

# Exploitation\*

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## Abstract

This paper reviews the recent literature on exploitation. It distinguishes between three main species of exploitation theory: (1) teleology-based, including harm and mutual benefit accounts, (2) respect-based, including mere means, force, rights, and fairness accounts, and (3) freedom-based, including vulnerability and domination accounts. It then addresses the implications of each.

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This paper reviews the recent literature on exploitation. It distinguishes between three main species of exploitation theory: (1) teleology-based (including harm and mutual benefit) accounts, (2) respect-based (including mere means, force, rights, and fairness) accounts, and (3) freedom-based (including vulnerability and domination) accounts. It then addresses the implications of each.<sup>1</sup>

## 1 Introduction

Social interactions can be modelled and assessed in light of their effects on persons. These effects can be *negative-sum*, *zero-sum* or *positive-sum* in the relevant metric—whether welfare, goods, capabilities, or some molecular combination thereof. Call the relevant metric ‘widgets’. A negative-sum interaction between persons involves a negative sum total of widgets. Suppose A shoots B. The gun backfires, harming both A and B. This interaction is negative-sum. A zero-sum interaction is one in which the sum of widgets is zero: my widget gain is your exact loss. Finally, a positive-sum interaction involves a *surplus* of widgets over and above the sum total of widgets enjoyed in the noninteraction baseline.

Exploitation theory is largely concerned with the control and distribution of the surplus from positive-sum transactions. What makes such transactions particularly interesting is that they are sometimes mutually consensual and beneficial. Indeed, this is the norm in the context of capitalist economic transactions. Human productive power, however measured, has increased by more than ten-fold over the past two hundred years (Gordon 2012). It is, therefore, undeniable that vast stretches of humanity have benefited from the growth of capitalist institutions. Yet this growth has been concomitant with misery, degradation, and unfreedom.

An economic structure—feudal, capitalist, or socialist—is any set of power relations between agents that determines the control and distribution of the social surplus. Under capitalism, that control is vested in private individuals. Suppose A owns a water-producing well. If A’s ownership of the well is fully enforced, B needs water, and B has no independent access to water, then A has power over B and B is vulnerable to A. Political economists have noted how the enforcement of private property generates and exacerbates inequality (for recent examples, see Piketty 2014, Stiglitz 2012). Today’s global economic surplus, they point out, is shared extremely unequally. The necessary complement to this inequality is a series of practices that look like good candidates for exploitation: trafficking, guest workers, sweatshops, commercial surrogacy, prostitution, financialisation (the selling of high-risk financial packages to the poor), and imperialism. The sheer pervasiveness of these practices makes the study of exploitation topical.

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<sup>1</sup>Due to space limitations, the paper only addresses the *grounds* of exploitation, as opposed to its *forms* (interpersonal, structural, economic, intersectional, etc.).

## 2 The generic account

We need to know when exploitation of person by person obtains and what makes it wrong; we need a set of necessary and sufficient conditions for exploitation. This paper studies different accounts of these conditions. I begin by nailing my colours on a platitude: A exploits B if and only if (1) A benefits, (2) from a social relationship with B, (3) by taking advantage of B. I discuss each clause of the platitude individually.

### (1) A benefits

(1) says that exploitation entails benefit to the exploiter relative to some nontransaction baseline. Without this stipulation, it is impossible to distinguish between acts of exploitation and *attempts* to exploit. When exploitation succeeds, we can be certain that A has benefited from her particular interaction with B, no matter how short-lived or trivial the benefit. A further distinction is relevant here. An *exploitative act* is to be distinguished from an *act of exploitation*. Suppose A offers to rescue B (a drowning child), in return for a million dollars. This behaviour—the acts and dispositions it expresses—is exploitative. But it may not result in an *act* of exploitation if A immediately rescinds the offer.<sup>2</sup>

A second necessary condition for exploitation is benefit:

### (2) from a social relationship with B

For A to exploit B, A must benefit from meaningful causal interaction with B. A social relationship is any relationship between agents representable as a relational predicate in a true and complete social science.

Claims (1) and (2) alone do not suffice for exploitation; if they did, then nearly every transaction would be exploitative. We need a further condition, one that provides normative leverage; A must benefit from a social relationship with B:

### (3) by taking advantage of B.

When A exploits B, A takes advantage of B, that is, of B's whole person. A does that by taking advantage of certain important features of B, features that are central to B's person, her life or well-being. These might include B's ability to work, to play, to give birth, or to have sex. Call these *exploitation-contents*. Contrast *exploitation-enablers*, that is, features *in virtue of* which B is exploited. When a pimp exploits a prostitute, he takes advantage of her poverty (the exploitation-enabler) to exploit her sexual power (the exploitation-object).<sup>3</sup>

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<sup>2</sup>See Wertheimer (1996, pp. 209-210) for discussion. Wertheimer also discusses a salient distinction between *ex ante* and *ex post* benefit.

<sup>3</sup>For discussion this distinction, see Goodin (1987) and Wood (1995).

And if sexual power is a sufficiently important feature of one's person, or one she values, the pimp exploits not a mere feature of the prostitute, but the prostitute *herself*.

