

Agricultural Justice, Abnormal Justice? An Analysis of Fair Trade's Plantation Problem

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Abstract: A debate has arisen in the fair trade community regarding the certification of plantation crops. On one side of this debate is Fair Trade USA, which supports plantation certification. On the other is the retailer Equal Exchange, whose leaders fear that fair trade's longstanding commitment to small farmer cooperatives may be in jeopardy. Drawing on the two organizations' experiences with tea plantations and cooperatives in Darjeeling, India, as well as my own ethnographic research, I explore how advocates in the global North identify *who* counts as a legitimate laboring subject of agricultural justice. This debate underscores that social justice in global agriculture is fundamentally multiple—in Nancy Fraser's terms, "abnormal". The seeming intractability of this debate shows that while the agricultural justice movement has attended to questions of economic distribution and cultural recognition, it must do more to address problems of political representation at national and international scales.

Keywords: labor, alternative trade movements, transnational activism, subnationalism, political theory, India

The fair trade movement is in the midst of an identity crisis. A heated debate has arisen regarding the certification of plantation crops. On one side of this debate is Fair Trade USA, which in 2012 broke off from Fair Trade Labeling Organizations International (FLO), a consortium of major fair trade organizations that governs the fair trade system and sets labeling and production standards. On the other side are retail companies including Just Coffee, Intelligentsia, Counter Culture, and Equal Exchange. While FLO has certified tea, banana, and flower plantations since the 1990s, Fair Trade USA's recent break-off stemmed from its desire to expand fair trade's reach to more plantations—specifically *coffee* plantations. In becoming independent, Fair Trade USA seeks to double US sales of fair trade certified products by 2015, describing its expansion strategy as "more inclusive for more impact".

Equal Exchange, which has never supported the idea of extending fair trade status to plantations, has been Fair Trade USA's most vociferous opponent. Equal Exchange describes Fair Trade USA's move as a dilution of the fair trade ethos, one that envelops corporate players like Nestlé and Starbucks more deeply into fair trade and enables them to market a higher percentage of their products as ethically produced.

Critical scholars have analyzed the inclusion of corporate players in the distribution and sale of fair trade products (Jaffee and Howard 2010; Reynolds 2009).

One way to understand the recent coffee plantation debate is to see it as one about differing models for supplying a growing demand for high-quality, ethically sourced coffee (Sherman 2012). In this article, however, I argue through an analysis of how Fair Trade USA and Equal Exchange have engaged one another in public forums, online, and in advertising that this debate is also about who counts as the proper laboring subject of fair trade. In the debate, Fair Trade USA and Equal Exchange each draw on their long-term engagements in the tea-growing regions of South Asia, particularly the hill-station district of Darjeeling, in the Himalayan foothills of Northeast India. Darjeeling tea plantations have been something of a fair trade testing ground, as they were among the first in the world to be certified fair trade under FLO. Today, nearly one-third of the region's 87 plantations are fair-trade certified. Equal Exchange sells Darjeeling tea grown only on cooperatives. While Fair Trade USA has used the "success" of tea-plantation certification to justify expansion into coffee plantations, Equal Exchange insists that its model best ensures justice for workers.

Beginning in the 1990s, fair trade, an agricultural justice movement that emerged through bottom-up partnerships between Latin American coffee producers and Northern activists, was implanted in largely top-down fashion in the Indian tea industry and in other industries outside Latin America, from sugar to sport balls. Fair trade's success in Latin America provided what Nancy Fraser (2009) calls the "framing" for its agricultural justice model elsewhere: a mechanism for including and excluding particular kinds of laboring subjects. The recent Fair Trade USA–Equal Exchange debate thus marks a kind of reversal. The framing of the debate about reforming *coffee* plantations and cooperatives has been based in large part on narratives about *tea* plantations. Below, I draw on Fraser's notion of framing to trace how fair trade's global justice discourse—a discourse mediated and marketed by northern organizations like Fair Trade USA and Equal Exchange—travels through and among sites, what that discourse picks up and what it leaves aside.

I base my critique on the premise that agricultural justice under global capitalism is a form of what Fraser (2009) calls "abnormal justice". Under conditions of abnormal justice, claims about the distribution of resources and cultural recognition exist in tension (and are never fully resolvable) with claims about what Fraser terms "representation", or inclusion and exclusion from democratic communities. Even though a historically particular brand of Latin American peasant politics helped build the fair trade movement, both Equal Exchange and Fair Trade USA are now trying to make "global" justice claims on behalf of agricultural laborers across the world. This raises the empirical question of how actors make such claims. If agricultural justice is a form of abnormal justice, then it only gains purchase insofar as it resonates with place-based politics (see Wilson 2013). Both Equal Exchange and Fair Trade USA believe in the possibility of a global fair trade movement, but they base their claims about that possibility on narratives about pragmatic, local engagements. They differ in how they see those local engagements taking shape. The debate is thus a point of conceptual "friction", a moment when, as Anna Tsing (2004) puts it, universal ideals articulate with historically particular spatial and environmental forms. Don Mitchell has outlined the empirical foundations for a

“geography of justice”, explaining that both potentials for justice and conditions of injustice are “built into the ground” (Mitchell 2007:559; see also Henderson 2003; Mitchell 2003). In the postcolonial landscapes of India, Africa, and Latin America, these potentials and conditions manifest themselves in forms like plantations and cooperatives (Aso 2012; Duncan 2002; Sharma 2011). If a global economy requires notions of justice that go beyond state boundaries, in order to understand justice, critical analysis must engage what Fraser calls “metapolitical structures of governance” (eg capital or fair trade) and how they articulate with specific spatial forms (eg plantations or cooperatives) (Fraser 2009:26).

