

The Exploitation of Work

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Abstract: Most people who engage in work are hired by an employer and paid a salary or an hourly wage. It is widely believed that, in virtue of being paid objectionably low wages and/or subjected to other poor conditions in their employment, many of these workers are wrongfully *exploited*. Exploitation is standardly understood to involve taking advantage of a vulnerability in order to obtain benefits. Wrongful exploitation of workers, then, involves wrongfully taking advantage of their vulnerability in order to benefit from their labor. The central question that accounts of the wrong of exploitation must answer, therefore, is what makes it the case that any particular instance of advantage being taken of workers' vulnerability in order to benefit from their labor is wrongful. In this chapter, I describe and discuss the most prominent answers to this question that have been defended in recent philosophical literature.

Keywords: exploitation; fairness; labor; nonworseness claim; positive duties; respect; sweatshops

1. Introduction

Most people who engage in work in order to generate income to provide for themselves and (in many cases) their families are hired by an employer and paid a salary or an hourly wage. It is widely believed that many of these workers are paid less than they ought to be paid, and that, in at least some of these cases, they are also subjected to unacceptably long hours and/or objectionably harsh or unsafe working conditions. Workers whose jobs include any of these conditions (or any combination of them) are, according to many, wrongfully *exploited*.¹

Exploitation is standardly understood to involve taking advantage of a vulnerability in order to obtain benefits. Wrongful exploitation of workers, then, involves wrongfully taking advantage of their vulnerability in order to benefit from their labor. The central question that accounts of the wrong of exploitation must answer, therefore, is what makes it the case that any particular instance of advantage being taken of workers' vulnerability in order to benefit from their labor is wrongful.

Workers' vulnerabilities are sometimes taken advantage of in ways that involve wrongs that are clearly independent of any distinctive wrong of exploitation. For example, when workers are forced or coerced into laboring for the benefit of others, they are wronged in virtue of being forced or coerced. While forced or coerced workers are (at least typically) also exploited, we do not need to appeal to the fact that they are exploited in order to explain why those involved in the force or coercion act wrongly – it is sufficient to cite the force or coercion itself.

¹ Concerns about the exploitation of work are not limited to the context of paid labor. We might think, for example, that much of the unpaid care work that has traditionally been performed disproportionately by women involves wrongful exploitation. Because the philosophical debates have focused primarily on cases involving paid labor, I will generally rely on examples of this kind in this chapter. The central theoretical disputes, however, implicate cases involving unpaid labor as well.

Similarly, when employers take advantage of workers' vulnerabilities in ways that lead them to accept jobs that leave them worse off than they would have been had they not entered into the employment relationship at all, we can explain the wrongfulness of their conduct by citing the fact that they have *harmed* the workers.² Since harming a person is wrong in the absence of a compelling justification, there is, once again, no need to appeal to the fact that the employer's conduct is also exploitative in order to explain why it is wrong.

In many cases, employers that are guilty of harming their workers will also have committed other wrongs that, though they involve taking advantage of the workers' vulnerabilities, are independent of any distinctive wrong of exploitation. For example, if a worker is deceived by an employer about important and negative features of a job, accepts the job, but would have accepted a different available job had she been properly informed, then the employer is guilty of wrongful deception, in addition to, at least typically, harming her by making her worse off than she would otherwise have been. Similarly, if an employer successfully engages in wage theft after hiring an employee because the employee lacks the resources to successfully navigate the legal system in a way that would ensure that the terms of her contract are fulfilled, the employer is guilty of wrongful theft, in addition to (most likely) wrongful harming.

It is uncontroversial that the cases described thus far are instances of wrongful exploitation of workers by employers. Because, however, they involve wrongs that are independent of any distinctive wrong of exploitation, there is no need to appeal to the notion of exploitation in order to explain their wrongness. Recognizing these cases as instances of wrongful exploitation is consistent with holding that the wrong of exploitation is neither distinctive nor independent of other kinds of wrongs. It could be, for example, that wrongful exploitation simply consists in committing an independent wrong, such as harming or coercing, in a way that involves taking advantage of another's vulnerability in order to obtain benefits.

