state’ such as Congo is negligible: whereas the Kimberley Scheme, acclaimed for having helped resolve the Sierra Leone conflict, was enacted in a more or less functional state, there are no means of effectively tracing and monitoring the passage of minerals in eastern Congo.<sup>665</sup>

Here, the advocates point out that there are signs of success despite the challenging circumstances. In 2017, the UN Group of Experts highlighted that despite severe challenges mineral traceability schemes have ‘considerably reduced instances of armed groups directly benefiting from the exploitation and trade of tin, tantalum and tungsten’.<sup>666</sup> Further, opportunities for armed groups to benefit indirectly from the minerals are reducing, and it is now possible for international buyers to source minerals from eastern Congo that are free of armed group interference.<sup>667</sup> Quantitative analyses updated in 2015 and 2019 by IPIS support this claim: although armed groups continue to profit from mining indirectly, for instance by installing roadblocks, they are less present in 3TG mines than prior to the Dodd-Frank Act.<sup>668</sup> Accordingly, as around 80 percent of artisanal miners in the eastern DRC works in the gold sector, which iTSCi does not cover, the Enough Project has urged the international community to extend due diligence efforts to gold, where the armed group presence remains strong.<sup>669</sup> Reflecting on these advances, ITA underlines that ‘[s]takeholders who

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665 Seay, ‘What’s Wrong with Dodd-Frank 1502?’, 19.

666 UN Group of Experts on the Democratic Republic of the Congo, ‘Final Report of the Group of Experts on the Democratic Republic of the Congo, 10 August 2017’, 2.

667 UN Group of Experts on the Democratic Republic of the Congo, 18.

668 IPIS, ‘Analysis of the Interactive Map of Artisanal Mining in Eastern DR Congo, 2015 Update’; IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’; IPIS, ‘Assessing the Impact of Due Diligence Programmes in Eastern DRC: A Baseline Study’ (Antwerp, Toronto: IPIS, 2019).

669 IPIS, ‘Analysis of the Interactive Map of Artisanal Mining in Eastern DR Congo, 2015 Update’, 4; ‘Although the conflicts began for other reasons, and significant political and other dynamics are key factors in them, the gold trade is a central driver of both conflict and corruption.’ Sentry, ‘The Golden Laundromat’ (Enough Project & Not on Our Watch, 2018), 5.

lose sight of the general objective and expect total solutions to illegality and total elimination of risk will contribute to further harm to the situation in the DRC.’<sup>670</sup>

The change in 3TG mines is remarkable: both critics and advocates of the approach appreciate the reduced presence of armed groups since the Dodd-Frank Act. Yet, the former group emphasises that one cannot infer that the access of armed groups to funds has subsequently been reduced. Especially earlier campaigners understated how the financial base of armed groups is never solely reliant on minerals. As Nest writes with regards to coltan as financing violence in the 2010s: ‘...following the price boom, coltan returned to being just one of many sources of income for armed groups, including, gold, tin, tungsten, manganese, timber, cattle, other livestock, wildlife, taxation of commerce, theft of consumer goods, theft of agricultural produce and control of international border posts.’<sup>671</sup> Timber, charcoal, agricultural products and other mostly locally or regionally sold items can constitute a major source of funding for armed groups, a business in which tightening import regulation in Europe and North America makes little difference. Recent reports by IPIS remind that it is the commodification of not only minerals but any resource, including people’s labour and movement, which constitutes a key node in the conflict.<sup>672</sup>

Surely, minerals, especially gold, are an extremely attractive target because of their value. However, at least in the short run the weakening presence of armed groups in 3T mines has not directly contributed to peace. Rather, the IPIS 2019 report maintains that armed violence in eastern Congo is currently not often related to interference in the artisanal mining sector.<sup>673</sup> In a recent study, Parker

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670 iTSCi, ‘iTSCi Views on Al Jazeera Fault Lines “Conflicted: The Fight Over Congo’s Minerals”’, 2015, 3, <https://www.itsci.org/2015/11/14/itsci-views-al-jazeera-fault-lines-conflicted-fight-congos-minerals/>.

671 Nest, *Coltan*, 183.

672 Vogel and Raeymaekers, ‘Terr(It)or(Ies) of Peace?’, 1114; IPIS, “‘Everything That Moves Will Be Taxed’: The Political Economy of Roadblocks in North and South Kivu’ (Antwerp: IPIS and DIIS, 2017); IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’.

673 IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’, 8.

and Vadheim use IPIS data to geographically locate the mines affected by the Dodd-Frank regulation. They argue that the policies ‘increased the likelihood that armed groups looted civilians and committed violence against them’ by breaking down the ‘stationary bandit’ equilibrium, and by pushing armed groups to looting civilians beyond the vicinity of the 3T mines, and to battle over gold-mining territories.<sup>674</sup> To them, the findings indicate a ‘cautionary tale’ against making strong assumptions about the way natural resources are linked with the motivations of combatants: ‘We join others in concluding that the resource curse, as it pertains to violent conflict, is a complex phenomenon that is unlikely to be solved by international trade embargoes, boycotts, or certification programs that reduce the value of a country’s resource endowment.’<sup>675</sup>

Armed groups shifting their business to extorting civilians and occupying gold mines, together with the increased infant mortality discovered by Parker et al, are some of the documented local effects of the due diligence schemes, which emerged after the Dodd-Frank Act. To emphasise, both are short-term effects, which in the long run may unfold as a necessary pain that preceded the good effects of the due diligence schemes. Koch and Kinsbergen use this argument to claim that Parker and Vadheim rely on dated data: the negative consequences are likely to weaken in the middle and long term, whereby Parker et al provide undeserved ammunition for the (often corporate) supporters of the Trump administration plan to shoot down the conflict mineral legislation.<sup>676</sup> Yet, so far no change is in sight. Stoop, Verpooten and van der Windt take up a larger IPIS dataset and expand the time horizon to 2015. They suggest that violence against civilians, alongside rioting, strongly increased in mining areas targeted by the Act, and that fighting seems to have been concentrated around gold sites since 2010.<sup>677</sup>

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674 Parker and Vadheim, ‘Resource Cursed or Policy Cursed?’, 44.

675 Parker and Vadheim, 45.

676 Dirk-Jan Koch and Sara Kinsbergen, ‘Exaggerating Unintended Effects? Competing Narratives on the Impact of Conflict Minerals Regulation’, *Resources Policy* 57 (2018).

Again, one may interpret the situation as calling for persistence by international actors, and for subjecting the gold sector under the same treatment in order to deprive armed groups of access to funds.<sup>678</sup> Surely, whether the Section 1502 reaches its aim, as articulated by one of its defenders, of ‘reducing the size of the black market and... reduce the funding of violence while making progress on governance, peace, and security issues more possible’ should be assessed in timeframes of ten or twenty years rather than based on the first eight years.<sup>679</sup> However, to critics the outcomes so far are ambivalent enough to suggest that the armed groups’ reduced presence in 3T mines, which the conflict mineral approach has indeed managed to achieve, does not go hand in hand with reduced violence and instability in eastern Congo. The consequences faced by locals, no matter if unintended, anticipated or necessary, maintain the heated debate on whether the benefits of implementing the conflict minerals approach in its current form truly offset its costs.<sup>680</sup>

## 8.5 ELITES AND MINERALS

In this section, I turn to the broader claim that the conflict minerals approach, by overlooking other drivers of the violence, is unlikely to contribute to ameliorating the conflict in the long run. I use Le

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677 Nik Stoop, Marijke Verpoorten, and Peter van der Windt, ‘More Legislation, More Violence? The Impact of Dodd-Frank in the DRC’, *PLOS ONE* 13, no. 8 (2018): 14–15, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0201783>.

678 IRIN News, ‘In Support of Dodd-Frank Conflict Minerals Regulation’, *IRIN*, 28 February 2017, <https://www.irinnews.org/opinion/2017/02/28/support-dodd-frank-conflict-minerals-regulation>.

679 Whitney, ‘Conflict Minerals, Black Markets, and Transparency’, 184.

680 Geenen, ‘Trump Is Right on Congo’s Minerals, but for All the Wrong Reasons’; Stoop, Verpoorten, and Windt, ‘Trump Threatened to Suspend the “Conflict Minerals” Provision of Dodd-Frank. That Might Actually Be Good for Congo.’; IRIN News, ‘How Advocacy Gave Trump Ammunition on Conflict-Free Minerals’, *IRIN News*, 6 April 2017, <https://www.irinnews.org/investigations/2017/04/06/how-advocacy-gave-trump-ammunition-conflict-free-minerals>; IRIN News, ‘In Support of Dodd-Frank Conflict Minerals Regulation’; Global Witness, ‘Global Witness Comments on Reconsideration of Conflict Minerals Rule Implementation, Sent to United States Securities and Exchanges Commission’, 17 March 2017, <https://www.sec.gov/comments/statement-013117/cll2-1648467-148482.pdf>; IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’, 53–55.

Billon's framework as a tool to argue the claim is only partially valid: advocacy on resource validation policies emphasises the 'conflict resource' and 'resource conflict' diagnoses of the violence, whereas strengthening the interwoven 'resource curse' diagnosis could direct remedial efforts towards tackling the militarised competition among Congo's economic and political elites, the corruption in public mineral revenue management, and illicit financial flows.

To start, there is an implicit but pertinent view among some critics of the conflict mineral approach that it is underlined by a greed-based theory of war, as per which, to continue from the previous chapter, the 'true cause of much civil war is not the loud discourse of grievance but the silent force of greed'.<sup>681</sup> Louise Arimatsu and Hemi Mistry suggest that the early UN resolutions, with their emphasis on curbing the financing of non-state actors through mineral trade, constitute 'an unfortunate legacy of an influential theoretical approach which dominated and shaped policy thinking: that greed rather than political grievance lies at the root of civil wars.'<sup>682</sup> In their assessment, policies that follow this analysis have been conducive to opportunities for improvement lost in Congo.<sup>683</sup> While varying in tone, similar concerns have been voiced by others. Christoph Vogel and Jason Stearns suggest that an overt emphasis on greed as the driving force of conflicts masks 'identities, trajectories, and ideas', or factors that have to be taken into account in efforts to stabilise the region.<sup>684</sup>

To be sure, greed-based theories of civil war are not to be portrayed in overtly simplistic terms.<sup>685</sup> However, in what follows I side with the critics by recognising the need for wider theoretical underpinnings in order to build policies to alleviate individual conflicts, such as the one in eastern

681 Paul Collier, 'Doing Well out of War' (World Bank, 1999), 8.

682 Arimatsu and Mistry, 'Conflict Minerals: The Search for a Normative Framework', 17.

683 Arimatsu and Mistry, 17.

684 Christoph Vogel and Jason Stearns, 'Kivu's Intractable Security Conundrum, Revisited', *African Affairs* 117, no. 469 (2018): 706.

685 E.g. Collier, Hoeffler, and Rohner, 'Beyond Greed and Grievance'.

Congo. Greed-based explanations are by standard underlined by large-N studies, the bird's-eye view of which is less sensitive to processes, actors and events that might be crucial in making sense of, and acting upon, individual conflicts.<sup>686</sup> As I discuss in chapter 10, the narrative of greedy rebels fighting over minerals has been a powerful tool for gathering momentum behind conflict minerals policies in affluent democracies: Cuvelier, Diemel and Vlassenroot write that advocacy groups successfully used it to increase an awareness of the links between economic globalisation and the exploitation of natural resources by belligerents in Congo, as well as to pressure international companies towards adopting more corporate social responsibility policies. At the same time, the campaigners have not been performing that well in informing the public about the complexity of the Congolese conflict and tools needed to ameliorate it.<sup>687</sup>

Indeed, the campaigners' dilemma is one of having to provide a solution that seems persuasive and effective enough to convince the public to support it, while remaining honest about the diverse challenges that the eastern Congo faces.<sup>688</sup> Greed-based explanations are handy in balancing the two values, and resonate with the undeniable fact that mineral wealth remains a central source of revenue for the Congolese central government, the FARDC and militants alike. Advocates recognise that due diligence policies can deliver a more stable security situation only if implemented alongside security sector reform, military engagement with the major armed groups, anti-corruption reforms, free and fair elections, and other measures. Yet, Stearns suggests that while by default underlining a holistic approach, when the time comes to choose which policies are to get top priority, the advocates often tend to advocate the mineral factor over others.<sup>689</sup>

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686 Stearns, 'Causality and Conflict', 157–59; Le Billon, *Wars of Plunder*, 61.

687 Cuvelier, Diemel, and Vlassenroot, 'Digging Deeper', 451.

688 Nest, *Coltan*, 18, 122, 182, 213; Le Billon, 'Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer', 780.

689 Stearns, 'Causality and Conflict', 159–60; Fidel Bafilemba, Timo Mueller, and Sasha Lezhnev, 'The Impact of Dodd-Frank and Conflict Minerals Reforms on Eastern Congo's Conflict' (Enough Project, 2014), 1.



Taking up process tracing, Stearns offers an alternative lens by distinguishing three competing explanations that may guide conflict prevention and mitigation in eastern Congo. While the advocates of each are aware that a mono-dimensional view focusing only on any single explanation ill captures the reality, he suggests that they are willing to argue that a focus on their favourite would be ‘sufficient’ in generating a drastic change in the violence and instability.<sup>690</sup> One explanation is indeed focused on natural resources and armed mobilisation driven by financial interests. Stearns remains sceptical of the most blatant versions of this narrative, suggesting that ‘minerals were not the origin of the conflict in Congo and solving the conflict minerals issue is not going to bring an end to the conflicts’.<sup>691</sup> Surely, formalising trade and natural resources sector can contribute to cutting the funding of armed groups as well as of key politicians and army commanders affiliated with them. Here, however, guilt-based claims targeted at affluent democracies and their consumers might not be less convincing; buyer countries would be more accurately accused of stepping aside in critical junctures than of contributing to the bloodshed by engaging in mineral trade.<sup>692</sup> The second explanation highlights local grievances, such as those related to ethnic tensions, clashes between artisanal and industrial miners, and disputes over fishing and land rights, as comprising the micro-dynamics feeding violence in eastern Congo. Séverine Autesserre locates the roots of the conflict to local disputes over land and power.<sup>693</sup> Stearns acknowledges that local motivations play a role, but remains doubtful on whether they manage to explain the tumultuous 25 years of conflict in eastern Congo, especially without fully appreciating

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690 Stearns, ‘Causality and Conflict’.

691 George Fominyen, ‘Mineral Certification: The Path to End Congo’s Violence?’, *Thompson Reuters Foundation*, 6 May 2011, <http://news.trust.org/item/20110506185600-yknec/>; Stearns, ‘Causality and Conflict’.

692 Stearns, *Dancing in the Glory of Monsters*, xxiii, 304, 334.

693 Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2014), 134; E.g. Judith Verweijen and Justine Brabant, ‘Cows and Guns. Cattle-Related Conflict and Armed Violence in Fizi and Itombwe, Eastern DR Congo’ 55, no. 1 (2017): 1–27; Ann Laudati, ‘Beyond Minerals: Broadening “Economies of Violence” in Eastern Democratic Republic of Congo’, *Review of African Political Economy* 40, no. 135 (2013): 32–50.

the role of self-interested elites in using local grievances to mobilise people for their own purposes.<sup>694</sup>

The third explanation is the weakness of the Congolese state. Stearns and Vogel highlight the linkages between armed groups and the economic and political elites provincially, nationally and regionally. While the weak Congolese state, ‘a lame but living Leviathan’ and its troops deployed in the Kivu provinces, have been a resource tapped by self-interested elites since President Mobutu’s era, armed groups are becoming more and more connected with the elites.<sup>695</sup> This marks a shift in the dynamics in eastern Congo: regional interference from neighbouring countries, such as Rwanda and Uganda, is less prominent, whereas domestic elites bolstering their stature and political importance use armed groups for their own interests. An insight in an early article by Vlassenroot and Raeymaekers remains topical: the Congolese state has not ‘failed’ but is actually very successful in extracting benefits to those at the top.<sup>696</sup>

This third explanation enables analysing armed groups not as driven and financed by mineral wealth, but their motivations having shifted and diversified since the Rwandan genocide. Indeed, the whole concept of ‘armed groups’ is a shorthand category: while most groups are a direct product of the two Congo Wars, they encompass not only the FARDC but older and newer political rebel groups, local and village defence militias, military movements with political structures, and bandits.<sup>697</sup> Elites, informed by local grievances and conflicts, use these groups to gain leverage in

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694 Stearns, ‘Causality and Conflict’, 161; Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (New York: Cambridge University Press, 2010).

695 Vogel and Stearns, ‘Kivu’s Intractable Security Conundrum, Revisited’, 700.

696 Koen Vlassenroot and Timothy Raeymaekers, ‘Kivu’s Intractable Security Conundrum’, *African Affairs* 108, no. 432 (2009): 475–84.

697 Jason Stearns, Judith Verweijen, and Maria Eriksson Baaz, *The National Army and Armed Groups in the Eastern Congo: Untangling the Gordian Knot of Insecurity* (Rift Valley Institute, 2013), 13; Koen Vlassenroot and Kasper Hoffmann, ‘Armed Groups and the Exercise of Public Authority. The Cases of the Mayi Mayi and Raya Mutomboki in Kalehe, South Kivu’, *Peacebuilding* volume 2 (2014): 208.

their power struggles: ‘In many cases, local conflicts and grievances are not merely drawn upon but actively manipulated by elites, to legitimize their actions and maintain a power base.’<sup>698</sup> Greed for financial wealth plays a role in the conflict but in a socially and politically mediated manner. In this sense, Stearns likens Congo to Niccolo Machiavelli’s sixteenth century Italy, populated by small warring city-states and factions, more than to any modern twenty-first century state.<sup>699</sup>

Accordingly, if one concedes that Congo’s major narrative is one of state weakness and failure extended over four centuries of political disintegration, and that the militarisation of political and economic competition between regional, national and provincial elites constitutes a recent twist in it, an effective strategy would include, for instance, addressing the incentives that drive elites to turn to violence. The third explanation, however, does not deliver an elegant solution to the conflicts. Stearns, Verweijen and Baaz emphasise that no single explanation in isolation from others suffices. Violence results when state weakness occurs with factors ranging from local conflicts and grievances to failed demobilisation and reintegration strategies and a lagging army reform. This conundrum is blurred by the discussion on ‘root causes’ of the conflict, be they minerals, local conflicts or state weakness; in this sense, ‘there is a surprising disjuncture between analysis of conflict dynamics and advocacy work’.<sup>700</sup> Equally, Stearns and Vogel offer no reason for optimism. While the due diligence mechanisms do not transform the corrupt Congolese state into a transparent one, neither do state reforms, such as security sector reforms, legislative updates, fair elections, and administrative transparency, matter as long as elites have an incentive to turn to violence for personal gain. ‘In the DRC’s current political order, violence is an effective strategy to obtain power and control resources.’<sup>701</sup>

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698 Stearns, Verweijen, and Eriksson Baaz, *The National Army and Armed Groups in the Eastern Congo*, 38.

699 Stearns, *Dancing in the Glory of Monsters*, xxiii, 304, 334.

700 Fominyen, ‘Mineral Certification’; Stearns, ‘Causality and Conflict’, 171.

701 Stearns, Verweijen, and Eriksson Baaz, *The National Army and Armed Groups in the Eastern Congo*, 8.

As I suggested in the previous section, there are no unambiguous indications of an improved situation since the mineral traceability schemes were set up. The armed groups of the eastern Congo are fragmenting and clustering: around 120 groups operated in the two Kivu provinces alone in 2017, in contrast to 70 different groups in 2015.<sup>702</sup> The fragmentation of armed groups, Congo's fractionalised security apparatus, and its weak state institutions constitute a long-term challenge that will take years to address, needing political rather than technical forms of cooperation between the Congolese, regional and international authorities.<sup>703</sup> This lack of optimistic, clear-cut solutions invokes Salter and Mthembu-Salter to defend the ongoing traceability schemes. To them, critical voices appear as a call from an ivory tower 'in which the Congolese state appears to be presented both as the source of the deeper problems, and, paradoxically, as the solution.'<sup>704</sup> In the absence of a clear alternative policy framework, shaking the hard-fought resolution to extend the due diligence schemes to gold and other minerals is a mistake. Straw man arguments abound: the campaigners and policy-makers have never portrayed minerals as a root cause of the conflict rather than conceded that international companies can and should play a 'supporting role' in the larger drama of the region's history starved by more important factors.<sup>705</sup> While there are undeniably costs and suffering faced by the locals, it is a better alternative to continue the due diligence efforts than to let armed groups profit from mineral funds as they did prior to 2011. Ideally, there would be a formalisation strategy that better compensated for the loss of livelihoods faced by artisanal miners. However, at the end of the day it is the process of industrialisation that historically has got people off the ground, despite alarms sounded by Luddites of the past or the present day.<sup>706</sup>

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702 Jason Stearns and Christoph Vogel, 'The Landscape of Armed Groups in the Eastern Congo: Fragmented, Politicized Networks' (New York: Congo Research Group, New York University, 2017), 5.

703 Vogel and Stearns, 'Kivu's Intractable Security Conundrum, Revisited', 707.

704 Thomas Salter and Gregory Mthembu-Salter, 'A Response to Terr(It)or(Ies) of Peace? The Congolese Mining Frontier and the Fight against "Conflict Minerals"', Suluhu Working Papers No. 2, 2016, 6.

705 Salter and Mthembu-Salter, 3.

Salter and Mthembu-Salter enter a ‘cacophonous’ debate, as one practitioner calls the discussion, regarding the functioning of the conflict minerals approach.<sup>707</sup> Not only in academia but also in the Congolese civil society voices remain mixed.<sup>708</sup> There are optimistic practitioners, such as Joel Omar, a senior researcher at the Bukavu-based civil society organisation Justice for All, adamant that if all supply chains were certified, there would be no armed conflicts.<sup>709</sup> More carefully placed opinions, such as that of Bony Shanvu, President of PRODES, an NGO in South Kivu, suggest that certification may help reduce armed groups but not get rid of them.<sup>710</sup> And there are critics, such as senior researcher Leopold Rutinirwa Muliro at the Pole Institute in North Kivu, who pertains that the conflict minerals approach downplays the roots of the problems in failing national and local governance.<sup>711</sup> Salter and Mthembu-Salter aptly highlight the developmental potential provided by Congo’s mineral riches. However, they also leave open the ultimate question: does the current model of formalisation as advanced through due diligence schemes harness the mineral wealth of the eastern Congo for the benefit of the nation in a way that avoids local short-term harm, such as increases in infant mortality and marauding armed groups, from escalating when it coincides with

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706 Salter and Mthembu-Salter, ‘A Response to Terr(It)or(Ies) of Peace? The Congolese Mining Frontier and the Fight against “Conflict Minerals”’.

707 Interview #19: Congo researcher working for an NGO; Several authors, ‘An Open Letter’; Several authors, ‘Open Letter: Broader Push for Reform Is Essential’; Enough Project, ‘11 Letters from Congolese Civil Society Groups in Support of the U.S. Conflict Minerals Law’, 4 April 2017.

708 C.f. Annie Callaway suggests that 99 percent of the nearly 12,000 comments sent to SEC Acting Chair Michael Piwowar, who in early 2017 requested comments to clarify whether the Conflict Minerals Rule serves its purpose, called for ‘enforcement and continued implementation of the rule’. On the Enough Project’s website, only affirming entries are included among the selection of 11 letters sent by the Congolese civil society to the SEC: Callaway, ‘Demand the Supply: Ranking Consumer Electronics and Jewelry Retail Companies on Their Efforts to Develop Conflict-Free Minerals Supply Chains from Congo’, 9; Enough Project, ‘11 Letters from Congolese Civil Society Groups in Support of the U.S. Conflict Minerals Law’.

709 Interview #9: Joel Omar, Senior Researcher/Programme Coordinator, Justice for All

710 Interview #32: Bony Shanvu, President, PRODES

711 Interview #27: Leopold Rutinirwa Muliro & Adili Amani Romuald, Researcher & Researcher, Pole Institute

other factors, such as changes in elite power dynamics potentially triggered by the recent presidential elections?

While a comprehensive answer to the question above lies beyond the scope of this work, a viable development in the conflict mineral policies seems to be emerging. The advocates of the conflict minerals approach are subtly enriching their rhetoric in two ways. First, companies and activists frame the due diligence policies as a process worthy by itself rather than to be judged by its outcomes. As per this new narrative, companies are to guarantee to consumers that they have proper traceability schemes in place to minimise the risk of funding armed groups rather than to promise that their sourcing policies will help end the conflict. As Roel Nieuwenkamp, former Chair of Working Party on Responsible Business Conduct at OECD, notes: '[E]ven if it does not help that much, companies still should do it, because it's a morally binding instrument. It's not legally binding but it's morally binding. So trying to do your best to change things... it is in effect only an endeavour not a result guaranteed.'<sup>712</sup>

Secondly, and more importantly, minerals are increasingly treated not only as a booty of armed groups but as a prize for elites profiting from the dysfunctional state. Le Billon's three-part framework helps pinpoint this sea change. In mobilising public support for the mineral validation schemes in the 2010s, the narratives that framed consumers abroad as financing and incentivising horrid acts of violence were overlaid on the 'conflict resource' and 'resource conflict' narratives of the violence in eastern Congo. However, recent NGO investigations are more visibly embedding resource validation measures, such as advocating gold traceability schemes, within a framework that focuses on state functions. Data on natural resources management policies collected by EITI is

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712 Interview #2: Roel Nieuwenkamp, Chair, OECD Working Party on Responsible Business Conduct; J.A. Diemel and D.J.M. Hilhorst, 'Unintended Consequences or Ambivalent Policy Objectives? Conflict Minerals and Mining Reform in the Democratic Republic of Congo', *Development Policy Review*, 2018.

used to evidence the need for structural reforms.<sup>713</sup> Global Witness has focused on riches siphoned off at Gécamines, a state-owned company that dominates the Congolese mineral industry.<sup>714</sup> The Enough Project aims to tackle the ‘kleptocratic state’ and ‘grand corruption’, suggesting that ‘strategic pressure’ has to be applied on the Congolese regime in order to support a change of trajectory in Congo.<sup>715</sup> In its more recent report, IPIS suggests that ‘responsible sourcing efforts have not sufficiently recognised the dire need to improve governance’.<sup>716</sup> Traceability schemes constitute an item rather than a key node in these improved efforts.

Embracing the public management of mineral revenues in tackling the conflicts is definitely linked with the increasing global importance of cobalt. The mineral is not labelled as a ‘conflict resource’ and industrially rather than artisanally mined, but allegations over child labour pertaining its extraction have attracted international scrutiny.<sup>717</sup> The ‘resource curse’ and ‘resource conflict’ diagnoses, the first of which interprets low-income, resource-dependent countries as vulnerable to armed conflict because financial dependence on natural resources weakens state institutions and socioeconomic linkages, and the second as such countries facing a higher risk of larger-scale armed conflicts because of the social tensions and grievances associated with the production, seem to underlie the recent initiatives.<sup>718</sup> The emphasis on vulnerability and risk is becoming more and more prominent in comparison to the view that minerals provide an opportunity for violence due to their ‘lootability’ and other characteristics. In practical conflict mitigation efforts, the three attributes of

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713 EITI, ‘2015 Democratic Republic of Congo EITI Report’.

714 Global Witness, ‘Regime Cash Machine’.

715 Sentry, ‘The Golden Laundromat’; Callaway, ‘Powering Down Corruption’; Sasha Lezhnev and John Prendergast, ‘Strategic Pressure’ (Enough Project, 2017).

716 IPIS, ‘Mapping Artisanal Mining Areas and Mineral Supply Chains in Eastern DR Congo’, 54.

717 William Clowes, ‘Congo Triples Levy on Cobalt With Strategic-Minerals Decree’, *Bloomberg*, 3 December 2018, <https://www.bloomberg.com/news/articles/2018-12-03/congo-triples-levy-on-cobalt-with-strategic-minerals-decree>.

718 Le Billon, *Wars of Plunder*, 5.

vulnerability, risk, and opportunity will remain interwoven.<sup>719</sup> However, an added emphasis on the first two is generating a momentum to tackle state deficiencies and harmful elite incentives in a more comprehensive fashion.

To highlight another policy that would align with this wider perspective, Zoë Marriage points out that the illicit flow of capital from and to Congo is an ‘elephant in the room’, which sets the interests of foreign business and the political elite against those of the rest of the Congolese population. The channels of capital flight are receiving more attention as an indirect explanans of not only the conflicts but the extension of presidential tenure.<sup>720</sup> While longer-term consequences of the December 2019 presidential elections, in which Joseph Kabila was succeeded by Félix Tshisekedi, are yet to be seen, so far there are no visible, major outbreaks of violence due to ruptures in existing patronage networks.<sup>721</sup> Marriage indicates transnational financial flows as a piece in the puzzle of dismantling the elite networks that instrumentalise the violence in eastern Congo for power and profit. While these and other policies related to mineral revenues, including anti-corruption measures such as the EITI initiative, which works to reform the Congolese extractives sector as a whole, have remained largely in the shadow of the compelling ‘blood mineral’ imagery, they deserve a chance for helping alleviating the conflicts.

These means illustrate rather than exhaust the means aligned with a shift towards vulnerability-based analyses of the conflict in eastern Congo. In general, attempts to tackle corruption in the public management of mineral revenues and illicit capital flows resonate with a welcome

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719 Enough Project, ‘A Comprehensive Approach to Congo’s Conflict Minerals - Strategy Paper’, 15; John Prendergast et al., *Congo Stories: Battling Five Centuries of Exploitation and Greed* (New York: Grand Central Publishing, 2018).