After a brief discussion of background and methodology, I describe three key points of friction between Equal Exchange and Fair Trade USA. The first is over how each conceptualizes the fair trade “commodity chain”. The second concerns the scale of production (large versus small). The third is about the form of democratic community that each envisions. I call attention to these friction points to show how the plantation debate itself hinges upon a “misframing” of the social, historical, and environmental context of agricultural life and labor in postcolonial contexts. In Darjeeling, unlike in the Latin American coffee-growing regions where fair trade originated, tea workers have not tended to link association with fair trade to long-term political struggles (Lyon 2011; Wilson 2013). I then offer a more in-depth discussion of the justice claims at play in the debate, drawing on insights from political theory, geography, and anthropology. In conclusion, I suggest that attention to framings of justice, material legacies of colonial orders, and the messy intersections of distribution, recognition, and representation can lead to an “abnormal geography of justice”.

Methods and Background

What follows is an interpretation of the Fair Trade USA–Equal Exchange debate, grounded in three years of participant observation on Darjeeling’s tea plantations (Besky 2008, 2010, 2014a, 2014b). This debate emerged as I was writing an ethnography about life and labor on fair trade Darjeeling plantations (Besky 2014a). This article constitutes an intervention into the discursive and visual practices employed by the debate participants, who are (rather unsurprisingly) northern organizations, *not* plantation workers in the global South. I knit material from my long-term ethnographic engagement in Darjeeling together with an analysis of the framing of the plantation debate in the popular and trade press; participant observation in public forums about fair trade certification on plantations; interviews with actors in northern fair trade organizations; and a content analysis of advertising and public relations materials produced by both sides. I also draw on my engagement (as Nepali interpreter, consultant, and general fixer) with a fair trade study team that came to Darjeeling while I was carrying out ethnographic research. This methodology draws on anthropological strategies for, in Laura Nader’s (1972) terms, “studying up”, through an examination of the multi-sited (and multi-media) movements of elites. Such a strategy is one means of “following the idea” of justice (Marcus 1995; Tsing 2004). While fair traders on either side of the debate certainly have developed strong relationships to small-farmer communities in Latin America, my research revealed less familiarity with the Indian plantation context.

Smallholders have long produced green and oolong teas in China and Japan, but East African, Indian, and Sri Lankan plantations supply nearly all of the black tea on the global market. In the 1990s, plantation owners in Darjeeling and elsewhere actively courted fair trade certification, in hopes of capitalizing on a growing market for luxury black teas in Europe and the USA, and a desire on the part of FLO members to incorporate more crops into the fair trade system.¹ On postcolonial plantations, fair trade is very much an idea that comes from outside, rather than from the ground up (Dolan 2010). Workers in Darjeeling never asked for fair trade, and many still have no idea what it is (Besky 2014a).

Darjeeling's cooperative and plantation tea workers belong to a marginalized Nepali-speaking community that has struggled for decades for recognition within India. British settlers recruited these workers in the 1800s, and their descendants still live in villages located on plantations, in housing owned by plantation companies. Even nearly 70 years after Indian independence, this plantation model, based on a resident labor force with little to no upward mobility, persists. Since the 1980s, tea workers and Indian Nepalis (or "Gorkhas") throughout Darjeeling have struggled not only for better wages but also to assert political sovereignty in India by calling for a separate Indian state of "Gorkhaland" (Besky 2014a; Middleton 2013). These struggles—for wages and for political recognition—have rarely been aligned. Indeed, Darjeeling plantation owners supported the first Gorkhaland agitation in the 1980s with an eye to reducing the power of communist political parties and their unions on plantations (Subba 1992). In the second Gorkhaland agitation, in the late 2000s, tea plantations were excluded from general strikes and other demonstrations.

Gorkha subnationalism reminds us that neither tea nor Gorkhas are "indigenous" to the region. Tea and tea plantation villages are the products of colonial control and agricultural "improvement" (Drayton 2000). Indeed, almost all fair trade commodities (sugar, coffee, tea, bananas) are similarly non-"traditional" or non-"indigenous" crops. Products that today are everyday parts of shopping lists in the global North began as rarefied luxuries for colonial elites (Schivelbusch 1992). The production of these crops, particularly on plantations in the global South, has fueled the marginalization of millions of people. Many of us choose fair-trade-certified versions because fair trade marketing tells us that so-called "conventional" production contributes to environmental degradation and poverty. Fair trade, then, is a means of recuperating colonial crops despite the fact that consumption, even of fair-trade goods, is deeply entangled with histories of plantation agriculture.

The question of justice in fair trade—particularly in spheres of northern consumption—has tended to be couched in binary terms. Fair trade interventions mobilize around two visions of justice. Fair trade can be a "market", in which justice means equitable distribution, or it can be a "movement" in which justice means recognition: the inclusion of marginalized people and their ways of life in a global community of solidarity and interdependence (Fridell 2007; Jaffee 2007; Lyon and Moberg 2010; Moberg 2008; Reynolds 2007). At the *market* level, Fridell (2007) describes how fair trade practice constitutes both a challenge to neoliberal logics of capital accumulation (by setting prices outside the free market) and works according to neoliberal free market principles (by relying on non-state regulation). Fair trade is

about paying more. Certified producers agree to sell the products of their labor, and certified retailers agree to pay a minimum price that is, ideally, more than the free market price for that product. Producers, as we are told on fair trade packaging, receive more money as a result of such purchases.

Fair trade is a *movement* in that it allies consumers, producers, and retailers against the abuses of capitalism as they are experienced in the global South and rooted in consumption practices in the global North. Fair trade shortens a social distance between producers and consumers. And fair trade organizations frame their work as one of building genuine “relationships” between commensurable “partners” (Doane 2010; Wilson 2013). In order for fair trade to be successful as either a movement or a market it must construct both a need and a needy subject. Fair trade is a means of not only bringing these products closer, but of fusing the act of purchasing with the act of cultivating a relationship (on consumer agency in fair trade see Bowes 2011; Linton 2012).