These formal strictures will not take us very far. In order to adequately distinguish between the exploitation of features and the exploitation of persons, or between morally innocuous and morally objectionable advantage-taking, we need a normative theory. We must therefore attend to different ways in which (3) has been understood.

Consider:

*Pit* – A finds B in a pit. A can get B out at little cost or difficulty. A offers to get B out, but only if B agrees to pay a million euros, or to sign a sweatshop contract with A. B signs the contract.

This transaction is paradigmatic of wrongful exploitation: if *Pit* does not instance exploitation, then nothing does. The trick will be to figure out precisely what makes the transaction between A and B wrong. The rest of this paper discusses different accounts of these wrongmakers.

### 3 Conceptual Speciation

The bare bones of the generic concept of exploitation in (1)-(3) have been fleshed out by three distinct classes of theory: *teleological* theories, *respect* theories, and *freedom* theories. Teleological theories construe the wrongness of exploitation as injury to the good. That is, they take claim (3) to entail that the exploitee has been harmed, or that the exploiter has undermined the possibilities for mutually advantageous trade, or has failed to reciprocate in kind. Respect theories, by contrast, construe the wrongness of exploitation as injury to dignity or rights. That is, they take (3) to entail that the exploitee has been forced to perform an act, has been used as a mere means, or has been treated unfairly. Finally, freedom theories construe the wrongness of exploitation as injury to freedom or autonomy. That is, they take (3) to entail that the exploitee's vulnerability has been improperly taken advantage of, that her autonomy has been compromised, or that she has been dominated for the dominator's benefit.

I discuss these three species of theory separately, beginning with teleological views.

## 4 Teleological Theories

### 4.1 Exploitation as Harm

Harm is at the centre of many liberal theories of exploitation. I here follow Feinberg (1987) in understanding harm as setback to interests. If you punch me, then my well-being drops relative to a counterfactual situation in which

you do not. I am therefore worse off relative to that baseline. On the *harm view*, A's advantage-taking is interpreted as:

(4.1) harm to B

Clearly, (4.1) does not complete the set of sufficient conditions for exploitation. Suppose A and B participate in a race, in which A wins and B loses. B has no complaint of exploitation. That is, it would be inapposite for B to say to A: 'you're exploiting me', *even if* A is cheating.

Harm is not only insufficient for exploitation, but also unnecessary.<sup>4</sup> Suppose:

A and B live in the commons, earning 5 widgets each (row  $\alpha$  of Table 1). Upon reading Robert Nozick, A has an idea. She will enclose the commons and hire B as a labourer on a sweatshop contract: B will work all day, producing a surplus of 96 widgets. A will not work at all. Of the surplus, A will get 95 widgets and B will get 1 (row  $\beta$ ). Intuitively, such a contract, and the resulting distribution of the surplus, is exploitative. Indeed, the fact that there is normally a third possibility in the feasible set, that of sharing the surplus equally (row  $\gamma$ ), heightens this sense of exploitation. The options in the feasible set are:

(payoff<sub>A</sub>, payoff<sub>B</sub>)

( $\alpha$ ) pre-enclosure: (5, 5)

( $\beta$ ) post-enclosure with sweatshop contract: (100, 6)

( $\gamma$ ) post-enclosure equality: (53, 53)

Table 1

If A exploits B in ( $\beta$ ), and if harm is defined relative to the pre-enclosure baseline, then harm cannot be a necessary condition for exploitation. For B is better off in ( $\beta$ ) and is therefore not harmed relative to ( $\alpha$ ). She *is* harmed relative to post-enclosure equality ( $\gamma$ ), but that is not how harm is usually defined. When ( $\beta$ ) is compared to ( $\alpha$ ), exploitation does not involve harm. Feinberg (1987) infers that exploitation is a non-harm-based 'free-floating evil'.<sup>5</sup>

Some philosophers believe that harm *per se* says nothing about wrongdoing. A may harm B with B's consent, as when B engages in some form of masochism. What matters, they say, is nonvoluntary or nonconsensual harm. Partisans of this view claim that harm to others *just is* nonconsensual harm, and nonconsensual harm is *pro tanto* wrongful. This sort of harm, they say, completes the definition of exploitation (see, for example, Benn 1988).

According to the *consent view*, A exploits B if and only if A benefits:

<sup>4</sup>Buchanan (1986) defends necessity.

<sup>5</sup>Feinberg's inference is cogently criticized in Wertheimer (1996, chapter 9).

(4.2) by causing nonconsensual harm to B

What is consent? Some forms of apparent consent are unfree, as when someone puts a gun on your head and forces you to sign a piece of paper. Other forms of consent are irrational, as when a self-loving person signs her own death sentence under the influence of drugs. Yet other forms of consent are uninformed, as when you sign a piece of paper which, unbeknownst to you, will result in your execution. The idea of consent we are after is *free, rational and informed* consent.

Does this redefinition of consent furnish a sufficient condition for exploitation? No. Suppose someone punches you in the street, and runs away with your purse. The interaction meets the conjunction of conditions (1), (2), and (4.2), but does not count as exploitation. Theft and exploitation are distinct things. Robbery, which is a specific kind of theft, is also not exploitative. If the robber puts a gun on your head, threatening to shoot you unless you hand over your purse, and you do, she is still not exploiting you. Robbers rob. But they do not, just by dint of *robbing*, exploit.

