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# SWEATSHOP REGULATIONS AND EX ANTE CONTRACTUALISM

Michael Kates<sup>1</sup>

A COMMENTARY ON Huseyin S. Kuyumcuoglu (2019), “Sweatshops, Harm, and Interference: A Contractualist Approach,” *J Bus Ethics* (First Online: 19 October),

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## ABSTRACT

Kuyumcuoglu argues that defenders of sweatshop regulations should reject consequentialism and accept an *ex ante* interpretation of contractualism instead. In this Commentary I show that Kuyumcuoglu’s argument doesn’t succeed. Defenders of sweatshops shouldn’t become *ex ante* contractualists because its advantages on this issue are more apparent than real.

**HOW SHOULD WE** morally evaluate proposals to legally regulate sweatshop labor, e.g., by increasing the government-mandated minimum wage? In “Sweatshops, Harm, and Interference: A Contractualist Approach,” Kuyumcuoglu (2019) advances a novel answer to this question.<sup>2</sup> Drawing on an *ex ante* interpretation of the contractualist moral theory developed by Scanlon (1998), Kuyumcuoglu argues that we can avoid the counterintuitive conclusion that it’s impermissible to increase the minimum wage for sweatshop workers simply because it leads to a loss in employment without having to endorse the consequentialist argument that the reason why it’s permissible to do so is that it maximizes aggregate welfare. In this Commentary I show that

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<sup>1</sup> Saint Joseph’s University. Email: [mkates@sju.edu](mailto:mkates@sju.edu)

<sup>2</sup> Unless otherwise indicated, parenthetical references are to Kuyumcuoglu (2019) in its first-online edition.