Following Fraser, movement and market constitute two alternative ways of achieving justice: one through *redistribution* and the other through *recognition*. We might see the persistent clash between these two as evidence of a multiplicity of justice(s) at work—as evidence of what Fraser (2009) calls “abnormal justice”. Fraser (2009) calls attention to the problematic absence in transnational movements of a third dimension of justice: *representation*. For Fraser, representation accounts in part for “‘ordinary-political injustices’, which arise internally, *within* bounded political communities, when skewed decision rules compromise the political voice of some who are already counted as members” (Fraser 2009:6). Representation also accounts for what Fraser calls “misframing”: those moments when people affected by a national or transnational justice program are wrongly excluded from it. Fraser’s concepts of representation and misframing permit us “to interrogate the mapping of political space from the standpoint of justice” (Fraser 2009:6). My objective here, following Fraser, is to map political space from the perspective of northern retail organizations who craft the dominant frameworks for understanding fair trade as doing justice *for* farmers and agricultural laborers across the world.

Fair trade advocates have tended to downplay the crucial role that representation plays in agricultural justice. As Bradley Wilson (2013) noted in a study of cooperative farmers in Nicaragua who became dissatisfied with the expansionist tendency of fair trade producer networks, politics in fair trade production contexts is messier than advocates care to admit (see also Lyon 2011). Attention to this messiness forces a reassessment of the multiple ways in which justice is imagined and practiced under global capitalism—alternative or otherwise. Nicaraguan farmers saw fair trade as a moral commitment that resonated with broader revolutionary struggles for land tenure and economic independence (Wilson 2013). In the early days of fair trade, ongoing political struggles of peasant coffee farmers in revolutionary Nicaragua and civil-war-torn El Salvador and Guatemala matched up with desires and ethical commitments of consumers. Movement and market were in sync. The representational struggles of tea growers in India, however, have never made it to the table in fair trade representations, let alone the debate between Fair Trade USA and Equal Exchange, even as both groups attempt to use stories about Indian tea to frame the problem of coffee plantation certification.

Visualizing the Commodity Chain

Fair Trade USA's model of justice relies upon nonstate regulation (ie certification) to turn consumptive acts into just acts. A system that was formed to challenge the inequities of free market circulation, the organization argues, cannot privilege certain types of producers: "As a model that seeks to alleviate poverty and empower farming communities ... inconsistency and systematic exclusion within the Fair Trade system is no longer acceptable ... We must innovate responsibly [by] including more people ..." (Fair Trade USA 2011b).

Fair Trade USA's advertising campaigns since its secession from FLO have nearly all been aimed at convincing consumers that "Every Purchase Matters", even on plantations (see Fair Trade USA 2011a). Advertisements and social media posts share thoughts on consumption from the classic to the celebrity, from Gandhi to John Quincy Adams to Natalie Portman. Take the image shown here from a Mother's Day campaign (Figure 1). Fair Trade USA allows consumers to separate *conditions* of production from *modes* of production. As coffee or tea move from farm to cup, its certification model guarantees (or, more accurately, claims to guarantee) that workers earn good wages in non-exploitative environments. By promoting regulatory fairness in farms of all sizes, this model excuses consumers from



Figure 1: Fair Trade USA Tumblr post from 30 April 2014. Reproduced with permission of Fair Trade USA²

contemplating the workings of agricultural “commodity chains”, the sequences of productive, brokerage, and consumptive activities that link farmers to consumers. Through the “Fair Trade Certified” label, these material linkages become subsumed to moral ones (Guthman 2007). Fair Trade USA’s vision of justice is in this sense an “egalitarian” one, which emphasizes the fundamental unity of actors, from farm to table, and plantation to cooperative (see Smith 2002).

Operating under the motto “Small Farmers, Big Change”, Equal Exchange has worked to develop an alternative model for non-plantation tea. In 1998, it partnered with Tea Promoters India (TPI), a company that owns six Darjeeling tea plantations. Just before this, TPI was buying green leaf tea from farmers who lived on a former tea plantation, Mineral Springs, and had begun processing and packaging this green leaf in one of its plantation factories. More recently, TPI, in partnership with Equal Exchange, has begun to source green leaf from another closed plantation, Potong. Unlike Mineral Springs, which remains a cooperative, TPI arranged with Potong’s absentee owners to purchase 25% of Potong and to allow its workers to purchase 51%.³

Equal Exchange and other “more fair than fair trade” organizations eschew the Fair Trade logo. As a cooperative retailer that only works with cooperative producers, Equal Exchange has strived instead to keep consumer interests focused on the commodity chain (Figure 2). Graphics like this one visualize justice in explicitly spatial terms. Geographical and social differences are overcome not simply through moral commitment but through a material trimming of the number of economic hurdles between farm and table. Equal Exchange describes its partnership with TPI as “a path toward a small farmer tea model ... one which paves the way for ... greater access to the market” (Robinson 2013:19).