Is nonconsensual harm a necessary condition for exploitation? It is not. The enclosure example shows that the social surplus can be shared extremely unequally even if all parties benefit, and even if all parties consent to ( $\beta$ ). But ( $\beta$ ) still seems exploitative. Suppose Charlotte is deeply in love with Werther, whom she leaves wholly indifferent. Charlotte gives away all of her livelihood to impress Werther, who is flattered and amused by her courtship. Werther takes Charlotte's gifts without reciprocating, and without discouraging her advances. In this instance of unrequited love, Werther and Charlotte effectively agree that Charlotte be impoverished and Werther be enriched, in the relevant metric. Werther exploits Charlotte. If this is correct, then Charlotte is exploited through her own free, rational, and informed consent.<sup>6</sup> In light of these difficulties, why not just shift the baseline for harm, from  $\alpha$  to  $\gamma$ ? The only principled way to do this is by appeal to a harm-independent criterion, such as fairness, rights, or domination.

Nonconsensual harm does not, therefore, furnish a necessary condition for exploitation. More generally, it is unlikely that failures of consent or voluntariness will help us understand exploitation. For the latter is objective, in the sense that it has to do with the mind-independent nature of the social relation between transactors and the nature of the reasons such a relation entails. Of course, the mental state of each party may help determine the rate at which A is willing to buy and B is willing to sell. Any transaction that falls within the margin of agreement—a price lower than the buyer's reservation price, but greater than the seller's—will normally be mutually consensual and mutually beneficial. It does not follow, however, that it is not exploitative.

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<sup>6</sup>This conclusion is cogently defended by Feinberg (1988) and Wood (1995).

## 4.2 Exploitation as Failure of Reciprocity

Another popular teleological account of exploitation appeals to some account of nonreciprocity. Reciprocity is a slippery concept, and care must be taken defining it. A possible construal of (3) along these lines claims that A benefits:

(4.3) by receiving something from B, without giving an equivalent in return.

Suppose A gets B to pay for all the drinks, and A never does. Then their transaction satisfies (4.3). Likewise, when A gets B to work for A, or to give birth for A, or to have sex with A, without giving anything back, A benefits at B's expense. This leaves it open that B also benefits from the transaction. Note that the nonreciprocity view is not distributive: a given transaction may satisfy (4.3) and therefore count as exploitative independently of background distribution.

What is the *metric* of benefit, on the nonreciprocity view? One of Marxism's enduring legacies to exploitation theory consists in a set of definitions based on the *unequal exchange of labour* (UE). On these definitions, A exploits B if and only if A extracts unreciprocated labour flow from B. Let  $L_i^G$  stand for the amount of labour time agent  $i$  expends, or *gives*, in production, and let  $L_i^R$  stand for the amount of labour  $i$  *receives* through her consumption bundle.<sup>7</sup> Then UE obtains between A and B if and only if:

$$(UE) \ L_A^R > L_A^G \text{ and } L_B^R < L_B^G$$

Marx's (1992) account of exploitation entails UE. That is, Marx's allusions to the worker 'working *gratis* for the capitalist', or performing 'unpaid labour' are central to his charge of exploitation. According to Marx, a part of the working day is spent by workers working on their own subsistence, which they receive in wages. Suppose there is a correspondence between the amount of time the worker spends working and the wages she receives.<sup>8</sup> The worker's wage is worth, say, 6 hours of labour time. The capitalist is not, however, going to let the worker walk away with only 6 hours of labour time spent. If she did, there would be no profit, and no profit means no livelihood for the capitalist. So the capitalist writes it into the worker's contract that she will work for 12 hours a day. The worker's wage is worth 6 hours' labour, but she works for 12 hours. She therefore works *gratis* for the capitalist for 6 hours a day. Marx defines the *rate of exploitation* as the ratio of unpaid (6 hours) to paid labour (6 hours) which is, in this example, 100%.<sup>9</sup>

<sup>7</sup>The original discussion of UE is Roemer (1982). See Veneziani and Yoshihara (2016) for a recent axiomatic treatment.

<sup>8</sup> This assumption leads to a central problem in Marxist economic theory, that of translating labour *values* into *prices*. This is sometimes called the *transformation problem* (see Cohen (1988) and Roemer (1982) for discussion). The unequal-exchange definitions were invented precisely to circumvent this problem, without affecting the crux of Marx's theory.

<sup>9</sup> See Marx (1992, chapter 18) for discussion.

Now suppose that B produces  $T$  widgets in a rudimentary economy, where  $T$  is total widget production. Suppose, further, that A appropriates  $T - X$ ,  $T > X \geq 0$ . This is an instance of unequal exchange. Unequal exchange obtains just when there is an unreciprocated net transfer of labour time from one party to another. Some philosophers attribute to Marx a ‘technical’ notion of exploitation, according to which unequal exchange is not only a necessary, but also a *sufficient* condition for economic exploitation. It is doubtful that Marx held such a notion.<sup>10</sup> But whatever Marx thought, the content of the attribution is implausible. For gift-giving implies unequal exchange. But no one thinks (even systematic) gift-giving exploitative. If one part of society freely<sup>11</sup> decides to pass on a large part of whatever use-values it creates (with its own labour power) to another part of society, the resulting inequality in the consumption of (surplus) labour need not be objectionable. Only a set of conditions over and above unequal exchange can establish the presence of wrongful exploitation.