In order to determine whether there is a distinctive and independent wrong of exploitation, then, it is essential to consider cases in which there is a widespread inclination to think that workers are wrongfully exploited, but in which it is also the case that their employers are not guilty of any wrongs that are independent of the wrong of exploitation. These are cases in which, for example, workers are paid poorly, required to work very long hours, and/or are required to work in harsh or unsafe conditions, but in which (at a minimum) they have clearly accepted the jobs voluntarily (i.e. without force, coercion, or deception) and are made better off by their employment than they would otherwise have been.

It is widely accepted that at least some sweatshop employment meets these conditions. Despite the fact that these jobs are widely thought to be wrongfully exploitative, the fact that so many people eagerly pursue them when they are available provides strong support, according to many, for both the claim that they are voluntarily accepted by the workers, and the claim that they at least typically make them better off than they would otherwise have been, given the alternatives that are actually available to them (e.g. Zwolinski 2007).

In cases like these sweatshop cases, in which employers are not clearly guilty of any wrongs that are independent of the wrong of exploitation,³ there is a distinctive challenge faced

² Those who deny that making someone worse off than they would otherwise have been necessarily constitutes harming her should still accept that making someone worse off than they would otherwise have been is wrong in the absence of a justification for doing so.

³ In using this example, I do not mean to suggest that there are necessarily many cases in the actual world in which these conditions are met. In the actual world, many, if not most, of the workplaces that are most commonly

by those who aim to defend the view that the workers are wrongfully exploited. Importantly, the challenge does not consist merely in explaining how it could be wrong to interact with a person in a way that makes her better off than she would otherwise have been, and does not involve other wrongs such as coercion or deception. This is because in some cases in which one acts in a way that makes a person better off than she would otherwise have been, one violates a duty to improve her condition even more. For example if B is trapped in a pit, and A can easily get B out at minimal cost to himself (Vrousalis 2013: 148; Vrousalis 2018: 2), then A is obligated to help B without demanding much, if anything, from B. If A takes advantage of B's vulnerability in order to obtain benefits – for example, if he gets her to agree to pay him a large sum of money in exchange for helping her by threatening to walk away if she refuses – then while he has clearly wrongfully exploited her, he is also guilty of violating an independent duty (Berkey 2021: 46-47; Berkey 2024: 97-98).

The challenge faced by those who aim to defend the view that sweatshop workers (and others) who voluntarily accept their jobs, are fully informed about all of the relevant features of the jobs, and are made better off than they would otherwise have been by their employment, are nonetheless sometimes wrongfully exploited, then, is to explain what the wrong committed by their employers consists in,⁴ given that it does not appear plausible to think that, prior to hiring them, they had an independent duty that was owed specifically to the people whom they employ that is roughly analogous to the duty that A owed to B to help her get out of the pit without demanding much, if anything, in return.

In the remainder of this chapter, I will describe and discuss the most prominent attempts to respond to this challenge, beginning, in section 2, with the response that denies that sweatshop employment is wrongfully exploitative so long as it is voluntarily accepted and makes the workers better off than they would otherwise have been.

2. The Nonworseness Claim and the Defense of Sweatshop Employment

Those who defend the permissibility of employing workers in sweatshop conditions typically appeal to what Alan Wertheimer refers to as the “Nonworseness Claim” (Wertheimer 1996: 289). This Claim has been formulated in a number of ways (e.g. Wertheimer 1996: 289; Snyder 2008: 390; Ferguson 2016: 956), but at its most general level it states that it cannot be morally worse for an agent to engage in a voluntary and mutually beneficial transaction with another person than it is for the agent to refrain from transacting with that person altogether. The underlying thought that motivates the Claim is simple – namely, that it would seem inconsistent with proper concern for both the autonomy and the welfare of individuals to endorse a moral view that implies that we should prefer that some voluntary transactions that would benefit all of the involved parties not occur (Arneson 2013: 393-394).⁵

thought of as clearly exploitative are ones in which workers are routinely subjected to a range of wrongs that are independent of the wrong of exploitation.

⁴ On some accounts, it is primarily large multinational corporations that source products from sweatshops, rather than the typically local firms that operate the sweatshops, that are guilty of wrongful exploitation. I omit this complication for ease of exposition, but the analysis in the text should be read in a way that is consistent with this view.

