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– H.J. Paton, THE CATEGORICAL IMPERATIVE A study in Kant's Moral Philosophy

ETHICAL RESPONSIBILITIES AND RELATIONSHIPS IN THE FASHION INDUSTRY

This work is an exploration of the current ethical climate of the fashion industry, focusing on people-to-people relationships; consumers, designers, and manufacturers. Drawing upon Jewish ethics and the philosophical theories of Aristotle, Emmanuel Levinas, Emmanuel Kant, and Martin Buber, Masha Levine endeavours to explain the reasoning behind unethical relationships and speculates upon solutions for an ethically driven industry.

Opening with an overview of the current unethical relationships within the industry, Levine then expands upon Jewish ethics both in recognition that modern society is built upon the moral lessons religion teaches, and the author's personal interest in religious ethics, to interpret what is moral and what motivates one to act in such a way. Levine then further elucidates on each existing relationship in the industry and presents solutions to bring about a more ethical shift.

While this work does not attempt to present black and white, set in stone arguments, it presents the idea that all participants in the fashion industry must ultimately work together to achieve the common goal of ethical relationships.

How can certain unethical relationships within the fashion industry be made ethical?

WHOSE RESPONSIBILITY IS IT TO UPHOLD THESE ETHICAL RELATIONSHIPS?

“It is impossible to conceive anything in the world, or even out of it, which can be taken as good without limitation, save only a good will”

– Immanuel Kant, Groundwork of the Metaphysics of Morals

INTRODUCTION

When looked at closely, the fashion industry is a cycle of unethical behaviour. From designers, fashion houses, manufacturers, and consumers, there are a slew of unethical actions being undertaken and these actions will feed back into what seems to be an

unbreakable cycle. Designers who infringe copyright, fashion houses and brands that send off their designs to be manufactured in sweat shops, manufacturers who do not pay their staff a living wage, who exploit innocent workers, to consumers who purchase cheap garments at an exponential rate; these are all behaviours and actions that feed the fast fashion cycle. With this thesis I aim to 1) outline the current unethical climate in the fashion industry, 2) establish what is ethical and moral by delving into Jewish ethics and the philosophical theories of Immanuel Kant, Emmanuel Levinas, Aristotle, and Martin Buber, 3) introduce each relationship within the industry that is currently unethical, and 4) propose a more ethical solution to the problematic relationship through an exploration of the above mentioned philosophers and their ethical and moral theories.

Part 1

“One of the reasons philosophy is difficult is that in philosophical thinking we ought to know exactly what it is that we are doing. This does not apply in the same sense to other thinkers: the mathematician, the physicist, the artist. But amongst the questions that [they] ask, there is one question not asked: “What is mathematics?”, “What is physics?”, “What is art?” If the mathematician, the physicist, or the artist asks these questions, he has taken the first step towards being something more than a mathematician, physicist, or artist; he is, in short, becoming a philosopher.”

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BACKGROUND

In the fashion industry we know today, fast fashion is the driving business model. The phrase “fast fashion” refers to low-cost clothing collections that mimic current luxury fashion trends (Joy, Sherry et al. 2012). The fast fashion industry affects an enormous amount of people - in 2014, it was recorded that 61-75 million people are employed in the fashion industry worldwide (Stotz and Kane 2015; p. 1 [online]); 40 million of them are garment workers, and 85% of these garment workers are female. 1 out of 6 people alive today work in some part of the fashion industry, making it the most labour dependent industry on Earth (Morgan 2015).

The fast fashion mindset helps satiate deeply held desires among consumers in the industrialised world for luxury fashion,

even as it embodies unsustainability (Joy, Sherry et al. 2012). With consumers being convinced that they need more clothes, more quickly, fashion brands try to keep up with the demand by getting clothing cheaply and quickly manufactured overseas in unethical factories, as well as slews of knock-off products popping up for a fraction of the cost of genuine brands. The growing demand for newer, better, faster clothes is magnified by the younger generations' desire for instant gratification, and a growing lack of consumer awareness and knowledge of what really happens behind the closed doors of the fast fashion cycle results in severe negative consequences for people, animals, and the environment, which will be outlined in Parts 2 and 3 with a specific focus on human-to-human relations.