In the case of tea, however, Equal Exchange’s visualization of the commodity chain obscures the deep entanglements between cooperatives and plantations. Not all



Figure 2: Equal Exchange’s representation of coffee commodity chains. Reproduced with permission of Equal Exchange⁴

production ecologies are the same. Coffee is harvested annually, when workers rush to the fields to cull all of the red cherries before they rot. These are then dried and the skins and pulps removed. Green coffee beans can be shipped abroad for roasting. Tea, by contrast, is cultivated all year round. Unlike coffee, which can be shipped unprocessed, tea leaves must be processed beginning the same day they are picked. This involves withering, rolling, fermenting, firing, sorting, and packing for shipment, processes that Equal Exchange describes on its website with pictures and even a “chain” diagram similar to the ones it has produced for coffee.⁵

What Equal Exchange does not say in its elaboration of the six steps of tea processing is that in Darjeeling and elsewhere in India, factories, located on plantations, perform all of the withering, rolling, fermenting, drying, sorting, and packaging necessary for the transport of tea to consumers. While it might be plucked by cooperative labor, the tea grown at Mineral Springs and Potong is not a wholly cooperative product. The work associated with the factory-finishing process is still done by plantation laborers employed by TPI, not cooperative “small farmers”. Equal Exchange elides this problem, insisting on a sharp divide between the path its tea travels from small farmer to consumer, and the one that other fair trade teas take from plantation to consumer. Factory laborers, crucial to the production of tea, have always been included in plantation labor forces, but they have been written out of the “small farmer” model. Equal Exchange goes a step further by condensing the image of plantation into the singular figure of the plantation owner, shifting attention away from the factory and field labor that fuels plantation production.

Both Fair Trade USA and Equal Exchange conjure the spaces they need in order to fulfill their visions of justice. Each fails to reflexively examine the ways in which their excessive or insufficient inclusivity may actually do injustice to individuals and groups involved in tea production (Fraser 2010). Fair Trade USA’s enthusiasm for expansion to plantations has gone along with a focus on consumer action rather than on a “chain” of economic activities. Its expansive vision holds that anyone involved in the production of a commodity crop is a potential subject of fair trade. The “who” of justice under its schema is so vast as to risk being meaningless. As Fraser (2009, 2010) notes, transnational justice movements often falter in precisely this way. By asserting that the “who” includes “all affected” by a particular governance structure (in this case, the global agricultural commodities market), such programs risk becoming universalistic and thus ineffectual.

Whereas Fair Trade USA downplays commodity chain relations, Equal Exchange perhaps overplays them, envisioning a network of producers and consumers that is spatially limited, or in its slogan, “closer together” (recall Figure 2). Even though Equal Exchange *includes* factory processes in its schema of tea production, in its unitary focus on small farmers, it *excludes* the laborers who perform factory tasks from its model. Even Equal Exchange’s “alternative” tea depends on a plantation labor force. Who counts in this vision of justice are cooperative field laborers, *not* wage-earning factory workers (who make the same wage regardless of whether their plantation is certified fair trade or not). Equal Exchange thus uses visualization of the commodity chain to create its own barriers to justice, emphasizing the field as the space of production and fetishizing land—and the pastoral relations contained within—over machinery and packing lines.

Size Matters

The debate over plantations in fair trade has done more than just oversimplify commodity chain relationships. Equal Exchange and Fair Trade USA each, in different ways, exclude questions of ethnic, national, and other forms of political difference from their visions of justice.

Fair Trade USA's marketing materials explain that the organization has witnessed what fair trade certification can do in non-cooperative settings, particularly on tea, banana, and flower plantations. As Fair Trade USA notes:

We are now extending this positive experience to farm workers and their families in coffee. We believe the Fair Trade movement has a calling: to be inclusive and to embrace the needs of the entire rural community, including farm laborers on *large farms* (Fair Trade USA 2012:1, emphasis added).

It seems simple. All “farmers”, regardless of the size of the field in which they work, are in need of shelter from the inequities of the market.

As Equal Exchange has noted, Fair Trade USA's use of the term “large farm” in lieu of “plantation” diverts attention from questions about land tenure and labor organization:

95% of tea that is labeled “fair trade” is sourced from plantations, one of the last vestiges of the colonial system. The basic structure of the plantations has not changed since colonial times, consisting of absentee owners and very low wages for workers ... by only working with large estate tea, the current fair trade model focuses far too much on supply and not nearly enough on structural, systemic change ... due to the feudal nature of plantations, workers are often trapped in a system of dependency (Robinson 2013:17).

Fair Trade USA envisions justice through scalar expansion, while Equal Exchange envisions justice as a process of geographic dispersal. Equal Exchange celebrates the “market access” model I described above:

At Equal Exchange, we think tea farmers should be able to make a living as tea growers working their own land—and unlike most in the Fair Trade market—we're trying to make that possible. If we can, then these men and women will be much less likely to lose their farms and be forced one day to work someone's land as a plantation laborer.⁶

The image is one of resilient small farmers banding together against encroachment by plantation owners. The narrative is plucked nearly wholesale from the common story of Latin American coffee farmers, who struggled to buy their land from large holders and now struggle to find a market. Equal Exchange, drawing on global economic justice rhetoric, pointedly labels its cooperative-tea-growing partners “the 99%” and plantation owners “the 1%” (Figure 3).

Much like the commodity chain models discussed above, scalar terms like “large farm” and “small farm”, and numerical tropes like “99%” lend a comprehensible quantitative dimension to the debate about the proper laboring subject (and the size) of fair trade. Yet scalar framings obscure as much as they reveal (Liverman 2004; Marston et al. 2005; Swygendouw and Heynen 2003). Despite its strong indictment of tea plantations' colonial roots, Equal Exchange, like Fair Trade USA, has tended to reduce the problems that beset tea workers to the level of economic