The advantage of UE-type definitions is that they handily operationalize the concept of exploitation for social science. Let  $S$  represent the difference between the amount of labour B gives and the amount she receives in her consumption bundle. Beneficial advantage-taking should then be interpreted as A benefiting:

(4.4) by consuming a commodity bundle that embodies  $S$ .<sup>12</sup>

For much the same reasons as (UE), (4.4) does not complete the set of sufficient conditions for exploitation. So when is unequal exchange exploitative? According to another teleological theory, unequal exchange is exploitative when, and only when, it undermines possibilities for mutually advantageous trade.

Some philosophers (Gauthier 1985, Van Donselaar 2009) claim that exploitation is a form of parasitism. When nonworkers appropriate the fruit of workers’ labour, the former exploit the latter. Such parasitism is objectionable because it violates a putative requirement that agents not obstruct mutually beneficial transactions, or transactions to which they have no transaction-independent interests. As it stands, this theory is untenable. Its major premiss implies, implausibly, that sick and disabled nonworkers who benefit from redistribution from the able-bodied exploit the able-bodied. This may be ‘parasitism’, in the technical sense of that term, but it is not exploitation. Wolff (2010) criticizes the identification of parasitism with exploitation along these lines.

<sup>10</sup> For vindication of these doubts see Arneson (1981) and Geras (1992).

<sup>11</sup> ‘Freely’: not by dint of domination, coercion, or force. The mere necessity of this qualification shows that the attribution to Marx of a ‘technical’ account of exploitation as naked unequal exchange is absurd.

<sup>12</sup> Note that A and B can stand for classes, instead of individuals. Moreover, ‘consuming’ labour here refers to the consumption bundle the agent consumes, given her wage and price level.



## 5 Respect Theories

### 5.1 Exploitation as Forced Nonreciprocation

Respect theorists hold that what completes the set of sufficient conditions for wrongful exploitation is the treatment of others as mere means. Sample (2003) defends this account of exploitation. Sample's account has been criticized for being too broad. Sample's account, the critic says, does not adequately distinguish between generically disrespectful acts, such as theft, and idiosyncratically disrespectful acts, such as exploitation. The rest of this section builds on Sample's broadly Kantian view, with an eye to capturing the wrongmakers specific to exploitation complaints.

Many Marxists, and some liberals, maintain that exploitation constitutes treating others as mere means when and because it involves *forced*, unpaid, surplus labour (see, for example, Reiman 1987, Peffer 1990). This re-interpretation of the nonreciprocity view has the exegetical advantage that it accords with much of what Marx says about the worker's subjection to the 'dull compulsion of economic relations'. It also resonates with widely-held intuitions about the putatively involuntary nature of exploitative interactions.

A brief conceptual detour is in order here. Force and coercion describe distinct events. To be forced to do  $x$  means to lack a reasonable or acceptable alternative to doing  $x$ . Coercion involves force, in the relevant sense, when A threatens B with a pistol: A forces B to give up her money. But the converse does not hold. The wind can force, but it cannot *coerce*. Coercion personalizes force. This distinction sheds light on some central contentions in economic and historical sociology.

Most social formations since antiquity involve surpluses, generated through social cooperation. In all such formations, it is typically a small part of society, one class, that has direct access to, and control over, these surpluses. In ancient societies, for example, it is the slaveowners who appropriate and control the surplus created by slaves. There are, at the same time, priests, politicians, and states, all of whom absorb a portion of the surplus. They are parasites of the second order, so to speak. That is, they are parasitic on the class that exploits the direct producers.<sup>13</sup>

Under feudalism, feudal serfs produce the surplus, which the feudal lords appropriate and control. Serfs spend a part of their time working for themselves, and another part working for the feudal lord. Under both slavery and feudalism, the *mode of exploitation* is direct coercion.<sup>14</sup>

Capitalism is like slavery and feudalism in that the surplus is appropriated and controlled by one class, namely capitalists. But, in contrast to both slavery and feudalism, the capitalist mode of exploitation does not involve surplus extraction through coercion. No capitalist is permitted, by law, to coerce someone into working for her. And if the law is properly enforced, as

<sup>13</sup>See Anderson (1974) for a historical overview.

<sup>14</sup>For comprehensive treatment of the distinction between the form and the mode of exploitation, see Cohen (1978, chapter 3).

it is in most capitalist countries, then workers have formal control over their own labour power. The existence of trade unions and welfare states, moreover, makes such control modally robust, that is, accessible across possible worlds.

Some liberals and many Marxists nevertheless maintain that workers under capitalism are forced, by their economic circumstances, to work for *some* capitalist (see, for example, Cohen 1988). It is the *forced* nature of the unequal exchange between capitalists and workers that makes, or breaks, the case for (capitalist) exploitation. The claim is that, under capitalism, B is forced to work for A in virtue of A's exclusive ownership of the means of production (Reiman 1987). According to the *force-based view* of exploitation, A benefits:

(5.1) by getting B to perform forced, unreciprocated, surplus labour.