720 Marriage, ‘The Elephant in the Room’.

721 Max Bearak, ‘Félix Tshisekedi’s Improbable Inauguration Leaves Congo in a Confused Daze’, *Washington Post*, 24 January 2019, [https://www.washingtonpost.com/world/africa/felix-tshisekedis-improbable-inauguration-leaves-congo-in-a-confused-daze/2019/01/24/36f51a84-1cf1-11e9-a759-2b8541bbbe20\\_story.html](https://www.washingtonpost.com/world/africa/felix-tshisekedis-improbable-inauguration-leaves-congo-in-a-confused-daze/2019/01/24/36f51a84-1cf1-11e9-a759-2b8541bbbe20_story.html).



reconsideration of what is understood by ‘conflict’ and ‘blood’ minerals. While in the early 2000s the campaigners on Congo forcefully entered the popular imagination in affluent democracies by different variants of the ‘blood minerals’ narrative, the imagery has never fully captured the role of elites and other political and social actors, institutions and trends that intermediate the connection between shopping malls and conflict zones.<sup>722</sup> The momentum generated then is being and should be calibrated to push through resource-related efforts to tackle the institutional weakening of the Congolese state and the militarised competition among its elites.

## 8.6 CONCLUSION

In this chapter, I explored Congo as a case in which consumers are being connected to an armed conflict abroad by their purchases. The country is often diagnosed as suffering from the resource curse, and I assessed the extent to which international due diligence policies have been helpful in curbing black markets, violence and instability in its eastern parts since 2010. The effectiveness of the traceability schemes is important, because it constitutes an important component in evaluating whether consumers, by supporting such policies through their purchase decisions, can help alleviate the ongoing violence upstream in supply chains.

While fewer 3TG mines are now controlled by armed militants than prior to the mineral traceability efforts, the due diligence schemes have not yet gone hand in hand with a reduction in general levels of violence and instability. The mixed consequences, including the deterioration of local livelihoods, may be offset by a longer-term positive trend yet to unravel. While acknowledging this possibility, I drew on Le Billon’s framework to suggest that policies treating minerals narrowly as providing armed groups with means and motives to conduct acts of violence ought to be embedded within efforts to tackle the resource curse as manifesting in the corrupt management of state

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<sup>722</sup> Stearns, ‘Causality and Conflict’.

revenues and the militarisation of competition for power and profit. Elite power dynamics, Congolese state enterprises, and capital flows are some of the items on which such improved conflict-alleviating efforts could concentrate.

## **9 NIGERIA**

### **9.1 INTRODUCTION**

This chapter discusses another area that provides raw materials for making products to consumers in affluent democracies at the same time as it suffers from recurring violent conflicts often diagnosed as symptoms of a resource curse. In the early 1990s, environmental and human rights campaigners voiced calls to boycott international oil companies operating in southern Nigeria due to the alleged involvement of companies with corruption, loss of local livelihoods and environmental disasters. In the 2000s, diverse armed groups have emerged in the oil-rich Niger Delta region, intermittently attacking state and corporate facilities and stealing oil to amplify and finance their for fairness, compensation, and justice.

A range of solutions, including military action, oil traceability initiatives, amnesty programs, and social corporate responsibility schemes, have been suggested and attempted to mitigate the Niger Delta violence. In this chapter, I suggest that narrow understandings of the ‘blood oil’ in the Niger Delta risks directing mitigation efforts away from tackling the institutionalised oil theft and cross-cutting networks of patronage, which often underlie the seemingly antagonistic violence. While the two conflicts require individual responses, as in eastern Congo a stronger emphasis on the vulnerability to conflict that resource wealth creates through weakening state institutions and social cohesion would guide affluent democracies to adopting remedial efforts that better resonate with the political economy of the Niger Delta conflicts.

## 9.2 RICHES AND STRIFE

Nigeria is one of the major economies of sub-Saharan Africa, dominating the western coast with its vast population and economic and political weight.<sup>723</sup> The late history of the country is woven around oil: the much-sought resource was first discovered in Ogoniland in 1957, and the first barrels of crude oil destined for the world market left Port Harcourt on 17 February 1958.<sup>724</sup> Since the Biafra civil war in 1967-70, Nigeria's soaring production of oil and gas has devoured other industries, transforming the country into an unbridled petroleum economy.<sup>725</sup> Over the recent years, the country has been ranked as the 12th largest producer of petroleum in the world, the 8th largest exporter, and its proven oil reserves have been appraised as the 8th largest globally. Despite attempts to diversification, the national economy is dependent on crude oil: petroleum exports earnings account for over 90 percent of Nigeria's foreign exchange earnings, and almost half of federal revenues.<sup>726</sup>

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723 Michael Watts, 'Resource Curse? Governmentality, Oil and Power in the Niger Delta, Nigeria', *Geopolitics* 9, no. 1 (2004): 63; Wenar, *Blood Oil*, 98; World Bank, 'Nigeria | Data', 2019, <https://data.worldbank.org/country/nigeria?view=chart>; to the OPEC, oil was first struck in Oloiribi in the Bayelsa State in 1956: OPEC, 'Nigeria', 2018, [http://www.opec.org/opec\\_web/en/about\\_us/167.htm](http://www.opec.org/opec_web/en/about_us/167.htm).

724 Watts, 'Resource Curse?', 52. Following conventional use, I refer to 'oil' when discussing gas and oil, as their production goes hand in hand.

725 Kathryn Nwajiaku-Dahou, 'The Political Economy of Oil and "Rebellion" in Nigeria's Niger Delta', *Review of African Political Economy* 39, no. 132 (2012): 297.

726 Exact numbers vary as per source; it is the scale that matters. Cf. Christina Katsouris, 'Buhari's Second Chance at Oil and Gas Reform in Nigeria', *Chatham House*, 4 April 2019; OPEC, 'Crude Oil Reserves', 2018, [https://www.opec.org/opec\\_web/en/data\\_graphs/330.htm](https://www.opec.org/opec_web/en/data_graphs/330.htm); Alex Gboyega et al., 'Political Economy of the Petroleum Sector in Nigeria', Policy Research Working Paper (World Bank, 2011), 7; CIA World Factbook, 'Crude Oil Production', 2018, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2241rank.html>; CIA World Factbook, 'Crude Oil Exports', 2018, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2241rank.html>; Ismail O. Fasanya and Abosede E. Ogundare, 'Trivariate Analysis of Oil Revenue, Government Spending and Economic Growth in Nigeria', *OPEC Energy Review* 42, no. 2 (2018): 108; Nigerian National Bureau of Statistics, 'Nigerian Gross Domestic Product Report Q3 2018', 2018, 4,

Most of the oil reserves discovered are located in the Niger Delta, a region characterised by a dense network of mangrove forests, creeks, rivers, and rivulets running down the Gulf of Guinea.<sup>727</sup> Oil extraction in the Delta is centralised into the hands of international oil companies, which is characteristic of the capital-intensive industry. Shell accounts for almost half of Nigeria's daily oil production, while other big internationals, such as Agip-ENI, Chevron Texaco, Exxon Mobil, and Total, extract roughly the rest.<sup>728</sup> The Nigerian state partners with the international business by owning more than half of the shares in the Nigerian companies of seven oil majors - Shell Nigeria, Mobil Nigeria, Chevron Nigeria, Agip Nigeria, Elf Nigeria, Texaco Nigeria, and Pan Ocean. Despite the recent rise of Asian and South American as well as indigenous oil companies, the western international oil companies (IOCs) still dominate the industry.<sup>729</sup>

Just as oil is important for Nigeria, it is hard to exaggerate the importance of oil and its derivatives for the global economy. Utilised in engines, heating, industrial machinery, agricultural pesticides, medicine, and plastic products, among other things, the infrastructure of modern societies runs on oil.<sup>730</sup> Nigerian oil is 'Bonny sweet crude', a type that needs little refining to be suitable as fuels and in industrial use. While some of this much-sought variety is traded to neighbouring countries, the biggest buyers are beyond the high seas. Recently, the top buyer of Nigerian oil has been India.<sup>731</sup> Over one-third of the exports go to Europe, another one-third to Asian countries, and around 16.5

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<http://nigeria.opendataforafrica.org/NGNBSNGDPPTO2016/nigerian-gross-domestic-product-report-q3-2018>;  
Extractive Industries Transparency Initiative, 'Nigeria EITI', 2019, <https://eiti.org/nigeria>.

727 While most oil production is centred in the states of Rivers, Bayelsa and Delta, there are altogether six or nine oil producing states in the south, depending on the geographical definition used: Judith Burdin Asuni, *Blood Oil in the Niger Delta* (Washington, DC: United States Institute of Peace Washington, 2009).

728 Cyril Obi, 'Nigeria's Niger Delta: Understanding the Complex Drivers of Violent Oil-Related Conflict', *Africa Development* 34, no. 2 (2009): 118.

729 Natural Resource Governance Institute, 'Country Strategy Note: Nigeria' (London, 2016), 3.

730 Wenar, *Blood Oil*, chapter 1.

731 PricewaterhouseCoopers, 'Nigeria: Looking beyond Oil', 2016, 9; Observatory of Economic Complexity, 'Nigeria (NGA) Exports, Imports, and Trade Partners', 2018, <https://atlas.media.mit.edu/en/profile/country/nga/#Exports>.

percent to North America, such as the United States, to whom Nigeria was its ninth-largest oil supplier in 2018.<sup>732</sup> While non-renewable sources of energy, such as solar and tidal power, are increasingly challenging the dominance of oil in the global economy, oil remains unmatched in its transferability and energy value, whereby also the international demand for Nigerian reserves is likely to remain high.<sup>733</sup>

Nigerians have not enjoyed an even distribution of the fossil wealth. As per a figure cited by several scholars, about 80 percent of Nigeria's oil and gas revenues accrue to one per cent of the country's population and the remaining twenty percent received by 99 percent of Nigerians.<sup>734</sup> Although exact statistics are hard to generate, it is evident that the bulk of Nigeria's oil wealth has not benefited the general population, more than half of which lives below the poverty line and 44 percent in conditions of extreme poverty. Since the country's independence, the life expectancy in Nigeria has gone up to 53 years, an increase of only half as much as the increase in general life expectancy in neighbouring countries lacking vast extractive industries, such as Benin and Togo. Indeed, even in absolute numbers Nigeria has recently become the country with most people in extreme poverty in the world, more than in India or China.<sup>735</sup>

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732 Daniel Workman, 'Nigeria's Top 10 Exports', World's Top Exports, 3 April 2018,

<http://www.worldstopexports.com/nigerias-top-10-exports/>; Observatory of Economic Complexity, 'Nigeria (NGA) Exports, Imports, and Trade Partners'; U.S. Energy Information Administration, 'U.S. Total Crude Oil and Products Imports', 2018, [https://www.eia.gov/dnav/pet/pet\\_move\\_impcus\\_a2\\_nus\\_ep00\\_im0\\_mbb1\\_a.htm](https://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_ep00_im0_mbb1_a.htm). The U.S. imports of Nigerian oil have fluctuated, and are likely to decrease in the future as the U.S. aims towards self-sufficiency in the energy sector: Katsouris, 'Buhari's Second Chance at Oil and Gas Reform in Nigeria'.

733 Wenar, *Blood Oil*, chapter 1.

734 E.g. Obi, 'Nigeria's Niger Delta', 123; Mgbeodichinma Eucharia Onuoha and Isa Olalekan Elegbede, 'The Oil Boom Era: Socio-Political and Economic Consequences', in *The Political Ecology of Oil and Gas Activities in the Nigerian Aquatic Ecosystem*, ed. Prince Emeka Ndimele (London, United Kingdom: Academic Press, 2018), 89.

735 Wenar, *Blood Oil*, 57; Jesús Crespo Cuaresma et al., 'Will the Sustainable Development Goals Be Fulfilled? Assessing Present and Future Global Poverty', *Palgrave Communications* 4, no. 1 (2018): 29; World Poverty Clock, 'Extreme Poverty in Nigeria May Increase by 2030', 2018, <https://worldpoverty.io/blog/index.php?r=12>.

Such problems manifest in the Niger Delta, a region to which scholars often refer as ‘paradoxical’, because it remains one of the poorest and least developed parts of the country despite its oil wealth.<sup>736</sup> Waters, forests, and the air are polluted by oil extraction, and the livelihoods of traditional communities, which rely on fishing and farming, are compromised.<sup>737</sup> As Adam Nossiter illustrates in a New York Times article, an oil damage assessment in the Delta suggested that over the last five decades 546,000 million gallons of oil has been spilled into the Niger Delta, which is comparable to the 1989 Exxon Valdez oil spill in Alaska taking place each year for 50 years.<sup>738</sup> Besides deprived of livelihoods, the local communities suffer from social disintegration linked with the influx of foreign influence and money to the region.<sup>739</sup> Larry Boms, Head and Resident Representative of the United Nations Institute for Training and Research (UNITAR) in Nigeria, describes: ‘When these people come to these communities they completely disrupt the local economies because they come with US dollars, they spend US dollars, so they take basically control of the local economy.’<sup>740</sup> Nationally, a combination of high fertility rate and slow economic growth indicates that between 2018 and 2030 the Nigerian youth under 25 may face a nine percent decrease in their disposable income.<sup>741</sup> For the youth in the Niger Delta, either being employed by or extorting the oil sector often appear as the

736 Augustine Ikelegbe, ‘Civil Society, Oil and Conflict in the Niger Delta Region of Nigeria: Ramifications of Civil Society for a Regional Resource Struggle’, *The Journal of Modern African Studies* 39, no. 3 (2001): 437.

737 Oluwatosin M. Olarinmoye, Obih A. Ugwumba, and Folalu O. Awe, ‘Background Information on Petroleum Industry Activities and the Nigerian Environment’, in *The Political Ecology of Oil and Gas Activities in the Nigerian Aquatic Ecosystem*, ed. Prince Emeka Ndimele (London: Academic Press, 2018), 13; Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 301.

738 Adam Nossiter, ‘In Nigeria, Oil Spills Are a Longtime Scourge’, *The New York Times*, 16 June 2010, <https://www.nytimes.com/2010/06/17/world/africa/17nigeria.html>.

739 Interview #44: Florence Kayemba-Ibokabasi, Program Manager, Stakeholder Democracy Network; As Dandyson Harry Dandyson, a project officer at GASIN, an NGO based in Port Harcourt, puts it: ‘The local community resolution mechanism has been eroded. Local governance, local community leadership has actually been trampled upon, it has been, to look for the right word, it has been distorted by the activities of the multinationals and even the Nigerian government.’ Interview #46: Dandyson Harry Dandyson, Project officer, GASIN

740 Interview #48: Larry Boms, Country Head and Resident Representative, UNITAR

741 World Poverty Clock, ‘Extreme Poverty in Nigeria May Increase by 2030’.

most promising ways to climb up the social ladder. Those who, one way or another, manage to tap on the oil industry are looked up as heroes who escape the gloomy trajectory.<sup>742</sup>

The complex problems have stirred social unrest since the military defeat of the Biafra Republic in 1970. In the late 1990s, the Niger Delta saw its first major surge of oil activism, as the powerful ethnic groups mobilised to ‘agitate’ against ‘the Big Oil’. The demands for cleaning up the oil damage and redistributing more oil revenues to the local communities were spearheaded by the Movement for the Survival of the Ogoni People, and culminated into the prosecution and hanging of Ken Saro-Wiwa and eight other leaders of the Movement by government troops in 1995, an act in which Shell has been accused of being compliant. The uprising continued in 1998-1999, as the Ijaw people, the region's largest ethnic group, mobilised into a social campaign termed as the Operation Climate Change. This campaign also ended in bloodshed, as the government sent in its military troops to calm the situation: supposedly hundreds of villagers were killed, whole villages destroyed and the military obtained a reason to remain in the area to exploit the population and the oil wealth. While, the clashes in the 1990s were internationally well-reported, enticing calls for boycotts of the IOCs, the living conditions remain dire for many Niger Deltans.<sup>743</sup> Complaints frequent that reforms, such as establishing the River Delta Ministry and realising the suggestions of the Niger Delta Technical Committee, have been implemented in a lacklustre way.<sup>744</sup>

In the 2000s, the region saw the emergence of armed groups, which steal oil, assault oil facilities and kill and kidnap their workers. Judith Asuni writes that the groups have varying demands: the environmental degradation of the Delta ought to be stopped; communities that previously held the

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742 Aderoju Oyefusi, ‘Oil and the Probability of Rebel Participation Among Youths in the Niger Delta of Nigeria’, *Journal of Peace Research* 45, no. 4 (2008): 539–55.

743 Gboyega et al., ‘Political Economy of the Petroleum Sector in Nigeria’, 23.

744 Coventry Cathedral, ‘The Potential for Peace and Reconciliation in the Niger Delta’ (Coventry: International Centre for Reconciliation, 2009), 186–87.



land now used by companies should receive better compensation; political leaders supporting the armed groups are to be released from custody; the military troops that have harassed and extorted local communities ought to be punished; and all foreigners alongside their companies should leave the country. Accordingly, the armed groups mix ideological aims with criminal activities, kidnappings, and oil theft known as ‘bunkering’, sharing an amorphous discontent with the way the region has been exploited and neglected.<sup>745</sup> Michael Watts has called the period from the late 1990s up to 2009 as a time when the oil fields of the Niger Delta were ‘ungovernable’ or ‘home to a full-blown insurgency’, with several armed confraternities, street cult groups, and militias conducting acts of violence and stealing oil to finance their activities.<sup>746</sup> While such a description did not apply to all parts of the Delta evenly, at times the unrest effectively halted Nigeria’s oil production: in 2009 production was down to 800,000 barrels per day from a peak of 2.2 million barrels per day three years earlier.<sup>747</sup> Two militia groups stood out by their extensive operations and international recognition: Niger Delta People’s Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta (MEND). The latter targeted oil platforms both offshore and onshore, killing and kidnapping workers and destroying facilities as far as 120 kilometres off the Nigerian coast. The proclaimed aim of such activities echoed by the diverse militants in the region

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745 Asuni, *Blood Oil in the Niger Delta*, 3–4; Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 307; ‘There’s militancy who have [...] a cause to fight for, but there’s also criminality, who want to make profit... criminals blowing up pipeline, lot of the kidnapping is more criminality than anything. This is a good way to make money, easy way to make money.’ Interview #40: Arinze Agbim, Former Executive Director at Mobil Producing Nigeria Unlimited

746 Andrea Behrends, Stephen Reyna, and Günther Schlee, *Crude Domination: An Anthropology of Oil* (New York, Berghahn Books, 2011), 59; Michael Watts, ‘Petro-Insurgency or Criminal Syndicate? Conflict & Violence in the Niger Delta’, *Review of African Political Economy* 34, no. 114 (2007): 639.

747 Augustine Ikelegbe and Nathaniel Umukoro, ‘Exclusion and Peacebuilding in the Niger Delta of Nigeria: An Assessment of the Presidential Amnesty Programme’, *Journal of Peacebuilding and Development* 11, no. 2 (2016): 26.

was to hold the oil companies and the Nigerian state accountable for the lack of future faced by the River Deltans.<sup>748</sup>

In 2009, the hostilities were calmed down by the Presidential Amnesty Programme. Announced on the 25<sup>th</sup> June by President Umaru Musa Yar'Adua, the amnesty included forgiveness and automatic freedom from any form of prosecution to those militants who surrendered their arms and ammunition within the initial 60-day period. With around 30,000 individuals participating in the programme and receiving financial support, vocational training and other measures to reintegrate ex-militants, the amnesty policy was praised for its immediate effect of removing militants from the creeks. However, with regards to its wider disarmament, demobilisation, rehabilitation and reintegration goals, it has been criticised of being exclusive and failing to deliver its promises under President Muhammadu Buhari's lead. Since late 2014, attacks and militancy by groups such as the Niger Delta Avengers and the Koluama Seven Brothers have resumed, slowing down oil production: for instance, in the first half of 2016, the total oil production was down to 1.82 million barrels per day from the targeted 2.2 million barrels per day largely due to the resurgence of attacks.<sup>749</sup> Ikelegbe and Umukoro, among others, suggest that the amnesty scheme, while to be praised for being a major non-military initiative to tackle the Niger Delta hostilities, was an ad hoc measure that has not been complemented with more needed measures to tackle poverty, environmental degradation and pertinent youth unemployment in the Niger Delta.<sup>750</sup>

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748 Fidelis Paki and Kimiebi Imomotimi Ebienfa, 'Militant Oil Agitations in Nigeria's Niger Delta and the Economy', *International Journal of Humanities and Social Science* 1, no. 5 (2011): 142; Aghedo and Osumah, 'Insurgency in Nigeria'.

749 Akintayo Eribake, 'Attacks on Oil Facilities: How Nigeria Economy Lost N1.0trn in Six Months', *Vanguard News Nigeria* (blog), 6 July 2016, <https://www.vanguardngr.com/2016/07/attacks-oil-facilities-nigeria-economy-lost-n1-0trn-six-months/>.

750 Ikelegbe and Umukoro, 'Exclusion and Peacebuilding in the Niger Delta of Nigeria', 148; Ernest Omokhoa Imongan and Augustine Ikelegbe, 'Amnesty Programme in Nigeria : The Impact and Challenges in Post Conflict Niger Delta Region', *OSR Journal Of Humanities And Social Science* 21, no. 4 (2016); Francis Chinwe Chikwem and John Chikwendu Duru, 'The Resurgence of the Niger Delta Militants and the Survival of the Nigerian State',

Through these intermittent waves of violence, Nigeria has become linked with the term ‘blood oil’ to represent the many troubles permeating the country’s vast oil wealth.<sup>751</sup> As I elaborate below, Asuni suggests that Nigerian oil deserves to be called as such, because the ‘sale of stolen oil from the Niger Delta has had the same pernicious influence on that region’s conflict as diamonds did in the wars in Angola and Sierra Leone’.<sup>752</sup> She is stern about the significance of blood oil: it is not only a source of violence in the River Delta but undermines security in the whole Gulf of Guinea as well as creates instability on world energy markets more generally.<sup>753</sup> Its social ramifications are manifold, including not only the high number of unemployed youths in the Niger Delta and the presence of armed ethnic militias who know the networks of rivers from which the unprotected oil pipelines can be accessed, but also the ineffective and corrupt officials who have a high threshold of prosecuting oil bunkerers; the protection or patronage of senior government officials and politicians, who source from the illegal oil trade for their political campaigns; the ease in which oil industry staff is corrupted or threatened into getting involved with oil bunkering; the presence of international markets for stolen oil with a global network of partners; and the overall endemic corruption that enables bribing almost everyone from local communities to navy officials.<sup>754</sup> Watts is more concise, articulating the problem of ‘blood oil’ in the Niger Delta as ‘a perfect storm of

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*The Round Table* 107, no. 1 (2018): 45–55; Ndubuisi Nwokolo and Iro Aghebo, ‘Consolidating or Corrupting the Peace? The Power Elite and Amnesty Policy in the Niger Delta Region of Nigeria’, *Chinese Political Science Review* 3, no. 3 (2018); Interview #52: Godwin Aseku Ojezele, Former Participant in the Presidential Amnesty Program.

751 The concept is routinely used to refer to challenges in Nigerian oil, for instance in: Michael Watts, ‘Blood Oil’, in *Crude Domination: An Anthropology of Oil*, ed. Andrea Behrends, Stephen Reyna, and Günther Schlee (New York: Berghahn Books, 2011); Sebastian Junger, ‘Blood Oil’, *Vanity Fair*, 2007, <https://www.vanityfair.com/news/2007/02/junger200702>.

752 Asuni, *Blood Oil in the Niger Delta*, 2.

753 Asuni, 1.

754 Asuni, 4.

waste, corruption, venality and missed opportunity'.<sup>755</sup> Both depictions highlight the deep connection between oil and violence in the Delta region.<sup>756</sup>

### 9.3 REMEDIES

In this section, I discuss policies that have been suggested and implemented to tackle the concerning situation. The Nigerian government has made efforts to fight back bunkerers and traffickers of oil by force. Nigeria was governed by a series of military regimes until 1999, after which the level of bunkering increased, potentially as the military presence in the area weakened. To this day, an oft-used government response to tensions has been to increase the military presence in the Delta.<sup>757</sup> As a side effect of this strategy, however, soldiers have been accused of forceful repressions of protesters against oil companies, shootings, mass attacks of villages, arson, and rape, while at the same time maintaining a system of patronage and corruption that has given space for oil theft to thrive. The Joint Task Force, the Nigerian state's primary military unit in the Niger Delta based in Warri, is seen by many Niger Deltans as an occupying force reminiscent of the colonial 'pacification' approaches.<sup>758</sup>

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755 Watts, 'Blood Oil', 64.

756 As Chris Nku, a project officer at GASIN, an NGO based in Port Harcourt, summarises: 'The resources bring the conflict, it is because of the resources the conflict exists... and the region that houses these resources is the Niger Delta.' Interview #45: Chris Nku, Project officer, GASIN.

757 Christina Katsouris and Aaron Sayne, 'Nigeria's Criminal Crude: International Options to Combat the Export of Stolen Oil' (London: Chatham House, 2013), 19; Aghedo and Osumah, 'Insurgency in Nigeria', 208; Aghedo and Osumah, 214.

758 Gboyega et al., 'Political Economy of the Petroleum Sector in Nigeria', 23; Interview #43: Dandy Mgbenwa, Pastor in Okwuzi, Ekbocha Community in Ogba, Egbema, Ndoni Government Area in Rivers State; Charles Ukeje, 'Changing the Paradigm of Pacification: Oil and Militarization in Nigeria's Delta Region', in *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-Violence*, ed. Cyril Obi and Siri Aas Rustad (London: Zed, 2011); Idowu Bankole, 'We Watched in Horror as Soldiers Chasing Oil Thieves Burnt Our Community – Ijansa Residents', *Vanguard News Nigeria*, 27 January 2019, <https://www.vanguardngr.com/2019/01/we-watched-in-horror-as-soldiers-chasing-oil-thieves-burnt-our-community-ijansa-residents/>.

A more socially inclined path to alleviate the tensions has been to tweak the sharing of revenues towards the River Delta in order to address the long-lasting grievances.<sup>759</sup> Distributing oil wealth among interest groups separated by ethnic, political and religious differences is a dominant narrative of Nigeria's modern political history, and the official federal system of oil revenue 'derivation' and 'allocation' has fuelled grievances for decades.<sup>760</sup> As per Zira John Quaghe, a country officer at the Natural Resource Governance Institute, there are four levels of oil revenue distribution: a federal allocation of oil revenues between all states; funds redirected to the Niger Delta states because they produce the oil; funds directed to the Delta Ministry the sole purpose of which is to develop the region; and a community development fund to which IOCs have to contribute. However, while the Niger Delta region officially gets twice more funds than any other region, these flows are distorted by parallel distribution channels.<sup>761</sup> The actual share that the Niger Deltans receive does not translate into better conditions for local communities, whereby calls for stronger federalism and breaking away from the authority of the capital Abuja are frequent.<sup>762</sup>

The oil companies have taken up action. Initially reluctant to engage with local communities, the IOCs changed their approach after the execution of Saro-Wiwa and eight other Ogoni leaders led to international boycotts against Shell and other oil companies in 1995. In 2003, Shell acknowledged in an internal report that company practices and assumptions had led to conflicts, which could have been avoided by careful community engagement.<sup>763</sup> Gradually, each major company has introduced community development programmes, which often consist of providing access to electricity, basic services and jobs to the host communities. However, complaints persist that companies make deals

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759 Coventry Cathedral, 'The Potential for Peace and Reconciliation in the Niger Delta', 293–95.

760 Obi, 'Nigeria's Niger Delta', 115, 119.

761 Interview #35: Anne Chiwenze & Zira John Quaghe, Nigeria Officer & Nigeria Officer, Natural Resource Governance Institute.

