Global Environmental Change 31 (2015) 174–186

Contents lists available at ScienceDirect

Global Environmental Change

journal homepage: www.elsevier.com/locate/gloenvcha

'Just food'. The normative obligations of private agrifood governance

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ARTICLE INFO

Article history:
Received 9 July 2014
Received in revised form 20 January 2015
Accepted 24 January 2015
Available online

Keywords:
Agrifood governance
Equity and justice
Private institutions
Rawls

ABSTRACT

Global agrifood governance faces enormous environmental and social challenges that demand the development of effective, just, and legitimate solutions. In this context, private governance institutions, in the form of private standards and certification schemes, have developed into a major institutional response in the pursuance of sustainable agrifood development. While International Relations and political theory have examined private governance institutions in agrifood from the perspective of democratic legitimacy and problem-solving effectiveness, surprisingly little attention has been paid on their relationship to questions of equity and justice, however. As a result we lack systematic understanding of the justice concerns raised by private governance; we cannot effectively address injustice in agrifood governance; and we lack guidance on principles that can attribute ethical responsibilities to private institutions. This paper makes an attempt to outline the basis for a normative framework on agrifood governance, in general, and private agrifood governance, more specifically by delineating: (a) the reasons why private governance institutions fall under the scope of justice; (b) the principles, subjects and dimensions of just private agrifood governance; and (c) institutional transformations to foster agrifood justice.

1. Introduction

Global agrifood governance – the rules and institutions that govern the production, trade, and marketing of food and agriculture – (Fuchs et al., 2011) faces enormous environmental and social challenges. Food insecurity, i.e., the inability to access sufficient amounts of safe and nutritious food, remains a core concern for one in seven people while hunger and poverty are expanding at alarming rates on a global scale (FAO, 2009, 2012a). Simultaneously, one-third of the earth's surface and 70 percent of global extracted water is already used for food production (OECD, 2010). Moreover, less availability of land due to biofuel plantations, loss of agricultural productivity due to soil degradation and increasing competition for the use of natural resources exacerbate environmental concerns.

As the food system approaches or crosses its natural and social boundaries (Foley et al., 2011), there is a paramount need for effective, just and legitimate institutional responses (Fuchs and Kalfagianni, 2014). In this context, according to some commentators private governance institutions in the form of private standards and certification schemes have developed into a mainstream approach in the pursuance of sustainable agrifood development (Fuchs and Kalfagianni, 2014). International Relations (IR) and political theory have examined private governance institutions in general, and in agrifood, more specifically, from the perspective of their democratic legitimacy and accountability (Bernstein and Cashore, 2007; Porter and Ronit, 2010), contribution to problem-solving effectiveness, rule-implementation and compliance (Kalfagianni, 2013; Kollman, 2001; Mattli and Büthe, 2003). However, surprisingly little attention has been paid on their relationship to questions of equity and justice. Likewise, international normative political theory has been reluctant to conceptualize a justice framework which incorporates the roles and responsibilities of private actors.

Indeed, from a normative perspective, much discussion about justice beyond the nation-state has been framed as a debate about appropriate standards of 'global justice' and revolved around questions such as whether justice is as significant a normative concern globally as it is domestically, what constitutes a just global distribution of world's resources, and how to realize desired justice elements and on the basis of which principles (Macdonald and Ronzoni, 2012). Yet, with a few exceptions (e.g. Wettstein, 2009)

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http://dx.doi.org/10.1016/j.gloenvcha.2015.01.007
0959-3780/

this literature has focused on state institutions as the fundamental level of analysis. Much less attention has been paid on private governance institutions' implications for justice and how they should be structured to address injustice.

Likewise, from a policy perspective experts contend that no institutional framework for sustainable development will be effective and legitimate in the long run unless it has equity and justice concerns at its core (Adger et al., 2005; Biermann et al., 2012). As future demand for food is projected to rise by 50 percent by 2030 (European Union 2012: p. 8) the question who gets what and why will not only become particularly fervent but likely determine the effectiveness and legitimacy of the overall agrifood governance architecture. Accordingly, scholars argue that the subject of justice (in agrifood governance and beyond) can no longer be regarded as a purely academic and philosophical inquiry but it must now be considered as a fundamental political concern (Forman, 2013).