The force-based view combines the UE definition in (4.4) with the systematic enforcement of propertylessness. Unfortunately for those liberals and Marxists who affirm (5.1), this view provides neither a necessary nor sufficient condition for exploitation. I consider sufficiency first.

Societies with welfare states generally provide for the sick and disabled. Those welfare beneficiaries receive a net transfer of labour time from able-bodied taxpayers. The able-bodied are, moreover, forced—because coerced by the state—to engage in such net transfers. It follows, on *any* force-inclusive definition of exploitation, that the welfare state is a system in which the disabled poor exploit the able-bodied rich. More precisely, consider:

(5.1a) Exploitation is forced, unreciprocated exchange.

(5.1b) In any welfare system with progressive taxation, some rich able-bodied people are forced to engage in unreciprocated exchanges with poor *disabled* people.

∴ (5.1c) The disabled poor exploit the able-bodied rich.

This argument shows why liberals and Marxists—constitutively opposed to a conclusion like (5.1c)—are ill-advised to affirm the force-based definition (5.1a). That is, if (5.1b) is accepted, then either (5.1a) must be false, or liberals and Marxists must rethink their commitment to equality. This might seem like a boon to right-libertarianism. It is not. For right-libertarians cannot affirm (5.1) either. Consider:

(5.1a) Exploitation is forced, unreciprocated exchange.

(5.1d) Under capitalism, some poor *able-bodied* people are forced<sup>15</sup> to engage in unreciprocated exchanges with rich able-bodied people.

∴ (5.1e) The able-bodied rich exploit the able-bodied poor.

Nozick (1974, pp. 253-64) realizes that, if claim (5.1a) is granted, then at

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<sup>15</sup>Note that, unlike the rich able-bodied in (5.1b), the poor able-bodied in (5.1d) are *not* coerced. It is therefore easier to object to (5.1b) than to (5.1d).

least some proletarians, that is, able-bodied people who have nothing to sell but their labour power, will be exploited by capitalists. (5.1e) follows. Nozick balks at this conclusion. He proceeds to disavow the major premiss, (5.1a). I conclude that the force-inclusive definition constitutes a plague on *all* your houses: Marxist, liberal, or libertarian.

What about (5.1) as a necessary condition for exploitation? Consider a variation on an example due to Roemer (1996):

*Two Plots* - A and B own different plots of land, A's more productive than B's, and have identical cardinal utility functions of the form  $u = ax$ , where  $x$  is the amount of widgets consumed. If they do nothing, then their land will magically generate  $\bar{x}$  for each, such that they both enjoy a perfectly decent level of utility  $a\bar{x}$ . A offers B work in A's land, which is much more productive than A's when worked on by human hands. If B accepts A's offer, he will produce  $N$  widgets and consume  $\hat{x}$ , where  $\hat{x} > \bar{x}$  ( $\hat{x}$  is also sufficiently large to compensate for the disutility of labour, if any). A will then consume  $N - \hat{x}$ , where  $N - \hat{x} \gg \hat{x}$ , without working at all. B accepts the offer.

Roemer argues, plausibly, that this sort of interaction is exploitative. But B is forced neither by her economic circumstances nor by third parties, to enter into it. Hence force does not furnish a necessary condition for exploitation.

Now, A is forced to do  $x$  if and only if A does  $x$  and there are no reasonable or acceptable alternatives to doing  $x$ . What counts as a reasonable or acceptable alternative to  $x$  may vary with time, the general conditions of social development, and so on. Yet Roemer's example seems to refute the force-based definitions however 'reasonable' or 'acceptable' are construed (see also Elster 1982, Cohen 1995). Roemer argues that what is wrong with the *Two Plots* example is injustice in the distribution of assets, broadly construed. Distributive injustice provides the necessary and sufficient condition for wrongful exploitation. I discuss this view in the next section.

## 5.2 Exploitation as a Violation of Rights

A distinctive respect-based explanation of the wrong of exploitation appeals to rights. One such view, due to Steiner (1984), fixes the benefit counterfactual in terms of the absence of rights violations. That is, A exploits B if and only if A benefits from a transaction with B, where the benefit is greater than what A would have obtained, had there been no violation of B's rights. Suppose B is entitled, as a matter of right, to a life vest when drowning. A asks for a million to throw in the life vest. Then A is violating B's right. Thus (3) is interpreted as A benefiting:

(5.2) by violating B's rights.

(5.2) fails as a necessary condition for exploitation. There are cases where no rights violations occur, but A still wrongfully exploits B. It seems not to matter, for example, *how* B found herself in the sea. All that matters is that she is *there*, and that it is *pro tanto* wrongful to ask for money to help, at least as long as the would-be rescuer sacrifices nothing of comparable moral significance. Or consider a case of rights-forfeiture, where B has forfeited her rights against being helped nonexploitatively. Suppose A works all summer to procure the wherewithal for winter survival, and B spends the whole summer singing—in full knowledge of winter exigencies. B thereby forfeits a right to nonexploitative satisfaction of her winter needs. A’s exorbitantly pricey offer of the life-saver would not, in this case, violate B’s rights. There is, however, a lingering sense that A should not proffer that offer, precisely because doing so constitutes exploitation. If this is correct, then rights-forfeiture does not suffice to remove the stain of exploitation from a relationship. In other words, exploitation and the absence of a rights violation are compatible.<sup>16</sup>

### 5.3 Exploitation as Distributive Injustice

On the *fairness view*, exploitation obtains if and only if a transaction occurs against the background of unfairness. (3) is here interpreted as A benefiting from distributive injustice. I propose to split the fairness account into two distinct views: those referring to a *fair price* and those referring to a *just distribution* of assets. The fair price doctrine, I will argue, is either false, or collapses into the just distribution view.