762 Interview #46: Dandyson Harry Dandyson, Project officer, GASIN.

763 WAC Global Services, 'Peace and Security in the Niger Delta, Working Paper for SPDC', 2003.

with ex-militants for security and bribe traditional leaders of communities to ensure smooth operations. The projects remain divisive. To some, companies undertake philanthropic gestures to avoid well-planned sustainability projects truly benefiting the local communities. Yet, to others they are nevertheless an improvement from the past times: Dr Arinze Agbim, a former executive director at Mobil, notes that previously companies shoved all remedial responsibility to the Nigerian government.<sup>764</sup>

Finally, the governments of the countries importing oil from Nigeria might be able to improve the situation in the Delta. In a report exploring the toolbox that importing countries have in their disposal, Katsouris and Sayne suggest that although currently oil theft is ‘almost totally off the international community’s radar’, an ‘intelligent multi-state campaign’ could close off markets and financial centres for stolen oil and raise the cost of theft.<sup>765</sup> Foreign governments could do more by controlling physical movements of oil, regulating oil sales, and tracing flows of illegal money. However, there are many ways to go wrong: for instance, the analysts warn against the idea of emulating the policies against conflict diamonds or conflict minerals, as this would not be a strategy based on ‘fact or law’.<sup>766</sup> Differing from Asuni’s view, they suggest that the problems are grave but local: oil theft has contributed to the destabilisation of the Niger Delta, but it does not pose a major security risk to Nigeria or West Africa in general. Further, the variant of the ‘blood oil’ narrative in which armed groups break into pipelines to pump oil onto barges and vessels, while largely correct, is ‘oversimplified’, as oil ‘bunkered’ by armed groups is but one manifestation of a multi-layered system of oil theft.<sup>767</sup>

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764 Interview #40: Arinze Agbim, Former Executive Director at Mobil Producing Nigeria Unlimited

765 Katsouris and Sayne, ‘Nigeria’s Criminal Crude’, 9.

766 Katsouris and Sayne, ix, 59–60.

767 Katsouris and Sayne, iix–ix; Cf. Le Billon, *Wars of Plunder*, 61.

In what follows, I expand on the view by Katsouris and Sayne to enable some rudimentary comparisons between the means that affluent democracies have in their disposal to alleviate violence in eastern Congo and southern Nigeria. Earlier, I referred to Asuni's statement that oil plays a similar role in Nigeria as raw diamonds and minerals in Sierra Leone and Congo. The analysis by Katsouris and Sayne is more fine-tuned. As Asuni points out herself, oil theft is pervasive in Nigeria, ranging from small-scale pilfering of petroleum products to be sold in local markets to an excess lifting of oil beyond the licensed amount in tacit cooperation with oil company staff and state officials.<sup>768</sup> The pervasiveness of oil theft has been highlighted by area specialists, such as Kathryn Nwajiaku-Dahou, who reminds that oil theft in Nigeria has been a characteristic of the economy since the oil discoveries. She emulates David Keen's reading of the Sierra Leone conflict to suggest that the Delta 'insurgency' is one rehearsed scenario among a plethora of possible ways the violence could unfold.<sup>769</sup> The conflicting factions orchestrate the clashes, and casualties rise often from disagreements over access to illegal oil bunkering routes, which are an integral source of income for all parties and their patrons.<sup>770</sup>

While the region is often portrayed as suffering from a clash between government and company security forces and the militants, the conflicts might not ultimately be that antagonistic. Similarly, efforts to ameliorate the violence by curbing the access of armed groups to oil money might go astray in a sense that the line between legally and illegally produced Nigerian oil is fundamentally blurred. Legal and bunkered oil are two sides of the same coin, even to the extent that to some authors the legal industry may prefer having the prices high and including the losses from oil theft

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768 Asuni, *Blood Oil in the Niger Delta*, 4–5; Coventry Cathedral, 'The Potential for Peace and Reconciliation in the Niger Delta', 151.

769 Nwajiaku-Dahou, 'The Political Economy of Oil and "Rebellion" in Nigeria's Niger Delta', 307.

770 Anna Zalik, 'The Niger Delta: "Petro Violence" and "Partnership Development"', *Review of African Political Economy* 31, no. 101 (2004): 401–424.

to their production costs over taking up risky sectoral reforms.<sup>771</sup> Already in the 1970s, Terise Turner recognised that the ‘unofficial’ channels of distributing oil revenues link politicians, soldiers, civil servants, and businesspeople to oil company personnel via powerful local intermediaries. As one acknowledges that these actors also belong to networks shaped around kinship, ethnicity, religion, and community, the concealed nature of oil wealth distribution that diverges from the official channels becomes more apparent.<sup>772</sup>

Obi states that oil theft, in which the armed groups in the Delta surely participate, constitutes a ‘parallel’ economy structuring the Nigerian states since the early days of the oil boom.<sup>773</sup> Such studies, often highlighting the importance of taking into account the ‘longue durée’ and ‘critical breaks’ in understanding the drivers of violence, are prone to accuse conflict analyses focusing on ‘greed’ as simplistic.<sup>774</sup> To them, armed groups are not enemies of the ‘Big Oil’ rather than partners in a common enterprise, which makes it hard to banish the violence through means, often involving use of force, focusing only on the militants’ means and motives. For instance, powerful politicians provide patronage to armed groups involved with oil bunkering in order to use raise funds to finance political campaigns. Such a relationship is advantageous to the groups, but, as Nwajiaku-Dahou summarises, the ‘wholesale buying up of would-be rebels by politician patrons alters their fundamental character.’<sup>775</sup> To her, while oil companies could work together to empower local communities and reduce reasons for the conflict, they instead prefer to sustain the ‘protection/extortion culture’ that perpetuates insecurity in the area.

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771 Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 296.

772 Terisa Turner, ‘Multinational Corporations and the Instability of the Nigerian State’, *Review of African Political Economy* 3, no. 5 (1976): 63–79; Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 299.

773 Obi, ‘Nigeria’s Niger Delta’, 108–9.

774 E.g. Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 297–99.

775 Nwajiaku-Dahou, 307.



Oil plays a role, but of a more nuanced kind than as a fuel and a motive to sides to a conflict. Watts calls for moving beyond antagonistic dichotomies between the rebels and the oil industry, lamenting the lack of analytical attention given to the role of oil companies in greed-based analyses. Further, he reminds that identities are important in building juxtapositions. Petro-nationalisms of local communities, such as that of the Ijaw minority, emerged as oil united the otherwise diverse groups. The state failed to address the rising nationalism without use of violence, and the militant groups sprouted further as the state supported massive ‘electoral thuggery’ to the disadvantage of the minority groups. Oil theft business enabled the groups to arm themselves to attack the oil companies, which were corrupting local elites and hiring local groups as security forces. Watts emphasises that while oil definitely relates to the machinery of the conflict, it did not simply predate or produce violence. Rather, petro-capitalism undermines the prospect of secular modern governance by reshaping incompatible communal identities.<sup>776</sup> Understanding the roots of the conflict as a greed-based antagonism blurs this social process forming the identities of the parties to the conflicts.

From these underpinnings, the tools that affluent democracies use to act upon the Niger Delta conflicts have to be picked wisely, aware of the risks involved with ignoring the networks of patronage linking militants with the elite, neglecting the local movements’ critique of the country’s political economy, and dismissing militants as criminals per ‘the worst colonial traditions’.<sup>777</sup> A flawed diagnosis guides importing countries to tackle the funding and access to arms of these groups without recognising the roots of the deep sense of injustice prevalent among the Delta communities.<sup>778</sup> As Nwajiaku-Dahou elaborates: ‘as long as the militarisation continues, poverty

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<sup>776</sup> Watts, ‘Resource Curse?’, 69; Michael Watts, ‘Antinomies of Community: Some Thoughts on Geography, Resources and Empire’, *Transactions of the Institute of British Geographers* 29, no. 2 (2004): 195–216.

<sup>777</sup> Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, 795.

<sup>778</sup> To be sure, some interviewees emphasise that the use of force to retaliate the armed groups’ activities is necessary in a wider strategy to resolve the conflict: ‘You see in Nigeria, an average Nigerian person needs an iron hand. What

remains constant, the oil industry remains largely unregulated and urban cultures of violence go unchecked, new MEND aficionados will resurface.<sup>779</sup> Obi suggests that while the Niger Delta hostilities in the late 2000s are oil-related, their roots lie in the ‘nature of the Nigerian state and the depredations of the ruling political elite’.<sup>780</sup> Such insights underline that some resource-related measures foreign governments can take up resonate with the complicated situation better than others. For instance, to Katsouris and Sayne maritime security reforms, supply chain due diligence initiatives, and active anti-bribery and money-laundering law enforcement can form components in an intelligent multi-state strategy, whereas genetic fingerprinting of oil to trace the thieves or banning Nigerian oil imports are likely to be impossible or even harmful.<sup>781</sup>

What, then, would be at least an improved approach for foreign governments to support a decrease in instability and violence in the Niger Delta? As in Congo, different sets of policies can be advanced by weighing differently the need to tackle the vulnerability to, the risk of, and the opportunity for violence linked with resources in the Niger Delta. Above, I have highlighted that the youth of the Delta are exposed to toxic living conditions, lack of future prospects, and inherit an intergenerational grievance against both the government and the international oil companies.<sup>782</sup> The unique characteristics of Nigeria’s political economy, which reproduce such social dynamics,

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I mean by iron hand is that you need to get aggressive with him. If you kiss [...] he’s not going to listen. Before [President] Buhari sent the battalions the boys were already coming up.’ Interview #52: Godwin Aseku Ojezele, Former Participant in the Presidential Amnesty Program.

779 Nwajiaku-Dahou, ‘The Political Economy of Oil and “Rebellion” in Nigeria’s Niger Delta’, 308.

780 Obi, ‘Nigeria’s Niger Delta’, 107–8.

781 Katsouris and Sayne, ‘Nigeria’s Criminal Crude’, xi.

782 ‘Every child in the community has been brought up to know that they’ve been marginalised. Brought up to know that someone is sitting on our wealth. That resentment is there.... If I’m to answer, they say that justice delayed is justice denied.’ Interview #49: Thompson Pere & Gerald N Ezeka:, Chief, Obunagha Community, Gbarain Kingdom, Yenagoa Local Government Area in Bayelsa State & Community Youth Leader, Onelga in Rivers State; Uwafiokun Idemudia, ‘Business and Peace in the Niger Delta: What We Know and What We Need to Know’, *African Security Review* 26, no. 1 (2017): 49.

include networks of patronage sustaining diverse forms of export oil theft. I concur with Katsouris and Sayne that drawing a simple parallel between ‘blood oil’ of Nigeria and ‘blood minerals’ of Congo hides more than it reveals.<sup>783</sup> As I elaborate in the next section, the individual conflict dynamics have to be taken seriously when fleshing out means through which affluent democracies, and ultimately consumers in them, can act upon the intermittent violence in the Niger Delta.

## 9.4 OIL’S ROLE

Le Billon’s three-part typology is again useful in creating some analytical rigour among the policy sets available: I suggest that emphases on the ‘resource curse’ and ‘resource conflict’ views of the curse, that is, on aspects such as the weakening of state institutional and social socioeconomic linkages, as well as greed and grievances related to the distribution of local social-environmental costs and benefits involved with the oil production, pave the way for viable solutions to the Niger Delta violence.<sup>784</sup> Surely, the framework cannot provide fixed guidelines on which particular policies affluent democracies ought to advance. Further, the two conflicts remain unique and wildly complicated: the remedies have to be tailored to the particular characteristics of the socially and politically mediated conflict-resource connection in the area.

Nevertheless, noting some differences, such as that the connection between resources and violence is more pervasive in the Niger Delta than in the Kivu provinces, helps such remedies. By pervasiveness I do not mean that the Delta conflict is reducible to natural resources. As in Congo, a discussion on ‘root causes’ of violence masks social, political and economic conjunctures. While since the 2000s the situation has sporadically escalated from protest-based resistance to attacks by heavily armed groups, calls for self-determination, autonomy, and ethnic minority democracy,

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<sup>783</sup> Katsouris and Sayne, ‘Nigeria’s Criminal Crude’, 4.

<sup>784</sup> Le Billon, *Wars of Plunder*, 17; Humphreys, ‘Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms’.

which inhabited the agenda of the Movement for the Survival of the Ogoni people and other protest movements of the past, were voiced already during the Biafra war.<sup>785</sup> As Cyril Obi writes in relation to the stage of violence until 2009:

[A]lthough the conflict in the Niger Delta in its most recent phase is oil-related, its background lies deeper in the nature of the Nigerian state and the depredations of the ruling political elite. Also critical is a long-festering sense of grievance and marginalisation by the ethnic minorities of the Niger Delta region which has continued to fuel agitation for self-determination and control of the resources of the region.<sup>786</sup>

Pervasiveness does not mean that the conflict can be reduced to a mere scramble for riches. Yet, the central role of oil is not to be played down either. Wole Akinyosoye, Zonal Operations Officer at the Department of Petroleum Resources in Lagos states when asked about the importance of oil in the conflict: ‘That’s what drives the budget of Nigeria. So that will drive its politics. So to answer you so simply, yes, oil is the driving force of the conflict.’<sup>787</sup> Also Obi concludes his statement above by claiming that ‘whichever way it is viewed, oil defines the high stakes involved, both in terms of politics and power in the Nigerian context’.<sup>788</sup> While strong ethnic cleavages in Nigeria feed violence, a common sense of grievance about oil unites most inhabitants of the Niger Delta, regardless of whether insurgents of today are motivated by a wish to draw attention to the plight of the communities or to enhance their own living standards.<sup>789</sup> The pervasive oil industry, or the

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785 Obi, ‘Nigeria’s Niger Delta’, 103; Okey Ibeanu and Robin Luckham, ‘Nigeria: Political Violence, Governance and Corporate Responsibility in a Petro-State’, in *Oil Wars*, ed. Mary Kaldor, Terry Lynn Karl, and Yahia Said (London: Pluto Press, 2007).

786 Obi, ‘Nigeria’s Niger Delta’, 107–8.

787 Interview #41: Wole Akinyosoye, Zonal Operations Controller, Department of Petroleum Resources

788 Obi, ‘Nigeria’s Niger Delta’, 107.

789 Asuni, *Blood Oil in the Niger Delta*, 3.

‘goose that lays the golden egg’, as Akinyosoye phrases it, sets the predominant frame for the conflict, because the Niger Delta political economy has developed to serve the whole country’s thirst for oil revenues.<sup>790</sup>

To compare, Congo’s mineral resources are vast and dominate the stalling economy, but they remain an item among other sources of profit and power the competition over which elites have militarised.<sup>791</sup> Nigeria’s oil, by serving both as a source of suffering and a promise of a better life, deserves a central role in explaining contemporary violence in the Niger Delta.<sup>792</sup> In the former, failures in resource governance do not feed the deadly spin alongside other factors, as one could characterise the violence in the Kivus. Rather, the distribution of costs and benefits involved with oil production is a fundamental source of contemporary grievances in the Niger Delta. To Le Billon, who rejects the greed and grievance explanations of the conflict as simplistic, ‘the risks of conflict in the Niger Delta appear to be primarily related to distribution of the benefits of oil production (including the centralisation of oil revenue away from producing areas following the Biafra war) and its costs (such as rising socio-environmental impacts)’.<sup>793</sup> Watts criticises applications of Collier’s thesis on the Niger Delta situation, but emphasises that the ‘oil complex’ comprising military and security forces, local and global civil society, transnational oil businesses, local political forces, multinational development agencies, and the criminal underworld, shapes the failures of the Nigerian petro-state to tackle social problems in the Niger Delta.<sup>794</sup>

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790 Interview #41: Wole Akinyosoye, Zonal Operations Controller, Department of Petroleum Resources

791 Understandably, the prevalence of the informal sector in both countries makes exact comparisons difficult. The IMF suggests that the mining sector generates around 20 percent of the GDP and has accounted for 33 percent of the growth recorded in Congo since 2004. International Monetary Fund, ‘Democratic Republic of the Congo: Staff Report for the 2015 Article IV Consultation’, 2015, 20.

792 Obi, ‘Nigeria’s Niger Delta’, 115; Interview #43: Dandy Mgbenwa, Pastor in Okwuzi, Ekbocha Community in Ogba, Egbema, Ndoni Government Area in Rivers State

793 Le Billon, *Wars of Plunder*, 80.

The pervasiveness of oil in the Niger Delta conflict shapes the measures that actors in affluent democracies can take up and support.<sup>795</sup> The oil companies are some of the key players. For instance, the IOCs, whose workers are being targeted and kidnapped by armed groups, are actively present in the Nigerian conflict.<sup>796</sup> As described above, the processes of social disintegration produced by the mere presence of the powerful oil industry perpetuate a situation in which the agitators, oil bunkerers, kidnappers, and bandits rising to take from the companies, are conceived as the local heroes.<sup>797</sup> Larry Boms suggests even that the IOCs have the last say on the way the oil wealth is governed; ‘if you go deeper into the control and governance, oil companies are actually in control’.<sup>798</sup> Accordingly, companies have been the primary target of consumer action, such as boycotts, taken up affluent democracies.

However, the role of the IOCs might be changing. The share of Nigerian oil imported directly to North America and Europe is decreasing as India grows as a major buyer. Further, China is gaining ground in the Nigerian oil markets, which may reduce the influence that Western oil majors have on the Nigerian state. While China does not have a stake in as many Nigerian oil sites as, for instance, in Angola, the growing economy is buying assets in the petroleum industry in order to strengthen its security of supply and access to the global flows of raw materials.<sup>799</sup> Le Billon suggests that

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794 Watts, ‘Petro-Insurgency or Criminal Syndicate? Conflict & Violence in the Niger Delta’, 643, 649–50; Watts, ‘Resource Curse?’, 52.

795 Humphreys, ‘Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms’, 508.

796 WAC Global Services, ‘Peace and Security in the Niger Delta, Working Paper for SPDC’, 5.

797 Interview #47: Nigerian Army Colonel

798 Interview #48: Larry Boms, Country Head and Resident Representative, UNITAR; for a recent example of the allegations that Shell is involved with bribery, see: ‘Shell Knew’, 10 April 2017.

799 David E. Brown, ‘Africa’s Booming Oil and Natural Gas Exploration and Production: National Security Implications for the United States and China’ (Carlisle, PA: Strategic Studies Institute and U.S. Army War College Press, 2013), 76, 202–3; Guardian Nigeria, ‘China’s Investment in Nigeria’s Oil Sector to Hit \$17 Billion’, *The Guardian Nigeria Newspaper - Nigeria and World News* (blog), 16 July 2018, <https://guardian.ng/news/chinas-investment-in-nigerias-oil-sector-to-hit-17-billion/>; Nigerian National Petroleum Corporation, ‘Chinese Oil

depicting the increased competition for oil in Africa as a geopolitical struggle over an ever-decreasing pie, which feeds a ‘race to the bottom’ in sustainability and human rights efforts, is limited. The competition might lead, at least on a short term, to complementarity than conflict, as aggregate oil supplies increase, and as the emergence of Chinese companies pushes Western-based oil companies to promote more sustainable practices all over the sector in order to secure a level playing field.<sup>800</sup> Even if this more benign scenario unfolds, the more diverse playing field indicates that the IOCs cannot be diagnosed as having a ‘stranglehold’ over the governance of the Niger Delta oil.

Companies, just as any other actor involved, are neither simply heroes nor villains. Katsouris and Sayne remind that simplistic ideas on companies as ‘change agents’ or ‘reformers’ disregard that IOCs are complex institutions burdened by challenges related to internal share of information, red tape and competing agendas. A roadmap involving close cooperation with all stakeholders is needed for tackling the resource-related drivers of the conflicts, once they are accurately identified.<sup>801</sup> As Le Billon suggests, in getting the resource management right it is vital to ensure that responsibilities are distributed in an optimal fashion among companies, political authorities, financial institutions and consumers.<sup>802</sup> The acts and omissions of IOCs are an important but only one part in a wider prescription for the resource curse.

Some policies are available that involve such a coalition of stakeholders to tackle the vulnerability-inducing aspects of resources. As an important step, the central concepts guiding measures taken by

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Corporation Taps into Nigerian Resources’, 3 February 2019,

<http://www.nnpcgroup.com/PublicRelations/NNPCinthenews/tabid/92/articleType/ArticleView/articleId/209/Chinese-Oil-Corporation-taps-into-Nigerian-resources.aspx>.

800 Le Billon, *Wars of Plunder*, 62; Theodore H. Moran, ‘Promoting Universal Transparency in Extractive Industries: How and Why?’ (Washington, D.C: Center for Global Development, 2011).

801 Katsouris and Sayne, ‘Nigeria’s Criminal Crude’, 21–22.

802 Le Billon, *Wars of Plunder*, 226.

all actors deserve a revision. Writing in the context of rough diamonds, Le Billon suggests that capturing the wider dimensions of violence would entail adopting the definition of ‘conflict resources’ by Global Witness as natural resources the control, exploitation, trade, taxation, or protection of which contributes to, or benefits from, the context of armed conflict.<sup>803</sup> Policies developed on such an understanding would widen the repertoire of actors involved with the violence from ‘illegal armed actors’ to actors prolonging hostilities by their economics activities, including companies, governments, and consumers.<sup>804</sup> To apply his suggestion in the context of Nigeria, a parallel, wider redefinition of ‘blood oil’ would emphasise the vulnerabilities to alongside the risks of and the opportunities for violence involved with the fossil wealth. Such a redefinition would guide efforts away from policies that treat oil primarily as a motive and a means for acts of violence by militants.

Such a redefinition is also required with ‘blood oil’. Leif Wenar discusses under this concept Nigeria’s corruption, slow economic growth, and, in general, the complicated failure of the regime to provide wellbeing for its population. Describing Nigerian politics as a ‘vertical system of descending and even-smaller pipes of patronage’, his macro-level analysis treats the violence as an indirect, cascading symptom of flaws in the international system of trade and property rights.<sup>805</sup> In Nigeria and elsewhere, contemporary resource management policies, including anti-corruption laws, transparency mechanisms, commercial disengagement, and revenue distribution schemes, are steps towards and indicators of a need for wider measures to reform this system.<sup>806</sup> Such a reconceptualisation of ‘blood oil’ does not reduce the salient characteristics of resources to consumers feeding violence through their indirect purchases. Rather, it points at the conflict-

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803 Le Billon, 27.

804 Le Billon, 27.

805 Wenar, *Blood Oil*, 57.

806 Wenar, 320–21.



inducing characteristics of the legal and political arrangements in place not only on the local and national but the international level.

As Katsouris and Sayne suggest, supply chain due diligence initiatives and active anti-bribery and money-laundering law enforcement can form components in an intelligent multi-state strategy as long as they are well designed and complemented with other measures.<sup>807</sup> I point at two more immediate approaches. First, affluent democracies could strengthen their support to oil legislation and regulation reforms in Nigeria. Currently, many of the commercial, regulatory and administrative functions of resource governance are realised by the Nigerian National Petroleum Corporation (NNPC) and the Ministry of Petroleum Resources. Assigning these functions to the same entities provides an opportunity for the misuse of oil revenues; as Edward Obi, a catholic priest and the director of GASIN, an NGO working on gas flaring, phrases, ‘so as long as the oil wealth is readily available to whoever is in a political position, we can never go anywhere Norway.’<sup>808</sup> Since the early 2000s, the Petroleum Industry Bill has been under reform to decrease the politicisation and systemic corruption in the sector by, for instance, unbundling the NNPC, creating new entities responsible for awarding exploration licenses, and clarifying the role of local community hearings when new oil extraction plants are built.<sup>809</sup> Surely, the IOCs have been resistant to some of the changes. Abdulmumin Abubakara of NEITI provocatively states: ‘Some of them are even responsible, if you allow me, undermining some of these processes, because the bill is almost 17 years old.’<sup>810</sup> Further, the analysis by Katsouris and Sayne indicates that oil-importing countries

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807 Katsouris and Sayne, ‘Nigeria’s Criminal Crude’, xii.

808 Interview #34: Edward Obi, Catholic Priest, National Coordinator of NACGOND, Director of GASIN

809 Meeting #2: Stakeholder engagement on issuance of petroleum and mining licenses; Neil Munshi, ‘Nigeria Passes Major Oil Reform Bill after 17 Year Struggle’, *Reuters*, 18 January 2018; Neil Munshi, ‘Nigerian Presidential Hopeful Vows to Rewrite Oil Deals’, *Financial Times*, 23 January 2019, <https://www.ft.com/content/8da566ac-1a46-11e9-9e64-d150b3105d21>.

810 Interview #33: Abdulmumin Abubakar, Audit Officer, NEITI

have not held the Nigerian reforms in oil governance high on their agenda either.<sup>811</sup> The governments of affluent democracies could set higher expectations both on the IOCs and the Nigerian administration to bring through the reforms, and in this way help crumble the tacit, patronage-based system of revenue and cost distribution harmful to the Niger Delta.

Another, related measure deals with the opportunities international law provides to gear company-state relations to being more conducive to the Delta. Recently, civil societies such as Global Witness have taken up widely publicised lawsuits against IOCs, which aim to pierce the ‘corporate veil’ separating parent companies and their subsidiaries.<sup>812</sup> Winning legal cases against the parent companies of big oil conglomerates, often situated under the jurisdiction of affluent democracies such as the Netherlands, Italy, and the United States, on the grounds of companies’ involvement with bribery, human rights violations or environmental damage in Nigeria, has been attempted before and remains far from an easy task. Nevertheless, Jennifer Zerk argues that clarifying the corporate law principle of ‘limited liability’ or ‘separate corporate responsibility’ is a key element in developing new strategies to regulate multinational corporations beyond national borders. Further, it is often the most promising avenue for enforcing the human rights obligations of multinationals.<sup>813</sup> Liesbeth Enneking suggests that legislative changes making it easier to sue the parent companies in their host countries rather than their subsidiaries in Nigerian courts would facilitate disincentives and tougher penalties on IOCs caught in misconducts.<sup>814</sup> At best, foreign direct liability claims could

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811 Katsouris and Sayne, ‘Nigeria’s Criminal Crude’.

812 See a campaign by Global Witness that has led to legal investigations: ‘Shell Knew’; Global Witness, ‘Take the Future’, 26 November 2018; Interview #54: Senior Campaigner #2 at Global Witness.

813 Jennifer Zerk, *Multinationals and Corporate Social Responsibility: Limitations and Opportunities in International Law* (Cambridge, New York: Cambridge University Press, 2006), 54, 305.

814 Liesbeth Enneking, ‘The Future of Foreign Direct Liability? Exploring the International Relevance of the Dutch Shell Nigeria Case’, *Utrecht Law Review* 10, no. 1 (2014): 48.

provide an interim step towards a comprehensive regime of international norms, which could be enforced on the international level.<sup>815</sup>

Although Macartan Humphreys's call is dated and retains a general level, in the case of the Niger Delta the need for a 'redirection of policy priorities' remains topical:

Policy priorities from previous research have focused on protecting assets from capture and cutting off rebel financing. While these initiatives are important... greater gains could be achieved by focusing more on better management of the extraction process and better usage of resource revenues that are controlled by states.<sup>816</sup>

Signalling a need for the Petroleum Act and taking up the full arsenal of international tort and criminal law during President Muhammad Buhari's second term are only some of the redirected efforts through which affluent democracies can help alleviate the violence in the Niger Delta.<sup>817</sup> I do not highlight these recent initiatives as a panacea to the complicated and enduring instability. Rather, they illustrate the wider kinds of conflict resource policies available, and the interaction between different actors needed to realise them. The efforts of affluent democracies to help alleviate the conflict and instability in the Niger Delta can be built on narrow 'blood oil' diagnoses, which conceive oil theft primarily as an opportunity and a motive for armed groups to enrich themselves and prolong the fighting, or on more comprehensive diagnoses, which point towards the vulnerability to conflict through institutional and social erosion involved with the tacit networks of patronage and wealth distribution. The latter path shows more promise in tackling the resource-conflict connection.

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815 Enneking, 52; Liesbeth Enneking, 'Paying the Price for Socially Irresponsible Business Practices?', *Aktuelle Juristische Praxis / Pratique Juridique Actuelle* 26, no. 8 (2017).

816 Humphreys, 'Natural Resources, Conflict, and Conflict Resolution Uncovering the Mechanisms', 534.

817 Katsouris, 'Buhari's Second Chance at Oil and Gas Reform in Nigeria'.

## 9.5 CONCLUSION

In this chapter, I explored the connection between crude oil and the intermittent waves of violence in southern Nigeria. The international oil companies operating in the Niger Delta have been subjected to waves of international consumer action, such as boycotts, due to their alleged involvement with the lack of local livelihoods, environmental degradation and corruption in the area. In the 2000s and again in the late 2010s, militant groups have used violence to amplify their calls for justice, compensation and reforms. A wide range of policies have been suggested and experimented on to tackle oil theft and in this way improve the security situation in the Delta.

I suggested that curbing armed groups' access to oil funds is not likely to prevent new groups from surfacing. A wider conceptualisation of the resource curse helps capture the way the state, companies and militants are enmeshed in a dysfunctional parallel economy in which oil theft is pervasive. To reapply Le Billon's framework, endorsing a stronger emphasis on the vulnerability to conflict involved with the weakening of state institutions and social cohesion would direct affluent democracies to support wider measures, including new definitions of 'conflict resources' and 'blood oil', reforms in the Nigerian petroleum legislation, and pathways for international law as a tool of regulating multinational enterprises.

## PART III

### 10 GUILTY CONSUMER

#### 10.1 INTRODUCTION

The second part of this thesis drew contours of the resource curse and its symptoms with regards to armed conflicts in eastern Congo and southern Nigeria.<sup>818</sup> Based on this groundwork, it is now possible to weave an empirically informed normative argument on consumers' capacity to ameliorate armed conflicts. In so doing, the third part of this thesis zooms in on the second research question: *which factors affect consumers' responsibility to alleviate armed conflicts that persist in some countries from which the raw materials of their purchases originate?* In this chapter, I articulate the 'guilt consumer' argument as one of the mid-level considerations to guide ethical thought and action on this question. I suggest that assignments of responsibility drawing on guilty consumer claims are best evaluated by focusing on consumers' remedial capacity, and flesh out the approach by suggesting that this evaluation can be split to two components, influence and costs, each of which has two further components.

As it comes to influence, I refer to the findings of the previous part to suggest that armed conflicts in the extractive stages of supply chains are a challenging target for consumer action, and that the actual influence of consumers over a given armed conflict is shaped by the soundness of the solution or policy behind which civil societies, governments and companies at any given time strive

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818 Different versions of this chapter have been presented in the APSA Annual Meeting in San Francisco, September 2015, in the 18<sup>th</sup> Annual Africa Conference at the University of Austin, Texas, March 2018, and in the ISA Annual Convention in San Francisco, April 2018. I thank especially Farid Abdel-Nour and Steve Torrente for helpful comments.

to mobilise them. As it comes to costs, in trying to act upon armed conflicts consumers face the problem of intermediate goods: making personal purchase decisions to disengage from raw materials that are societally critical cannot be done without significant personal costs. Evaluating the balance between actual and potential influence as well as acceptable and excessive costs helps consider whether any particular assignation of responsibility advanced using a guilty consumer argument is to be endorsed over others.