⁵ It is important to note that no one, including defenders of the Claim, would deny that harmful effects on third parties can make voluntary transactions that benefit all of the involved parties wrong. While the Claim is often formulated in ways that do not explicitly exclude harmful effects on third parties, discussions of its implications generally acknowledge the restriction.

Once the Nonworseness Claim has been articulated and its plausibility recognized, the argument for the permissibility of at least some sweatshop employment, and indeed of a wide range of employment arrangements that many are inclined to think are wrongfully exploitative, is also fairly straightforward. In order to highlight the central features of the argument, and to bring out the ways that it can be challenged, it is helpful to formulate it with reference to a particular representative case of an employment relationship that is widely regarded as wrongfully exploitative. Consider, then, the following case:

Sweatshop Employment: A owns a sweatshop, and B is an extremely poor worker who currently struggles to earn even a subsistence income by working in the informal economy. A advertises a job in his sweatshop, making it clear that the job requires long hours in harsh working conditions, and that the pay is low. B applies for the job, and hopes to get it, because the pay is roughly double what she makes in the informal economy, and the hours and conditions of work would also be somewhat better than what she currently endures. If she does not get the sweatshop job, she will have no alternative but to continue her current work in the informal economy. A hires B, and as a result, B's life improves a bit.

With reference to this case, the argument for the claim that it is permissible for A to hire B on the terms described can be formulated in the following way:

- (P1) It is permissible for A to refrain from hiring B. (Assumption)
- (P2) B voluntarily accepts the job, and benefits from obtaining it. (Stipulated)
- (P3) It cannot be morally worse for an agent to engage in a voluntary and mutually beneficial transaction with another person than it is for the agent to refrain from transacting with that person altogether. (Nonworseness Claim)
- (P4) A's hiring B on the terms to which they agree is not morally worse than his refraining from hiring her would be. (From P2 and P3)
- (P5) An action that is not morally worse than a permissible action is itself permissible. (Assumption).
- (C) It is permissible for A to hire B on the terms to which they agree.

While the precise ways in which the argument is formulated by its defenders varies somewhat (e.g. Zwolinski 2007: 699-700, 707-708; Sollars and Englander 2007: 119; Zwolinski 2012: 167-169; Powell and Zwolinski 2012: 460-470), the formulation here is representative of the case that has been made for the view that voluntary and mutually beneficial employment arrangements, including at least some sweatshop employment, are generally morally permissible, and therefore not wrongfully exploitative.⁶

⁶ Defenders of this argument do not have to deny that these employment arrangements are exploitative, since they can hold that not all exploitation is wrongful.

Despite the fact that it has some clearly counterintuitive implications, such as that much sweatshop employment is permissible, the argument is plausible. In addition, some of the grounds that can be offered for accepting the counterintuitive implications can be articulated with reference to some of the very same values that tend to motivate the thought that sweatshop labor is objectionable. For example, to the extent that our concern about sweatshop employment is motivated by the thought that the lives of those who are badly off enough that they accept sweatshop work ought to be better, it might seem that we should be inclined to reject any view that implies that doing nothing to benefit them is morally preferable to transacting with them in some ways that benefit them at least a bit. And since it is also plausible that our concern about sweatshop and other intuitively exploitative employment arrangements should in fact be at least largely motivated by a concern for the interests of those who are vulnerable to exploitation, the argument cannot be easily dismissed.

There are, however, a number of ways in which the argument has been challenged. For the most part, those who reject it object to the Nonworseness Claim, and accept views on which it is impermissible to engage in certain voluntary and mutually beneficial transactions, even when it is permissible to refrain from transacting altogether. The most prominent views of this kind ground the rejection of the Nonworseness Claim, and their associated accounts of the wrong of exploitation, in the value of fairness, or in considerations of respect. I will discuss these responses in sections 3 and 4.

An alternative type of challenge to the argument objects to its focus on particular transactions, and rejects what is claimed to be the relevant, collective version of (P1). According to this analog of (P1), it is permissible for employers who could, without too much cost, engage in voluntary and mutually beneficial transactions with at least some of those who are badly off enough that they would accept sweatshop or other employment that is widely regarded as wrongly exploitative, to refrain from all such transactions, and more generally, to do nothing to benefit them.⁷ I will describe the argument for rejecting this claim, and the implications regarding the wrong of exploitation, in section 5.