#### 5.3.1 Fair price

According to the fair price view, A takes advantage of B in any transaction where A benefits:

(5.3) by offering B an unfair, excessively low price

The idea of a fair price goes back to the Scholastics, and formed a large part of the Ricardian socialists’ critique of capitalism (Hodgkin 1832, Thompson 1824). Under capitalism, the Ricardian Socialists argued, workers do not get the full product of their labour, because of monopolies and market imperfections. Remove those imperfections, and workers will receive their full entitlements. ‘The whole product of labour’, therefore, is equivalent to the fair price for one’s labour, and the only such price.

A version of the fair price theory has been revived by Wertheimer (1996) and, more recently, by Valdman (2009). Wertheimer claims that the answer to the fair price question turns on how close the actual price of a good is to a hypothetical fair market price. That price, Wertheimer thinks, can sometimes

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<sup>16</sup>This situation raises the question of moral hazard: if A is obliged to rescue B, for anti-exploitation reasons, then B has no incentive to work in the summer. The question is addressed by Ferguson (2016).

helpfully be identified with the price the good would fetch under perfect competition. Recall the *Pit* case. A finds B in a pit. A asks B for a million in return for a rope, which costs \$5. Her offer is *eo ipso* exploitative. Does Wertheimer's view capture what goes wrong in this case? I will consider sufficiency first and necessity second.

Failure to pay the competitive market price is not sufficient for exploitation. A may be a very poor person asking for an abnormally high price from B, whom A knows to be very rich. Intuitively, there does not seem to be something exploitative about such offers. It is counterintuitive to maintain that, were Senegal to erect tariff barriers to protect its domestic industries by keeping domestic prices artificially above competitive levels, it would thereby be exploiting Canadian tourists in Senegal.

Nor is failure to pay the competitive price necessary for exploitation. Consider a society where women are paid to raise babies and where women are in very great abundance, while men are scarce. Women work arduous long hours, whereas men work very little, but earn high salaries, benefiting at the expense of women's labour. Those men seem to exploit those women. Suppose there are no barriers to entry or competition in this world, such that all markets clear. Prices do not seem to be unfair on Wertheimer's view. But there is exploitation here.<sup>17</sup>

An important variant of the fair price view is the marginal productivity theory, advocated by some neoclassical economists (the idea originates from Clark 1907). Those economists maintain that only competitive markets reward 'factors of production' (labour and capital) in proportion to their 'contribution' to production.<sup>18</sup> According to marginal productivity theorists, the 'contribution' to production is measured by a factor's marginal productivity, that is, the amount of output created by the addition of an extra unit of that factor to production.

On the marginal productivity view, exploitation takes place when and only when there are monopolies that fail to reward on the basis of marginal product. But what is the capitalist's contribution to production? Owning stuff is not, in and of itself, a productive activity. Yet all that capitalists do, *qua* capitalists, is own. All productive activity, in other words, is carried out by labour (including idea-generation, management, organization, etc.). The pro-capitalist response is that capitalists take risks with their money, and therefore deserve a reward for doing so.<sup>19</sup>

Perhaps the claim that capitalists deserve a reward for risk-taking is ideological and therefore false. But we need to ask a prior question: why would anyone deserve a reward for risk if *what she risks with* was not hers in the first place (Arneson 1981, Cohen 1988)? I may create wonders by stealing your

<sup>17</sup>For a wealth of similar examples against this interpretation of Wertheimer, see Sample (2003). In section 6, I will argue that there is another, freedom-based reading of Wertheimer.

<sup>18</sup>Note that 'factor of production' is a loaded term, for it supposes that capital is productive.

<sup>19</sup>This argument is reminiscent of the idea mocked by Marx (1992, pp. 738-46), to the effect that profit is a reward for abstinence. In a similar vein, Alfred Marshall (1890) mentions, in passing, Baron Rothschild's 'reward for waiting'.

coat, or by renting it for profit, but I do not thereby deserve what value I earn, or add to the coat. In other words, if capitalist private property is theft, then no reward legitimately accrues to it. The fair price question therefore boils down to the question of the moral legitimacy of private property.

### 5.3.2 Just distribution

Advocates of the *distribution view* eschew talk of prices for talk of assets. They interpret (3) as A benefiting:

(5.4) from enjoyment of an unfairly greater share of the benefits of social cooperation than B.