## 10.2 THE CLAIM

In the first and fourth chapters, I referred to conflicts in eastern Congo and southern Nigeria as harms which consumers are sometimes portrayed to be feeding and maintaining by their purchases. This kind of rhetoric is wide-ranging, and varyingly adopted by activists, researchers and policy-makers:

The time has come to expose a sinister reality: Our insatiable demand for electronics products such as cell phones and laptops is helping fuel waves of sexual violence in a place that most of us will never go, affecting people most of us will never meet.<sup>819</sup>

People need to think that when they turn their heat on in Europe they're spilling pollution into the Niger Delta.<sup>820</sup>

Every time you use a cell phone or log on to a computer, you could be contributing to the death toll in the bloodiest, most violent region in the world: the eastern Congo.<sup>821</sup>

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819 Prendergast, 'Can You Hear Congo Now?', 1.

820 A Nigerian activist cited in: Wenar, *Blood Oil*, xviii.

821 An advertising summary of Eichstaedt, *Consuming the Congo*.

These countries suffer from authoritarian rule, violent conflict, and economic disarray because they produce oil - and because consumers in oil-importing states buy it from them.<sup>822</sup>

Without knowing it, tens of millions of people in the United States may be putting money in the pockets of some of the worst human rights violators in the world, simply by using a cell phone or laptop computer.<sup>823</sup>

I refer to assignations of remedial responsibility presented in this general form as guilty consumer arguments. My intention is not to discuss the legitimacy of individual claims or campaigns using them; such claims can be harnessed for different purposes. Le Billon refers to the narratives that surfaced to mobilise support for conflict diamond policies in Sierra Leone and Angola as ‘consumer dystopias’, stating that they were valuable in strengthening the enforcement of the UN sanctions and institutional changes within the diamond industry that aimed to end wars in the two countries, just as the narrative of ‘terrorist’ consumers who fund extremism by purchasing ‘blood diamonds’ helped tip the balance for installing new legislation.<sup>824</sup> The citations above are to illustrate that similar claims are also harnessed in relation to Congo and Nigeria. As Reinecke and Ansari phrase it: ‘By focalizing the emotionally ‘hot’ issue of rape and linking it with the use of “conflict minerals” in mobile phones, NGOs constructed a causal link that brought the deadly violence in a far flung part of Congo close to consumers’ lives.’<sup>825</sup> In the case of the Niger Delta, parallel rhetoric portrays consumers filling their petrol tanks and heating up their houses as complicit in the loss of livelihoods and recurrent violence.

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822 Ross, *The Oil Curse*, 3.

823 United States Senator Richard J. Durbin cited in: Reinecke and Ansari, ‘Taming Wicked Problems’, 306.

824 Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’.

825 Reinecke and Ansari, ‘Taming Wicked Problems’, 301.

The aim of this chapter is to sketch a way to assess whether any assignation of responsibility articulated in this form is persuasive in relation to other, similarly voiced claims. I argue that guilt-based vocabulary collates together two morally relevant elements of consumers having a causal role in the conflicts and consumers being able to ameliorate them, and that such claims are best evaluated by focusing on actors' remedial capacities. Actors who emphasise consumers' everyday purchases as contributing to conflicts simultaneously allude that the very same purchases can play a role in ameliorating them. As John Prendergast of the Enough Project crystallises this logic:

Because we are all unconsciously part of the problem in Congo, all of us can consciously become part of the solution. Collectively, American consumers have enormous leverage over the companies from which we purchase our electronics. We can marshal that power to press them to play a positive role to protect and empower Congo's women.<sup>826</sup>

Guilty consumer arguments embody the pragmatist idea that forward-looking considerations are inexorably a part of assigning backward-looking, or retrospective, responsibility. The interwovenness emerges in two stages. In constructing guilty consumer claims, campaigners first engage in a causal inquiry in order to identify the agents through whose action the conflicts in question could be alleviated, and second, having identified consumers as such a group, frame their relation with the harm in blame-based terms in order to generate moral motivation for ameliorative action. To be sure, such a two-stage division is an abstraction. However, it helps pinpoint the logic behind my argument that an analysis of an actor's capacities makes sense also when demands for remedial action are made on the grounds of liability for and contribution to a harm.

Further, guilty consumer claims are presented to illustrate that a strict categorisation between the various grounds of responsibility dissolves when responsibility is assigned in practice. Smiley uses

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<sup>826</sup> Prendergast, 'Can You Hear Congo Now?', 3.



the adjective ‘dialectical’ to refer to the interwovenness of the process in which the ‘adjudicator’, or the actor who is assigning blame-based responsibility, is affected by its understanding of who belongs to the potential responsibility-bearer’s community and where the boundaries of the community lie.<sup>827</sup> In her work on future-looking collective responsibility, she in turn emphasises a group’s capacity to ‘get things done’ as a criterion for establishing whether the group ought to be treated as a moral collective agent to whom remedial responsibilities can be assigned.<sup>828</sup> These do not exclude rather than reflect the plurality of considerations that shape any assignation of remedial responsibility.<sup>829</sup> Likewise, capacity-based and communal considerations merge in guilty consumer arguments, as such claims aim to mobilise more resources to prevent harms and to expand the boundaries of one’s moral community by including new actors to such activities.<sup>830</sup>

By highlighting how actors’ capacities weave into guilty consumer claims, I bring closer to practice several ideas on responsibility discussed in the previous chapters. I move beyond the argument by Barry and Macdonald as I carve out capacity as an important yardstick even if one harnesses powerful conventions of blame and guilt as a ground of assigning responsibilities to consumers. My suggestion diverges from Wenar’s similar but monistic and ideal-based approach by recognising that assigning responsibility takes place in a pluralist setting, in which people strive towards diverse ends-in-view, and in unique situations in which, to draw on Rubenstein’s vocabulary, diverse grounds of responsibility join together as context-specific constellations. Further, instead of following Iris Marion Young in carving out a distinct form of political responsibility and using four

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827 Smiley, *Moral Responsibility and the Boundaries of Community*, 180, 257 My reading is that Smiley refers to a connection being ‘dialectical’ in a non-technical manner, which resembles the colloquial use of the terms ‘interactive’ and ‘two-directional’, and which differs from its Hegelian or Marxist uses.

828 Smiley, ‘Future-Looking Collective Responsibility’, 6.

829 I thank Marion Smiley for clarifying this point.

830 Smiley’s concept of the adjudicator begs an interesting point on the kind of an actor that can blame others: Marilyn Friedman, ‘How to Blame People Responsibly’, *The Journal of Value Inquiry* 47, no. 3 (2013): 271–284.

parameters of understanding to distribute it among different agents, my preferred form of analysis retains a focus on liability-based assignations of responsibility, and uses potential responsibility-bearers' remedial capacities to evaluate the relative weight to be given to them.

In the next section, I flesh out two components, influence and costs. David Miller suggests that using an actor's remedial capacity as a moral ground for responsibilities involves two factors, effectiveness and costs, and making trade-offs between the two.<sup>831</sup> While the division is plausible, calling the former as effectiveness somewhat confusingly implies a calculus of costs, which then conflates the two components. I suggest replacing the term effectiveness with 'influence' as the first component of evaluating consumer capacity.<sup>832</sup> Somewhat similar to the function the four parameters of understanding serve in Young's account to help differentiate actors' political responsibilities, influence and costs constitute tools for prioritising among the diverse guilt-based arguments used to burden consumers with obligations to act upon harms in global production processes.

### 10.3 INFLUENCE

To start with a reminder, there is much more to ethical consumption than pressuring companies to change their ways.<sup>833</sup> The power of purchase action cannot be evaluated by looking only at the market-based incentives created to companies, because this perspective ignores that purchases have indirect social contagion and signalling effects, forming a part of larger political agenda-setting and awareness-rising campaigns. Micheletti and Stolle suggest that evaluating the effectiveness of political consumer activism requires treating the campaigns as 'multi-level processes', in which at

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831 Miller, *National Responsibility and Global Justice*, 103–4.

832 To be sure, my usage differs from the way Barry and Macdonald use the concept.

833 Barnett, Clarke, and Cloke, 'Whatever Happened to Ethical Consumption', 6.

least four levels are to be taken into account.<sup>834</sup> First, one can ask about the impact that the campaigns, such as boycotts and buycotts, have on consumers' awareness of the issue in hand as worth solving. Second, one can look for potential changes in business practices, such as changes in the number and quality of CSR schemes, corporate-NGO partnerships and ethical businesses. Third, one can explore whether campaigns have managed to push the issue to governmental agenda and policy-making. And fourth, one can analyse the real-life situation itself and ask whether activism has had a positive impact on the ground.<sup>835</sup>

Treating political consumer campaigns as multi-level processes ensures that no particular campaign is not evaluated only against a single desired outcome, such as a reduction in violence and instability, but against the kinds of responses that the action creates in various stakeholders, including the public, the media, corporations and governments. With this caveat in mind, Micheletti and Stolle review existing research to suggest that the outcomes of activism on the first three levels are generally positive. On the level of raising consumer awareness, several surveys show an increased attention that western consumers pay on ethical, environmental or political issues when purchasing products, even if this attention does not translate as strongly into actual purchase decisions. Regarding the impact on corporations, Micheletti and Stolle discuss five further indicators. While there is a rising trend in the number of CSR schemes and corporate-NGO partnerships, the third indicator, that of the impact of boycotts on corporate policies and practices, is notoriously hard to pinpoint: studies often focus on successful and effective cases, and scholarship remains scarce on the factors and mechanisms that explain when boycotts are generally effective.<sup>836</sup> The fourth indicator, the emergence of 'ethical' businesses, boasts several prominent enterprises, as

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834 Stolle and Micheletti, *Political Consumerism*, 265; Dietlind Stolle, 'Response to Richard Locke's Review of Political Consumerism: Global Responsibility in Action', *Perspectives on Politics* 14, no. 2 (2016): 520–521.

835 Stolle and Micheletti, *Political Consumerism*, 211, 220.

836 Stolle and Micheletti, 222; they refer to N. Craig Smith's work, which distinguishes boycott success and effectiveness: *Morality and the Market*.

well as the fifth indicator of major retailers introducing ethical lines, although critics sometimes view the latter trend as ‘greenwashing’ threatening to delegitimise all types of labels.<sup>837</sup>

As it comes to political consumerism affecting governments, campaigns have pushed through sustainable procurement policies in many OECD countries as well as helped increase the number of sustainable towns, cities, local institutions and other jurisdictions, which in turn undertake consciousness-raising and agenda-setting.<sup>838</sup> The fourth level of real-life outcomes is of most interest to this thesis, as it can indicate consumers’ capacity to ameliorate concrete challenges upstream in supply chains. Here, Micheletti and Stolle suggest that there is variation across different problems in supply chains. To illustrate, although the overall evidence on the effects of anti-sweatshop campaigns on the wages of workers is mixed, selected case studies show that in certain conditions campaigns can advance wage increases for workers.<sup>839</sup> In reducing child labour, the effectiveness of consumer action is highly conditioned by the local economic conditions, such as the structure of labour markets and the situation of the family, suggesting that supporting policies directly tackling poverty might comprise a more successful approach than consumer action.<sup>840</sup> Further, fair trade coffee farmers generally enjoy a significantly higher income than conventional coffee farmers, although there seem to be limits to the market share fair trade products generally capture in affluent democracies, as well as to the way fair trade schemes can affect the structural conditions, such as poverty, often characterising small-scale agricultural production in developing countries. Yet, generally the income and social effects indicate fair trade production as an efficient way to improve the farmers’ share of value-added.<sup>841</sup>

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837 Stolle and Micheletti, *Political Consumerism*, 226–27.

838 Stolle and Micheletti, 212–32.

839 Stolle and Micheletti, 234.

840 Stolle and Micheletti, 236.

841 Stolle and Micheletti, 241–42.

Where do attempts to reduce violence and instability in the extractive stages through consumer activism stand out in all this? The example most reminiscent of the situations in eastern Congo and southern Nigeria is that of the ‘blood diamond’ campaigns on civil wars in Sierra Leone and Angola, which helped establish the Kimberley Process. Generally, the boycotts and the subsequent regulation are depicted as having had a positive impact in ending the civil war. More precisely, the interpretations of the role they had in peace efforts vary from the ensuing diamonds regulation having served as a ‘catalyst’ of peace to the regulation having complemented the peace efforts after heavy-duty work was done by soldiers.<sup>842</sup> Anthonius de Vries, who acted as the negotiator for the European Commission in the Kimberley Process, suggests that the latter interpretation is more accurate: although the rebels were aware of the ongoing attempts to curb their access to diamond trade, a point of agreement in the negotiations was reached only after the worst fighting had subsided. To him, no wide generalisations regarding other conflicts can be made based on the unique Kimberley Process.<sup>843</sup>

Nevertheless, the findings in the previous part help articulate consumers’ influence on some armed conflicts on a level of detail sufficient to address the second research question.<sup>844</sup> I suggested that although the two conflicts explored could be ameliorated, if not completely resolved, by tackling the function that the extraction and trade of natural resources plays in them, there are differences in the precision and suitability of the conflict resource policies that can be taken up for this purpose. In the Kivu provinces and the surrounding area, the mineral traceability schemes are designed to reduce black markets and to prevent armed groups from financing their activities through the trade

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842 ‘[I]t was a consumer campaign against blood diamonds that was the catalyst for a change in the logic of war and violent exploitation to a logic of peace and stability.’ Prendergast, ‘Can You Hear Congo Now?’, 6; for a different view, see: Le Billon, ‘Fatal Transactions: Conflict Diamonds and the (Anti)Terrorist Consumer’, 794.

843 Interview #59: Antonius de Vries, Former negotiator for the European Commission in the Kimberley Process.

844 The discussion has similarities with the debate on the effectiveness of sanctions. For instance, Stoop et al approach Congo’s due diligence schemes as an (ineffective) targeted sanction. Stoop, Verpoorten, and Windt, ‘More Legislation, More Violence?’

and extraction of 3TGs. However, the persistence of armed groups is rooted to the militarised competition for power and profit among the political and economic elites, in which minerals serve as an important but only one of the commodified resources over which struggles persist. In the Niger Delta, the intermittent attacks, kidnappings and oil theft against the oil sector by armed groups escalated until 2009 and have recently shown signals of continuing, enticing discussions on whether affluent democracies ought to act upon the persistent oil theft. Yet, the attacks are underlined by disputes regarding who wins and who loses in a pervasive parallel system of tacit patronage and wealth distribution, in which antagonisms often do not align armed militants on the one side and the state and the oil companies on the other.

In both cases, I suggested that policies that focus on preventing armed groups from controlling mines or bunkering oil are unlikely to tackle the socially and politically mediated resource-conflict linkage. More comprehensive policies that affluent democracies can take up originate from an awareness of and an emphasis on the vulnerability to conflict that natural resources involve. In the case of Congo, these measures include helping tackle the endemic corruption of state-owned enterprises and preventing illicit capital flight, two important channels through which the country's mineral riches turn into an item of elite competition and social disintegration. In the case of Nigeria, they include enabling legal and regulatory reforms that tackle 'white-collar' oil theft, which in turn is a key component in the parallel system of distributing costs and revenues of the oil production. A key component in both cases is to embrace a definition of 'blood resources' and 'conflict resources' that is sensitive to these mechanisms. Surely, initiatives taking up different lenses do not exclude each other, nor adopting a more comprehensive approach to the resource curse will in any way be easy. The main insight is that even if affluent democracies subscribe to the fight against the violence

and instability linked with the curse, there are policy sets of varying effectiveness that have been and can be taken up for this purpose.<sup>845</sup>

With regards to the research question, this analysis helps conceptualise that consumers' influence over the conflicts is shaped by the efficiency of the means behind which they are being mobilised. As Bartley et al summarise: 'Even the most conscientious consumer is only as effective as the standards he or she supports.'<sup>846</sup> Micheletti and Stolle suggest that it is the existence of a 'reasonable choice architecture' fostered by governments, NGOs, corporations, and civil society networks that makes it possible for consumers to act upon different issues.<sup>847</sup> The plausibility of the ameliorative policies and practices that consumers can advance by making the 'ethical' choice in the markets, be it boycotting, boycotting, or a more comprehensive change in lifestyle, shapes the influence they can exercise over a harm in supply chains. The importance of sound policies to be advocated through purchase decisions was captured in the last part, which laid out the complicated dynamics of the two conflicts. Even a staunch advocate of the due diligence schemes recognises that armed conflicts linked with raw material extraction do not constitute an easy target for consumer action. This is not to say that it is impossible. Rather, I highlight that some harms in supply chains require much more complicated and nuanced policy sets to be alleviated, and that these differences shape the challenge that campaigners, corporate strategists and policy-makers face when they try to come up with the kinds of standards that consumers can support by making an 'ethical' choice in the markets.

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845 Enough Project, 'A Comprehensive Approach to Congo's Conflict Minerals - Strategy Paper', 15; Lezhnev and Prendergast, 'Strategic Pressure'; Callaway, 'Powering Down Corruption'; Katsouris and Sayne, 'Nigeria's Criminal Crude'.

846 Bartley et al., *Looking behind the Label*, 59.

847 Michele Micheletti, *Political Virtue and Shopping: Individuals, Consumerism, and Collective Action* (Basingstoke; New York: Palgrave Macmillan, 2003), 23.

To be sure, and to return to the framework by Micheletti and Stolle, one can question whether the reduction in violence and instability is ultimately a valid measure against which the efficiency of the existing schemes, and accordingly consumers' influence, is to be measured. To illustrate with examples from Congo, some campaigners suggest that by 'demanding transparency and accountability from the world's largest electronics companies, consumers can fundamentally change the logic of Congo's conflict and end the scourge of conflict minerals'.<sup>848</sup> To compare, other advocates frame the desired outcome of the Dodd-Frank Act, the main tool promoted by conflict mineral campaigners, as to 'reduce the size and volume-by-weight of the minerals black market' in Congo and its neighbouring countries, which is then to provide an 'opportunity to stem some of the violence, while not of course fixing Central Africa's myriad governance problems'.<sup>849</sup> The two statements come with very different ambition levels, loading different expectations on the due diligence schemes. Surely, in both of them ameliorating violence nevertheless plays a role, albeit a more indirect one in the latter. Defining and redefining the goals of the conflict mineral and other resource management policies will surely continue to feed debate on their effectiveness.<sup>850</sup>

A more important qualification is, however, that the viability of the conflict mitigation policies behind which consumers are currently mobilised does not necessarily indicate the level of consumers' influence in the future. For instance, as per my analysis above, consumers' influence would increase if their choice architecture included a purchase option through which to promote wider natural resource management policies, just as consumer action could be more effective in reducing child labour if purchase choices were somehow harnessed behind policies that tackle poverty often underlying it. Yet, one has to start from somewhere. The resource traceability schemes in Congo and Nigeria could be seen as a first step in the process that will increase consumers'

848 Enough Project, 'A Comprehensive Approach to Congo's Conflict Minerals - Strategy Paper', 15.

849 Whitney, 'Conflict Minerals, Black Markets, and Transparency', 184.

850 Diemel and Hilhorst, 'Unintended Consequences or Ambivalent Policy Objectives? Conflict Minerals and Mining Reform in the Democratic Republic of Congo'.



influence over the conflicts. The momentum that campaigners manage to build partly by providing a persuasive but potentially narrow solution to a complicated situation could help generate more nuanced and effective resource policies. It is very hard to start a movement, but afterwards its direction can be recalibrated. A ‘snapshot’ of the means that consumers can advance through their purchase decisions in any specific moment somewhat conceals the dynamic nature of actors’ influence over any harm in global production processes.

Indeed, the view of consumer influence I portray here is somewhat static. On a daily basis, consumers in affluent democracies raise concerns about the inadequacies of ‘ethically’ produced products in shops, demanding retailers to introduce more and better standards and products that fill their expectations. For instance, if a consumer thinks that the due diligence schemes do not capture the full potential of conflict resource policies that ethical consumerism can help realise in Congo, he can ask companies for better products and standards that advance such a cause. In this way, exercising one’s influence as a consumer means not only preferring ‘ethical’ products in one’s choice architecture but shaping the very architecture itself. Surely, exercising the latter kind of influence is more demanding. Micheletti and Stolle remind that political consumerism is at times impossible and in other times difficult to invigorate, as it presumes that activist networks and labelling institutions constantly inform consumers about the choices available.<sup>851</sup> Yet, consumers are also challenged if they want to exercise influence in this wider, dynamic sense. They have to be ready and willing, for instance, to look for background information on brands, standards, and policies, to demand more and better products from retailers if the selection is poor, and to engage with campaigners to help map the best way to ameliorate the harm upstream.

Because of these dynamics, it becomes even harder to pinpoint the level of consumers’ influence now or in the future that would qualify treating a particular guilty consumer claim as plausible.

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851 Stolle and Micheletti, *Political Consumerism*, 254–55.

However, as a rudimentary tool, I suggest a distinction between actual influence and potential influence. Conceptualised in the latter sense, consumers' influence is more detached from the existing means in the choice architecture at any given time and more geared towards the remedial means consumers could acquire by shaping the architecture. The difference can be articulated as two variations of the same guiding question:

1) Are the policies and practices to mitigate resource-related armed conflicts that consumers can currently advance by their purchases effective?

or

2) Are there effective measures and practices to mitigate resource-related armed conflicts that consumers could advance by their purchases?

Both questions are inquiries into consumers' influence. My hesitancy regarding the use of the second variation as a component in evaluating their remedial capacities is aligned with my concern regarding the definition of 'causal influence' by Barry and Macdonald, which I discussed in chapter 4. To remind, they suggest that an assessment of consumers' causal influence over an injustice includes not only information over an injustice and capacities to avoid acting in a harmful way that consumers might have at any given time, but also information and capacities to which they might have access 'with reasonable effort'.<sup>852</sup> Although Barry and Macdonald consider their view as 'restrictive' in comparison to Young's view, the wide understanding of capacity they advocate may inflate the subsequent responsibilities, a characteristic of the situation faced by consumers in affluent democracies that this thesis set out to help resolve in the first place. Similarly, in chapter 3 I discussed Lawford-Smith's claim that consumers have a responsibility to build collectives that

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852 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?', 9–10.

would be capable of acting upon harms in supply chains.<sup>853</sup> However, when the realm of possibilities within consumers' reach includes possibilities that the collectives they can establish are able to realise, a capacity-based analysis becomes further and further detached from the immediate outcomes that consumers can bring forth through their everyday decisions, which complicates using it as a guideline for prioritising between competing projects.

These are not unsurmountable challenges. However, they highlight that careful conceptual footwork is needed if consumer responsibilities are grounded on their remedial capacities. Besides arguing that making a distinction between actual and potential influence can be useful in this context, I suggest placing a tentative emphasis on the former in an evaluation of any guilty consumer claim, as such an emphasis serves to tame some of the inflationary tendencies of which capacity-based accounts are sometimes accused. Surely, the line between actual and potential influence is never razor-sharp. It requires constant deliberation in particular cases, and taking into account the costs of remedial action, as I describe in the next section.

## 10.4 COSTS

*FSC timber might be good timber, but the glue might be horrible.*<sup>854</sup>

Costs constitute the flip side of influence in an analysis of guilty consumer claims. Consumers' capacity to alleviate the conflicts is shaped by the personal costs incurred by using their purchase power, and as with influence and potential influence, a rudimentary line can be drawn between acceptable costs and excessive costs. While high costs do not absolve consumers of remedial responsibility, including costs to the analysis serves as a further component to help prioritise among

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853 Lawford-Smith, 'Unethical Consumption and Obligations to Signal'.

854 Interview #57: Rob Harrison, Director, Ethical Consumer. On responsibly sourced furniture.

the many harms in supply chains that seem to call for their attention and resources, and to indicate the degree to which capacity-based responsibilities are to be discharged.

As Barry and Øverland write, ‘we appeal to cost all the time in justifying our refusal to do things we think ourselves as having reason to do.’<sup>855</sup> Yet, costs are often treated as an awkward caveat to moral ‘oughts’: not doing the morally desirable thing because it would be costly, troublesome or difficult is often read as a judgment that the moral goal lacked value in the first place. To illustrate, Global Witness campaigners defend their policies against a *Forbes* writer’s negative view on the Dodd-Frank Act:

Is he implying, as it appears, that there is a cost barrier beyond which it ceases to be worthwhile for companies to make sure they are not funding rape and war through their purchases? What is the maximum a company should spend on its supply chain controls to avoid sponsoring a mass-rapist or murderer? How about putting some dollar signs against the suffering of victims of the armed groups that finance themselves through the global minerals trade? Or maybe these fuzzy human impact costs don't count?<sup>856</sup>

On a closer look, costs permeate much moral thinking. Barry and Macdonald include a clause that a ‘reasonable effort’ is required from consumers to build capacities to help workers toiling in sweatshops. Erskine, although not defining a specific threshold, acknowledges costs as a component in building coalitions of the willing: an obligation of individual states, non-state actors and nongovernmental organisations to work together in order to enhance their capacities to protect vulnerable populations is valid on the presumption that the costs of such action are not unacceptably

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<sup>855</sup> Barry and Øverland, *Responding to Global Poverty*, 99.

<sup>856</sup> Mike Davis, ‘Global Witness Responds to Tim Worstall Post’, *Forbes*, 3 November 2011, <https://www.forbes.com/sites/coatesbateman/2011/11/03/global-witness-responds-to-tom-worstall-post/>.

high.<sup>857</sup> Rubenstein refers to costs in passing, suggesting that poverty-alleviating burdens set on an actor cannot be overtly costly in absolute terms, because this would be ‘unfair to and/or disrespectful of that actor’.<sup>858</sup> Goodin suggests that much of what motivates the distinction between imperfect and perfect duties is that the former kind of a duty requires too much of a sacrifice, either when discharged individually or when there are too many occasions with similar morally relevant characteristics to be performed in all occasions.<sup>859</sup> Wenar places ‘excessive costs’ as a ramification to applying the least-cost principle in assigning responsibilities: if the actor most capable of fixing a problem would have to bear enormous costs to do so, the heavy burden might serve as a justified reason not to require him or her to discharge the responsibility.<sup>860</sup>

An appeal to costs does not lead to absolving an actor of a remedial responsibility, or rejecting the moral value of the action altogether. Barry and Macdonald suggest that people not always being able to do what they should do is a fact that has to be accepted. Even if one’s intuitive reaction against ‘wrongful harms’ in global supply chains, such as modern slavery, would be to stop buying products made in such conditions altogether, it would be very hard to do so as these harms are woven into several complicated and fragmented global supply chains.<sup>861</sup> The solution Barry and Macdonald indicate towards is not to do nothing but to aim to take ‘countervailing measures’ to redress harm, for instance, by supporting political parties, joining a social movement, and continuing to look for the most promising ways to mitigate the harms. An appeal to the cost of disengaging from a harm does not render the harm in question as not deserving remedial action.

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857 Erskine, ‘Coalitions of the Willing and Responsibilities to Protect’, 135, 145.

858 Rubenstein, ‘Pluralism about Global Poverty’, 796.

859 Barry and Øverland, *Responding to Global Poverty*, 224; on perfect and imperfect duties: Goodin, *Utilitarianism as a Public Philosophy*, 28–30.

860 Wenar, ‘Responsibility and Severe Poverty’, 7–8.

861 There is also the challenge of a boycott potentially doing more harm than good: Powell and Zwolinski, ‘The Ethical and Economic Case Against Sweatshop Labor’.

Acting on one's responsibility is not a binary but a scalar issue.<sup>862</sup> Rather, the high costs of remedial action might guide someone trying to discharge his or her responsibility towards exploring other, less demanding ways to act, and take them up to the extent possible while bearing costs in mind.

To further illustrate what an appeal to costs means in the context of consumer responsibility, I take up the problem of 'complex' or 'intermediate' goods.<sup>863</sup> As per Wenar, the fact that many essential functions of people's lives in industrialised societies, from agriculture to transport, hobbies, heating, and work, are indirectly made possible by Nigerian oil, Congolese minerals, and other raw materials potentially originating from 'cursed' countries, makes disengaging from such intermediate goods through private consumption choices very difficult.<sup>864</sup> Oil is a pervasive raw material *par excellence*, a fact well heeded by the campaigners wary of urging consumers to boycott oil. As a senior campaigner at Global Witness notes: 'It's so deep in supply chains that it's kind of tricky... There is a consumer element but whether there is a desire to start boycotting an oil company or the other, especially when none of them are particularly better than the others, it's questionable.'<sup>865</sup> Similarly, Heather Webb, a researcher at Ethical Consumer, notes on her organisation giving consumers guidelines to pick a 'responsible' oil company:

We haven't really focused on the petrol industry, which is where BP and Shell and others operate, because there isn't really an ethical choice there so we haven't done a product guide for ages. We try to keep subscribers informed on the issues, the problem is that there isn't often a very viable alternative other than saying

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862 Goodin, 'Responsibilities'.

863 Bartley et al., *Looking behind the Label*, 248.

864 Wenar, *Blood Oil*, xx.

865 Interview #54: Senior Campaigner #2 at Global Witness

‘don’t drive a car’, ‘don’t do this’, so we try not to keep too negative about it, because consumers want an option, not to be told that they can’t do something.<sup>866</sup>

The campaigners recognise the troubles that consumers face when they try to disengage from oil through individual purchase decisions. Webb alludes that, for instance, preferring company A’s petrol station over company B’s is ethically of little relevance, because extracting and consuming oil nevertheless damages the environment. The Global Witness campaigner emphasises that even if a consumer subsequently took a step further and got rid of his car, he would remain reliant on oil in indirect ways, for instance when buying agricultural products or traveling by train or airplane.<sup>867</sup> Barnett et al remind that even academic literature on consumer activism often presumes a somewhat straightforward mechanism, as per which spreading information on harms and injustices in global supply chains to wider audiences leads to increased pressure on companies and governments to tackle harms in supply chains.<sup>868</sup> However, the voices above point towards a more basic challenge: disengaging from oil of questionable origins would require rejecting many functions taken for granted in industrialised societies, an allegedly high cost that makes the campaigners hesitate before urging consumers to take up boycott action.