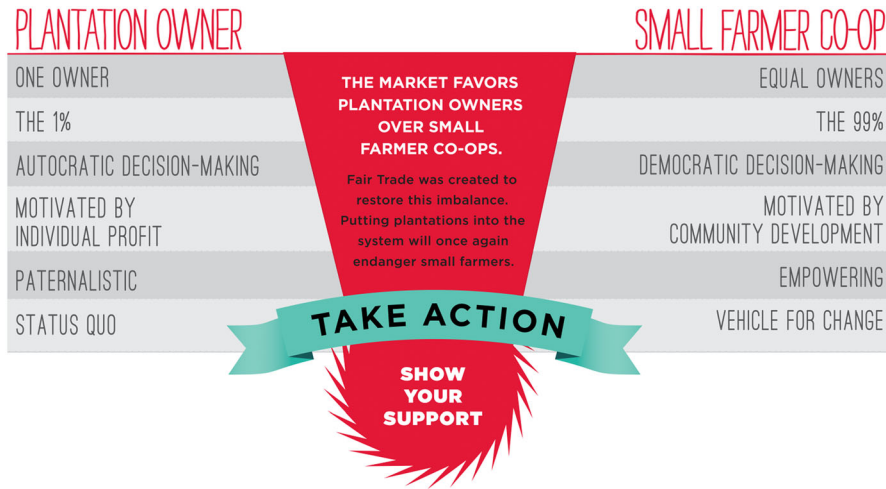


Figure 3: Equal Exchange graphic illustrating the difference between plantations and cooperatives. Reproduced with permission of Equal Exchange⁷

hardship. The political marginalization of workers is, for both organizations, part of a “bygone era” of colonial rule (Robinson 2013:17).

In 2014, I participated in a public forum held at a major US law school that was aimed at discussing labor conditions in purportedly “ethical” Indian plantation contexts. The event brought together two lawyers, a journalist, a representative from Equal Exchange, and myself. We were each asked to present evidence regarding the efficacy of fair trade (and other projects) on Indian tea plantations. When the Equal Exchange representative’s turn arose, however, she gave a lengthy treatise on Equal Exchange’s coffee cooperative model. She said, “I’m parking the question about workers’ rights on plantations, because that is not what Equal Exchange does”. The “parents” of small coffee farmers with whom Equal Exchange has worked, she asserted, formerly labored “on plantations in a ... more or less ... parallel situation, to what we’re hearing about in India today”. She emphasized that Equal Exchange’s model was about giving these small farmers “market access” so that they could compete with plantations. Equal Exchange’s market access model was designed explicitly for “small farmers ... banding together” *against* a plantation system staffed by people who are “basically slaves”. “Market access is the thing”, she repeated later, “and a plantation owner doesn’t need market access”. For Equal Exchange, an opposition between small farm and plantation, in any locale, from Latin America to India, was key to the fair trade justice model. In its critique of Fair Trade USA, Equal Exchange assigns blame and provokes guilt. As Iris Marion Young notes, “A rhetoric of blame ... often seeks a single or a few particularly powerful actors who have caused ... problems ... The power of some actors is improperly inflated, and that of many others is ignored” (Young 2013:116–117). Such a rhetoric of blame risks ignoring the “background conditions” that shape (in)justice (Young 2013). It is ironically plantation laborers—from field to factory—who are pushed deep into this “background”.

In all of their promotional materials regarding Darjeeling, neither Equal Exchange nor Fair Trade USA ever mentions “background conditions”, including the fact that

nearly all tea workers in the region—indeed the majority of Darjeeling’s population—are descended from Nepali migrants recruited by British colonialists to work plantations, cut timber, and build roads. These workers still identify as *Nepali* Indians, for whom systematic discrimination in politics, as well as in economic life, has continued unabated (but not uncontested) since the colonial period. The colonial system thrived on the backs of a labor force of Nepali “coolies”, considered fit only for field labor, domestic work, or military service (Chatterjee 2001). Only a few Nepalis have ever become plantation managers, and none have been able to own plantations. Outside Darjeeling, Indian Nepalis routinely find themselves subjected to discrimination. Their very status as full-fledged citizens of India continues to be tenuous. The Darjeeling district sits on the India–Nepal border within the Indian state of West Bengal. Nepalis constitute such a minority in the state that elections have done little to shift the balance of political power. Darjeeling’s plantations (fair trade or otherwise) and smallholder villages have been key sites in the struggle of Indian Nepalis to establish a separate Indian, but Nepali-majority, state of Gorkhaland, which would encompass Darjeeling and two adjacent tea-producing regions (Middleton 2013; Subba 1992).

A reduction of the justice claims of people like the Gorkhas to an economic register readable through the large or small size of “farms” flattens the contours of life in Darjeeling. Nepali tea pluckers, like ethnically marked plantation and “large farm” workers in other parts of the world, are multiply oppressed. As plantation workers, many lack full access to participation in a global economic order. As Nepalis within India, all struggle for recognition as well as full domestic political representation.

To be sure, the formation of cooperatives at Mineral Springs and Potong has partially decolonized land tenure, but cooperative and plantation workers are linked as much by their shared struggle for representation within the Indian state as by their experience of economic hardship. The attempt of fair trade organizations to reform the tea industry by cordoning off workers’ economic struggles from their political ones ignores—and by extension reinforces—the deep-seated ethnic marginalization that has sustained the Darjeeling tea industry for nearly 180 years. There is no reason why the global fair trade movement could not call attention to the political struggle of Nepalis, except that such attention detracts from the market-orientation of the movement. Indeed, the linking of political and economic struggle is for many at the heart of the fair trade project. In the public forum to which I alluded above, Equal Exchange’s representative talked explicitly about the exploitation of “indigenous” Central American peasants at the hands of European plantation owners, and of peasant rights as the heart of both fair trade and revolutionary politics. By reducing questions of justice to cooperative membership and/or higher monetary yields, fair trade (large or small) fails to account for the ways in which Nepalis in general remain subject to an array of postcolonial inequities, of which plantations are simply one. Insofar as they separate Indian subnational politics from Indian tea production, fair trade groups place severe limits on the possibilities for transnational solidarity.