Despite these unethical consequences, executives in the industry as well as academics are quick to condone cheap labour and violations of rights; Benjamin Powell, an Economics professor at Texas Tech University and author of books such as “Making Poor Nations Rich” and “Out of Poverty” - a book which provides a ‘comprehensive defence of third-world sweatshops’ (Powell 2014 [online]) - states: “These ... so called sweatshops, they're not just the least bad option workers have, they're part of the very process that raises living standards and leads to higher wages, better working conditions over time. Your proximate causes of development are physical, capital, technology, and human capital (skills of the workers). When sweatshops come to these countries they bring all three of those to these workers who start getting that process going.” (Morgan 2015).

Inevitably, fashion's ubiquitous presence as a symbol of modern mass production and profligate consumption sees it targeted as an industry and social practice in need of a greater moral conscience (Dunlop, 2012).

Part 2

“We have to ask what is meant by duty or moral obligation, and what is our justification for supposing we have duty at all.”

– H.J. Paton, THE CATEGORICAL IMPERATIVE A study in Kant's Moral Philosophy

ESTABLISHMENT OF ETHICS AND MORALS

To begin speaking about ethical and moral actions, one must first define what motivates a person to act morally, and what is universally good and right. The question of ethics is a question that defines the values that an individual would live by in order to increase the possibility of generating common “good” with others, and in corollary, eschew “bad” relations that reduce their capacity as human beings (Loo, 2012). As Judaism and Jewish ethics

are a personal interest to this author as well as explorations of Levinas and Buber, they are the logical starting point.

In *The Substance of Jewish Business Ethics*, Moses Pava explains that Jewish ethics differ from secular approaches in that G-d¹ must be recognised as the ultimate source of value (“I am the Lord, your G-d” [Deuteronomy 5:6]) (Pava, 1998). Pava states that unless morality is viewed in the context of G-d, it is anchorless (p605), as G-d's morality is universal and never changing, unlike man's. However if one does not believe in a higher power, Emmanuel Kant affirms that moral actions must be done for the sake of duty and not from any desire for personal reward (Evans 2016). In *Groundwork of the Metaphysics of Morals* Kant states:

“A good will is good not because of what it effects, or accomplishes, nor because of its fitness to attain some intended end, but good just by its willing, i.e. in itself; and, considered by itself, it is to be esteemed beyond compare much higher than anything that could ever be brought about by it in favour of some inclinations, and indeed, if you will, the sum of all inclinations.”

Put in simpler terms, the idea of a goodwill is supposed to be the idea of one who is committed only to make decisions that they hold to be morally worthy and who takes moral considerations in themselves to be conclusive reason for guiding their behaviour (Cureton, Johnson 2016).

Now that the motivation for ethical human behaviour is defined, ethical and moral goals must be specified. A popular summary of the Old and New Testaments, which have long been foundations for modern society, is “Do to others as you would have them do to you” [Luke 6:31]. In other words, be kind, and as is appropriate to the direction that this thesis is going, like the Ten Commandments instruct, do not steal.

To summarise, for the purpose of this thesis moral and ethical behaviours are kindness and empathy, and the incentive for acting morally is one's sense of duty, whether it be as a result of a belief in a higher power, or a sense of righteousness.

¹ According to Jewish law and tradition, the various names for our Creator are all considered holy and must be treated with the utmost respect; we do not write any of the names used for G-d in whole on documents that may potentially be thrown out or destroyed, hence the hyphenated spelling.

Part 3

RELATIONSHIPS WITHIN THE FASHION INDUSTRY

DESIGNER → MANUFACTURER RELATIONSHIP

In the modern fashion industry, designers and brands send off specification sheets to factories and manufacturers who are located in the developing world in Cambodia, Bangladesh, India, and China (just to name a few) where wages are cheap, working conditions rarely regulated, and factory accidents are accepted as the cost of doing business (The True Cost, 2014). Three out of four of the worst garment factory disasters in history happened in 2012 and 2013, including the Rana Plaza collapse in April 2013 which resulted in 1,134 lives lost and many more injured. News coverage of the event broadcasted headlines such as illegally run, poorly built factories, desperately bad pay, and foul mistreatment of (mainly female, often underage) workers (Jones, 2014 [online]). Despite this, the year following the Rana Plaza collapse was fast-fashion's most profitable, with the top fast-fashion brands (Zara, H&M, Gap, and Fast Retailing) pulling in over \$72 billion, versus the \$48 billion in 2013 (Moore, 2015).