To be sure, the problem of intermediate goods manifests especially with regards to oil, and not all raw materials are alike.<sup>869</sup> One factor that binds costs and influence together is the elasticity of consumer demand for the resource: in case of high elasticity such as diamonds, consumer boycotts may create more anxiety in the industry that leads to reforms, whereas in the case of low elasticity,

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866 Interview #5: Heather Webb, Researcher, Ethical Consumer

867 On branding business as ‘responsible’, see: Reinecke and Ansari, ‘Taming Wicked Problems’, 313.

868 Clive Barnett, *Globalizing Responsibility: The Political Rationalities of Ethical Consumption* (Chichester, UK: Wiley-Blackwell, 2011), 11.

869 Christopher Kutz, ‘Collective Resource Control and the Power of Complicity’, in *Beyond Blood Oil: Philosophy, Policy, and the Future* (Lanham, MD: Rowman & Littlefield Publishers, 2018), 87.

such as with oil, industry might be initially less responsive to consumer action.<sup>870</sup> A senior campaigner at Global Witness points at different prospects of consumer pressure affecting international trade in conflict diamonds and gold: ‘So in terms of changing the jewellery sector, fine, you might be able to tinker with that, but in terms of trading gold sector at large... most consumers I know of do not have hedge funds and understand international banking swaps.’<sup>871</sup> To apply to cases in hand, the Congolese 3TG minerals are closer to oil than diamonds in their role as intermediate goods.<sup>872</sup> Much akin to oil, they are omnipresent and very hard to disentangle from by changing one’s shopping routines. They penetrate industrialised societies in many more ways than as components of smartphones, laptops, and other gadgets the making ‘conflict-free’ of which campaigners have conveyed as symbolising the fight against conflict minerals.

From this perspective, consumer action with regards to armed conflicts in the extractive stages of supply chains seems costly to the extent to cross the blurred line between acceptable and excessive costs. Bartley et al suggest that ‘unreflective’ shopping that people conduct is an important but opaque component to all but the most committed ethical consumers. They suggest that harms are especially invisible in the mining sector, such as the extraction of oil, natural gas and coal, whereby it might be easier for consumers to work through traditional political channels, such as contacting politicians, signing petitions, participating in demonstrations, and, as a mixed strategy, pressuring public institutions to change their procurement policies. Consumers may still take up secondary

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870 Le Billon, *Wars of Plunder*, 181 A further inquiry could make the analysis of influence and costs more sensitive to the interwovenness of the two components. For instance, in the Nigerian case the oil companies arguably recognise that it is costly for consumers threatening with a boycott to ‘walk the walk’, which then diminishes consumers’ actual influence over corporate conduct.

871 Interview #6: Senior Campaigner #1 at Global Witness.

872 Gold is distinct, because it preserves its value across time and cultures better than most minerals, whereby it is used in financial investment. Certification schemes for gold are mainly being piloted: Interview #17: Bali Barume and Martin Neumann, Project Manager & Project Officer, BGR Bukavu; also IMPACT, ‘First Supply Chain Free of Conflict Gold in Eastern Congo – Just Gold Project’, 2017, <https://impacttransform.org/en/first-responsible-and-conflict-free-artisanal-gold-supply-chain-operational-in-eastern-congo/>.



boycotts, targeting companies that source from these companies, although alternative purchase choices might not be readily available in the markets.<sup>873</sup>

This might still not sound excessive. In facing some harms, it really seems that pointing at a poor balance between influence and costs is a bad excuse. Even if consumers' influence over conflicts was low, are there no good enough reasons to buy differently anyway? And even if consumer action is costly, is it not the case that such high costs ought to be borne when the harms are serious enough? Violence unfolds in different forms in eastern Congo and southern Nigeria. However, the problems are of very serious nature, as depicted by news on serious human rights violations ranging from mass rapes to tortures, kidnappings, and wanton killings over the years. One could well argue that any effort to put a stop to such atrocities ought to be taken, and a refusal to do so on the grounds of the action potentially failing to have a positive impact to be condemned. As Margot Wallström, the UN's former special representative on sexual violence in conflict, writes in defence of the Dodd-Frank Act that faced public criticism because of its unintended consequences on demand of Congolese minerals: 'inaction is not an option'.<sup>874</sup>

This position is to be taken seriously. To illustrate, one might subscribe to the view that the resource curse is a complex phenomenon which is hardly to be solved by efforts including 'international trade embargoes, boycotts, or certification programs that reduce the value of a country's resource endowment', but still hold a boycott of Nigerian oil as a tempting option, because no other policy has led to a comprehensive policy change over the past few decades.<sup>875</sup> Disagreeing with the campaigners' emphasis on the conflict minerals approach in Congo ought not to be read as a suggestion to close one's eyes to minerals as a major source of financing for armed groups, or to

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873 Bartley et al., *Looking behind the Label*, 18, 246.

874 Margot Wallström, 'A Conflict Over "Conflict Minerals" in Congo', *The New York Times*, 15 August 2011, <https://www.nytimes.com/2011/08/16/opinion/a-conflict-over-conflict-minerals-in-congo.html>.

875 Parker and Vadheim, 'Resource Cursed or Policy Cursed?', 45.

ignore that formalising artisanal trade might be a potential way to get ‘off the ground’ a region that has become a graveyard of many a development and peace project in the past.<sup>876</sup> A deontologist can summon the rhetoric of tainted hands to suggest that there are valid reasons for a boycott anyway, just as a non-deontologist can insist that the harms being so grave justifies purchase action even if its influence was low and costs high.

To answer, I am not suggesting a specific threshold, to be calibrated based on the severity of the harm, applying the influence-cost analysis against which would then demarcate when an actor’s capacities qualify for a remedial responsibility. Theorists of global ethics, especially of the consequentialist vein, tend to debate about the acceptable level of costs that an individual can be asked to bear in order to discharge a capacity-based responsibility to alleviate suffering far away. For instance, Peter Singer’s early claim on the responsibility of individuals in rich countries for global poverty is demanding: he suggests that discharging one’s positive duty means helping others to the point of marginal utility, in which sacrificing from one’s own any further would tilt the balance of aggregate benefit so that more suffering would ensue in the world.<sup>877</sup> The effective altruism movement, inspired by Singer’s work, calls its members to donate 10 percent of their annual income to highly effective charities that tackle global poverty and other severe challenges.<sup>878</sup> The exact articulations of the threshold between ‘reasonable’ or ‘acceptable’ and ‘excessive’ costs vary.<sup>879</sup>

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876 Yannick Weyns, a natural resource expert at MONUSCO, suggests that looking simply from a developmental perspective, artisanal mining is not going to get the eastern Congo ‘off the ground’. Interview #21: Yannick Weyns, Natural Resources Expert, MONUSCO.

877 Singer, ‘Famine, Affluence, and Morality’.

878 Giving What We Can, ‘About’, 2018, <https://www.givingwhatwecan.org/about-us/>.

879 Barry and Øverland, *Responding to Global Poverty*, 14; Barry and Macdonald, ‘How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?’, 10.

I suggest that thresholds do not serve well as practical guidelines for ethical thought and action, because remedial responsibility is a relative notion which serves the social function of helping determine who among the many potential candidates ought to bear costs for resolving a given moral project. This function also includes considering to which of the many potential moral projects available one ought to use her scarce resources. Consumers have to pick their battles. Michael Nest reminds that no individual harm in the global context appears to consumers' moral horizon in isolation from others: 'The global justice 'marketplace' is crowded and NGOs advocating on coltan and the Congo face competition from blood diamonds, 'dirty gold', Darfur, Burma, Tibet, Palestine, the Amazon, fair trade, Third World debt, imprisoned writers, slavery, gorillas, elephants, whales and climate change.'<sup>880</sup> He continues: 'The difficulty in knowing what to do is partly about confusion around the cause-and-effect relationships between coltan, other minerals, armed groups, mobile phones and violence in the DRC, but also partly about there being so many global justice issues in which to get involved and whether involvement can make a difference.'<sup>881</sup>

Many harms, both local and global, seem worthy of consumers' time and money. Consumers' appeal to cost does not indicate that the conflicts are not severe enough to generate a need to ameliorate them. Were such an argument accepted as valid, the debate would quickly succumb to a 'race to the bottom' of ethical conduct, in which harms each of which is severe enough to call for urgent action are evaluated against each other on criteria that do not support efforts to resolve them. Rather, the two-part analysis suggested in this chapter is to help prioritise between harms all worthy of remedial action, which, as Nest illustrates, are aplenty. Prioritising rather than meeting idealised thresholds as key conduct in ethical action is an insight emphasised by non-ideal theorists, who argue that political theory often, at least implicitly, has a lot to say about what ought to be done, but

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<sup>880</sup> Nest, *Coltan*, 106.

<sup>881</sup> Nest, 153.

less about what to do *first*.<sup>882</sup> Many harms call for consumers' attention, and often these calls are vested as guilty consumer claims. Placing them on a constantly calibrated scale, in which remedial responsibilities can be realised to different degrees, and in which an appeal to too high costs does not mean rejecting the ethicality of remedial action, serves as a better guideline.<sup>883</sup> Treating consumers' remedial capacity, analysed through influence and costs, as a basis for prioritising among the challenges responds to what Irving, Harrison, and Rayner allude as 'conscience fatigue', which threatens when the causes to be supported by consumers proliferate.<sup>884</sup>

This answer lines with the starting point of the thesis. Assigning responsibility might cease to fulfil its function of helping create a better world and better individuals if consumers come to bear remedial responsibilities regardless of it being very costly to discharge them and the prospect of their action actually making a positive difference is low. Prioritising involves reflecting on one's capacity to alleviate a specific harm against other harms rather than thinking of them in isolation from each other. Consumers in affluent democracies have a responsibility to do something about the resource-related conflicts upstream, if such an assignation can be established on a sound diagnosis of the role that the raw material in question plays in the conflicts, and an accurate prognosis that appreciates the relative costs to consumers that discharging the responsibility involves. The toolbox of actual and potential influence and acceptable and excessive costs constitutes one guideline available for this task, which I will complement with two further perspectives in the chapters to follow.

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882 Nili, 'Global Justice and Global Realities', 2016, 205.

883 Cf. Barry points out that consumers could do at least a bit better even if they do not have the choice of buying 'Fair Trade' oil. Christian Barry, 'Blood Oil and the Individual Consumer', *New Symposium: Leif Wenar's Blood Oil: Tyrants, Violence and the Rules That Run the World* (blog), 2 March 2019, <http://jamesgstewart.com/blood-oil-and-the-individual-consumer/>.

884 Irving, Harrison, and Rayner, 'Ethical Consumerism - Democracy through the Wallet', 14.

## 10.5 CONCLUSION

In this chapter, I unpacked the 'guilty consumer' claims sometimes harnessed to motivate consumers in affluent democracies to act upon armed conflicts taking place in global supply chains. To enable prioritising among the diverse moral projects consumers are required to take up using such claims, I suggested a focus on the influence and costs of consumer action required. Together, the two components do not constitute an exact formula but serve as a rudimentary guideline for thought and action in situations in which several harms in supply chains call for consumers' attention. I elaborated this distinction in relation to the armed conflicts in eastern Congo and southern Nigeria.

Consumers' influence over a conflict is shaped by the suitability of the policies that consumers have a chance to support by their purchase decisions. A further distinction between consumers' actual and potential influence follows a distinction between the policies consumers can advance by their purchases and the policies they can help bring among the choices that can be supported by purchase decisions. As it comes to costs, a distinction between acceptable and excessive costs highlighted that responsibilities place burdens of different weights on actors, and that a high burden may justify an actor's appeal to discharge them to a lesser degree. For instance, consumers cannot disengage from raw materials of suspicious origins by personal purchases without accruing significant personal costs.

# 11 BLAME GAMES

## 11.1 INTRODUCTION

In the previous chapter on guilty consumer claims, I pointed at prioritising between different moral projects as an important component in devising guidelines for consumers' ethical thought and action regarding armed conflicts in some supply chains. However, the chapter gave little regard to the relation between responsibilities held by consumers and actors such as companies, states, and international institutions usually taken as key players in conflict mitigation efforts. In this chapter, I harness the capacity-based approach to address this issue. More precisely, I engage with Iris Marion Young's conception of shared responsibility, articulating the concept of 'blame games' to pinpoint the challenges of assigning to consumers a responsibility to collectivise.

I suggest that as an unstructured collective agent consumers lack the structured agents' conflict-alleviating potential, and argue that in order to avoid blame games it is sometimes better to let such less capable actors off the hook than to suggest that every actor involved shares a responsibility to act upon them. Structured collective agents, such as companies, host states, and importing states, are first ones on the line were the conflicts in question to be alleviated. This does not imply that all remedial responsibilities are to be shifted from individuals to collective agents. Rather, I suggest that it is more appropriate to oblige individuals to harness 'their' collectives to act upon the conflicts than to expect consumers to engage in building new ones.

## 11.2 BLAME GAMES

*I think it's always companies, consumers and the government and they have to work in tandem... it's not just consumers. It's interlinked.*<sup>885</sup>

*So everybody is pointing accusing fingers at each other and nothing gets done.*<sup>886</sup>

This chapter engages with relative capacities of other actors. Even if policies and practices that consumers can support to ameliorate a conflict were not the most efficient ones imaginable, consumers could still be in a relatively better position to make a positive impact than many other actors. In the introductory chapter, I suggested that having a remedial responsibility means being obliged to bear higher costs than other actors to alleviate a harm in question. If an actor's remedial capacity to alleviate the harm is an important criterion for assigning her remedial responsibility, then understanding the relative capacities of at least the most obvious other candidates to alleviate the harm in question is an integral part of the analysis.<sup>887</sup>

Yet, such exploration is not a task taken up by theorists of global ethics with any frequency, as they tend to work on one agent's responsibility for one harm at a time.<sup>888</sup> While these projects are valuable, a practice-based account should provide tools to thought and action that are sensitive to a situation in which more and more challenges seem to call for attention of consumers in affluent democracies. By their purchases, consumers are linked with a variety of harms faced by people, societies and the planet, but so are other agents. Retail brands, shipping companies, traders,

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885 Interview #5: Heather Webb, Researcher, Ethical Consumer

886 Interview #37: Multi-stakeholder working with NEITI

887 Smiley, 'Future-Looking Collective Responsibility', 7.

888 Exceptions remain, for instance: Matt Peterson and Christian Barry, 'Who Must Pay for the Damage of the Global Financial Crisis?', in *Global Financial Crisis: The Ethical Issues* (London: Palgrave Macmillan, 2011), 158–84.

shareholders, international trade institutions, state governments, border officials, and factory safety inspectors, just to name some of the agents involved with the vast supply chains, also have their responsibilities to manage. Questions on consumer responsibility are interwoven with questions on responsibilities of other actors, and have to be treated accordingly.

In this chapter, my main discussant is Iris Marion Young, whose social connection model offers one way to include the diverse actors to the analysis. As I elaborated in chapter 4, Young builds her model on the insight that the conventional or ‘liability’ view of responsibility is too narrow for making sense of responsibility in the global context of supply chains. If one follows the liability view, only the actors closest to the harm bear responsibility, although efforts by those indirectly connected to the harm would be needed. Young’s answer is to argue that those structurally involved share a responsibility to come together to act upon the problem. For instance, in the case of sweatshop labour a shared responsibility extends beyond the factory owners and managers to include apparel manufacturers, institutional apparel purchasers, individual consumers, and the victims themselves, thus complementing the liability notion by involving a wider range of agents to resolving the injustices.<sup>889</sup>

To Young, recognising that a form of responsibility is shared is the best way to create action to alleviate the harms. While I broadly agree with her on the challenges that the liability conception faces in the context of global supply chains, I highlight the problem that ensues if her view is adopted. Expanding the sphere of actors potentially responsible while not differentiating their responsibilities leads to a blame game, that is, a situation in which actors, each of which seems to have at least some capacity to act towards resolving a harm, displace responsibility to do so to others. Blame games gain their conceptual feeding ground once one rejects the liability model and acknowledges that the structurally involved actors ought to play a role in alleviating the conflict.

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889 Young, ‘Responsibility and Global Labor Justice’; Young, ‘Responsibility and Global Justice’.



They constitute a symmetrically opposite problem to the one faced by the liability conception of responsibility: whereas the liability account lets too many off the hook, the shared conception includes so many actors that it becomes impossible to differentiate their respective responsibilities.

My criticism of Young's shared account of responsibility stems from a differing psychological and sociological view on whether being singled out as obliged to act or being pushed towards acting together with others constitutes a stronger source of moral motivation or way to help alleviate the harms, and how well the latter strategy works in a context that transcends communal boundaries. The factual underpinnings of the debate are not resolved in this chapter; it suffices to say that both sides have their supporters, and the aim here is to conceptualise how these two initially plausible yet diverging starting points play out in relation to consumer responsibility.<sup>890</sup> In what follows, I argue that if actors' responsibilities in global supply chains are not differentiated, effective remedial action to resolve harms and injustices are less likely to be generated.<sup>891</sup> Young's social connection model cannot effectively single out the diverse actors' relative responsibilities. Lack of differentiation feeds the blame game dynamics, which hinder resolving the armed conflicts.

Blame game is a concept often summoned in the context of harms in global supply chains. For instance, Roel Nieuwenkamp, former Chair of OECD Working Party on Responsible Business Conduct describes the fight against labour right violations in the garment industry: 'consumers blame the companies, companies blame the consumers that they don't want to pay more, and the factories blame the guys in brands, brands are blaming the consumers on the ground, so this is a

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890 For instance, Rudiger Bittner suggests that humans tend not to take responsibility at all when it is divided to too many actors. *Doing Things for Reasons* (New York: Oxford University Press, 2001).

891 Cf. Goodin's argument that '[w]hat is no one's responsibility is everyone's. If it is right that something be done, and no one particular has been assigned responsibility for doing it, then we are all responsible for seeing to it that be done.' His argument leaves open who is 'everyone' in a transcommunal context, where disagreement prevails on the primary collective agent responsible. Goodin, *Utilitarianism as a Public Philosophy*, 32.

complete flawed blame game.’<sup>892</sup> Theoretical treatments are scarce. For instance, Jack Balkin describes how in courtrooms defendants and plaintiffs resort to rhetoric devices such as broadening or narrowing the causal focus, framing the causal linkage as concrete or abstract, and expanding or contracting the time frame discussed, in order to re-characterise facts known about the case to their advantage.<sup>893</sup> Deborah Stone points out that there is always an alternative story to be told about causes of a harm, and that such stories are used as frames to control events and distribute costs.<sup>894</sup> While these treatises emphasise that causal stories are used as frames, they do not highlight the negative impact that blame games have on realising morally salient projects.

I suggest that blame games can be summarised in three tenets. First, they are detrimental to alleviating harms in global supply chains, because instead of tasks being allocated among actors, the disagreement on whether a given allocation is justified inhibits the use of some or all the resources available. Second, they commence in the register of the contribution principle: in the guilty consumer argument communal and capacity considerations are woven into contributory language to ground consumers’ remedial responsibility, and such interaction characterises also the competing narratives that place costs on other actors. Third, they are a conceptual rather than an empirical problem, because the disagreement on which among the many causal narratives that pinpoint different actors as remedially responsible ought to guide the allocation of costs stems from the impossibility of establishing common criteria for making such a decision on a purely factual basis.

The first and second tenets are relatively straightforward, but the third requires an explanation. Indeed, some disagreements on who ought to remedy a harm seem to derive from lack of facts on causes of harms. To conjure a simple example, if a fire that destroys several homes is first suspected

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892 Interview #2: Roel Nieuwenkamp, Chair, OECD Working Party on Responsible Business Conduct

893 J. M. Balkin, ‘The Rhetoric of Responsibility’, *Virginia Law Review* 76, no. 2 (1 March 1990): 197–263, <https://doi.org/10.2307/1073202>.

894 Stone, ‘Causal Stories and the Formation of Policy Agendas’.

to be lit by a lightning but then investigators discover evidence that it was an act of arson by a malicious neighbour, a larger share of the costs of repairing the damage done is likely to be placed on the neighbour. In chapters 4 and 10 I elaborated how even such a seemingly factual inquiry geared towards allocating costs is guided by many considerations. For instance, the neighbour could have been suffering from mental problems, to which he had unsuccessfully sought help at the health centre nearby. Such a narrative complicates the view that the neighbour ought to bear the costs because he caused the fire; also the medical staff, or the managers who calibrate the criteria for accepting patients, or even the clinic owners setting the budget of the health centre, could be framed as having played a causal role in the damage done. Deciding whether their causal role ought to be treated as relevant involves, then, other considerations such as the costs that the community as a whole wants to absorb, the values it wants to maintain, and the neighbour's ability to bear the costs of repairing for the damage she inflicted.

A pragmatist reading I take up in this thesis highlights that because 'causal' is a category that cannot be exhausted with a single definition, or established by subjecting connections between agents and harms to a uniform test, a factual inquiry does not tell which actor ought to bear remedial responsibility. The arson example constitutes a case familiar to courtrooms, in which the rules and practices for allocating responsibility have developed to being inclined towards cutting the causal chain leading to liability before it extends to the medical staff of the health centre and beyond. The context of global supply chains is very different: rules reminiscent of cause-in-fact and proximity theories, as Honoré refers to the tools used in the legal context, are rudimentary.<sup>895</sup> Surely, international treaties declare that states have the primary responsibility to protect human rights within their respective territories and that companies have a responsibility to respect human rights when doing business. These principles, however, are not criteria for allocating remedial responsibility among the many agents involved in situations such as eastern Congo and southern

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<sup>895</sup> Honoré, 'Causation in the Law'.

Nigeria, in which, as I depicted in earlier chapters, neither state nor company efforts have sufficed to prevent human rights violations.

A conceptual disagreement on rules to establish actors' causal roles in bringing forth a harm as morally relevant rather than lacking facts on the causal process drives blame games. In the following section, I will introduce a competing narrative that emphasises the role of companies, host states, and importing states over that of consumers in the conflicts in Nigeria and Congo. The section is not meant to capture all the arguments in the debates, to belittle the importance of local, sub-national or regional factors in the conflicts, let alone to reduce the drivers of the conflicts to economic processes in global supply chains. Rather, the aim is to illustrate that alternative causal narratives that shift remedial costs on other actors than consumers are readily available.

### **11.3 COMPETING NARRATIVES**

As per my elaboration of guilty consumer claims in the previous chapter, consumers have a remedial responsibility to act upon the conflict in Congo, which they can discharge by preferring products containing only 'conflict-free' Congolese minerals. Likewise, as per the same general argument consumers have a remedial responsibility to act upon the conflict in the Niger Delta, which they can discharge, for instance, by buying only Nigerian oil that has been adequately identified as not feeding the conflict. In both cases, discharging the responsibility involves costs by accepting to pay higher prices on 'conflict-free' consumer products and using time and money to disengage from products and services that are of suspicious origins. However, the remedial responsibility and the ensuing costs can be borne at least partly or completely also by other actors, such as multinational companies, host countries, and importing countries. I illustrate that each actor can be brought to the spotlight in a blame-based causal narrative that shows them as bearing a weightier remedial responsibility than others.

As depicted in the close study, the international companies sourcing raw materials from Nigeria and Congo are a class of actors sometimes seen as contributing to the violence. In the Niger Delta, the international oil companies have been accused of causing environmental damage that deprives the local communities of their traditional livelihoods, and of fuelling corruption that prevents the communities from defending their interests by other means than through violence. Jana Hönke suggests that state-company collusion inhibits companies working for peace in the Niger Delta. Companies allegedly use their financial wealth to support favourable candidates into positions of power, which in a poor country such as Nigeria aligns the political system with company interests to the detriment of the larger population.<sup>896</sup> The dependency of the Nigerian state on revenues from joint ventures and other long-standing collaborations gives the IOCs significant negotiating power, which they exploit to advocate policies beneficial for them but detrimental to most Nigerians.<sup>897</sup>

Likewise, electronic device brands which source raw materials from eastern Congo have been blamed for feeding instability by engaging indirectly into business with any group that can provide 3TG minerals. The few international mining companies developing industrial-scale mining in the Kivus, such as Banro and Alphamin, face accusations of having driven artisanal miners from resource-rich areas in collusion with the state.<sup>898</sup> As per this narrative, also in Congo companies use the opportunity to leverage profitable but locally detrimental deals with the government. Were their responsibilities emphasised, the costs of making supply chains 'conflict-free' ought to be financed through smaller profit margins or internal reforms so that consumers would not face higher price tags or calls for action.

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896 Interview #43: Dandy Mgbenwa, Pastor in Okwuzi, Ekbocha Community in Ogba, Egbema, Ndoni Government Area in Rivers State

897 Jana Hönke, 'Business for Peace? The Ambiguous Role of "Ethical" Mining Companies', *Peacebuilding* 2, no. 2 (2014): 176.

898 Interview #26: Tachi Assami Idrissa & Amzati Newa Waliuzi, Cooperative Representatives, COCABI; Judith Verweijen, 'Luddites in the Congo?: Analyzing Violent Responses to the Expansion of Industrial Mining amidst Militarization', *City* 21, no. 3–4 (2017): 466–482.

This emphasis can be contested. Zaid Kolawole, Government Relations Manager at Total, pushes the causal emphasis on the more immediate actors by pointing out that the oil spills in the Niger Delta that have made some areas inhabitable do not result from company neglect rather than from sabotage.<sup>899</sup> As per estimates agreed also by GASIN, a civil society organisation based in Port Harcourt, around 75 percent of the oil spills are man-made whereas 25 percent are due to other failures.<sup>900</sup> The narrative, often preferred by companies, suggests that even if companies disrupt the local economies and social cohesion by their presence, those breaking into the pipes ought to be held responsible, as they are indicated as guilty by the conventional liability view of responsibility. Such a shift of emphasis is often conjoined by capacity-based arguments. Godswill Ihetu, Chairman of the Petroleum Club based in Lagos, states that mismanaged expectations create tensions, as companies attract demands merely by being a powerful collective actor in an undeveloped area where the state is largely absent.<sup>901</sup> While companies sometimes provide basic services to local communities as they build their own facilities, doing more would disincentivise the state from realising its basic functions. Companies neither cause the conflicts nor are in a position to alleviate the dire socio-economic conditions linked with the two conflicts, whereby blame ought to be borne by someone else.

If such arguments are accepted, the national governments appear as suitable bearers of remedial responsibility, especially if one takes the government's failure to soothe the violence as rising from domestic factors. For instance, the dismal conditions in the Niger Delta can be traced to Nigeria's 'limited' statehood rather than oil company operations.<sup>902</sup> The Nigerian state, which gained its independence only some years after Shell started the first large-scale exploitation of oil in the

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899 Interview #38: Zaid Kolawole, Government Relations Manager, Total E&P Nigeria Limited

900 Interview #46: Dandyson Harry Dandyson, Project officer, GASIN

901 Interview #50: Godswill Ihetu, Chairman of the Petroleum Club, Former Group Executive Director in Engineering and Technology Directorate of the Nigerian National Petroleum Corporation

902 Hönke, 'Business for Peace?'

1950s, has failed to distribute the oil money in a way that benefits the Nigerian population as a whole. Only some of the funds targeted to developing the Niger Delta region actually filter through the patronage-based, corrupt political system.<sup>903</sup> The tacit system of patronage creates strong feelings of unfairness, which the federal, regional and local governments fail to manage, and which has little to do with companies' activities. As Arinze Agbim, a former Executive Director in Mobil Producing Nigeria, suggests: 'The problem is internal, because there is corruption and theft within the country, by the local government... corruption is mostly government'.<sup>904</sup>

Similarly, in Congo diverse domestic factors, such as the 'kleptocratic' elements of the governance structure, underpaid armed forces, failed diplomacy with the neighbouring countries, ethnic rivalries preventing long-term policy planning, and the proliferation of small arms, hinder the country's rise from its current disarray. As Remy Kasindi, founder of an NGO, states: 'It is the weakness of the government, which makes final consumer victim of what is going on... Final consumers are victims. Producers are also victims.'<sup>905</sup> As per this view, the companies exploiting the mineral wealth in the Congo are not feeding or exacerbating the conflicts. Rather, the international brands are more bystanders than active perpetrators in the effective disintegration of the Congolese state, the very entity that ought to be maintaining a monopoly of violence where armed factions now rule.

Yet, national governments also operate within enabling and constraining conditions set by the international economic system, and especially by the states taking advantage of Nigerian and Congolese raw materials. As per Wenar, countries importing raw materials from Nigeria and Congo or products made using them subscribe to the unjust international 'might makes right' rule, as by upholding legislation that allows imports from authoritarian regimes and conflicted areas, the buyer

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903 Interview #35: Anne Chiwenze & Zira John Quaghe, Nigeria Officer & Nigeria Officer, Natural Resource Governance Institute

904 Interview #40: Arinze Agbim, Former Executive Director at Mobil Producing Nigeria Unlimited.

905 Interview #18: Remy Kasindi, Founder, CRESA

countries maintain the resource curse upstream in supply chains. The importing countries could, however, enact legal reforms to reform international demand and thus remove a factor that maintains such conditions.<sup>906</sup> This narrative portrays the international companies sourcing from Congo and Nigeria as agents in harmful international arrangements maintained by the powerful importing countries. Not only North American and European countries are among the culprits, as China increasingly hosts companies, such as Huawei, who tap on raw materials in conflicted parts of Africa in order to make products to consumers around the world.<sup>907</sup>

As before, such a narrative can be countered by, for instance, returning the causal emphasis to the domestic drivers of the conflict; portraying the multinational companies as entities independent from the interests of importing states; arguing that change imposed by foreign actors is unpredictable; underlining that domestic actors have the best means available in resolving the conflicts; and so on. The rhetoric devices such as those Balkin and Stone describe apply also in the context of global supply chains, underlining that there is no factual reason why one narrative ought to be preferred over others.