Contending Democracies

In its call to expand fair trade certification to coffee plantations, Fair Trade USA states: “By excluding millions of unorganized coffee farmers and farm workers,

our current model also limits impact opportunities for producers, businesses and consumers”.⁸ In Fair Trade USA’s usage, “unorganized” does not describe the status of workers as unionized or politically active. “Organization” in fair trade parlance tends to refer to the formation of democratic decision-making bodies. Until the 1990s, small farmer cooperatives were the paradigmatic form for such bodies. When they began experimenting in Darjeeling with plantation certification, FLO and its partners formed “Joint Bodies”, composed of management and labor representatives, who would democratically decide how fair trade profits would be spent. In practice, however, Joint Bodies often proved more divisive than cohesive, drawing a select few plantation laborers into what some of their coworkers considered excessively cozy relationships with owners and managers. Joint Bodies also directly undermined the power of labor unions (Besky 2008).

As one of Equal Exchange’s founders told a group of supporters regarding plantation certification, owners have “simply allowed their workers ... to create a committee shared with management” (Dickinson 2011). He continued, “small tea farmers ... lost the minute the beautiful fair trade idea built for them was mistakenly attached to a plantation” where workers are “bonded” to land rather than outright owners of it (Dickinson 2011). For Equal Exchange, no plantation worker can legitimately be included in the democratic associations that constitute the heart of the fair trade project. As another Equal Exchange official suggested, “to have the cooperatives run for and by farmers introduces economic and often political democracy” in the regions where fair trade operates (North 2008). In the public forum I described in the last section, the Equal Exchange representative claimed that fair trade organizations had succeeded in putting members into office, and in one Latin American country, to helping elect a pro-farmer Vice President.

While the opposition between cooperative democracy and plantation Joint Body democracy is compelling, in this section, I recount the history of Equal Exchange’s cooperative partner Mineral Springs and of a land dispute on a fair-trade certified plantation to show that the mechanisms by which Darjeeling tea laborers articulate justice are not so straightforward. For waged plantation workers and cooperative farmers, agriculture reflects both *spatial histories* and *spatial practices* of inclusion and exclusion—what Mitchell (2003) calls “landscapes of justice”. To understand how democratic communities are formed, it is essential to understand how people conceptualize and mobilize around land.

In India, the term “plantation” has a particular legal significance. Plantations must have, at a minimum, a labor force, productive plants, and, crucially, a working factory for tea processing (Ghosh 1987). Technically speaking, all tea plantation land in Darjeeling is held by corporations or individual persons on long-term leases from the government of West Bengal. In the years after Indian independence in 1947, the plantation at Mineral Springs met these requirements, but a series of companies who held its lease failed to make a profit there. Between independence and 1968, it closed and reopened repeatedly, and worker unrest grew. Then, in 1968, a group of the remaining workers burned the Mineral Springs factory, effectively foreclosing the possibility that it could ever be reopened as a plantation. That action, taken against both the tea industry and the state that underwrote it, led, with the aid of Catholic charities, to the formation of a cooperative association of

small, independent dairy farmers (Dekens 2005:129–131). Legal title to the land, however, did not emerge until after the first uprising of the Gorkhaland movement in 1986 (Dekens 2005; see also Sen 2009). The cooperative was *sui generis* in Darjeeling. Indeed, no group of workers has managed before or since to gain clear title to a “closed” plantation. Mineral Springs would not have existed if, first, management had not repeatedly closed it and, second, workers had not burned its factory.

This combination of labor action, economic change, and subnationalism also shaped justice claims on Darjeeling plantations. In 2010, I began working with a group of labor and human rights lawyers from the US who, along with a lawyer from the International Union of Foodworkers (IUF), came to Darjeeling to carry out a study commissioned by FLO on the effects of fair trade certification on plantations. FLO wanted to follow up on criticisms—including in my own published work—that fair trade undermined plantation labor unions (Besky 2008). During their visit, the lawyers were invited to a noted fair-trade certified plantation whose owner assured them that quality of life for workers was high and that unions were vibrant. They were given a guided tour, and management facilitated interviews with a select group of plantation residents.

After their initial trip, the study team asked me to return with them to that plantation. On this second visit, the IUF attorney became concerned about an ongoing land dispute. The plantation owner was claiming that a village that sat on municipal land adjacent to the plantation was actually his land. At the time, it looked as if the plantation owner was going to succeed in seizing the village to construct a tourist resort, to supplement dwindling income from tea sales. At the IUF’s request, I collected documentation about tenancy and land claim petitions dating back to the 1940s. These documents clearly demonstrated that the village, which sat on the site of a former soap factory, was not plantation leasehold, even though the plantation had gradually hired village residents as wage laborers since the soap factory’s closure. The IUF attorney took depositions and presented this evidence to the plantation’s owner, and the resort project stalled. Despite news stories in subsequent years about new plans to construct the first high-end resort in Darjeeling on the site, the project remains stalled.

On this plantation, as at Mineral Springs, pasts of injustice and potentials for justice were “built into the ground” (Mitchell 2007). The IUF’s claims about land tenure hinged on the fact that the land under Darjeeling tea estates is not owned by tea companies. It is leased by those companies from the government of West Bengal, which not only reaps lease payments but also regulates plantations through its state-level bureaucratic departments. The land dispute was predicated, then, on the idea that the soil beneath tea plantations was *state* soil and that land off the plantation was “municipal land”. For plantation workers, land categories framed the kinds of claims that they could make and the potentials for land becoming “Gorkha” land. The residents of the disputed village were making claims both as tea workers who could be legitimately represented by the IUF, and as rights-bearing Gorkha citizens of the nation and the state of West Bengal. During the height of the Gorkhaland movement, plantation residents read this dispute through the lens of Gorkha sovereignty, which would mean a transfer of state-level power. It would not break up the plantations or change ownership, but instead

make non-Gorkha plantation owners newly accountable, for both the provision of plantation infrastructure and recognition of the basic social rights of workers.