3. Fairness-Based Views

The most widely accepted type of view about the wrong of exploitation holds that voluntary and mutually beneficial transactions can be wrong, even in cases in which refraining from transacting is permissible, when and because the benefits generated by the transaction are distributed unfairly (e.g. Wertheimer 1996: Ch. 7; Meyers 2004: 320-321, 324; Mayer 2007a: 137-138, 141-142; Mayer 2007b: 608; Barnes 2013: 31; Dänzer 2014; Ferguson 2016: 953, 955, 966-967; Sollars and Englander 2018: 23-27; Faraci 2019; Kates 2019: 33-34, 44-45; Kates 2023). The intuitive thought that motivates views of this type is that in cases such as Sweatshop Employment, it is objectionable if those in the stronger bargaining position take advantage of the vulnerability of the other party in a way that leads to the benefits that are generated by the transaction being distributed in a way that disproportionately enriches the party that is already more advantaged.

⁷ This claim is widely accepted by both defenders and critics of sweatshop employment (e.g. Meyers 2004; Zwolinski 2007: 699; Zwolinski 2012: 169; Barnes 2013: 38; Kates 2019: 27, 34; Preiss 2019: 885-886, 890). One of its most important implications is that it is permissible for firms to locate jobs of any kind in rich countries, where they will benefit people who would be at least fairly well off regardless, rather than in poor countries, even if locating them in poor countries would, or at least could, benefit many people living in severe poverty.

This intuitive thought is clearly in tension with the Nonworseness Claim. To see this, imagine that in Sweatshop Employment A begins at welfare level 100, and B begins at welfare level 10. When A offers B a job at his sweatshop, the terms of the contract are such that if B accepts the offer, her welfare will increase to 12, while A's will increase to 110. This is precisely the kind of distribution of the benefits of a voluntary and mutually beneficial transaction that proponents of fairness-based views tend to find objectionable. If we assume that A has no independent obligation to hire B, then the Nonworseness Claim (in combination with (P5) above) implies that the transaction is permissible. Proponents of fairness-based views claim, however, that unfairness in the distribution of the benefits produced by the transaction can provide sufficient grounds for holding that it is impermissible, and specifically that A wrongfully exploits B, even in cases in which the transaction is voluntary and both parties benefit relative to the (assumed to be) permissible non-transaction baseline.

A complete fairness-based account of the wrong of exploitation requires an account of what fairness in the distribution of the benefits of voluntary and mutually beneficial transactions consists in. While most proponents of fairness-based accounts assume that at least much sweatshop employment will count as distributing the relevant benefits unfairly, and therefore will count as wrongfully exploitative, they typically allow that employing people in sweatshop conditions is not wrongfully exploitative if, in addition to the transactions being voluntary and mutually beneficial, it is also the case that the employers could not provide the employees better pay and/or working conditions and still remain in business (e.g. Meyers 2004: 329; Mayer 2007b; Snyder 2008: 390, 398, 400-401, 404; Ferguson 2016; Kates 2019: 44). Proponents of fairness-based accounts typically assume, then, that it is possible for sweatshop employers to pay their employees more by, for example, accepting a reduction in profits.⁸

Interestingly, the claim that sweatshop employers could pay their workers more while remaining in business by simply accepting a reduction in profits is challenged both by some who think that sweatshop employment is often permissible (e.g. Sollars and Englander 2018: 20), or who are at least unpersuaded that plausible accounts of fairness will imply that it is typically impermissible (e.g. Richard 2023), and by critics of fairness-based and other accounts of the wrong of exploitation that focus on individual transactions and aim to assign fault or blame to particular (individual or corporate) agents (e.g. Young 2004). Those in the latter group tend to hold, following aspects of the Marxist tradition, that understanding what is objectionable about exploitation requires a structural analysis of prevailing economic processes and pressures, and that responding appropriately to the plight of those vulnerable to exploitation requires working toward eliminating the structural conditions that make them so vulnerable.