## 11.4 UNSTRUCTURED COLLECTIVES

I argue that Young's conception of shared responsibility does not have a solution to blame games, because in her work the sphere of responsibility is expanded to a global context without sufficiently developed guidelines being in place for differentiating between actors' responsibilities. Her social connection model does not manage to indicate which of the many actors involved with the harm or injustice in question ought to pay for mitigative and preventive action, a gap which is conducive to fewer resources being mobilised for such a purpose. Hence, I suggest another answer: by conceding

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906 Leif Wenar, 'Clean Trade in Natural Resources', *Ethics & International Affairs* 25, no. 1 (2011): 27–39.

907 Wenar, *Blood Oil*, 308–10.



that consumers have lower capacity to act upon the conflicts in Congo and Nigeria than structured agents, remedial responsibilities are usefully assigned to these other actors, which then drops one potential suspect out of the recurrent blame games.

Why would consumers be less capable than other actors? In chapter 3, I adopted a concept used by Christopher Kutz to discuss consumers as an unstructured collective agent.<sup>908</sup> Consumers are a category of individuals not bound together by a common identity, geographical location, citizenship, culture, or any other attribute beyond their habit of engaging with markets to purchase products for their own use. From a widely Kantian view of moral agency, such a group cannot constitute a moral agent, as it lacks vital attributes such as a unified self and common intentions. However, based on the future-looking collective responsibility framework I adopted, any group that is capable of ‘doing and taking responsibility’ can constitute a moral collective agent.<sup>909</sup> Accordingly, these chapters can be read as explorations of whether consumers’ potential to bring forth changes in global economy by coordinated purchase action, a scenario held dear by several civil society campaigners and academics, is strong enough to justify assigning to them a shared responsibility to form together a collective actor or actors serving that purpose.

Developing the analysis further, I argue that compared with the potential of structured agents to realise such moral projects, consumers’ potential is limited, as they lack common decision-making mechanisms and an identity. Lacking a better theoretical term to capture their potential, events in the global supply chains happen *for* consumers rather than *because of* them. The change of a preposition echoes what Marion Smiley underlines when she argues that in order to qualify as a moral agent a group does not have to be able to act, which is a strong mode of causing events in the world, rather than to do something, which means being able to produce a change in the world.<sup>910</sup> For doing something, a group needs to have ‘coordinating control’ over group members, and that the

908 Kutz, *Complicity*.

909 Smiley, ‘Future-Looking Collective Responsibility’, 7.

group rather than its individual members must be necessary for the harm to come about.<sup>911</sup> By emphasising that events take place *for* consumers, I suggest that the way consumers affect change through their purchase action fails to meet what Smiley refers to as ‘doing’. Consumers cause things in the sense that production processes emerge and exist for them, as companies strive to meet the consumers’ real or alleged desires. However, their disaggregated form of agency implies that the contemporary modes of global production, or any changes in them, do not happen due to consumers acting in a morally relevant way.

This rather theoretical conceptualisation of consumers’ relative capacity to act upon the armed conflicts, inspired by Aristotle’s division between efficient and final causes, guides my answer to the blame games.<sup>912</sup> The guilty consumer argument, for instance, is guided by its advocates recognising that if enough consumers changed their shopping patterns, crucial actors in the supply chains would be incentivised to act differently. Yet, the analysis goes astray in the sense that although consumers together constitute a causally relevant agent, the causal story that binds consumers as agents capable of alleviating the conflicts lacks a protagonist. To refer to the puzzle that drives this thesis, the tremendous but elusive capacity they possess to change global production processes remains untapped as long as there are no prospects of a collective moral agent that could coordinate purposeful action which would qualify as doing something.

Structured collective agents are more appropriate responsibility-bearers because no existing institution that could do something reigns over consumers’ collective capacity. Onora O’Neill suggests that there is more potential in burdening existing institutions than individuals with

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910 Smiley leaves the concept of ‘producing’ unelaborated. I suggest the for-because distinction to move beyond this ambiguity. 3.

911 Smiley, ‘From Moral Agency to Collective Wrongs’, 197–98.

912 The for-because differentiation is reminiscent of Aristotle’s division between efficient and final causes, although the distinction I make is more appropriately called Aristotelian-inspired than Aristotelian: Milja Kurki, *Causation in International Relations : Reclaiming Causal Analysis* (Cambridge; New York: Cambridge University Press, 2008).

responsibilities, because institutions can better predict consequences, keep more systematic and accurate memories, as well as carry through plans and influence other agents.<sup>913</sup> Wenar adds that institutions may be able to impose on individuals demands that would ‘be unreasonable to expect individuals to place on themselves’.<sup>914</sup> Building on such work, my argument to prefer burdening existing structured collective agents over asking consumers to create new ones unfolds in two ways. First, arguing that consumers share a responsibility to collectivise into an entity or entities that can make a positive difference, the specification of consumer responsibility I discussed in chapter 3, is exposed to a rebuttal that the positive difference is more likely to be realised by harnessing existing collective agents to take up action. Second, arguing that consumers share a remedial responsibility with companies and states is exposed to a rebuttal that blame games accentuate when responsibility is shared in the global context, and that blame games lead to fewer resources being available to resolve the harm in question.

Of course, the focus of this thesis is on consumers in affluent democracies rather than consumers per se. Young’s work, however, is not sensitive to this difference, usually referring to individual consumers in a wide sense. Hence, Hannah Arendt’s statement ‘where all are guilty, nobody in the last analysis can be judged’ that she wrote when articulating the notion of political responsibility to describe ordinary Germans’ relation to Nazi crimes, implies a valid criticism of Young’s approach.<sup>915</sup> Arendt’s notion of political responsibility, which she developed as an alternative to the guilt-based approach, has the potential to motivate collective action, because remedial responsibility in the case she discusses is shared by members of a clearly demarcated political community. Young’s social connection model, however, does not have the advantage of a confined context, as she discusses agents’ responsibility to act together upon structural injustices in global production

913 O’Neill, *Faces of Hunger*, 37–38; Leif Wenar, ‘Contractualism and Global Economic Justice’, *Metaphilosophy* 32, no. 1-2 (2001): 82.

914 Wenar, ‘Contractualism and Global Economic Justice’, 82.

915 Arendt, ‘Organized Guilt and Universal Responsibility’, 150.

processes. In her context of choice, a myriad of agents across the world, including groups such as consumers that lack a structure under which to come together to make a difference in the world, are assigned a part of the burden, which accentuates the blame game dynamics to the detriment of resolving the harms.

## **11.5 CRITICISM**

My argument can be attacked at least on three grounds. First, it might be accused of being erroneous, as already several successful boycotting campaigns have been conducive to companies and governments taking up measures to avoid human rights violations, environmental degradation, and other harms linked with global production processes. It seems that consumers can come together to bring forth change in the supply chains. To answer, in the next chapter I will further expand my view that consumers, as a wide disaggregated group across the world, are not necessarily the actors with whom such success stories are accurately associated. Rather, larger campaigns that involve purchase action, but also political advocacy, mass demonstrations, high-level diplomacy, and so on, have been advanced by individuals in different roles, for instance as citizens of affluent democracies who mobilise their political capacity for various purposes. While a part of campaigns, an overt emphasis on purchase action in explaining success stories mischaracterises larger advocacy campaigns as an activity in which consumers are the central actors.

Second, my answer might seem conservative by taking for granted that consumers are not organised, although new forms of consumer activism might be possible in the future. To answer, I agree that there currently being no powerful consumers' associations orchestrating the use of collective purchase power to incentivise actors to reforms in production processes does not mean that such entities could not emerge to wield considerable influence over supply chains. Holly

Lawford-Smith, to whose work I referred in chapter 3, suggests that consumers' responsibility is to create such collectives rather than to alleviate harms.<sup>916</sup> Purchase decisions can be conducive to this effort, as a consumer's costly enough 'ethical' purchases act as signals to other consumers that he is willing to create such an entity together with others. Consumers' responsibility to form formidable collectives is independent of the capacity of states, companies, and other agents to act upon harms in global supply chains, because it is not grounded on their capacity to achieve the same purpose.

Lawford-Smith's 'indirect difference-making' approach to consumer responsibility, as Julia Nefsky aptly calls it, gets many things right.<sup>917</sup> Lawford-Smith recognises that capacity is an important, or in her consequentialist account a fundamental, element in determining agents' respective responsibilities, and by introducing the need to collectivise acknowledges that structured collectives are better positioned to realise moral projects than unstructured ones. However, replacing harm-prevention with collectivisation as the desired outcome of consumer action does not mean that harm-prevention is not the ultimate goal of collectivisation in Lawford-Smith's argument. A responsibility to collectivise can be read as a responsibility to develop a capacity to realise goals such as the alleviation of conflicts in supply chains, that is, to develop instruments that can be used together to such a purpose. As suggested in the previous chapter, I find that her move blurs the line between actual and potential influence, making it difficult to establish the basis on which consumers ought to prioritise between the various moral projects they could realise together. If consumers have a responsibility to form collectives to resolve problems in global supply chains, why are not individuals in general responsible for building collectives to realise all kinds of moral projects? To remind, Samuel Scheffler points out that consequentialist accounts of responsibility suffer from non-restrictiveness, which involves that the scope of individual responsibility easily extends to all

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916 Lawford-Smith, 'Does Purchasing Make Consumers Complicit in Global Labour Injustice?'; Lawford-Smith, 'Unethical Consumption and Obligations to Signal'.

917 Nefsky, 'Consumer Choice and Collective Impact', 270–72.

kinds of moral projects.<sup>918</sup> Assigning consumers a responsibility to collectivise is vulnerable to the same problem: it is difficult to pinpoint why consumers are the responsible actors and how to prioritise between the many projects upon which they could act as a collective.

Third, my answer might be read as absolving individuals of all responsibility, because structured collective agents are not only more capable of realising moral projects than consumers but generally more capable of realising them than individuals. However, assigning remedial responsibility only to collectives is not what I argue, because any responsibility that the structured collective agents bear sifts down to individuals who are in a position to shape the conduct of the collective in question. Consumers are an unsuitable group for bearing responsibilities, because they are not in a position to efficiently harness the potential of any structured collective agent to act for moral purposes. To be sure, this is a relative, contingent claim: consumers' capacity to harness a structured agent is to be reflected against, for instance, the capacity of shareholders to affect company decision-making. As a limited, identifiable group, which can in varying degrees influence executive decisions, shareholders have the potential to harness company capacity in a manner that is beyond consumers' reach.

Shareholders as an alternative, more capable group of individuals is presented here only for illustrative purposes, paving the way to the third perspective on 'citizen-consumers', which explores individuals' varying capacities to harness collective actors in different roles. The emphasis of this chapter has been to carve out the distinction between unstructured and structured actors as a useful tool to dissolve some, if surely not all, of the blame game dynamics. I have referred to violent conflicts in Congo and Nigeria to illustrate that remedial responsibility ought not to be shared by too many actors, because responsibility spread too thin might lead to problems being solved in a

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918 Scheffler, *Boundaries and Allegiances*, 43.

very inefficient fashion, if at all. An interviewee phrases this rather theoretical point in relation to consumers' role in the Niger Delta violence as follows:

I don't say that they don't have the blame but I don't blame them... Because if I start chasing those people I miss the point. Once you are able to address the system that makes it possible for stolen oil to find its way to a developed country or refined and sold in the international market, before even getting to the consumer, that system is what makes it possible for that consumer to get access to the stolen oil, that's the system I am bothered about.<sup>919</sup>

Letting consumers off the hook has the potential to direct resources towards identifying and burdening actors who are more capable of acting upon the weaknesses of 'the system'. An individual consumer has negligible capacity to act upon violent conflicts through markets; the unstructured agent that they together constitute is too weak compared to other collectives to be assigned a responsibility; and consumers' responsibility to organise themselves to a powerful structured agent to alleviate the conflicts cannot be easily grounded on their capacity only. This might appear as a harsh conclusion, potentially read as a suggestion to absolve consumers of responsibilities to conceive other than price and quality in their purchases. However, this is not the case, as I will elaborate in the discussion on overlapping roles in the next chapter.

## 11.6 CONCLUSION

In this chapter, I expanded the analysis of consumer responsibility to the relative capacities of other agents. My main discussant was Iris Marion Young, who recognises in her model of responsibility that many harms taking place in global supply chains are conditioned by other actors who avoid

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<sup>919</sup> Interview #37: Multi-stakeholder working with NEITI, interview

remedial responsibilities if the contribution-based, liability conception of responsibility adopted is taken as the dominant concept. I argued that if her social connection model is adopted, the harms remain unresolved, as blame games between the many agents accentuate when their capacities are not adequately differentiated. A too rigid notion of liability borrowed from courtrooms shifts excessive responsibility on some actors while others receive none, whereas a shared notion inflates the gallery of responsible actors to the extent that the moral projects remain unrealised.

I suggested that a pragmatist, capacity-based approach to responsibility mitigates some of the blame games that proliferate in this global context. The approach I advocate recognises that consumers do not have a capacity to act upon violent conflicts in global supply chains comparable to those of structured collective actors. Consumers' lack of capacity stems from their disaggregated form, which is captured by the description that processes in the supply chains take place *for* consumers rather than *because* of them. In some cases, responsibility is better assigned on structured collective actors, such as companies and nation-states, and those individuals who are in a better position than consumers to harness 'their' collectives' potential to act upon armed conflicts in supply chains.



## 12 CITIZEN-CONSUMERS

### 12.1 INTRODUCTION

In the two previous chapters, I explored consumers' capacity to make a positive impact on armed conflicts upstream in supply chains and the relation of these capacities to those of other actors. This chapter engages with Dewey's work to expand the inquiry from the positive difference that consumers can make as a ground of their remedial responsibility to changes brought forth in consumers themselves as they are assigned a remedial responsibility. Bearing a responsibility to ameliorate a harm has a transformative dimension, as responsibilities that individuals bear are to guide the development of critical intelligence they use to orient amidst the situations, disruptions and conflicts calling for an ethical inquiry. Hence, assignments of responsibility are to be evaluated based on whether they more widely support such human growth, which involves moral inclusion and the strengthening of individuals' capacities to ameliorate exploitation, suffering and violence.

In this chapter, I suggest that the concept of the 'citizen-consumer' helps pinpoint this transformative dimension of assigning responsibility. I explore the distinction between citizens and consumers in affluent democracies, two roles which several writers including Dewey tend to see as juxtaposed, but which in practical efforts to mobilise individuals to act upon harms in supply chains interweave with each other. The overlaps between the two roles are illustrated by the way citizens use purchase action to signal a need for remedial action on harms that they perceive as worth tackling by harnessing the state apparatus. Shifts and prioritisations in assigning responsibilities to individuals in various roles are underlined by different understandings of the kinds of individuals that can best orient among new situations brought forth by the vast processes of globalisation.

## 12.2 ROLES

Ethical consumerism has been accused of allowing individuals to ‘tune in but drop out’ from more demanding forms of acting upon social injustices, and gearing social and political activism towards catering privileged specialty products to well-doing consumers.<sup>920</sup> Already in the first chapter, I highlighted that narrow conceptualisations of ethical consumerism often underlining such claims are too restrictive. Consumers do not have capacities only in the markets, although they surely can create an economic incentive for companies to change their business practices. Barnett, Clarke and Cloke argue that being a consumer is not reducible to a ‘choice’ between products in the markets: shopping is done as parents, partners, football fans, good friends, and so on, which underlines that ‘the consumer’ is not a macro-sociological, universal figure recognisable across cultural, historical and institutional settings.<sup>921</sup> Further, consumers are not naïve enough to imagine that they bring forth change simply by exercising pressure in the markets. They see purchase action as ‘a way of raising awareness, of aligning their own commitments with the routines of everyday life, and of demonstrating to others that everyone could make a little difference’, a tool of political action alongside campaigning, demonstrating, contacting legislators, and voting.<sup>922</sup>

Whereas the previous chapters elaborated perspectives on the way assessing consumers’ responsibilities using remedial capacities as a yardstick involves prioritisations between various moral projects and a sensitivity to the responsibilities of other actors, this chapter takes up a capacity-based approach to explore the practice of ethical consumerism as embedded in political

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920 Raymond L Bryant and Michael K Goodman, ‘Consuming Narratives: The Political Ecology of “Alternative” Consumption’, *Transactions of the Institute of British Geographers* 29, no. 3 (2004): 344–66; Kate Soper, ‘Re-Thinking the ‘Good Life’: The Citizenship Dimension of Consumer Disaffection with Consumerism’, *Journal of Consumer Culture* 7, no. 2 (2007): 205–29.

921 Barnett et al., *Globalizing Responsibility*, 35.

922 Barnett, Clarke, and Cloke, ‘Whatever Happened to Ethical Consumption’, 6.

action. Frank Trentmann argues that treating ethical consumerism as inferior to civic activity has little historical resonance. Those valourising public participation over private consumption struggle to explain why social movements since the first half of the twentieth century find consumer politics an increasingly appealing way to overcome barriers to full democracy, social justice and material well-being.<sup>923</sup> Portraying a zero-sum game between upholding public civic values and making private consumption choices hides that consumer choice has been harnessed not only by global justice campaigners but for purposes such as nationalism and imperialism.<sup>924</sup> Consumers might become more assertive and involved precisely because they want to support the community, or to realise purposes that are not achieved otherwise.

Ethical consumerism understood this way poses an interesting challenge to Dewey's views, because his overarching attitude towards consumption is one of suspicion. Dewey places high value on democratic practices through which individuals coordinate their social efforts to solve specific situations that they come across. To him, participating in equal and accountable democratic processes is an integral part of individuals nurturing one's critical intelligence, as it is the most effective way of mobilising individual resources for together managing situations they face. The transformative nature of participating in democratic practices and collective deliberation is conducive to growth, whereas modern consumer culture cultivates wrong kinds of aspirations:

Man is a consuming and sportive animal as well as a political one . . . the movie, radio, cheap reading matter and motor car with all they stand for have come to stay. That they did not originate in deliberate desire to divert attention from political interests does not lessen their effectiveness in that direction. The political

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923 Frank Trentmann, 'Beyond Consumerism: New Historical Perspectives on Consumption', *Journal of Contemporary History* 39, no. 3 (2004): 399.

924 Frank Trentmann, 'Citizenship and Consumption', *Journal of Consumer Culture* 7, no. 2 (2007): 148–50; Trentmann, *Empire of Things*; M. J. Daunt and Matthew Hilton, *The Politics of Consumption: Material Culture and Citizenship in Europe and America*, Leisure, Consumption, and Culture (Oxford: Berg, 2001).

elements in the constitution of the human being, those having to do with citizenship, are crowded to one side. In most circles it is hard work to sustain conversation on a political theme; and once initiated, it is quickly dismissed with a yawn. Let there be introduced the topic of the mechanism and accomplishment of various makes of motor cars or the respective merits of actresses, and the dialogue goes on at a lively pace.<sup>925</sup>

Here, it is useful and legitimate to move beyond Dewey's negative verdict of popular and consumer culture in the early 20<sup>th</sup> century United States.<sup>926</sup> Again, too stark normative distinctions between civic and consumer action 'reproduce the binaries of consumption, instrumental rationality and autonomy on the one side, and collective values, altruism and public life on the other', a moralisation that deserves to be challenged.<sup>927</sup> Surely, critics can maintain that approving consumers' ethical purchases gradually transforms individuals to isolated entities to whom shopping decisions is the most convenient way to make a difference in the world. Yet, civic action with a traditional focus on campaigning and conventional politics is not to be valorised, because, as Schudson points out, it is often bound with calculations of self-interest rather than public-spirited behaviour.<sup>928</sup>

There are different ways to move beyond the strict, moralising distinction often implicitly drawn between citizens and consumers. The concept of the 'citizen-consumer' has emerged as one

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925 John Dewey and Melvin L. Rogers, *The Public and Its Problems: An Essay in Political Inquiry* (Pennsylvania: Pennsylvania State University Press, 2012), 116–17; Schudson, 'The Troubling Equivalence of Citizen and Consumer', 197.

926 Surely, Dewey left some space for improving consumer sentiments: 'Courts do not allow the government to supply more healthful dwellings, and hence the ultimate remedy appears to be in the general education of the consumer to demand a different type of dwelling.' Dewey, 'Ethics', 434.

927 Barnett et al., *Globalizing Responsibility*, 33.

928 Schudson, 'The Troubling Equivalence of Citizen and Consumer', 193–204.

conceptual device to capture the way individuals bear both economic and political capacities. Josée Johnston claims that the ‘citizen-consumer’ is a hybrid actor who compensates for the failure of the state-based system by adopting market mechanisms as an alternative medium to advance moral and political projects she sees worth pursuing on a global scale.<sup>929</sup> Such an actor seems implicitly prevalent in campaign rhetoric. For instance, campaigners aiming to build a movement in the United States to alleviate the conflict in eastern Congo do not shy away from framing individuals either in market or civic terms. Annie Callaway, Advocacy and Activist Manager at the Enough Project, describes their choice of calling for consumer rather than citizen action:

Much of our language may skew towards the word 'consumer' because of our corporate advocacy work - companies are more likely to care about their customers than just the average citizen who doesn't purchase from them - but that doesn't mean that citizens don't also have a role to play, especially when it comes to lobbying for political change.<sup>930</sup>

In practice, campaigners do not limit themselves to engaging with consumers or citizens only. The Enough Project has called for its supporters to buy ‘conflict-free’ electronics, to email producers to demand that they avoid suspicious raw materials, to urge their universities and workplaces to buy conflict-free electronics, and to recycle old electronics in order to reduce the demand of conflict minerals. At the same time, they have asked supporters to lobby politicians to reform mineral import policies and to donate money to advocacy and campaigning projects in Congo.<sup>931</sup> Here, the campaigners use the kind of vocabulary that they diagnose as resonating among the agents they see as important in tackling the problem in hand.

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929 To Johnston, it remains questionable whether citizen-consumers can ultimately produce the outcomes they strive for: ‘The Citizen-Consumer Hybrid’.

930 Interview #3: Annie Callaway, Advocacy and Activist Manager, Enough Project

931 Nest, *Coltan*, 121.

While the concept of citizen-consumer has gained foothold in civil society campaigns, the relation between consumer and civic action remains relatively unexplored in normative theorising. Wenar lays out a plan for western ‘statesmen, consumers, investors, leaders in civil society, and most of all, for citizens’ to fight the resource curse.<sup>932</sup> Rhetorically, he retains consumers as relevant actors in the efforts to set up Clean Trade Acts and Trusts, because, among other reasons, consumers finance and incentivise bloodshed in several resource-rich countries by their purchases.<sup>933</sup> However, although consumers appear on the list of important agents, Wenar suggests that purchase action is not an efficient way to tackle the resource curse upstream in supply chains, because ‘[t]racing most materials through the world’s opaque, ever-shifting supply chains is too hard, especially since many new raw materials are used as intermediate goods in the chains... As consumers, we are stuck’.<sup>934</sup> What is the exact role of consumers and purchase action in the fight against the resource curse? Highlighting that acting as a consumer is difficult does not equal to saying that individuals should not take action.<sup>935</sup> Shmuel Nili notes in a discussion on Wenar’s work that:

It is crucial to distinguish here our political capacity as collectively sovereign citizens from our economic capacity as individual consumers... First, consumers’ ability to discover the origin of each product they purchase is much more limited than governments’ abilities to designate regimes as violating their peoples’ property rights. Second, governments will incur much smaller costs, comparable to their resources, in disengaging at least from some severely oppressive regimes,

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932 Wenar, *Blood Oil*, xxvii.

933 For instance, as per the summary of the book: ‘BLOOD OIL shows how citizens, consumers and leaders can act today to dissolve tomorrow’s crises - and how we can together create a more united human future.’ Wenar, ‘Book’; ‘We hear faint cries from the distant ends of supply chains, where the huge weight of global consumer demand crushes down on the bodies of those tortured by authoritarians or raped by militiamen.’ Wenar, *Blood Oil*, xxiv.

934 Wenar, *Blood Oil*, xxiv.

935 Barry, ‘Blood Oil and the Individual Consumer’.

than is the case with consumers who decide to boycott every good whose origins might somehow be tainted, and therefore practically have no choice but to consign themselves to almost survivalist modes of life.<sup>936</sup>

Nili's distinction between political and economic capacities clarifies the situation somewhat, as it teases out the high value Wenar places on citizens' political capacity to affect policy-making in their respective countries: a person in an affluent democracy is likely to disengage from raw materials sold by authoritarian regimes and armed groups more effectively by using her political capacities as a citizen than she would by using her economic capacities as a consumer. However, Nili's distinction is still somewhat misleading, as he compares consumers with governments. An argument that an individual consumer is in an inferior position to fight the resource curse than governments sheds no light on the capacities that individual citizens of affluent democracies possess, because, as elaborated in the previous chapter, collective actors are by default more capable of realising different projects than individuals or unorganised groups.<sup>937</sup> Comparing consumers with governments does not pinpoint whether an individual citizen's capacity to alleviate the conflicts in Nigeria and Congo is higher than an individual consumer's capacity to act upon the same purpose.

In what follows, I suggest that instead of merging citizens and consumers to citizen-consumers or considering them as fundamentally opposed, it is analytically more useful to think of citizenship and consumership as two separate but overlapping roles. A role-based approach to clarify the normative relationship between citizenship and consumership is needed, because few theorists who discuss the responsibility of the citizens of 'affluent states', 'western countries', or 'global North' to act upon global challenges such as poverty venture very far to articulate the role that consumption

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936 Shmuel Nili, 'Conceptualizing the Curse: Two Views on Our Responsibility for the "Resource Curse"', *Ethics & Global Politics* 4, no. 2 (2011): 110.

937 O'Neill, *Faces of Hunger*, 37–38; Wenar, 'Contractualism and Global Economic Justice', 82.

plays in grounding or discharging such a responsibility.<sup>938</sup> This gap is concerning, because silence tacitly reinforces the conception that consumer action is juxtaposed to political action. Barnett et al suggest that ‘consumerism has become the central reference point in a wide range of social science arguments which diagnose a broad-based decline of civic life and public participation’.<sup>939</sup> Ethical consumerism is often seen as a symptom of a ‘post-political age’ in which the well-worn role of a citizen is discarded as ill-equipped to resolve contemporary global challenges.<sup>940</sup> A more balanced account acknowledges the shifting and overlapping nature of what it means to be a citizen or a consumer, and resonates with the actual practice of interchangeably assigning responsibilities to individuals in both roles.

Roles have been taken up from a widely consequentialist perspective.<sup>941</sup> As discussed in chapter 5, Wenar refers to roles as an ordering device for one-off situations and on a systemic level to distribute using the least-cost principle.<sup>942</sup> Goodin suggests that responsibilities to realise common goods are apportioned based on social tasks, or roles.<sup>943</sup> People act in various roles and switch between them throughout their days. No one of these roles is primary, but they nevertheless help orient in situations in which responsibilities to do something that is together decided as worth realising have to be allocated. For instance, being a parent comes with a special responsibility to look after one’s children, and being a chief executive of a company comes with a responsibility to

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938 E.g. Singer, ‘Famine, Affluence, and Morality’; Pogge, *World Poverty and Human Rights*, 2002; Miller, *National Responsibility and Global Justice*; also Wringer, ‘From Global Collective Obligations to Institutional Obligations’.

939 Barnett, *Globalizing Responsibility*, 30.

940 Barnett, 12; Sassatelli, ‘Virtue, Responsibility and Consumer Choice’, 220.

941 Michael O. Hardimon, ‘Role Obligations’, *Journal of Philosophy* 91, no. 7 (1994): 333–363; Ken Booth and Toni Erskine, ‘Conclusion: Responsibility, Risk, and IR Theory’, in *International Relations Theory Today*, ed. Ken Booth and Toni Erskine (Cambridge; Malden, MA: John Wiley & Sons, 2016); Role Ethics Network, ‘Literature Guide’, 2017, <https://roleethics.org/literature-guide/>.

942 Wenar, ‘Responsibility and Severe Poverty’.

943 Robert E. Goodin, ‘Apportioning Responsibilities’, *Law and Philosophy* 6, no. 2 (1987): 167–185.



ensure that the company generates profit to shareholders. Roles provide a way to allocate tasks between many actors, and are thus socially useful. However, as individuals carry several roles, it is ultimately up to them to decide which roles and which subsequent responsibilities they prioritise in each situation.<sup>944</sup>

Yet, there is more to roles than consequentialist readings allude. Roles come with expectations to build specific capacities, and the content of these expectations is not derived from actors' current capacities only. For instance, if one becomes a father, he is expected to develop the attributes that the surrounding community values as characteristics of a good father. Such expectations are set not only based on the father's existing capacities – it is not just those who can be good fathers that become fathers – but remain grounded on the kind of attributes that are conceived valuable in the society as a whole. Similarly, anyone who is born as or becomes a citizen of a democratic political community is expected to take part in civic action so that the political system remains functional. However, not only those who qualify as 'good' citizens become citizens; rather, the roles come with preconceived expectations on the kind of capacities those in them ought to nurture.<sup>945</sup>

Roles carry and encapsulate social expectations, conventions and valuations. As John Casey writes:

It is by no means self-evident that the moral judgment in favor of a particular role can always be expressed in utilitarian terms - that the exercise of a particular role has, for instance, socially desirable consequences. It might rather be based on the view that a particular role or particular pattern of activity embodies certain characteristic human excellences or virtues. The acceptance of a role might, then, involve certain moral pre-suppositions, but might nevertheless not be vulnerable

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944 Schmidtz and Goodin, *Social Welfare and Individual Responsibility*, 196.