In Darjeeling, where ethnic, national, and labor identities overlap, justice means working in multiple directions, from the inside of the state as well as the inside of the tea production system. It is this blend of demands that fair trade, in its cooperative and plantation guises, fails to address. Both those who would certify plantations and form Joint Bodies and those who would limit fair trade to cooperatives depend on the gains that workers have made through an “abnormal” combination of labor movements and ethnonationalist organizing (Fraser 2009). Yet under fair trade, workers’ senses of oppression based on cultural, linguistic, or national identity become minimized by the hegemonic pull of liberal notions of democracy and distributive calls for “market access” (Young 2011). While Equal Exchange attempts to create a model for justice by emphasizing the difference between cooperatives and plantations, cooperative and plantation workers may be asserting claims to justice based on other kinds of difference. The fact that claims to justice are so often also claims to the preservation of difference, as Arturo Escobar (2006) notes, is not simply a result of the fractures that have occurred under globalization. Rather, this fact underscores that conventional, “normal” views of justice were probably never sufficient—and were perhaps themselves unjust—in the first place (Fraser 2009).

Discussion: Framing Justice

Plantation laborers are simultaneously transnational subjects (implicated in global trade, “fair” or otherwise) and postcolonial subjects (people whose relationship to a nation-state tends to be one of marginality). What would the political face of justice look like for such workers? Certainly, one way to link the “movement” side of fair trade with its “market” side is to imagine fair trade as a kind of “social contract” (Hobbes 1985). Many theories of justice are rooted in social contract-based thinking. In his discussions of justice, Jeremy Bentham emphasized “utility”, the capacity to bring pleasure in a given action. Actions with the greatest utility for the greatest number of people bring about the most good and are thus the most “just” (Bentham 2007). In Bentham’s formulation of justice, the categorical morality of action itself is not important—the results that action brings are the focus (Kymlicka 2002:10–48). Fair trade certainly adopts this utilitarian ethic, in which consumption is a value-neutral action in itself—it is the benefits, the utility, that consumptive acts yield that is important.

A liberal conception of justice, associated with John Rawls (1971), espouses the view that social goods should be distributed equally, unless the unequal distribution of goods favors the least advantaged. In a liberal view, advantaged *individuals* must act to the benefit of disadvantaged *individuals*. “Fairness”, then, is socially necessary inequality. Under fair trade, it is acceptable and effective for customers to pay more for an item (a voluntary inequality) as long as it helps the least well off (Stiglitz and Charlton 2005).

In both liberal and utilitarian frameworks, inequality is allowed to persist and is even justified. These are not egalitarian visions of justice. Fair Trade USA, which

supports extending fair trade to more plantations, is trying to reduce the number of people facing inequality. Such an approach illustrates fair trade's utilitarian tendency, but, inevitably, not everyone can or will be included. For Equal Exchange, which opposes extending fair trade to plantations, cooperative membership is a necessary precondition for access to justice, but not all producers can cooperativize. As the Darjeeling example shows, cooperativization depends upon a confluence of political, legal, and historical factors. Equal Exchange's critique of plantation certification is that it is not sufficiently exclusionary. Cooperatives and plantations must remain distinct for its model of justice (and its market share) to hold. For Equal Exchange and others, plantation certification does not allow for *enough* difference to make fair trade morally meaningful.

As forms of just governance, social contracts are presumed to be *voluntary* agreements between *equal* partners. Critiquing such formulations, Fraser (2010) argues that they presume that the "who" of justice—in the case of fair trade, consumers and producers in the abstract—is clearly defined. She argues that in "abnormal" situations, "one should assume at the outset that it is possible ... that some ways of delimiting the 'who' ... are themselves unjust" (Fraser 2010:284). If politics and markets under global capitalism make states and working communities fluid and unstable, any idealization of the social contract could be dangerous.

The current debate between Fair Trade USA and Equal Exchange is a form of "meta-political" "framing," by which transnational elites are setting the terms of inclusion and exclusion (Fraser 2009). This marks a break from an earlier era of fair trade, in which terms were set by small farmers, activist consumers, and fair trade organizations. As a self-consciously transnational framework for justice, fair trade has attempted to overcome the framing problem by imagining new geographies of solidarity and action (Hassoun 2012; Keck and Sikkink 1998). Transnational justice movements imagine people as united across geographical distance by membership in a networked community of interdependence. Such movements can be effective, but they, too, risk "misframing" their subjects, insofar as the relationships that make them interdependent must be outlined before the determination of membership (Fraser 2010:292). In the context of tea and the plantation question, Equal Exchange and Fair Trade USA both insist on pre-determining the relationship between consumers and producers, but they do so in different ways. Such networking, while it transcends the boundedness of contract-based governance, remains limited. Transnational networks are, in many ways, still ideal types.

Transnational justice movements such as fair trade certainly do promote what Michael Goodman (2004) calls "solidarity in difference", but the terms of such solidarity tend to be set by consumers rather than producers, or more often, by large retail buyers. As Jill Harrison argues, the market-based anti-pesticide movement in the US, which relies upon the use of organic labels to ensure quality, "unwittingly privileges certain bodies (organic consumers) and abandons others (residents of agricultural communities)" (Harrison 2008:164). Such movements, which rely upon networked activism, provide a vision of justice that ignores persistent questions about difference—questions that might plausibly be bracketed off from justice discourses among consumers but which cannot be separated from the experience of agricultural production.