While broadly Marxist accounts of exploitation clearly feature this kind of structural analysis, one important dimension of these accounts can, interestingly, be understood as offering an account of fairness in the distribution of the benefits of typical employment relations that could, in principle, feature in a fairness-based account of the wrong of exploitation. On one of the most influential contemporary Marxist accounts of exploitation, for example, workers are exploited when any part of the value of what they produce through their labor is appropriated by

⁸ Alternatively, they sometimes suggest that the multinational firms that source products from sweatshops could ensure that sweatshop workers are paid more and/or are provided with better working conditions by reducing the pressure that they exert on sweatshop owners to produce high volumes of products quickly and sell them at extremely low prices, and more actively by demanding that sweatshop owners pay their workers more and provide better working conditions.

others (typically capitalists) whose labor did not contribute to producing it (Cohen 1979).⁹ We can understand this view as suggesting that the fair distribution of the benefits of economic activity requires that each individual receives the full value of what their labor has produced. According to familiar Marxist analyses, this would require that workers receive the full value of what their labor produces, and implies that capitalists are, insofar as they do not contribute any labor to the production of what workers produce, entitled to nothing.

Most contemporary fairness-based accounts of the wrong of exploitation are not Marxist accounts, and allow that capitalists can be entitled to a share of the value of what is produced by the labor of their employees. On views of this kind, employment relationships should be thought of as at least roughly analogous, morally speaking, to more informal cooperative production that individuals might participate in. And recognizing this, it is suggested, can help us to see why we should reject the Nonworseness Claim.

If, for example, A owns all of the equipment and ingredients that are necessary to bake a cake, but either lacks the skills to bake it, or simply does not want to do all of the work, he might ask B if she would like to bake the cake with him (Kates 2023: 686). If B agrees, and they bake the cake together, then according to typical contemporary fairness-based accounts, both A and B are entitled to a fair share of the cake. The fact that they produced the cake together, on these views, makes it fundamentally *theirs*, rather than belonging exclusively to either of them individually (Kates 2023: 686). And this, in turn, explains why the Nonworseness Claim should be rejected. The fact that a transaction is voluntary and makes a person better off than they would otherwise have been is insufficient to establish that it is permissible, on this view, because when a transaction involves the cooperative production of benefits, the party in the stronger bargaining position is not entitled to insist on terms that leave the more vulnerable party with less than their fair share of those benefits. The fact that each party cooperated in the production of the benefits generates specific, fairness-based entitlements with respect to those benefits, and the entitlements of those in more vulnerable positions cannot be reduced in virtue of the fact that more fortunately situated parties attempt to take advantage of their vulnerability in the bargaining process. If B's contribution to producing the cake makes it the case that her fair share is one-third of the cake, then that is what she is entitled to, regardless of whether her hunger led her to agree to help A on terms that would give her only one-tenth of it.

4. Respect-Based Views

A second type of account of the wrong of exploitation whose proponents typically reject the Nonworseness Claim holds that voluntary and mutually beneficial transactions are wrongfully exploitative when and because they are disrespectful or degrading (e.g. Wood 1995: 150-152; Sample 2003). These accounts are often grounded in broadly Kantian theoretical commitments, and among their central motivating thoughts is that interacting with people in certain ways seems to be objectionable even if the interaction is voluntary and benefits them, for reasons that are best explained by appeal to the value of respect for persons, and to obligations that we all share to treat others with respect.

Views of this kind require an account of the conditions that must met in order to properly respect others in our economic and other interactions with them. In order to provide grounds for

⁹ One important feature of this view, according to Cohen, is that unlike traditional Marxist views, it not only does not rely on the labor theory of value, according to which the value of an object is determined by the socially necessary labor time required to produce it, but is in fact incompatible with it. Since the labor theory of value is widely viewed as implausible, it is important that this view is consistent with rejecting that theory.

rejecting the Nonworseness Claim, they must offer reasons for thinking not only that engaging in certain voluntary and mutually beneficial transactions with others can be objectionably disrespectful, but also that doing so is, at least in some cases, more disrespectful than refraining from transacting with them at all. Furthermore, in order to be consistent with (P1) above, their account of what respecting others requires must imply that refraining from transacting with people in need, and more generally, doing nothing to benefit them, is not objectionably disrespectful.