Designer and maker are separated by continents and oceans, their only contact being through numbers and illustrations on a document. Stephen Colbert summed it up: "The global marketplace is some place where we export work to have happen in whatever conditions we want and the products come back to me cheap enough to throw away without thinking about it." (The True Cost, 2014) This "marketplace" lends people the anonymity to make decisions they usually would not face-to-face: designers are able to outsource their work in

Emmanuel Levinas explores the this concept of face-to-face ethics; his work is the attempt to describe a relation with the other person that cannot be reduced to comprehension (Simon, 2014). In his essay, *Nameless*, Levinas talks about what happens when people are not seen as people, but as part of a large faceless crowd, as numbers. He compares this to the practice of the Nazis during the Holocaust, where Jews were branded on their forearms (Sugarman, 2002). This mirrors what is currently happening in the industry where designers (or consumers) do not often meet the makers of their products, only corresponding through emails and spec packs. According to Levinas, the inability to see another's face leads one to act less morally than they otherwise would in person. The face is connected to ethics, reason, discourse, signification, and objectivity (Sugarman, 2002), and without a face-to-face interaction it is impossible to fully understand and empathise with another human.

TOWARDS A SOLUTION

Stephen Loo talks about people-to-people relations in his article "Design-ING Ethics", explaining that there are three orders of ethical considerations in design, and that in the first order, ethical thinking needs to be problematised in design because design mediates people-to-people relations. This draws upon Levinas' and Buber's theories of face-to-face relations.

Buber states,

"By contrast, the word pair *I-Thou* describes the world of relations. This is the "I" that does not objectify any "It" but rather acknowledges a living relationship. *I-Thou* relationships are sustained in the spirit and mind of an "I" for however long the feeling or idea of relationship is the dominant mode of perception. A person sitting next to a complete stranger on a park bench may enter into an "I-Thou" relationship with the stranger

merely by beginning to think positively about people in general. The stranger is a person as well, and gets instantaneously drawn into a mental or spiritual relationship with the person whose positive thoughts necessarily include the stranger as a member of the set of persons about whom positive thoughts are directed" (excerpt from 'I and Thou' by Martin Buber ed. Walter Arnold Kaufmann)

This excerpt explains that interacting with someone face-to-face will increase the empathy between the two - hence closing the distance between designers and makers will promote the designers/brands to make more ethical choices when choosing manufacturers (ie. those who do not violate human rights). Unfortunately it is not always practical for designers and brands to meet in person for every single transaction due to distance, time, and money. Companies like Everlane, a minimalist staple clothing brand based in America, however, are presenting more viable solutions. Everlane CEO, Michael Preysman, personally comes to inspect a factory and interview the owners and workers before agreeing to work with them.

In 2015, Preysman allowed journalist Susan Berfield to accompany him on a visit to several factories in China. In her article, titled *Can Everlane Make Ethical Chic?*, Berfield writes about visiting multiple factories in the Dongguan, Suzhou, and Shenzhen regions, shadowing Preysman and a couple of executives as they audit the factories, tour the workers' dorms, and inquire about costs. Preysman says that one of the most important questions for indicating whether workers are treated well is "How many workers come back after the Lunar New Year in February?". The higher percentage, the better the conditions. Preysman says that the key is maintaining transparency with the factories and developing good working relationships: "They're vetting us just as much as we're vetting them." (Berfield, 2015)

DESIGNER → DESIGNER

A huge issue that plagues designers relationships with other designers is counterfeit goods. "We see certain brands like Zara mimicking designers like Prada or Dior. They don't copy completely, they just use elements," says Dr Min Teah, from Curtin University's School of Marketing (Cormack, 2016), in a Sydney Morning Herald article. In fact, in 2007 counterfeit goods were a \$700 billion business - in context, in that year the fashion industry generated roughly \$1 trillion in profit (Okonkwo, 2007).