Geographical and allied examinations of indigenous activism, women's movements, and postcolonial environmentalism demonstrate the power of transnational networks to address problems that transcend national borders (Escobar 2008; Harvey 1996; Liverman 2004; Smith 1994; Tsing 2004). The objective of such movements is to achieve what Escobar (2006:121) calls "difference-in-equality". The problem with distributive or liberal formulations of global justice is that such frameworks tend to "crowd out" cultural and social difference (Escobar 2006:121; see also Harvey 2009; Soja 2010; Swyngedouw and Heynen 2003). In other words, it is essential in postcolonial contexts to understand the multiplicity of forms of injustice before attempting to do justice. Young has suggested that a view of justice as the elimination of domination and oppression, rather than the creation of spaces for distribution or recognition, would more fully account for the ways in which people experience injustice as members of groups, rather than as individuals. Utilitarian, liberal, and many transnational conceptualizations both risk perpetuating injustice by failing to acknowledge the possibility that people may be multiply oppressed (Young 2011). Darjeeling's tea workers are not just poor farm laborers, but sometimes poor *women* farm laborers, and always poor *Nepali* farm laborers. Cordoning off poverty from gendered or ethnic identity does little to create just spaces (Fraser 2000). Fair traders consistently invoke the movement's roots in Latin American liberation struggles, yet they fail to see how poorly a Latin American framework translates to an Indian context, and how little Indian plantations serve to justify arguments for or against the certification of coffee plantations.

Conclusion

In analyzing the public dispute between Equal Exchange and Fair Trade USA over the extension of fair trade to coffee plantations, I have illustrated the ways in which each organization locates agricultural laborers as subjects of justice. By following northern fair trade promoters as they "frame" the plantation debate, I have worked to track the circulation of global philosophical and technical justice discourses (Fraser 2009). Such discourses gain meaning only insofar as they articulate with material and social conditions "built into the ground" on postcolonial plantations (Mitchell 2007). Fair trade's market orientation emphasizes distribution of goods, while its movement orientation emphasizes recognition of marginalized (gendered, ethnic, peasant, indigenous) peoples as "partners". Neither party has fully considered the ways in which workers themselves make claims on states, institutions, and one another, nor how these very frameworks for justice might foreclose such possibilities. Fair trade presents an "alternative" to capitalism as usual, but by avoiding the question of political representation and an entire suite of underlying forms of persistent inequality that penetrate agricultural spaces, fair trade continues to fail to coalesce into a radically transformative force.

Considering how injustice is "built into the ground" in Darjeeling provides insight into the conditions of capitalism under which claims about economic marginalization, ethnic/racial/gendered recognition, *and* political belonging intersect (Mitchell 2007; see also Mitchell 1996). It also permits a view of how ideas of justice travel through

different spaces and contexts, and the “friction” between universal ideals and lived conditions (Tsing 2004). The debate over fair trade’s legitimate laboring subject exemplifies the problem and the promise of what Fraser (2009) calls “abnormal justice”—the uneven, overlapping relationship between redistribution, recognition, and representation. In order to be transformative, fair trade and other similar “alternative” movements must continue to engage—or perhaps revisit—questions of political belonging and exclusion. In short, they must engage production locales and their articulations with larger regional, national, and international scales.

Fair trade (or something like it) may have the potential to be transformative, but such transformation cannot come simply through the identification of global cosmopolitan networks or the creation of quasi-governmental bureaucracies. The stalemate over what justice means (and where, for whom, and how justice might be done) contains within it a potential for an “abnormal geography of justice”: one that analyzes and intervenes at multiple scales, recognizing how the strategic value of distribution, recognition, and representation change with context. An abnormal geography of justice does not require conceptual purity; it simply requires clarity about the histories and ongoing practices of subjugation that drive postcolonial agriculture.

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Endnotes

¹ The roots of fair trade rest in post-World War II projects by religious groups selling handi-crafts made by refugees. In the 1980s, a fair trade more akin to what we see today came into being. “Solidarity workers” travelled to small farmer coffee cooperatives in Nicaragua to break the US embargo by bringing coffee through Canada for sale in the US. Throughout the late 1980s and 1990s, fair trade consolidated regional grassroots, small-scale movements into a globally regulated system of certification. In the 1990s, FLO incorporated plantations, or what they called “hired labor” standards, which differed from “small farmer” standards. Coffee remains the paradigmatic fair trade commodity (Jaffee 2007; Luetchford 2008; Lyon 2011; Wilson 2010). FLO’s expansion beyond cooperatives, however, allowed the system to expand beyond coffee: to tea (Sen 2009), cacao (Berlan, 2008), bananas (Brown 2013; Moberg 2008), and flowers (Ziegler 2010) (see <http://www.fairtrade.net/products.html>). For details about FLO’s Hired Labor Standards or Hired Labor Standards in Tea, see FLO (2011a, 2011b).

² <http://fairtradeusa.tumblr.com/>

³ Non-plantation production remains the exception. In addition to Mineral Springs and Potong, there is only one other non-plantation producer, Organic Ekta, which is underwritten by Tazo-Starbucks. Their tea must also be processed on a plantation by wage labor.

⁴ From an Equal Exchange Facebook post on 15 July 2014. https://www.facebook.com/equalexchange?sk=app_208195102528120

⁵ <http://www.equalexchange.coop/products/tea/steps>

- ⁶ <http://www.equalexchange.coop/about/fair-trade/faqs/why-equal-exchange-co-ops-and-against-plantations-fair-trade-system>
- ⁷ <http://www.equalexchange.coop/small-farmer-campaign>
- ⁸ <http://fairtradeforall.com/vision/innovate-the-model/> (the link remains active, but the wording has changed).

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