Among the most ardent defenders of (5.4) view are analytical Marxists, such as John Roemer and G.A. Cohen. Roemer (1996) argues that exploitation complaints are, at best, morally derivative of claims about distributive justice.<sup>20</sup>

According to Roemer, exploitation is the causal upshot of injustice in the distribution of alienable assets. Assets are useful things that can be used to produce other useful things. *Alienable assets* are things like cars, machinery, factories, etc. *Inalienable assets* are things like talents, capabilities, know-how etc. Roemer argues that what is wrong with examples like *Two Plots* is injustice in the distribution of alienable assets. Thus, for any coalition of agents A and its complement B, A exploits B only if A would be better off and B worse off were B to withdraw with an equal share of society's alienable resources.

The Roemerian account is promising. It avoids the false negatives of (5.2), and the false positives of (5.1); it is compatible with structural exploitation (see Zwolinski 2012); and it provides a compelling explanation for why exploitation is wrongful, when it is wrongful.

Now consider the *Pit* case. A finds B in a pit. A can get B out at little cost or difficulty. A offers to get B out, but only if B agrees to sign a sweatshop contract with A. A signs the contract. There is clearly an exploitative interaction here. But notice that this judgement makes no reference to distributive background, or indeed the *justice* of that background: what we have is a person, who is being offered bad terms, terms she has to accept, in virtue of a vulnerability she has. If the justice of the distributive background does not matter, as the example seems to illustrate, then distributive injustice cannot be a necessary condition for exploitation (Vrousalis 2013, 2014).

More generally, the following triad seems inconsistent:

- (i) exploitation is unfair advantage-taking,
- (ii) some material inequalities are fair,
- (iii) exploitation can arise from *any* material inequality.

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<sup>20</sup>But see Cohen 1995, chapter 8, for a rebuttal.

In light of the *Pit* case, (iii) seems compelling. Moreover, (ii) is a plausible assumption, entailed by nearly every theory of justice, including Roemer's. Therefore (i), as defined by Roemer, must be rejected. If this is correct, then exploitation is not tantamount to *unfair* advantage-taking; indeed, there can be *fair* exploitings.

## 6 Freedom Theories

### 6.1 Exploitation as Vulnerability-Instrumentalization

An alternative paradigm for understanding the wrongmaking features of exploitation is to look at how A and B relate to each another, without immediate reference to distribution, rights, or treating as a means. What makes the *Pit* relationship exploitative is the nature of the power relationship between A and B. According to the *vulnerability view*, A should not, other things equal, enrich herself by taking advantage of B's vulnerability. (3) is therefore interpreted as A benefiting:

(6.1) by taking advantage of B's vulnerable state.

(6.1) shifts the emphasis from distributive (in)justice to the instrumentalization of vulnerability. Here, exploitation is vulnerability-instrumentalization for self-enrichment. Variants of this view have been defended by Goodin (1985) and Wood (1995). More precisely: A exploits B if and only if A and B are embedded in a relationship in which A instrumentalizes B's vulnerability to appropriate (the fruits of) B's labour. To exploit another is to somehow use her dependence or vulnerability for your own benefit. This is degrading, since people have, as Kantians are fond of saying, infinite worth and no price.

Return, as an illustration, to the Marxist complaint against capitalism. On that complaint, capitalists use workers (by extracting labour time from them), to obtain a benefit (profit), by taking advantage of their vulnerability (their lack of unhindered access to the means of production). The only controversial aspect of the demonstration that capitalists exploit consists in showing that this use of workers is degrading, demeaning, or disrespectful. But all actual capitalists are constrained, on pain of survival *as* capitalists, to treat their workers merely as sources of profit, just as they treat their machinery. And if exploitation is instrumental use of others, then capitalists wrongfully exploit workers, and the exploitation claim goes through without recourse to distributive-justice premisses (Wood 1995).

The Achilles heel of this argument is that it is not sufficiently discriminating; it generates false positives. It seems to imply, for example, that rich surgeons or gardeners who benefit from the lamentable state of my liver, or my patio, necessarily exploit me (Arneson 2016). This is reason enough to consider a more discriminating freedom-based view.

## 6.2 Exploitation as Domination

A freedom-based alternative to the vulnerability view holds that the wrong-making feature of wrongful exploitation is abuse of power. (3), in other words, is to be interpreted as A benefiting:

(6.2) from the domination of B.

On the *domination view*, A exploits B if A benefits from a transaction in which A dominates B. Exploitation, in other words, is the dividend A extracts from B's servitude. Variants of this view have been defended by Levine (1988), Goodin (1988), and Vrousalis (2013, 2016). Now, if the domination view holds, then an unfair price (along the lines of (5.3)) is neither necessary nor sufficient for exploitation. Take necessity first. Suppose the fair price A offers is higher than B's ability to pay, or high enough to leave B at A's mercy—in short, the offer, if accepted, dominates B. Then the offer is exploitative. Proposals can be fair *and* exploitative. Now take sufficiency. Suppose the *unfair* price A offers does not leave B at A's mercy—in short, the offer does not dominate B. Then the offer is not exploitative.