Austin Williams describes copyright infringement as an overlooked dilemma in two very interesting points. The first problem is that of course it is wrong to rip off someone else designs; *Vogue Australia* editor-in-chief Edwina McCann echoes this sentiment, "In international retailers I see garments [mimicking high-end designers], and I'm not saying they shouldn't adopt trends on the high street, but when something is an absolute replica, you have to ask, do we have any respect for the original designer?" (Cormack, 2016).

The second point Williams points out is that luxury fashion houses do not want to be associated with the sweatshop image. So it is not just the counterfeit products per se that upset the industry, but it's the moral linkage with the issue of cheap labour (Williams, 2011).

It seems that it's not only the low prices that are attracting buyers to counterfeit goods, however. South Korea, for example, has limited access to certain streetwear brands like Stussy, Supreme, and Champion. Documentary *Counterfeit*

Culture by Highsnobiety explores these issues, with Alec Leach, Highsnobiety's digital fashion editor, explaining, "You can find counterfeit streetwear all over the world, but the stuff we found in Seoul was remarkable." (Cook, 2017)

TOWARDS A SOLUTION

Counterfeiting is a difficult issue to solve because copyright laws differ from country to country, with many of them being astonishingly lax. In Australia 2-dimensional objects have automatic copyright, but as soon as an object becomes 3-dimensional, it loses that copyright. A sketch of a dress will be copyrighted until it is produced, at which point the designer loses ownership of it. In order to copyright 3D objects in Australia they must be registered, which is an expensive and lengthy process that many young designers are not able to afford.

In countries such as France there are stricter laws on counterfeit goods; on the 13th of March 2014, Law No 2014-315 titled "Aimed at Strengthening the Fight Against Counterfeiting" passed through parliament. As an extension of the Law No 2007-1544 "Relating to the Fight Against Counterfeiting" of October 29, 2007, this new Law aims to complete, reinforce and clarify the French legislative arsenal against counterfeiting in compliance with EU rules (McKenzie, 2014).

There is also a question of whose responsibility it is to stop counterfeiting. Matt Jordan, director of fashion communications agency MFPR, claims "It's the responsibility of major multi-brand retailers and [department stores] to not support or promote brands that plagiarise from either Australian or international brands ... as they legitimise these brands." (Cormack, 2016).

Unfortunately, businesses that make profit off either 'designing' or selling counterfeit goods have no motivation to cease. On a basic level, people understand that stealing is morally wrong; and as mentioned in Part 1, modern society is built upon the Ten Commandments, of which "thou shalt not steal" is one of. Aristotle's theory of akrasia applies here: the failure to do what one knows to be right. Stewart and Lorber-Kasunic write about akrasia, explaining that while people understand actions driven purely by profit and self gain at the expense of others are wrong, they do not stop acting this way. Aristotle states,

"Men are not blamed for being affected by [wealth, gain], for desiring and loving them."

Judging one's desire for these things is not correct, according to Aristotle, however one's actions to acquire wealth should be judged.

CONSUMER <-> DESIGNER

"Fast fashion isn't free — someone, somewhere, is paying."

— Lucy Siegel

There are many ethical dilemmas within the consumer-to-designer and designer-to-consumer relationships, which cannot be spoken about separately - each one fuels the other. What perpetuates

unethical relationships between consumers and designers is largely the fast-fashion industry model in place today. Today in the developed world, there is an unsustainable culture of gluttony. 80 billion pieces of clothing are purchased worldwide each year, which is 400% more than a decade ago (The True Cost 2014), and due to counterfeit luxury items being so easily and quickly accessible, consumers have come to expect and demand more trend cycles each year. From a time where there were only 4 marked seasons, there are now as many as 10.

Fast fashion retailers such as Mango are releasing new collections every fortnight (Ilyashov, 2015) to keep up with demand; Zara's product turnover is 15 days (Wilding, 2016).

The cycle between consumer and designer can be outlined as such: 1) consumers demand quantity over quality of product, convinced they need more, rather than less, meanwhile 2) the designer is supplying what the consumer is willing to pay for: cheap, fast fashion. In doing so, the designer is a) shipping orders off to factories in the developing world which are, as spoken about above and further explained below, often unethical, b) cashing in on the backs of mistreated factory workers, c) contributing to counterfeit culture to meet demands, and d) hiding this unethical information from the consumer.