This paper makes an attempt to outline the basis for a normative framework of private governance, in general, and private agrifood governance, more specifically, on the basis of a Rawlsian understanding of justice as fairness. Rawls has played a fundamental role in reviving an interest in the substantive questions of political philosophy in a period dominated by logical positivism and particularly Utilitarianism (Nussbaum, 2001). His *Theory of Justice* (1971), built on the foundation of moral argument, today informs much of contemporary liberalism's aspirations for a just society based on egalitarianism, toleration, political autonomy and deliberation. One of the major contributions of his theory is the advancement of a perspective of political justice according to which injustice is rooted in the basic structure of social institutions. It is particularly this observation that makes worthy of investigating the extensibility of his theory to private institutions. Indeed, although in his analysis social institutions generating justice or injustice are public, this contribution argues that private institutions have themselves become core elements of society's basic structures and, hence, will lack legitimacy if they violate our considered moral intuitions about distributive fairness. Exploring what Rawls's liberal political theory can contribute to our understanding of justice in private agrifood governance and what its limitations are can advance knowledge on the normative implications of contemporary governance structures and our public justifications of them.

The paper proceeds in four main steps which are discussed in detail in subsequent sections. Section 2 briefly reviews some of the key literature on justice in agrifood governance and advances its own position therein. Section 3 argues that private governance institutions fall under the scope of justice because (a) they have properties similar to public institutions, and (b) govern a substantial share of cooperative activities thus constituting fundamental elements of societies' basic structure. It further delineates the principles, subjects and dimensions of private agrifood justice. It argues that the principles guiding just governance institutions need to be (a) egalitarian in nature and cosmopolitan in scope, (b) include as their moral tenets the autonomy of individuals and their societies, and (c) look beyond the present historical conditions to incorporate concerns for future generations. The subjects of justice are those who constitute private governance institutions and are governed by them; and the dimensions relevant for justice are not only economic but also environmental and political. In Section 4, the paper envisions the transformations necessary to support a just private agrifood governance by means of (a) institutional design; (b) civic engagement; and (c) global coordination. Section 5 concludes the analysis and reflects on the limitations of a Rawlsian perspective on private agrifood justice.

2. Justice in agrifood governance

Agrifood justice has been a central demand of social movements and associated scholarship. Focusing on questions of distribution as well as recognition of identity and culture as core elements of justice this literature offers a pragmatic and compelling articulation of justice as expressed particularly by the experiences of the most vulnerable and marginalized (see Schlosberg, 2004). The following reviews some of the key contributions of this literature to the notion of agrifood justice and its practical propositions.

Gottlieb and Joshi (2010) in recounting the evolution of the U.S. and global food system and the parallel development of the food movement, define food justice as 'ensuring that the benefits and risks of where, what and how food is grown and produced, transformed and distributed, and accessed and eaten are shared fairly' (p. 6). Their work aims not only to bring clarity to a concept with multiple interpretations by multiple audiences but also to identify spaces for intervention for the food justice movement, which is itself diverse and disparate in its aims and goals. In this context, they argue that food justice is relevant for three areas of action namely (a) challenging the dominant food system which has led to the production of cheap low quality food; (b) focusing on equity and disparities for the most vulnerable in terms of race and class particularly in their ability to access healthy and nutritious food; and (c) establishing links with other areas of social justice such as immigrant and labor rights.

Stimulated by similar objectives, Alkon and Agyeman (2011) focus specifically on race and class in the food system, in particular the limited ability of low income communities and communities of color to access, that is produce and consume, healthy food. They underline that food injustice is entrenched in broader political, economic and cultural systems that foster environmental and socio-economic inequalities. Their analysis also provides a critique of social movements which appear to be disentangled from peoples' realities demonstrating privilege both in race and class. They advocate food justice activism that emphasizes the local level and promotes the creation of jobs, stable relationships, environmental benefits including healthy food, green space, and outdoor activities.

Guthman (2011), in turn, although applauds the food justice critique as outlined above in that it is sensitive to class and race, also finds its position 'politically ambiguous' (p. 155). This is because injustice is defined as being about unequal distribution or access to 'good food' (defined as fresh, local and seasonal) and fails to address the roots of injustice in the production of food. For this reason the interventions that are envisaged are in the form of 'bringing good food' to areas of limited access, growing food locally and teaching people to eat better. Although laudable these interventions do not challenge the dynamics of capitalism which in her view are the main cause of injustice in the agrifood system.

Beyond food movements, there is considerable attention to the issue of justice in the fair-trade literature (e.g. Goodman, 2004; Nicholls, 2010; Raynolds, 2009, 2012). In broad terms, this literature tries to understand the outcomes of fair-trade on its intended beneficiaries, the different variants of fair-trade and value chains involved, and the institutional and organizational developments in the fair-trade movement. In an extensive review of this literature Le Mare (2008) asks the question 'what happens to people who are involved in Fair Trade' and unravels outcomes for producers, artisans and their organizations. Bacon (2010) engages in the debate whether fair-trade represents roll-out neoliberalism or a Polanyian counter movement (see also Guthman, 2007 on this). His analysis concludes that it is neither entirely. Rather the answer depends on the fair-trade value chain and how it is organized. For example, while alternative trade value chains and their links to specialized retailers such as Worldshops work towards solidarity, the corporate value chains with the