The advantage of the domination view over the original vulnerability view is that former is more discriminating. That is, the instrumentalization of vulnerability is a necessary but not sufficient condition for domination: this is why surgeons and gardeners do not necessarily exploit patients and patio owners, respectively. What makes, or breaks, the case for exploitation is whether the relationship between A and B enunciates a kind of subordination, that is, involves A treating B as her servant and, in so doing, promotes her own interests. Whether such dominating treatment supervenes will depend, in part, on whether A helps B act for reasons independent of A's power over B. For consider: successful doctors, teachers, and parents have power over patients, students, and children, respectively. But being a successful doctor, teacher, or parent partly consists in helping patients, students, and children act for reasons independent of that power (that is, for health, knowledge, and flourishing, respectively). On the other hand, when A gets B to act for reasons that are not independent of her power over B, A dominates B. This is what pimps, bullies, and bosses normally do.

I now try to vindicate the domination view (6.2) against the most promising alternative, the distributive view (5.4). On the distributive view, A exploits B if and only if A takes unfair advantage of B, where the unfairness baseline is decided by background distribution. Now consider:

*Ant and Grasshopper* – Ant works hard all summer and has ample provisions for the winter. Grasshopper lazes about and in January has an empty cupboard. Without interaction, Grasshopper will end up with welfare level two, which amounts to dire misery, and Ant with three, bare sufficiency, and in this scenario Ant is comparatively more deserving; the gap between the welfare level Ant



has and what he deserves is far greater for him than is the comparable gap for Grasshopper. Ant proposes to sell some provisions to Grasshopper at a very high price. Grasshopper accepts the deal, though he would prefer to pay less and get more. With this deal in place, Grasshopper ends up with welfare level three and Ant with twelve. Even after this transaction, Ant's welfare level is less than he deserves, by comparison with the situation of Grasshopper.

Contrast *Ant and Grasshopper* with the original *Pit* case. If the latter case involves exploitation, then so does the former. Suppose that by failing to accumulate provisions, Grasshopper finds herself incapable of fighting soil erosion. This lands her at the bottom of a pit. Ant walks up to her to offer work for \$1/day for the rest of Grasshopper's life. Ant's behaviour in this context is no different from A's *Pit* behaviour: both prey on the weak for self-enrichment, when both have the option of costlessly helping without preying. Ant therefore exploits Grasshopper. This conclusion contradicts the distribution view.

On the distribution view, moreover, 'unfair treatment' and 'exploitation' are used interchangeably. Saying that A exploits B has no extra conceptual purchase. The distribution view therefore trivializes the concept of exploitation. On the domination view, by contrast, exploitation is about relations of power and servitude. The critique of such relations is not assimilable, without remainder, to the critique of distribution.

Alan Wertheimer develops a similar, indirect, argumentative strategy in defence of the domination view. In discussion of coercion and the law of contracts, Wertheimer (1987) criticizes views that assimilate complaints of 'advantage-taking' under distributive justice. His main concern in this context is to distinguish between claims of coercion, on one hand, and claims of unfairness, on the other. The former set of claims, he argues, are founded on a certain conception of rights. Claims of exploitation, on the other hand, are not necessarily coextensive with a violation of rights. He proceeds to distinguish between different forms of 'advantage-taking'. A corollary of that distinction is that exploitation is compatible with the absence of distributive injustice. That is, Wertheimer claims that the theory of distributive justice is exclusively concerned with 'fairness in result'. But advantage-taking is not just about '(result-oriented) considerations of distributive justice'. So the 'best theory' of advantage-taking, coercive or exploitative, cannot be distributive. That theory depends, rather, on the distribution-independent nature of the power relation between potential transactors. And that is the domain of the domination account.

## Further Reading

The two most comprehensive philosophical treatments of the concept of exploitation are Wertheimer (1996) and Sample (2003). For an overview of recent

literature, see Wertheimer and Zwolinski (2012).

*Teleological accounts.* Buchanan (1984) defends the harm view of exploitation. Van Donselaar (2009) defends a mutual-advantage account.

*Respect accounts.* Sample (2003) defends the mere-means account. Steiner (1984) defends a rights-based view. Holmstrom (1977), Peffer (1990), and Reiman (1987) defend variants of the forced nonreciprocation view. Nearly all analytical Marxists, including Cohen (1995) and Roemer (1982, 1996), in addition to non-Marxists, such as Arneson (1994, 2016) and Waldman (2009) defend the distributive injustice view.

*Freedom accounts.* Goodin (1984, 1985) and Wood (1995) defend variants of the vulnerability view. Snyder (2008) discusses the connection between exploitation and needs. A variant of the domination view receives important exposition in Wood (1972) and, more recently, in Wood (2014). Vrousalis (2013, 2016) defends the domination view.

Exploitation theory has recently received interesting treatments in applied ethics. Risse and Wollner (2013) apply exploitation concepts to international trade agreements and trade justice. Wertheimer (2011) and Wenner (2012) discuss exploitation in clinical research. Mayer (2005) and Attas (2000) discuss guest workers. Zwolinski (2007) and Mayer (2007) discuss sweatshops. Shelby (2002) discusses prostitution. Brewer (1996) and De-Shalit (1998) are accessible introductions to the connections between exploitation and imperialism, on the one hand, and global justice, on the other. Greasley (2012) offers a cogent summary of the debate on exploitation in commercial organ donation. Structural exploitation is discussed in Zwolinski (2012) and Young (2011). On the connections between exploitation and race, see Mills (2017). On exploitation and gender, see McKeown (2016) and Young (1990).

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