One potentially promising thought here is that engaging in a voluntary and mutually beneficial transaction with a person can be disrespectful in virtue of the fact that one treats his transaction partner as a mere means, rather than as an end-in-herself. If, for example, a sweatshop employer hires a worker on typical sweatshop terms involving low pay, long hours, and harsh working conditions, and does so in order to obtain as much benefit from the transaction as he can, without any regard for the worker or her interests, it seems correct to say both that he exploits her and that he treats her as a mere means. On the other hand, had he simply refrained from transacting with her, it seems that he would not be guilty of treating her as a mere means. One kind of respect-based account, then, might hold that what respecting others requires is that we do not treat others as mere means, and that the wrong of exploitation consists in taking advantage of another's vulnerability in order to obtain benefits in a way that does treat them as a mere means.

While it is surely true that some exploitation involves the more advantaged party taking advantage of the more vulnerable party in a way that constitutes treating her as a mere means, there are reasons to doubt that this view can capture all and only the cases that are generally thought to involve wrongful exploitation. Consider, first, that a sweatshop employer who pays his employees just slightly more than the minimum that he could bargain them down to, and does so out of concern for their interests (and not, for example, because he thinks he has anything to gain from doing so), seems not to treat the employees as *mere* means. If, however, their pay is still extremely low, and the employer could easily afford to pay them more, then most will think that the employer remains guilty of wrongful exploitation. A view on which one is guilty of wrongful exploitation only if he treats a transaction partner as a mere means, then, will seem to most objectionably narrow.

A plausible alternative respect-based account would need to include a more demanding account of the conditions that one must meet in order to count as treating a transaction partner with proper respect. Importantly, if the account is going to be distinct from fairness-based views, it cannot be the case that what treating a transaction partner with proper respect requires is ensuring that they receive a fair share of the benefits of the transaction (Wood 1995: 147-148, 151). In addition, in order for the account to be consistent with both (P1) above and with the rejection of the Nonworseness Claim, the conditions that explain why transacting with people in certain ways or on certain terms is objectionably disrespectful must at least typically be absent when one refrains from transacting altogether.

5. Positive Duty Views

The final type of account of the wrong of exploitation that I will discuss holds that voluntary and mutually beneficial transactions are wrongfully exploitative when an agent has an independent, positive duty to benefit others, and fails to fulfill this duty in a way that involves taking advantage of the vulnerability of at least some of those whom he could benefit in order to fulfill the duty, in order to obtain benefits for himself (Horton 2019; Berkey 2020; Berkey 2021;

Berkey 2024). On this type of view, the wrong of exploitation consists in particular ways of failing to fulfill positive duties to benefit others.

One of the challenges to this kind of view is that by rejecting (P1), or its relevant collective analog, proponents commit themselves to an implausibly demanding account of the positive duties of those agents that are in a position to aid the vulnerable. One response to this challenge claims that views of this kind can be, and plausibly are, only minimally demanding (Horton 2019: 472-475). This is because when exploitative transactions are mutually beneficial, the benefits that the more advantaged party receives can be redistributed to the more vulnerable party without leaving the more advantaged party worse off than they would have been had the transaction not taken place at all. What the view requires, then, is only that more advantaged parties engage in transactions that will benefit vulnerable people, and give up the benefits that they could obtain by taking advantage of their superior bargaining position. A view that requires that well off agents do this, in effect, simply requires that agents provide aid to people in need when they can do so without any cost to themselves – and this is surely not objectionably demanding (Horton 2019: 473-475).

In fact, positive duty views can, in what seems like the most important sense, be even less demanding than that. A plausible way of understanding the content of the positive duty is that advantaged agents must make some amount of sacrifice, in relation to a baseline of their most self-interested (legally) available option, in order to benefit those who are vulnerable to exploitation. For example, if a sweatshop owner could obtain \$200,000 per year in profit by paying workers as little as possible, and requiring them to work long hours in harsh conditions, a positive duty account might imply that he is required to accept only \$100,000 per year in profits, and redirect the remaining \$100,000 to increasing the workers' wages, or to other uses that would benefit them. On this kind of view, the sacrifices that are required involve merely limiting the benefits that one obtains from transactions with the vulnerable – they do not require that one does not benefit from such transactions at all.