945 Goodin, 'Apportioning Responsibilities'; also Young refers to Goodin's concept of task responsibility as a way to help differentiate the actors' responsibilities for structural injustices: 'Responsibility and Global Labor Justice', 384; Goodin, *Utilitarianism as a Public Philosophy*, 282.

on moral grounds to re-examination in light of particular consequentialist considerations.<sup>946</sup>

Recognising that there are several considerations that interweave in the assignation of responsibilities based on social roles resonates with Dewey's pluralism. Marion Smiley argues that social roles which individuals inhabit are affected by what is considered as a morally blameworthy causal connection with a harm.<sup>947</sup> I complement this analysis by suggesting that also a capacity analysis interweaves with the normative expectations Smiley sees as linked with social roles. Having a specific role comes with an expectation to build a capacity to realise the aims that the surrounding community considers as valuable, but actors' capacities are among the considerations that shape the very roles and remedial responsibilities linked with these values. Similar to a consequentialist reading, the pragmatist approach retains capacity as an important element in shaping social roles, but rather than seeing roles as underlined by capacity-based considerations only, recognises the plurality of considerations that are involved with assigning responsibilities based on them. The way roles are prioritised over each other in context-specific constellations is similar to the way Rubenstein depicts several moral reasons as interacting when remedial responsibilities are to be assigned. No general device to arrange the many roles into an order exists; the roles overlap with each other, and some might appear stronger in specific situations than others.<sup>948</sup>

As it comes to the many roles individuals inhabit, reflecting on consumership and citizenship is illuminating for four reasons. First, despite acknowledging that being a consumer is not only about a choice, treating consumership as a role allows retaining what Nili refers to as economic capacities

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946 John Casey, 'Actions and Consequences', in *Morality and Moral Reasoning: Five Essays in Ethics*, ed. John Casey (Routledge, 2013), 195–96; Smiley, *Moral Responsibility and the Boundaries of Community*, 140–41.

947 Smiley, *Moral Responsibility and the Boundaries of Community*, 208–10.

948 Rubenstein, 'Pluralism about Global Poverty'.

as the defining channel of consumers' capacities, which then intertwine with the traditional political capacities vested in the role of a citizen. Second, role responsibility returns individuals among the potential bearers of a responsibility to act upon harms in global supply chains. In the previous chapter, I suggested that the individuals who for instance as shareholders or citizens have more potential to harness the capacities of structured collectives bear a more stringent responsibility to act upon violent conflicts than consumers, who are members of an unstructured group. Role responsibility articulates this view better by establishing that individuals may have different responsibilities based on their different roles, for instance as citizens of rather than consumers in affluent democracies. Third, a role responsibility approach acknowledges that 'the consumer' and other roles are shifting and contested social creations to which responsibilities are linked based on communal, causal, capacity-based and other considerations, at the same time as it retains capacity as a hypothetically useful yardstick in allocating responsibilities based on them.<sup>949</sup>

## 12.3 POLITICAL AND ECONOMIC CAPACITIES

A role approach can be applied to the question of consumer responsibility at least in two ways. In this section, I compare the capacities that a citizen and a consumer in an affluent democracy have to ameliorate armed conflicts in eastern Congo and southern Nigeria. Drawing on Nili's distinction above, I define an individual's political capacity as the degree to which she can direct the state to adopt certain policies by exercising her political rights, and economic capacity as the extent to which she can direct companies to adopt certain policies by exercising her purchase power. Critics of ethical consumerism are likely to argue that remedial responsibilities to alleviate violent conflicts ought to be assigned to citizens rather than consumers, because individuals have better means to ameliorate violent conflicts in Nigeria and Congo by using their political capacities. There are several arguments of varying strengths to ground this claim, which I will explore below.

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<sup>949</sup> Reinecke and Ansari, 'Taming Wicked Problems', 320–22.

First, it is possible to argue that citizens face more bearable informational demands than consumers. While citizens are surely expected to know about the political system, the parties, and the politicians of their country in order to effectively direct their efforts, they are not expected to formulate individual policies rather than to elect representatives who are savvy enough to run the hands-on policy work. To compare, consumers have to engage in a demanding calculation before making every 'responsible' purchase, because making the right choice requires significant knowledge about the origins of the products. This argument misportrays both sides. It ignores that a democratic system needs an active citizenry that keeps itself informed, brings up issues to the agenda, holds the decision-makers in check, and prevents the system from becoming stagnant. Equally, it underestimates the role that brands play in lightening the informational burden of consumers. As Harrison points out, brands serve as 'shortcuts': consumers buy from brands that have managed to convince them that their items are produced responsibly. In crude terms, when a consumer buys from a brand she deems ethical, her purchase decision is better likened to voting for a representative rather than to deciding on an individual policy.<sup>950</sup>

Second, one can argue in favour of political capacities by claiming that alleviating conflicts by purchase decisions requires too many sacrifices from individuals compared to using one's political rights as a citizen. This claim is separate from the informational burden argument above, and linked with the costs of disengaging from intermediate goods I discussed in relation to guilty consumer claims. Nili argues that obliging a consumer to alleviate authoritarianism or violence abroad by disengaging from natural resources of questionable origins would reduce the consumer to 'survivalist modes of life', which to him is a supererogatory sacrifice unlikely to be realised.<sup>951</sup> Yet, Nili does not explain on what grounds the costs that citizens have to face when using their political

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950 Interview #57: Rob Harrison, Director, Ethical Consumer. While it is another question whether a brand lives up to its promises, neither do representatives always realise the policies a citizen hopes to advance by voting for them.

951 Nili, 'Conceptualizing the Curse', 110.

capacities to advocate for ‘conflict-free’ importing policies are less dramatic. Even if one accepted the claim that governments can disengage from questionable sources more efficiently than individual consumers, an individual citizen of a state can devote considerable resources to promoting such a policy change. Nothing in Nili’s argument prevents such a determined citizen from bringing himself to a ‘survivalist’ mode of life when engaging in cost-generating and time-consuming activism.

Third, the primacy of political capacities can be specified to apply to the cases in which the costs that one’s government faces when disengaging from suspicious sources of raw materials are not that high. For instance, it might not be costly for the United States to disengage from oil sold by the authoritarian Equatorial Guinea, whereas such a policy shift would be much more dramatic in the case of Saudi Arabia, its strategic ally.<sup>952</sup> As the argument goes, in cases such as the former one, a citizen has a responsibility to advocate for policy changes.<sup>953</sup> I agree with the shift towards more specific analysis, but point out that such an argument does not establish citizens of affluent democracies in general as bearers of a responsibility to engage in policy-driven action. Not all affluent democracies can change their policies without high costs: a variety of factors specific to the state, such as its domestic political and economic structure, access to alternative raw material sources, and geopolitical positioning, affect the capacities that citizens of these states have in their disposal. Hence, if the aim is to argue that the role of a citizen vests more capacities than that of a consumer to act upon violent conflicts, the argument does only one part of the job.

Fourth, as of yet companies do not have a proven track record as peacemakers, whereby influencing them might not be a worthy investment of one’s resources.<sup>954</sup> Especially since the UN Guiding

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<sup>952</sup> Wenar, *Blood Oil*, 323.

<sup>953</sup> To be sure, this is not Wenar’s argument.

<sup>954</sup> Timothy L. Fort, ‘Introduction: The Corporate Contribution to One Planet Living in Global Peace and Security’, *Journal of Corporate Citizenship*, no. 26 (2007): 20–24; Timothy L. Fort and Cindy A. Schipani, ‘An Action Plan

Principles on Business and Human Rights published in 2011, as well as the launch of the Business for Peace initiative by the UN Global Compact in 2013, the responsibility of companies to respect human rights has become highlighted as a complementary responsibility to the responsibility of states to protect human rights.<sup>955</sup> Uwafiokun Idemudia points out that although companies are increasingly portrayed as active peacemakers, whose responsibility is to be part of the solution rather than only cease being part of the problem, guidelines on how businesses can act as ‘moneymakers and peacemakers’ remain ‘embryonic’.<sup>956</sup> In his view, in the Niger Delta businesses have been framed as conflict-alleviating agencies the operations of which the state is to facilitate. However, the corporate social responsibility schemes as they currently stand are invalid tools for advancing peace.<sup>957</sup> Similarly, Hönke suggests that incorporating large mining companies, such as Banro and AngloGold Ashanti in eastern Congo, into the peace agenda produces them as legitimate authorities although at the same time companies deprive artisanal miners of their livelihoods by taking over their mining pits.<sup>958</sup>

To critics, companies’ track record illustrates that a weightier emphasis should be placed on the governments and other states to regulate the company conduct.<sup>959</sup> Jason Miklian and Peer Schouten

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for the Role of Business in Fostering Peace’, *American Business Law Journal* 44, no. 2 (2007): 359–77; Julien Barbara, ‘Nation Building and the Role of the Private Sector as a Political Peace-BUILDER’, *Conflict, Security & Development* 6, no. 4 (2006): 581–94; Jessica Banfield, Virginia Haufler, and Damian Lilly, ‘Transnational Corporations in Conflict-Prone Zones: Public Policy Responses and a Framework for Action’, *Oxford Development Studies* 33, no. 1 (2005): 133–47.

955 Idemudia, ‘Business and Peace in the Niger Delta’, 42.

956 Idemudia, 41; also: John Forrer and John Katsos, ‘Business and Peace in the Buffer Condition’, *The Academy of Management Perspectives* 29, no. 4 (2015): 438; Jason Miklian and Peer Schouten, ‘Business for Peace: The New Paradigm of International Peacebuilding and Development’, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2014).

957 Idemudia, ‘Business and Peace in the Niger Delta’, 52.

958 Hönke, ‘Business for Peace?’, 173.

959 Mats Berdal and Nader Mousavizadeh, ‘Investing for Peace: The Private Sector and the Challenges of Peacebuilding’, *Survival* 52, no. 2 (2010): 37–58.

suggest that although extractive companies can act in conflict-inducing or conflict-reducing ways in sensitive areas, tensions arise as the economic goal for business and wider political requirements for a peace process become juxtaposed.<sup>960</sup> Peace as a ‘hypergoal’ of companies has little purchase if the more proximate goal of profit-making incentivises companies’ everyday operations.<sup>961</sup> However, to give companies a benefit of doubt, one cannot rule out that companies’ capacity and inclination to act for peace could not change. To remind, the very concept of the state has evolved over the course of its existence from the Westphalian Treaty of 1648 to the Universal Declaration of Human Rights three centuries later.<sup>962</sup> Rob Harrison of Ethical Consumer suggests that the whole concept of the profit-making company, with its narrow notion of stakeholders, ought to be rethought.<sup>963</sup> Ethical consumerism might be a way to do just that.

The four arguments above indicate some of the difficulties that the critics of ethical consumerism face in establishing that the remedial capacity of citizens is superior to that of consumers. Things are not made any easier once one acknowledges that individuals in affluent democracies, either as consumers or as citizens, are not the only players in the field. As Dirk-Jan Koch, former Special Envoy Natural Resources at the Ministry of Foreign Affairs of the Netherlands, reminds:

You know what we have seen is that some of the ways activism has been done, it is some kind of a white saviour industrial complex, as some authors argue. It is only you as a white person buying a different phone that can solve problems of the world. So it is sometimes simplified, non-empowering message because it doesn’t put the local Congolese leaders in the driving seat. It puts the western consumer in

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960 Miklian and Schouten, ‘Business for Peace’.

961 Thomas W. Dunfee and Timothy L. Fort, ‘Corporate Hypergoals, Sustainable Peace, and the Adapted Firm’, *Vanderbilt Journal of Transnational Law* 36 (2003): 563.

962 Wenar, *Blood Oil*, chapter 3.

963 Interview #57: Rob Harrison, Director, Ethical Consumer

the driving seat, which disempowers the local population... Because I think it's so important to do activism, because otherwise nothing ever changes, but it's also so important to do it the right way. Otherwise you get the wrong results. It's a very fine balance.<sup>964</sup>

Koch cautions against the idea that putting an end to resource-related conflicts in supply chains rests on the shoulders of western individuals only, be they consumers, citizens, or something else. Disentangling the economic and political capacities vested in the two roles feeds into this macro-level discussion on the relative burdens that international, regional and domestic actors are to bear to alleviate harms related to the globalisation of production, as it illuminates that individuals in affluent democracies are simultaneously connected to a variety of collective actors in different ways.<sup>965</sup> The above discussion has gestured that comparing the economic and political capacities vested in the two roles is by itself not enough to show that individuals in either of them are better equipped to ameliorate resource-related armed linked with some supply chains.

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964 Interview #53: Dirk-Jan Koch, Professor, Special Envoy Natural Resources at the Ministry of Foreign Affairs, Netherlands

965 E.g. Pogge, *World Poverty and Human Rights*, 2002; Miller, *National Responsibility and Global Justice*; Cohen, 'Philosophy, Social Science, Global Poverty', in *Thomas Pogge and His Critics* (Cambridge: Polity, 2010).



## 12.4 TRANSFORMATION

This section presents another way of applying a role-based approach by turning inwards to explore the transformative dimension of assigning responsibility. It aligns the capacity analysis with Dewey's key concept of growth as a transformative process that increases individuals' capacities to orient among the situations calling for an ethical inquiry they face in their lives. I suggest that the assignments of responsibility to individuals in affluent democracies in their different roles are guided by different understandings of the challenges that individuals will face in the vast processes of globalisation, and the kinds of individuals that are best equipped to thrive amidst them.

Situationist theorising inspired by Dewey's work is sensitive to this transformative dimension of responsibility. As per the 'weak' normative foundation of a pragmatist account, although those habits, customs and practices that are conducive to growth are to be enhanced, identifying them is not, as Joe Hoover puts it, only about 'a trip out into the world' to judge consequences of acts as per addition and subtraction, but about engaging with the way these conventions shape the actors themselves.<sup>966</sup> Dewey emphasises that assigning retrospective responsibility for a state of affairs is essentially a future-looking activity: framing some acts by a child as blameworthy and others as praiseworthy is to guide the child to behave in a way that aligns with the socially accepted norms and practices of living together with others.<sup>967</sup> I have articulated a parallel thought: assigning a responsibility to an actor in order to guide his or her transformation in the normatively desirable process of growth, regardless of whether done using the retrospective vocabulary of blame and guilt or in the prospective language of expectations, obligations and duties, is the paradigmatic function of assigning responsibilities.

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<sup>966</sup> Hoover, *Reconstructing Human Rights*, 13, 126.

<sup>967</sup> Dewey, 'Ethics', 304.

A responsibility leaves a mark on its bearer. An evaluation of the outcomes that an actor is likely to realise if she is assigned a remedial responsibility affects whether a responsibility should be assigned to her, but the dispositions and habits that bearing such a responsibility nurtures are valued based on how they shape her capacity to resolve ethically challenging situations as a whole. An actor's capacity to ameliorate an external harm is bound with her more comprehensive internal transformation through behavioural expectations set on her. Surely, there is a hint of virtue ethics in this dimension.<sup>968</sup> However, the characteristics to be cultivated are experimental and contingent rather than set in stone or even on communal ideals. Assigning a responsibility is to guide individuals to nurture the kind of critical intelligence that helps them resolve everyday situations as a whole, and to orient among the plural, conflicting ends-in-view, which are brought forth by the changing contexts and the irreducible plurality of the values considered. Hence, behavioural dispositions and characteristics are still to be evaluated on the basis of possible outcomes. However, outcomes are understood in a wider sense than those that an individual can realise in a specific situation, and evaluated through constant experimentation that places no ideal-based value on specific attributes beyond the 'weak' normative emphasis on those characteristics guiding people's use of their intelligence towards ameliorating suffering, exploitation, violence, and advancing moral inclusion.<sup>969</sup>

The Deweyan notion of responsibility as a transformative process is important, because it can be used to weave a fifth argument to favour the role of a citizen over consumers. To Sarah Irving, Rob Harrison and Mary Rayner, one explanation for the rise of ethical consumerism is the lack of means that democratic governments have to regulate corporate conduct in global production processes.

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968 Dewey considers utilitarianism, deontology and virtue ethics as independent 'factors' with their own sources of evidence and methods for evaluating moral outcomes. Dewey, 'Three Independent Factors in Morals'.

969 To Dewey, such 'virtues' of critical experimentation include '[w]ide sympathy, keen sensitiveness, persistence in the face of the disagreeable, balance of interests'. Dewey, *Reconstruction in Philosophy*, 164.

The failure of governments to govern entices individuals to take up acts such as switching a mobile phone producer to compensate for the perceived lack of difference that casting a vote in elections makes.<sup>970</sup> As Heather Webb, a researcher at Ethical Consumer, describes the logic:

I think people feel like... because they're quite powerless in the day to day of running the world, we have no power over what's occurring in the DRC. But then if someone says, well actually, did you know your phone contains minerals that you can buy from a company that's actually doing some of the things better. Maybe it's about taking back that little bit of control and thinking that you're doing something for the rest of the world. And that actually making a difference, something along the way. I think personally I know that it's not a perfect system, buying ethically, you know there's still lots of injustices out there, and it's not necessarily solving the issue, but I think it's what you feel you're doing something, and it's better than doing nothing.<sup>971</sup>

An argument against the idea of 'doing something' is that a responsibility to act upon the conflicts in Congo and Nigeria should be assigned primarily to citizens of rather than to consumers in affluent democracies, because acting in the former role nurtures creative and critical intelligence needed to resolve situations in the world more generally. While ethical consumerism is not only about choice, the phone example illustrates that picking the most 'ethically' produced item from a selection of products forms a core activity of a consumer discharging his responsibility. In relation to guilty consumer claims, I used the term 'choice architecture' to highlight that diverse actors, such as civil society campaigners, company strategists and policy-makers, are involved with shaping the channel through which consumers' choice of buying 'ethical' translates into ameliorative outcomes.

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970 Irving, Harrison, and Rayner, 'Ethical Consumerism - Democracy through the Wallet', 3.

971 Interview #5: Heather Webb, Researcher, Ethical Consumer.

Now, in comparison with the versatile means of influencing policy-making that citizens of a well-functioning affluent democracy have in their disposal, one could argue that a purchase decision does not develop the kind of creative capacities needed to resolve ethical situations now or in the future. To be sure, choice is an important part of democratic procedures: citizens regularly vote for a candidate in elections, and in this context expressing one's choice is very much valued. Yet, consumer action is reduced to a 'choice' to an extent that makes it a less appealing form of ethical action to be cultivated more generally.

In a way, this argument is more convincing than the four presented above, which had their focus on the immediate external outcomes that consumers can produce. Schudsen and Dulrud suggest that some concerns are better addressed as citizens, as much frustration and inefficient action follows if the 'new ideology of ethical consumption' is taken up without keeping an eye for limits of such action.<sup>972</sup> Also Bartley et al suggest that 'romanticized ideologies' of conscientious consumerism are to be rejected: as a rule of thumb, individuals ought to look for political rather than market means to act upon social and environmental issues. The latter theorists argue that some practices of conscientious consumption can be useful in promoting fairness and sustainability, and in serving as an entry point to more fruitful forms of remedial action through political means. Surely, Bartley et al are very close to subordinating consumer action to citizen action. However, they nevertheless acknowledge purchase action as a functioning tool for helping resolve some social issues that individuals feel unable to manage through conventional politics.<sup>973</sup>

Further, the fifth argument weaves a new thread into the debate on the permissibility of ethical consumerism in relation to democratic politics. To draw its main lines, Waheed Hussain argues that ethical consumerism is acceptable and appropriate only when subordinated to formal democratic

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972 Eivind Jacobsen and Arne Dulrud, 'Will Consumers Save The World? The Framing of Political Consumerism', *Journal of Agricultural and Environmental Ethics* 20, no. 5 (2007): 479–80.

973 Bartley et al., *Looking behind the Label*, 222–25.

politics, and conducted under strict conditions, for instance when treated as proto-legislation that helps push new issues on the political agenda.<sup>974</sup> Barry and Macdonald take a critical view of the hierarchy he draws, countering that consumer action can be advanced as long as ethical consumers follow certain principles, involving a respect for basic liberties, a strive towards a reasonable conception of the common good, a readiness to question their own views and to seek for more information as a basis for their choices, as well as a sensitivity to power disparities between them and those whose lives they try to influence. Similarly, Nicole Hassoun suggests that as long as democratic institutions are not fully serving their functions in real life, a ‘positive change’ model of ethical consumerism is permissible.<sup>975</sup> The latter two approaches create space for ethical consumerism as a separate, justified form of action that is not subordinated to traditional means of democratic politics. The Deweyan insight on the internal transformation that bearing a responsibility either as a citizen or as a consumer involves, and more specifically its implications to the prospects of the flourishing and autonomy of individuals, as well as the future of democratic societies as social mechanisms through which their problem-solving can be coordinated, remains less highlighted in the ongoing debate.<sup>976</sup>

However, no fixed answers can be reached. Strong versions of the fifth argument, which would suggest that citizen action is by default better for human flourishing than consumer action, are vulnerable to the changes in the very roles themselves as the world exposes individuals to novel challenges and situations requiring new tools of thought and action. I present an example. To apply Lawford-Smith’s argument on signalling, purchase action is not a pure domain of action for consumers only, but a way for citizens to convince other members of the community that the state

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974 Hussain, ‘Is Ethical Consumerism an Impermissible Form of Vigilantism?’

975 Hassoun, ‘Consumption and Social Change’; also: Christiano, ‘The Tension between the Nature and the Norm of Voluntary Exchange’.

976 For a further discussion, see: Hohl, ‘Ethical Consumerism: A Defense’, 193; Herzog, ‘Who Should Prevent Sweatshops?’, 21.

ought to prioritise some moral projects over others.<sup>977</sup> Purchase decisions function as signals that citizens send to each other about the importance of alleviating armed conflicts and other harms in global production processes, and about the need to harness the versatile state apparatus for such purposes. By making signals costly enough, they show that their aspirations are authentic, which creates a motivational basis for putting together the means they have to strive for a commonly recognised goal.

Made in the role of a citizen, purchase action is not to push companies directly to take up new practices and standards, but to entice and inspire citizens and policy-makers to use the state apparatus to act upon the perceived issue. Schwartz suggests that an ‘influencing effect’ more generally deserves a stronger emphasis in philosophical writings on consumerism, because cascading and contagion effects are now misleadingly treated as an ‘empirical bolstering point rather than a normative foundation’.<sup>978</sup> An illustrative example of this effect being put to use is Michael Nest’s argument: it is not wise to enact boycotts against the Congolese ‘blood’ minerals if their aim is to end the war, but if the aim of boycotts is to draw attention to the war in the Congo, they may be effective as they sprout novel forms of action.<sup>979</sup> From this perspective, Fairphone and similar ethical companies and ethically branded products appear as campaigns to mobilise citizens to such creative action. The international attention brought by civil society organisations on the violence in eastern Congo may well invigorate wider policies that go beyond the mineral traceability schemes, which form a key component in the current conflict resources approach.

Such wider schemes may be up to citizens rather than consumers to invent, initiate and maintain, and in taking up purchase action to do so, individuals in affluent democracies engage in *political*

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977 Lawford-Smith, ‘Unethical Consumption and Obligations to Signal’.

978 Schwartz, *Consuming Choices*, 70–71, 75.

979 Nest, *Coltan*, 185.

rather than *ethical* consumerism, again blurring the distinction between consumers and citizens.<sup>980</sup> Hence, the fifth argument in favour of citizens over consumers as responsibility-bearers is not to be tackled rather than readjusted as sensitive to the both roles being in flux. Global supply chains bring new cases of exploitation, suffering, and violence to the moral horizon of individuals in affluent democracies. In this situation, individuals' critical intelligence may be cultivated by experimenting on the practices of purchase action to ameliorate some of these harms. This does not necessarily mean assigning remedial responsibilities to consumers, as purchase action can be taken up in either role. More crucially, one has to look beyond the immediate outcomes that individuals in any of the roles they come to play are capable of producing. The transformative dimension of responsibility calls for reflecting on the degree to which assigning responsibility recasts actors as more generally capable of coping with the challenges brought to the horizon of their moral appraisal by the global production processes. As Dewey asks: 'What sort of individuals are created?'<sup>981</sup>

## 12.5 CONCLUSION

In this chapter, I introduced roles as the third perspective that weaves an analysis of consumers' capacities with the existing practices of assigning responsibility in affluent democracies. I engaged with the vehement idea that consumer action is damaging or subordinated to citizen action. To interrogate this position, I first suggested that instead of treating citizens and consumers as separate entities, or as a single entity sometimes referred to as citizen-consumer, their relation is best analysed by treating them as two overlapping and shifting social roles. Second, I discussed arguments juxtaposing citizens' political capacities with consumers' economic capacities, concluding that making an overarching argument for the superiority of either is challenging.

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980 To be sure, I use the term in a sense that differs from Clarke's use. 'From Ethical to Political Consumption', 7.

981 Dewey, *Reconstruction in Philosophy*, 198.

Third, I pointed out that roles are to be explored through the Deweyan insight that the primary function of assigning responsibility is to create a better world and better individuals. Roles are vested with specific capacities, but also come with expectations on the kind of intelligence and capacities that individuals in them are to cultivate. Hence, assignations of responsibility based on roles are not guided only by an analysis of the immediate remedial capacities that individuals have in them, but by considerations on the kinds of individuals they should become in order to orient themselves amidst the diverse ethical challenges brought forth by the vast processes of globalisation.



## 13 CONCLUSION

### 13.1 PUZZLE

*We should not think that we can do enough simply by buying fuel-efficient cars, insulating our houses, and setting up a windmill to make our own electricity... It is better to enjoy your Sunday driving while working to change the law so as to make it illegal for you to enjoy your Sunday driving.*<sup>982</sup>

*I just see the raw end of capitalism operating in areas of Nigeria and the DRC, and I think capitalism makes consumer king. If we want to make sure that this capitalist system works for everybody it would be beneficial if the consumers took up this responsibility that this system has, this opportunity the system has provided them with.*<sup>983</sup>

*Does the globalisation of supply chains give rise to consumers' moral responsibility to alleviate harms abroad?* I started this thesis with a concern that contemporary processes of globalisation challenge the prevalent practices, habits, and conventions of assigning remedial responsibilities in affluent democracies.<sup>984</sup> As individuals' ties extend further beyond communal and social boundaries, harms far away ranging from climate change to poverty and armed conflicts enter the horizon of their moral appraisal. Individuals in affluent democracies are increasingly often facing the question of who should act upon such miseries to which they are linked through global production processes. This thesis set out to explore whether there can be a notion of responsibility that provides practical

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982 Sinnott-Armstrong, 'It's Not My Fault: Global Warming and Individual Moral Obligations', 304.

983 Interview #53: Dirk-Jan Koch, Professor, Special Envoy Natural Resources at the Ministry of Foreign Affairs, Netherlands

984 Scheffler, *Boundaries and Allegiances*, chapter 3.

guidelines to individuals' ethical thought and action with regards to such commonly recognised harms without succumbing to the problematic path of obliging individuals to act upon everything, everywhere in this vast global context.

The approach that the previous chapters have taken up draws on John Dewey's situationist ethics. Pragmatist thinking generally conceives the situations, challenges and tensions that generate an emotional-visceral response in people's everyday lives as the context in which a need for ethical inquiry arises. Rather than being about applying traditional ethical theories to abstract and debate the morally relevant characteristics of individual situations, pragmatism considers ethical inquiry as the exploration and cultivation of the kinds of habits and conventions that help resolve challenging situations as they emerge, and the reconsideration of such habits and conventions when they are found as insufficient in new situations. Although pragmatism inspired by Dewey's work thus rejects the foundational status of any ethical theory, I suggest that it nevertheless sets a 'weak' normative impetus for individuals in affluent democracies to cultivate their critical intelligence, individually and together as a public, to resolve harms in global supply chains. A wild variety of miseries faced by workers, societies and the planet in global production processes involves exploitation, oppression and violence. If growth, a central concept in 'weak' pragmatist ethics as conceptualised by Molly Cochran, is taken to involve the moral inclusion of marginalised groups in international politics, harms in global supply chains are potentially valid entrants into the horizon of individuals' moral appraisal.<sup>985</sup>

Situationist ethics can help manage the perplexities that many consumers in affluent democracies face as causal chains connecting them with harms far away grow more and more complex. Consumer responsibility is very much a part of the living debate on globalisation, as academics, activists and policy-makers frequently raise the claim that by buying differently, or threatening or

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985 Dewey, 'Ethics'; Cochran, *Normative Theory in International Relations*.

promising to do so, consumers can help mitigate at least some of these harms. Yet, consumers' responsibility is elusive. Even if their purposeful, collective purchase action would help mitigate and prevent at least some of the harms, as a group they do not match any standard definition of a collective moral agent. Equally, as individuals with limited purchase power their capacity to shape the way things are produced in complex supply chains seems negligible. The challenge of mitigating these harms is not only informational, or resolved by strengthening consumers' awareness of the problems. Once the problems become known, a question arises of who among the diverse candidates shaping the production processes, including consumers, companies, international institutions, and states, ought to bear the costs of mitigating harms taking place in them. As Barry and Øverland write: 'it is one thing to recognize a terrible problem and quite another to establish who, if anyone, is responsible for doing something about it and what they might sensibly do.'<sup>986</sup>

Any answer to these wide questions has to be carefully articulated to do justice to the complexity of the topic. The statements above by Walter Sinnott-Armstrong and Dirk-Jan Koch illustrate that there are very different ways to think about the role of consumers and purchase action in ameliorating some of the major challenges that the contemporary global economy presents. Furthermore, the complicated ethical landscape is not only varied but constantly shifting, meaning that an answer that now seems to provide a useful guide for thought and action may turn out as less convincing with regards to another issue and at another point in time. From the perspective of Dewey's situationist ethics, moral claims are not built to last. Ethical inquiry stems from a need to resolve specific tensions in one's everyday life, not from an impetus to contribute to an abstract, cumulative body of knowledge, although surely the product of any inquiry might be useful in resolving reminiscent challenges. Just as existing scholarship unfolds as a living collection of past situations and solutions to them, the argument on consumer responsibility developed in this thesis is to be refined and experimented on rather than taken as a truth set in stone.