In this outline, it seems as if the designer is more to blame than the consumer for the unethical consequences of fast fashion, however there is a point that needs to be added: 3) the consumer is either not aware, or is aware but does not care about the consequences of fast fashion.

“And the whisper of wooing is there, whose subtlety stealeth the wits of the wise...”

– Homer quoted by Aristotle in *Nicomachean Ethics* Book VII

Aristotle asks, “if [one] acts by reason of ignorance, what is the manner of his ignorance?” Can consumers be blamed for being unaware of the immoral consequences of their \$5 t-shirts? The answer leans towards yes: 79.1 percent of Europeans are Internet users, followed by 66.6 percent of people in the Americas and the Commonwealth of Independent States (a regional organisation comprised of a number of former Soviet Republics, including Russia) (Taylor, 2016), and just under half of Asia and the Middle East. With media coverage of just about anything being readily available, and such widespread access to internet, one only needs an enquiring mind to start investigating what happens behind the closed doors of fast fashion.

TOWARDS A SOLUTION

To start with, what must be pointed out is that one's desire for cheap clothes is not an unethical desire. In fact, it's a desire that is shared by most likely a majority of the population. However, with the way the current industry is set out, what is currently unethical is to act upon this desire.

The proposed solution for the *consumer* <--> *designer* relationship is in two sections: suggestions for the designer, and suggestions for the consumer.

Designer

Stewart and Lorber-Kasunic question whether akrasia is really the business of designers, and argue that not only have designers been complicit in the emergence of akrasia in its current and pressing form, but that a sneaking suspicion of this burden of responsibility is an important source of akrasia among thoughtful designers today (Stewart, Lorber-Kasunic 2006). Stewart and Lorber-Kasunic expand on Heidegger's theories in *Being and Time* and write first about a practitioner who is focused on one single task; in the context of this thesis, this is the designer, only focusing on designing. As it may be, to the designer focused only on designing all other responsibilities fade into the background; ethical behaviour being one of them. The duo go on to explain that for the multitasker, by contrast, diversity in tasks allows for ones responsibilities to be in the foreground.

In substance, a designer must not only be concerned with designing; they must be concerned with the entire process; from individuality of design, to fabric sourcing, and to factory vetting just to name a few.

Preysman is an example of the multitasking designer. Although now CEO and not actively designing for Everlane, Preysman started off with using organic cotton and ethical factories based in U.S.A to produce small runs of t-shirts. Everlane is now a well established brand that is nearly 100% transparent; on their website they reveal which factories they use to produce their products with a personable account of why they chose those particular factories, as well as photographs of the factory. They also reveal their pricing information; how much the materials cost, shipping costs, making costs, and Everlane's markup in contrast to a traditional retailer markup. By being open and honest with their consumers, Everlane has built a loyal customer following.

From the example of Everlane, transparent business is a viable and appropriate solution.

In terms of designers' education, Stewart and Lorber-Kasunic explain their own experiences of teaching at the University of Technology, Sydney. They engage first year design students in an examination of their own values, followed by an evaluation of a designed object and group presentations. Through several exercises, they encourage the students to develop empathy and awareness of their environment, and to question what practices and experiences they wish their designs to afford the user - to see themselves or their designs as collaborators with the users. (Stewart, Lorber-Kasunic, 2006).

Consumer

In response to the designers' responsibilities and actions, and as previously mentioned in Part 2, consumers at a minimum must be committed only to make decisions that they hold to be morally worthy. To be aware of what decisions are morally worthy, consumers need to be educated about the consequences of their purchases - through the business transparency of the designers, as well as with the assistance of organisations such as Baptist World Aid, which complete an annual Ethical Fashion Report which sheds light on what the industry and individual companies are doing to address forced labour, child labour and exploitation (Baptist World Aid, 2017), and the Good On You app, which rates fashion retailers on the labour, animal, and environmental factors.