Another concern about positive duty views is that it seems clearly implausible that an employer has a positive duty to hire any particular (potential) employee. In Sweatshop Employment, for example, it does not seem that A has a duty to hire B, at least so long as (as is typically true in cases of this kind) there are many applicants for the job who are similarly badly off. When A hires B and pays her poorly, then, it does not seem that we can say that A is guilty of wrongful exploitation in virtue of failing to benefit B as much as he was independently obligated to benefit her. A had no such obligation to B in particular – it would surely have been permissible for him to hire C or D, who, we can imagine, are just as badly off as B, instead.

Proponents of positive duty views, then, must reject the claim, endorsed by many proponents of the Nonworseness Claim, that if it is permissible for A to refrain from transacting with B, then engaging in a voluntary and mutually beneficial transaction with B cannot constitute wrongful exploitation (Berkey 2021: 46-48). If they are sympathetic to the broader motivation for the Nonworseness Claim, they can, however, accept a collective analog of the Claim, according to which if it is permissible for an agent to refrain from transacting with all of the members of an appropriately specified class of people, then engaging in voluntary and mutually beneficial transactions with any subset of that class cannot constitute wrongful exploitation (Berkey 2021: 49).

Proponents of positive duty views hold that the relevant positive duties are owed not to particular individuals, but instead to the class of people who are vulnerable enough that they would be willing to accept employment on wrongfully exploitative terms (Berkey 2021; Berkey

2024). What agents with such duties must do in order to fulfill them, then, is benefit any sufficient subset of the people in the relevant class to the extent required, without taking advantage of anyone's vulnerability in order to obtain impermissible benefits for themselves.

One important implication of this kind of view is that exploitation is, at least often, not a wrong that is committed only against those who are selected for mutually beneficial transactions (Berkey 2021; Berkey 2024). Instead, exploitation in cases like Sweatshop Employment wrongs all of those who would have preferred to be hired for the job, since all of these people are members of the class to whom A's positive duty was owed. One important reason to find this implication plausible in labor market contexts in particular is that the presence of more people who are vulnerable, and therefore willing to accept employment on poor terms, increases the bargaining power of employers and limits the bargaining power of individual applicants. This will tend to drive down wages, make it easier for employers to require workers to work longer hours and in harsher conditions, and thereby increase profit margins for firms. There is a clear sense, then, in which firms' ability to profit as much as they do from their employment arrangements with the people whom they hire depends on taking advantage of the vulnerability of those in the (often large) class of additional potential employees who are not hired (Berkey 2024: 103). In this way, positive duty views can incorporate an important feature of the kind of structural analysis of economic processes that is often missing from the competing fairness-based and respect-based views.

6. Conclusion

The debate about how to understand the wrong of exploitation has, in recent years, largely been structured around assessing the force of the Nonworseness Claim, and on the implications of the various views that have been developed by both critics and defenders of the Claim for sweatshop employment and similar cases. There are good reasons for this focus, since our concerns about exploitation ought to be strongest with respect to the worst off and most vulnerable. It is important to keep in mind, however, that work is a central part of the lives of many people who are not as badly off as sweatshop workers, and concerns about exploitation can arise in cases that do not involve the kind of low wages, long hours, and/or harsh working conditions that are characteristic of sweatshops (e.g. Koltonski 2018). And while it is perhaps most important that candidate accounts of the wrong of exploitation have plausible implications for cases involving sweatshop and similar employment, there may be reasons for scholars aiming to contribute to the debate going forward to devote at least a bit more attention to a broader range of cases. In addition to potentially illuminating advantages and disadvantages of some of the competing views that might otherwise go overlooked, this may also help us to think more clearly about the ways in which we might have reason to want employment structures and practices to change more generally, in order to align with our broader ideals about the place of work in a good human life.