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<sup>986</sup> Barry and Øverland, *Responding to Global Poverty*, 1.

## 13.2 FINDINGS

The normative reading of Dewey's pragmatist ethics I adopted in this thesis treats ethical inquiry as emerging in situations that individuals face in their everyday lives but are unable to resolve through existing means of thought and action; strives to provide existing guidelines to orient through such situations, while conceding that the conceptual tools developed are fallible and tied to the problem in hand rather than foundational and widely generalisable; and renders harms in supply chains as potentially requiring moral action from consumers due to its 'weak' inclination towards moral inclusion and the amelioration of violence, exploitation and suffering. With these underpinnings in mind, what are the findings? To lay them out systematically, in the first part of this thesis I conceptualised a pragmatist view of moral agency to define what I mean by consumers. Consumers can be treated as individual moral agents or as a collective moral agent, but both approaches require some theoretical footwork if consumers are to be vested with remedial responsibilities in global production processes. I adopted a framework of collective future-looking responsibility to suggest that as an unstructured group consumers can be held as collective moral agents capable of bearing moral responsibilities if doing so helps resolve the moral projects in question. I suggested that the content of the hypothetical responsibility that individual consumers share is a duty to collectivise into an entity or entities that are better able to mitigate the harms in production processes than individual consumers alone. This conceptualisation of consumers as moral agents and their hypothetical responsibility served as a stepping stone for asking why consumers would have such a responsibility.

Accordingly, I engaged with four principles in global ethics scholarship, those of contribution, association, benefit, and capacity. Those drawing on the principle of contribution suggest that whoever causes a harm has the primary responsibility to repair it. I claimed that Christian Barry and

Kate Macdonald, whose work on global labour injustices is the most direct application of the principle to the topic in hand, do not tease out the diverse considerations, such as those related to capacity, community, power, and fairness, which intertwine with any analysis in which agents are held remedially responsible because of their causal role in bringing forth a harm.<sup>987</sup> The principle of association, as presented by Iris Marion Young, is meant to complement the contribution principle: individual consumers share with other agents in global supply chains a political responsibility to alleviate structural injustices, such as sweatshop labour, although their relationship to the harm is not causal.<sup>988</sup> Young's notion, in turn, falls back on the contribution principle when actors' responsibilities are to be differentiated from each other.

As per the benefit principle, consumers have a responsibility to compensate to those whose suffering is linked with global supply chains, because they involuntarily benefit from the unjust transactions. I argued that the benefit principle, as defended by Daniel Butt, gives rise only to very weak obligations, if at all.<sup>989</sup> Finally, according to the capacity principle, consumers have a responsibility to mitigate harms in global supply chains if they are able to do so more efficiently than other actors and without excessive costs accrued to them. Leif Wenar builds a variant of the principle on ideal-based consequentialism, which to me captures several elements of a useful guideline to thought and action on consumer responsibility. However, it does not recognise that ethical inquiry is a plural, situationist and fallibilist activity that is not geared towards realising a single ideal.<sup>990</sup>

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987 Barry and Macdonald, 'How Should We Conceive of Individual Consumer Responsibility to Address Labour Injustices?'

988 Young, 'Responsibility and Global Labor Justice'; Young, *Responsibility for Justice*.

989 Butt, 'On Benefiting from Injustice'; Butt, "A Doctrine Quite New and Altogether Untenable".

990 Wenar, *Blood Oil*; Wenar, 'Responsibility and Severe Poverty'.

In the second part of this thesis, I suggested that out of the tools explored a pragmatist variant of the capacity principle may provide guidelines with regards to consumers' remedial responsibilities. I drew on work by Marion Smiley to suggest that although an analysis of actors' remedial capacities is interwoven with a myriad of moral considerations, remedial capacities can act as an experimental rather than a fundamental yardstick in assigning responsibilities.<sup>991</sup> I argued that the approach keeps a focus on outcomes while acknowledging the pluralist and situations nature of ethical inquiry in a way that differs from that of ideal-based consequentialist accounts. Further, I suggested that such a hypothetical approach can draw on mid-level theorising of responsibility as articulated by Jennifer Rubenstein. The pluralist underpinnings of the approach emphasise that remedial responsibilities are assigned by using context-specific constellations of interwoven moral reasons, and that reconceptualising existing problems can help make them more manageable and easier to resolve.<sup>992</sup>

Based on the approach taken, it became meaningful to zoom in on a specific issue in order to develop new perspectives to challenges to ethical thought and action faced by consumers in affluent democracies. I suggested that normative questions linked with the remedial responsibility of consumers for resource-related armed conflicts upstream in the extractive stages of some supply chains are indicative of many of these challenges. As per the advocates of the conflict resource approach, the untamed global trade of raw materials such as minerals, oil, diamonds, and timber, sometimes finances and incentivises armed violence in resource-rich countries. Many a campaigner who wants such conflicts resolved has adopted the view that consumers, as the final users of products made using these raw materials, ought to join the conflict mitigation and prevention efforts.<sup>993</sup> Accordingly, I formulated the second research question as follows: *Which factors affect consumers' responsibility to alleviate armed conflicts that persist in some countries from which the*

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991 Smiley, 'Future-Looking Collective Responsibility', 1.

992 Rubenstein, 'Pluralism about Global Poverty'; Miller, 'Distributing Responsibilities'.

993 Le Billon, *Wars of Plunder*, 22.

*raw materials of their purchases originate?* In the second part of the thesis, I engaged with scholarship on conflicts and the resource curse, undertook fieldwork, and conducted 59 interviews with practitioners informed about ethical consumption and conflicts in eastern Congo and southern Nigeria to understand the mechanisms through which consumers can act upon the conflict, as well as to expose myself to the diverse positions that can be held with regards to consumers' responsibility for the two conflicts.

Having amassed an informed understanding of the conflicts, in the third part of the thesis I conceptualised three mid-level perspectives that use consumers' remedial capacities to navigate the contemporary practices of assigning responsibility. First, I discussed the 'guilty consumer' claims, a form of a narrative or an argument that is sometimes used to motivate consumers to remedial action by pointing at their contributory connection with a harm. I suggested that such arguments drawing on guilt and blame are best evaluated by exploring consumers' remedial capacities with regards to different harms using two components, influence and costs. I referred to the conflicts in Congo and Nigeria as examples to highlight that consumers' influence over violent conflicts in the extractive stages of supply chains is shaped by the suitability and precision of the conflict-alleviating policies that those agents mobilising consumer pressure behind their campaigns choose to advocate. Further, I suggested that exerting consumer pressure to alleviate conflicts in the extractive stages can be costly: an individual consumer does not easily disengage through individual purchase decisions from oil and minerals imported to affluent democracies, if the materials indirectly underlie critical social functions. The analysis led me to suggest a rudimentary distinction between actual and potential influence and acceptable and excessive costs to help prioritise between powerful guilty consumer claims.

The second perspective of 'blame games' discussed the way consumers' responsibility to realise a particular moral project interacts with the responsibilities of other actors. Engaging with Iris Marion

Young's shared conception of political responsibility, I suggested that a remedial responsibility stretched too widely among actors is unlikely to be realised. Instead of treating remedial responsibility as shared by the many actors constituting the global supply chains, it is better to recognise that consumers lack the collective structure and identity needed to orchestrate efficient purchase action. As they are not a structured collective agent, changes in global supply chains happen *for* rather than *because of* them. The disparate form of consumers as a group affects their capacity to push more powerful collective actors, such as states and companies, to take up conflict-alleviating action. Other groups, such as the citizens of political communities and the shareholders of companies, are more organised and hence usually better able to harness 'their' collective actors for such purposes.

The third perspective on 'citizen-consumers' balanced the analysis by sensitivising it to the transformative dimension of assigning responsibility. I first suggested that a role responsibility approach enables comparing the political capacities vested in the role of a citizen of an affluent democracy with economic capacities possessed by a consumer in an affluent democracy. More importantly, however, the approach highlighted that assigning a responsibility to consumers is shaped not only by an assessment of consumers' immediate remedial capacities but of the expectations on the kind of individuals they become as responsibility-bearers. Roles themselves are overlapping and shifting as individuals strive to find means to cope with the situations, conflicts and tensions brought forth by changes in the surrounding world, in this case the globalisation of production. Prioritisations between different roles are shaped by diverse understandings of such changes, and of the kind of individuals that are best positioned to cope in them.

I believe that the multi-faceted answer to the research questions articulated through three perspectives reflects the complexity of assigning remedial responsibilities to consumers in practice. The conclusion I draw points at consumers as an elusive bearer of remedial responsibilities, and



purchase action as of potential use in helping alleviate some harms. More importantly, however, it highlights that treating capacities as a guideline for assessing when consumers bear a responsibility to act involves constant calibration between, for instance, responsibilities that consumers have with regards to different projects, responsibilities that consumers have with regards to responsibilities that other actors have, and responsibilities that individuals in affluent democracies may bear in other roles. The answer is broadly aligned with John Dewey's work by being sensitive to the experimentalist and pluralist nature of ethical inquiry and the transformative dimension of assigning responsibility. It appreciates and builds on the 'weak' normative edge in his work: human growth involves developing one's critical intelligence to ameliorate suffering, exploitation and violence, and advancing the moral inclusion of marginalised groups in international politics. Consumers face diverse demands to act upon harms faced by workers, societies and the planet, and addressing these demands deserves an inquiry that goes beyond a blanket endorsement or rejection of their obligations. Surely, the perspectives developed in this thesis are contingent rather than generalisable across all kinds of harms to which consumers are linked by their purchases. Yet, my close study on the resource curse and two armed conflicts linked with the phenomenon has attempted to illustrate that such analyses can nevertheless be helpful in ameliorating harms in supply chains.

I believe there are three ways through which the thesis has made a modest contribution to the research questions. First, a pragmatist approach can alleviate the non-restrictiveness that lies at the centre of the situation created by consumers in affluent democracies becoming increasingly aware of and sensitive to global, transcommunal processes. Existing scholarship in global ethics does an excellent job in laying out the potential approaches through which one can think of consumer responsibility with regards to global supply chains. Now, instead of striving towards general statements on consumers' obligations, harms faced by people, societies, and the planet deserve detailed individual studies. Grounds of responsibility emerge in context-specific constellations and are varyingly useful in different situations. I have tried to show that in some of these contexts

actors' capacities to make a positive difference is useful as a yardstick in conceptualising their remedial responsibilities. If this approach is to be adopted and deepened, making a convincing argument requires gathering more empirical backing than political theorists are inclined to amass. Further close studies to map out the remedial capacities that consumers have can help fill this gap.

Second, emphasising consumers as an unstructured collective agent and discussing the potential of consumers' purchase decisions and citizens' policy-oriented action to make an impact on armed conflicts has helped articulate the relation between an individual consumer and collective actors in the global economy. Public discussion on consumer ethics often degenerates to a debate on the consequences of individual purchase decisions, such as whether purchasing and consuming meat products accelerates climate change more or less than other dietary choices. However, few activists and academics really think that purchase action, understood purely as a market-based mechanism to change corporate policies, is the most important function through which consumers can alleviate harms in global supply chains. I have illustrated that purchase decisions are integrated to diverse forms of remedial action, for instance when citizens use them as signals to harness the state for remedial action. Purchase action can be decoupled from the role of a consumer and utilised in various roles to push structured agents, not only companies, to act upon harms in global supply chains.

Third, I have suggested that treating roles, such as that of a citizen and a consumer, as juxtaposed overlooks the transformative dimension of assigning responsibilities. In the opening citations of the chapter, Sinnott-Armstrong underappreciates the indirect impact that the citizens of affluent democracies can make by signalling through their consumption choices a willingness to bear the costs of pro-environment legislative reforms. To compare, the hope Koch places on consumer action is conditioned by the insight that purchase decisions remain to a large degree a choice between

supporting or not supporting the policies that campaigners, company strategists and policy-makers provide them in the form of the ‘ethical’ alternative in the markets. Whether the increasing emphasis on consumer action is a threat to or a step towards the creative kind of action needed for wider overhauls in the global economy remains a question that pertains the era of globalising production processes. Assigning responsibilities to individuals qua consumers or qua citizens is guided by the many understandings of the kinds of individuals who best cope among the complicated ethical situations emerging in the processes of globalisation, and of the function that traditional democratic policies can serve in making such overhauls happen.

These contributions, and the process through which they were developed, deserve further refinement. A monist consequentialist thinker might yearn for a uniform principle rather than open-ended pluralism to guide the allocation of responsibilities. Theorists, for instance, of poststructuralist or deontological inclinations might interpret the emphasis on capacity analysis in this thesis as thinly-veiled consequentialism. Empirical students of the resource curse would prefer a stronger empirical inquiry on the conflicts in Nigeria and Congo, whereas a philosophically minded reader might see already the current level of meddling with empirics as unnecessary. And to some campaigners, the approach developed here might seem simply dangerous: in times when nation-states lack the means to resolve global challenges, any voice that might be interpreted as dampening calls for global action is counterproductive.

The first and second criticism constitute a pair of opposites. To answer the first one, an emphasis on actors’ capacities is only one approach among the many possibilities rather than the underlying, ‘single-value’ logic based on which remedial responsibilities are always allocated.<sup>994</sup> Pragmatism takes advantage of such emphases in order to make sense of the interwoven considerations, such as those on fairness, the boundaries of the community, power, fairness, and the values community

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994 Smiley, ‘Future-Looking Collective Responsibility’, 9.

members strive to advance, underlying assignments of responsibility. As Smiley suggests, ‘we have to make room for a host of other practical and normative judgments... we cannot privilege any one of these considerations over the others theoretically by treating it as of overriding importance to [assigning future-looking collective responsibility] in all cases’.<sup>995</sup> The approach leaves space for embracing general rules, principles and other devices as methods to orient in particular cases. Surely, it lacks a foundation on which the various considerations could be arranged to a general order.<sup>996</sup> This thesis has tried to show that a multi-faceted and empirically informed analysis of actors’ capacities is nevertheless worth embracing in the context of finding out how consumers ought to act and think as it comes to armed conflicts in the extractive stages of production.

The second concern represents the ‘opposite’ view, as one can argue that treating capacity as a hypothetical grounds of responsibility does not manage to shake off the accusation that assigning responsibility in this way is ‘purely utilitarian’.<sup>997</sup> If assigning responsibility and agency is to be done in order to ‘help to bring about a desirable (or better) state of affairs in the world’, there seems to be nothing else than a calculus of benefits and costs that matters when assigning remedial responsibilities.<sup>998</sup> Although I share with ideal-based utilitarian accounts the premise that actors’ remedial capacities constitute a criterion in the context of evaluating consumer responsibility for global supply chains, I have portrayed other considerations as interwoven with rather than underlined by such an analysis. For instance, by emphasising the interwovenness of considerations on causation, capacity and community taking place in practical assignments of responsibility, I have taken seriously Onora O’Neill’s point that consequentialists cannot replace ‘quarrel with

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<sup>995</sup> Smiley, 11.

<sup>996</sup> Cf. Rubenstein, ‘Pluralism about Global Poverty’.

<sup>997</sup> Smiley, ‘From Moral Agency to Collective Wrongs’, 191.

<sup>998</sup> Smiley and Zalta, ‘Collective Responsibility’.

calculation'.<sup>999</sup> To paraphrase Barry and Kirby, sacrificing pluralism is a very high price to pay for precision.<sup>1000</sup> Whereas monist consequentialists pick an ideal end as the benchmark for choosing the means, advocates of situationist ethics treat the world as plural, recognising that there are various morally desirable ends that interweave with the choice of means. Dewey's pragmatism discusses the ends and means emerging in existing practices that people have developed to orient themselves through everyday moral challenges. In this way, Dewey

accommodates what is sound in the utilitarian intuition that we should act so as to bring about the most good for the most people. But he does not get mired in an ultimate moral principle or supreme maxim that, when applied formulaically, can be shown to violate basic rights, forgo colloquy, ignore cultural and personal differences, and forsake the direct satisfactions of moral engagement.<sup>1001</sup>

The third and fourth criticisms also constitute a pair. On one hand, the approach taken is likely to disappoint scholars of political economy and conflict studies appreciative of a more nuanced empirical account of the dynamics between consumer pressure, supply chain governance, and violent conflicts. On the other hand, my answer might seem unsatisfying to the theoretically inclined to whom my treatment of philosophical literature on responsibility appears as superficial. To answer both parties, the thesis has aimed to show that middle ground has value in itself. Empirically oriented scholars often lack the conceptual tools to discuss the normative implications of their findings, whereas philosophers prefer to use existing frameworks to capture new phenomena rather than to develop new ones by engaging with the ways contemporary problems are being conceptualised by those living them every day. This thesis joins a growing vein of mid-level

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<sup>999</sup> O'Neill, *Bounds of Justice*, 124.

<sup>1000</sup> Barry and Kirby, 'Scepticism about Beneficiary Pays', 9.

<sup>1001</sup> Fesmire, *John Dewey and Moral Imagination*, 100.

studies, trying to showcase that a work in global ethics can make use of empirical research to rearticulate contemporary moral challenges in order to manage them.<sup>1002</sup>

Finally, my argument can be read as dangerously constraining assignments of consumer responsibility in a situation in which ethical consumerism has risen precisely to make up for the shortcomings of the current state-based system and traditional means of democratic policy-making. This has been neither my argument nor intention. Rather than suggesting that there are necessarily trade-offs between, say, purchase action and political campaigning, my aim has been to highlight that prioritising in one form or another remains inherent to moral thought and action in practice. I have emphasised an inquiry into actors' capacities, because they show prospects of helping in this prioritisation process. For instance, the potential of consumer action to make a positive difference on labour rights violations vis-à-vis violent conflicts; the remedial capacities that shareholders of companies have vis-à-vis those of citizens; the function that INGOs have in alleviating violent conflicts vis-à-vis that of companies and states; and other comparisons are crucial in a non-ideal world in which assigning remedial responsibilities to any actor involves prioritising rather than only a binary choice.

To be sure, I think that one of the ways to bring the 'raw end of capitalism' envisioned by Koch under control is through such comparison exercises. They include mapping out the critical junctures of the processes that lead to harms in global supply chains, and the roles through which collective agents can be efficiently harnessed to alleviate them, while acknowledging that pointing at actors' remedial capacities is but one of the many ways through which alleviating such harms can enter or exit the sphere of responsibilities that individuals consider as worth discharging. Consumers' purchase action may unfold as having a role to play in ameliorating such harms. This work has provided one approach to manage a situation in which more and more harms enter consumers'

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<sup>1002</sup>Rubenstein, *Between Samaritans and States*.

horizon, challenging their habitual ways of thought and action regarding their moral responsibilities in thinking about such issues in their shopping.

Dewey's situationism embraces a 'weak' normative edge, according to which the development of critical intelligence in a way that aligns with human growth involves the inclusion of previously marginalised groups in international politics to the moral sphere in which individuals, together and separately, ought to ameliorate instances of suffering, exploitation and violence. This thesis has explored the practical implications of this edge by keeping an eye on the many moral projects calling for consumers' and other agents' resources, and on the transformative element in assigning remedial responsibilities that extends the inquiry beyond any particular case in hand. The work as a whole is linked with wider debates on the sphere of responsibilities borne by individuals as affluent democracies become increasingly woven into processes of globalisation. This pragmatist ethical inquiry does not conclude them. Yet, the perspectives it yields may still constitute a result worth appreciating: a temporary compass to help navigate some of the complicated and shifting ethical landscape.

## APPENDIX I: LIST OF INTERVIEWS AND MEETINGS

The 59 interviews were conducted between May 2017 and May 2019. They are listed in chronological order. 23 interviews were conducted with practitioners primarily involved with the public sector; 7 with those involved with business; 25 with non-governmental organisations; and 4 with practitioners who did not fall into any of the three preconceived groups.

1. Houttuin, Guus: Trade Adviser, European External Action Service, 4 May 2017, Paris, France
2. Nieuwenkamp, Roel: Professor, Chair of OECD Working Party on Responsible Business Conduct, 19 May, phone
3. Callaway, Annie: Advocacy Manager, Enough Project, NGO, 23 May, email
4. Maréchal, Louis: Policy Advisor on extractives, OECD Responsible Business Conduct Unit, 24 May, phone, interviewed in his personal capacity
5. Webb, Heather: Researcher, Ethical Consumer, NGO, 6 June, London, UK
6. Senior Campaigner #1: Global Witness, NGO, 11 July, London, UK
7. Bulakali, Zacharie: Chargé de Liaison, International Peace Information Service (IPIS), NGO, 12 September, Bukavu, Congo
8. Mulinda, Bienvenu: Program Officer, L'Action pour la Promotion et la Défense des Droits des Personnes Défavorisées (APRODEPED), NGO, 13 September, Bukavu, Congo
9. Omar, Joel: Senior Researcher/Programme Coordinator, Justice for All, NGO, 13 September, Bukavu, Congo



10. Kitungan, Raoul: Coordinator, Justice for All, 13 September, Bukavu, Congo
11. Mtaona, Antoine Imili: Provincial Director, Centre d'Expertise, d'Evaluation et de Certification (CEEC), 13 September, NGO, Bukavu, Congo
12. Bulindi, Apollinaire: Provincial Minister of Mining in South Kivu, 13 September, Bukavu, Congo
13. Myololo, Adolphe & Katapoi, Francois: Chef de Bureau & Mining Inspector, Ministry of Mining in South Kivu, 15 September, Bukavu, Congo
14. Tuta Wa Tuta, Michel Liete: Chief of Provincial Division, Ministry of Mining in South Kivu, 19 September, Bukavu, Congo
15. Bulongo, Safanto Lukendo: Coordinator, Max Impact, NGO, 19 September, Bukavu, Congo
16. Eyonga, AJ John Tshonga: Provincial Director in South Kivu, Service d'Assistance et d'Encadrement du Small Scale Mining (SAESSCAM), 20 September, Bukavu, Congo
17. Barume, Bali & Neumann, Martin: Project Manager & Program Officer, The (German) Federal Institute for Geosciences and Natural Resources , 20 September, Bukavu, Congo
18. Kasindi, Remy: Founder, Centre de Recherches et d'Etudes Strategiques en Afrique Centrale (CRESA), NGO, 21 September, Bukavu, Congo
19. Congo Researcher working for an NGO: 27 September, phone
20. Gracie: Development & Liaison Officer, Kabare Region Administration, 27 September, Bukavu, Congo

21. Weyns, Yannick: Natural Resources Expert, MONUSCO, 3 October, Goma, Congo
22. Ndimubanzi, Emmanuel: Head of Division, Ministry of Mining in North Kivu, 4 October, Goma, Congo
23. Kihangi, Prince: Secretary-General, Bureau d'Etudes, d'Observation et de Coordination pour le Développement du Territoire de Walikale (BEDEWA), NGO, 4 October, Goma, Congo
24. Kamate, Gaston & Semakuba, Corneille: Programme Director & Programme Manager, Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO), NGO, 5 October, Goma, Congo
25. Musaidizi, Christine: Children's Voice, NGO, 5 October, Goma, Congo
26. Idrissa, Tachi Assami & Waliuzi, Amzati Nawa: Vice President & 1<sup>st</sup> Counsellor, Coopérative des Creseurs Artisansaux de Mpama Bisie (COCABI), mining cooperative, 5 October, Goma, Congo
27. Muliro, Leopold Rutinirwa & Romuald, Adili Amani: Researcher & Researcher, Pole Institute, 6 October, Goma, Congo
28. Chibashimba, Seremi: President de la Commission de Surveillance, Former Cooperative President, COMIKA, mining cooperative, 13 October, Nyabibwe, Congo
29. Zirhumana, Jackson: Technical Assistant, iTSCi (ITRI Tin Supply Chain Initiative), 13 October, Nyabibwe, Congo
30. Dieudonné, Sango Sele: Programme Director, Centre National d'Appui au Développement et à la Participation Populaire (CENADEP), 13 October, Ihusi, Congo

31. Camille, Kakule Kamulete: President, CONINYA, mining cooperative, 14 October, Nyawarunga, Congo
32. Shanvu, Bony: President, Programme du Developpement Sociale (PRODES), NGO, 14 October, Nyawarunga, Congo
33. Abubakar, Abdulmumin: Audit Officer, Nigerian Extractive Industries Transparency Initiative (NEITI), 30 October, Abuja, Nigeria
34. Obi, Edward: Catholic Priest, National Coordinator of National Coalition on Gas flaring and Oil spills in the Niger Delta (NACGOND), Director of Gas Alert for Sustainable Initiative (GASIN), NGOs, 2 November, Abuja, Nigeria
35. Chiwenze, Anne & Quaghe, Zira John: Nigeria Officer & Nigeria Officer, Natural Resource Governance Institute (NRGI), NGO, 3 November, Abuja, Nigeria
36. Adeniyia, Omotola: Head of Macro-economic Analysis Department, National Bureau of Statistics, 6 November, Abuja, Nigeria
37. Multi-stakeholder working with NEITI: 6 November, Abuja, Nigeria
38. Kolawole, Zaid: Government Relations Manager, Total E&P Nigeria Limited, 7 November, Abuja, Nigeria
39. Giwa, Joshua: Chief Geophysicist, Department of Petroleum Resources, 9 November, Lagos, Nigeria
40. Agbim, Arinze: Former Executive Director at Mobil Producing Nigeria Unlimited, 9 November, Lagos, Nigeria

41. Akinyosoye, Wole: Zonal Operations Officer, Department of Petroleum Resources, 13 November, Lagos, Nigeria
42. Allen, Fidelis: Director, Centre for Conflict and Gender Studies, University of Port Harcourt, 15 November, Port Harcourt, Nigeria
43. Mgbenwa, Dandy: Pastor in Okwuzi, Ekbocha Community in Ogba, Egbema, Ndoni Government Area in Rivers State, 17 November, Port Harcourt, Nigeria
44. Kayemba-Ibokabasi, Florence: Program Manager, Stakeholder Democracy Network, 17 November, Port Harcourt, Nigeria
45. Nku, Chris: Project Officer, GASIN, 17 November, Port Harcourt, Nigeria
46. Dandyson, Harry: Project Officer, GASIN, 17 November, Port Harcourt, Nigeria
47. Nigerian Army Colonel: 18 November, Port Harcourt, Nigeria
48. Boms, Larry: Country Head & Resident Representative, United Nations Institute for Training & Research, 20 November, Port Harcourt, Nigeria
49. Pere, Thompson & Ezeka, Gerald N: Chief, Obunagha Community, Gbarain Kingdom, Yenagoa Local Government Area in Bayelsa State & Community Youth Leader, Onelga in Rivers State, 21 November, Port Harcourt, Nigeria
50. Ihetu, Godswill: Chairman of the Petroleum Club, Former Group Executive Director in Engineering and Technology Directorate of Nigerian National Petroleum Corporation, 22 November, Lagos, Nigeria
51. Sargentini, Judith: Member of the European Parliament, 23 November, phone

52. Ojezele, Godwin Asekun: Former Participant in the Presidential Amnesty Program, 23 November, Lagos, Nigeria
53. Koch, Dirk-Jan: Professor, Special Envoy Natural Resources at the Ministry of Foreign Affairs, Netherlands, 27 November, phone
54. Senior Campaigner #2: Global Witness, 29 November 2017, London, UK & 15 May 2019, phone
55. Doubra, Michael: Former Participant in the Presidential Amnesty Program, 30 November, phone
56. European Commission Policy Offer: 6 December, phone
57. Harrison, Rob: Director, Ethical Consumer, 14 December, phone
58. Anonymous, Bukavu, Congo
59. De Vries, Anthonius: Former Negotiator for the European Commission in the Kimberley Process, 13 May 2019, phone

## **MEETINGS**

1. The 11th Forum on Responsible Mineral Supply Chains: OECD, 2-4 May 2017, Paris, France
2. Stakeholder Engagement on Issuance of Petroleum and Mining Licenses: NEITI and African Development Bank, 8 November 2017, Lagos, Nigeria
3. Consultative Dialogue of the Rivers State Conflict Management Alliance: University of Port Harcourt and Stakeholder Democracy Network, 16 November, Port Harcourt, Nigeria

4. Assessment of Omoku River in Ogba, Egbema, Ndoni Local Government Area in Rivers State: Multi-stakeholder meeting, 21 November, Port Harcourt, Nigeria
5. The 12th Forum on Responsible Mineral Supply Chains: OECD, 17-20 April 2018, Paris, France

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