Slowing down fashion is vitally important to be able to have a more ethical industry. To touch upon constructivist theory, which explains how people construct knowledge and meaning through experiences, co-design is an option, where the designer and consumer work together to create a product. Paula Dunlop, an Australian designer-maker focusing on ethics and ethos, frames an argument that the most ethical fashion consumer is one that actively participates in the designing and/or making of their garments, thus investing themselves emotionally and creating a sense of attachment to their clothing. Emotional durability leads the consumers to have a connection with and value their garments which in turn motivates longevity of garment life. With consumers having better value for their clothes and purchasing less, they are able to avoid participating in the currently unethical fast fashion industry.

MANUFACTURER –> EMPLOYEE

Stories of workers' rights and safety being exploited are all too common. Sarah Stillman writes for *The New Yorker* about a 24 year old Bangladeshi garment worker, Sumi Abedin, who reveals a confronting story of her own experience: While sewing clothes at a factory called Tazreen Fashions, she heard a colleague yell, "Fire!" - which the factory owner denied, and locked the doors. After the power went out and the air was filled with smoke, Abedin found her way to a window and jumped out. She broke her foot and arm in the landing; 112 of her colleagues died. "I didn't jump to save my life. I jumped to save my body, because if I stayed inside the factory my body would burn to ash, and my family wouldn't be able to identify [me]." (Stillman 2013 [online])

Another story of workers' rights being exploited is outlined in *The True Cost*, a documentary detailing what happens behind the closed doors of the fast fashion industry, is of Shira, a 23 year old garment worker from Bangladesh. Shira works in a factory and has pioneered a workers' rights union; however when she and the other members attempted to demand higher wages from the managers and owner, they were locked in a room and beaten. Shira also outlines the toxic working conditions in the factory, explaining that she is forced to be away from her young daughter months on end because "there are chemicals inside the factory which are very harmful to children." (*The True Cost*, 2014)

Kate Ball-Young, an executive from Joe Fresh, tries to downplay the fast fashion factories; "There's nothing intrinsically dangerous with sewing clothes. We're starting out with a relatively safe industry. It's not like coal mining." (Morgan 2015) Statements like these spurn on the fast fashion industry and its exploitation of human rights. Consumers read and hear these justifications, and the earlier mentioned Powell's, from supposed leaders in the industry, and take comfort in thinking that they are actually helping out these workers, instead of supporting their exploitation.

TOWARDS A SOLUTION

Aside from governments imposing strict human rights and labour laws to protect their citizens from exploitation, Kant's approach of a universal moral law would be a utopian solution. Applying the Divine Command Theory of "rightness of any action depends upon that action being performed because it is a duty, not because of any good consequences arriving from that action" would obligate factory owners and managers to treat their workers fairly and ethically. Using this theory, designers and brands would also be obligated to only work with ethical factories.

The *manufacturer* –> *employee* relationship was left deliberately last, as its solution is a culmination of all of actions already proposed. What will motivate factory owners to act morally, besides a sense of duty to the law, is seeing that designers and brands are only willing to work with ethically run factories, and in turn the designers and brands must see that consumers are only willing to purchase ethically made garments.

Conclusion

The point of this thesis was not to present concrete arguments that would be applicable to every scenario and every person, but to explore the possibility of bringing morality and ethics to existing relationships in the fashion industry through the exploration of philosophical theories that are both an interest to the author and suitable for the circumstances mentioned. By first defining what is ethical and moral, there is ground to explore why one might be motivated to act in such a way and what actions may be taken to achieve an ethical driven industry.

That is not to say that there is not a certain urgency in the issues presented, or that actions have not already been taken to bring morality and ethics to the industry. Many local Australian designers are now choosing to produce their garments locally, where strict Australian law protects workers and there are growing startups and factories that provide community support, such as The Social Studio in Melbourne. In addition, there is a growing trend for transparent fashion with consumers demanding more and more to know who made their clothes as is demonstrated with the Fashion Revolution movement and the hashtag #whomademyclothes, and brands such as Honest By., ABC.H, and more are revealing information regarding their supply chain. Governments, like the French, are enforcing tougher copyright laws to protect designers, and educators are attempting to give young designers the necessary education to allow them to make responsible decisions.

The industry works like a clock, with every cog affecting the next; the ethical revolution will be a team effort, with all participants – consumers, designers, manufacturers – acting for what is morally responsible to bring about steady change.

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