References

- Arneson, R. 2013. "Exploitation and Outcome." *Politics, Philosophy, & Economics* 12(4): 392-412.
- Barnes, M. R. 2013. "Exploitation as a Path to Development: Sweatshop Labor, Micro-

- Unfairness, and the Nonworseness Claim.” *Ethics and Economics* 10(1): 26-43.
- Berkey, B. 2020. “The Value of Fairness and the Wrong of Wage Exploitation.” *Business Ethics Quarterly* 30(3): 414-429.
- Berkey, B. 2021. “Sweatshops, Structural Injustice, and the Wrong of Exploitation: Why Multinational Corporations Have Positive Duties to the Global Poor.” *Journal of Business Ethics* 169(1): 43-56.
- Berkey, B. 2024. “Who is Wronged by Wrongful Exploitation?” In: B. Ferguson and M. Zwolinski (eds.) *Exploitation: Perspectives from Philosophy, Politics, and Economics*. Oxford University Press, pp. 93-112.
- Cohen, G. A. 1979. “The Labor Theory of Value and the Concept of Exploitation.” *Philosophy & Public Affairs* 8(4): 338-360.
- Dänzer, S. 2014. “Unfair Trade, Exploitation, and Below-Subsistence Wages.” *Moral Philosophy and Politics* 1(2): 269-288.
- Faraci, D. 2019. “Wage Exploitation and the Nonworseness Claim: Allowing the Wrong, to Do More Good.” *Business Ethics Quarterly* 29(2): 169-188.
- Ferguson, B. 2016. “The Paradox of Exploitation.” *Erkenntnis* 81(5): 951-972.
- Horton, J. 2019. “The Exploitation Problem.” *Journal of Political Philosophy* 27(4): 469-479.
- Kates, M. 2019. “Sweatshops, Exploitation, and the Case for A Fair Wage.” *Journal of Political Philosophy* 27(1): 26-47.
- Kates, M. 2023. “Sweatshops, Exploitation, and the Nonworseness Claim.” *Business Ethics Quarterly* 33(4): 682-703.
- Koltonski, D. 2018. “Vocations, Exploitation, and Professions in a Market Economy.” *Social Theory and Practice* 44(3): 323-347.
- Mayer, R. 2007a. “What’s Wrong with Exploitation?” *Journal of Applied Philosophy* 24(2): 137-150.
- Mayer, R. 2007b. “Sweatshops, Exploitation, and Moral Responsibility.” *Journal of Social Philosophy* 38(4): 605-619.
- Meyers, C. 2004. “Wrongful Beneficence: Exploitation and Third-World Sweatshops.” *Journal of Social Philosophy* 35(3): 319-333.
- Powell, B. and M. Zwolinski. 2012. “The Ethical and Economic Case Against Sweatshop Labor: A Critical Assessment.” *Journal of Business Ethics* 107(4): 449-472.

- Preiss, J. 2019. "Freedom, Autonomy, and Harm in Global Supply Chains." *Journal of Business Ethics* 160(4): 881-891.
- Richard, S. 2023. "Wage Exploitation as Disequilibrium Price." *Business Ethics Quarterly* 33(2): 327-351.
- Sample, R. 2003. *Exploitation: What it is and Why It's Wrong*. Rowman and Littlefield.
- Snyder, J. 2008. "Needs Exploitation." *Ethical Theory and Moral Practice* 11(4): 389-405
- Sollars, G. G. and F. Englander. 2007: "Sweatshops: Kant and Consequences." *Business Ethics Quarterly* 17(1): 115-133.
- Sollars, G. G. and F. Englander. 2018. "Sweatshops: Economic Analysis and Exploitation as Unfairness." *Journal of Business Ethics* 149(1): 15-29.
- Vrousalis, N. 2013. "Exploitation, Vulnerability, and Social Domination." *Philosophy & Public Affairs* 41(2): 131-157.
- Vrousalis, N. 2018. "Exploitation: A Primer." *Philosophy Compass* 13(2): 1-14.
- Wertheimer, A. 1996. *Exploitation*. Princeton University Press.
- Wood, A. 1995. "Exploitation." *Social Philosophy and Policy* 12(2): 136-158.
- Young, I. M. 2004. "Responsibility and Global Labor Justice." *Journal of Political Philosophy* 12(4): 365-388.
- Zwolinski, M. 2007. "Sweatshops, Choice, and Exploitation." *Business Ethics Quarterly* 17(4): 689-727.
- Zwolinski, M. 2012. "Structural Exploitation." *Social Philosophy and Policy* 29(1): 154-179.