

## Exploitation and Domination in Application

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Exploitation seems to evade straightforward definition. Disagreements abound in the pursuit of necessary and sufficient conditions that determine when an exploitation charge is deemed valid. Even if a transaction satisfies an exploitation condition, Alan Wertheimer's (1992) influential account separates an admission of exploitation from its moral force, or impermissibility. According to Wertheimer, exploitative transactions may be *mutually beneficial* rather than net *harmful* to the exploited party, in which case there is a strong presumption for permitting them (213). In ordinary language, however, exploitation is often used in a pejorative sense as an indictment of social arrangements. One might think that an important desideratum for an account of exploitation is that it coheres with such usage. That is, a theory of exploitation ought to reflect exploitation's meaning as a political term, in the sense that it is used to condemn seemingly unjust forms of treatment. A plausible theory should therefore capture what are generally understood to be paradigmatic cases of exploitation in the public imagination.<sup>1</sup> In addition, one might posit that exploitation ought to be defined as inherently wrongful in a manner that requires redress, for it to cohere with the moral force with which it is used in general parlance. Nicholas Vrousalis' (2023) original account of exploitation successfully satisfies these desiderata. His theory also attends to the debate between force-inclusive accounts of exploitation and those that posit exploitation as necessarily consensual, offering an explanation as to why exploitation is wrongful in the absence of force.

Vrousalis argues that exploitation is unjust, or wrongful, because it constitutes enrichment through the domination of others. The wrong of exploitation does not consist in harm, coercion, or unfairness, but rather

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<sup>1</sup> For instance, one does not need to be a philosopher to use the term exploitation in reference to sweat shop labour and be on to something, and a plausible account of exploitation ought to reflect this.

in *domination*: exploitation is a dividend of servitude. In this paper, I suggest that while Vrousalis' account provides a compelling story of why capitalist labour relations are unjustly exploitative, difficulties arise in its application to other cases. I begin by querying Vrousalis' definition of patriarchy, using it to highlight what is missing in his understanding of the wrongfulness of domination. Following this, I turn to explore Vrousalis' examination of surrogacy as a paradigmatic instance of domination-based exploitation. I suggest that his account struggles to capture the exploitation involved in surrogacy, and inadvertently renders surrogates the dominating party insofar as they control the means of (re)production.

## I. DOMINATION IS WHAT IS WRONG WITH EXPLOITATION

Exploitation is unjust because it constitutes domination-induced unilateral servitude to others (Vrousalis 2023). Thus, Vrousalis' definition of exploitation invites the following questions: What do domination and unilateral servitude consist in? Why, precisely, is domination wrongful? Vrousalis provides the following answers: domination is the subjection of purposiveness to the (arbitrary) choices of others (43). Purposiveness might be understood as agency or the ability to set and pursue ends (38). Unilateral servitude involves asymmetrical control, in this case of labour capacity: A possesses unilateral control over B's labour capacity when A possesses control over the content, intensity, or duration of B's labour process which B does not possess over A's (41). Such control over the labour capacity of others is presumptively unjust because "there is always a presumption against unilateral residual control over purposiveness and its conditions" (41). Vrousalis discusses three possible justifications for his Non-Servitude Proviso,<sup>2</sup> which could thus account for the wrongfulness of domination.

The Kantian argument for the Proviso asserts that all humans have an innate moral right to external freedom. Domination, by contrast, consists in my thwarting your agential purposiveness, subjecting your ability to set and pursue ends to mine. Similarly, the republican argument for non-domination states that unfreedom consists in subjection to arbitrary power: "all power over others that is not compelled to track their judgments, interests, or goals is arbitrary" (44), and is thus, objectionable. The

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<sup>2</sup> Non-Servitude Proviso—For any agents or groups engaged in mandatory mutually affecting cooperation under a division of labour, and barring any special justification that exempts them, none should possess unilateral control over the labour capacity of any other. See Vrousalis (2023).

recognition argument for the Proviso focuses on free cognitive agency, which consists in the ability to act by having your rational intentions taken by others as reasons. Domination is wrongful in so far as it undermines this cognitive agency. In outlining these accounts, Vrousalis does not seek to provide a complete justification for the Proviso, but rather seeks to “steer the conversation about the injustice of exploitation in the direction of domination theory” (43). This could be interpreted as him grounding the injustice of exploitation in the injustice or wrongfulness of domination. It is therefore worth considering whether the wrongfulness of domination is appropriately captured by these three accounts.

While it is clear that Vrousalis’ list of possible justifications for non-domination is not intended to be exhaustive, there is an important omission. Domination as a concept is in part philosophically interesting due to its relational properties. That is, domination speaks to a hierarchical relationship between *dominating* A and *dominated* B. The accounts presented above focus solely on why this relationship is wrong for B, making focal B’s demands to agency and freedom from arbitrary power. Yet these accounts say nothing about why domination might be wrong for A. Why might subjecting someone else’s agency to their own, or holding arbitrary power, be bad for A? And how is this relevant to the wrongfulness of domination? I will turn to the importance of these considerations next.

## II. WHAT IS WRONG WITH *PATRIARCHAL* DOMINATION?

It is notable that Vrousalis invokes patriarchy as a key instance of domination, which is defined as involving coercive control, by men, over the (sexual) labour of women. Individual women can apparently meaningfully exit this coercive control by avoiding men,<sup>3</sup> but “for as long as the role of women within the (legal) description of the family remains subordinate to the role of men, women as a whole remain subjected to the choices of men” (42). Fleshing this out further, patriarchal norms “make women unfree by making them either abstain from familial relations altogether or participate on men’s terms” (99). This plausibly refers to the coercive control men have over women’s domestic and reproductive labour, according to Vrousalis’ definition of patriarchy. Vrousalis continues that “when pornographic norms restrict access to empowering sexual possibilities for women, women have to choose between nonsex and sex in conformity

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<sup>3</sup> The methods Vrousalis suggests are divorcing or ‘retaining’ the socioeconomic wherewithal to never marry.

with the model of male fantasy” (99). This is plausibly what Vrousalis means by male coercive control over women’s ‘(sexual) labour’.

Patriarchy has been too narrowly conceived in Vrousalis’ account in terms of control over women’s domestic and sexual labour. While this definition might be consistent with the focus and contour of Vrousalis’ servitude-oriented framework, it is insufficiently attentive to the expansive reach of patriarchal norms. The gap this definition leaves has notable implications for understanding domination. The nuclear family unit (wherein women’s domestic and sexual labour is largely but not exclusively situated) may be a chief institution of the patriarchy, but the patriarchy is not confined to this realm. Rather, it is evident that our society is a patriarchy:

If one recalls that the military, industry, technology, universities, science, political office, and finance—in short, every avenue of power within the society, including the coercive force of the police, is entirely in male hands. (Millett 1970, 25)

An increase in formal equality notwithstanding, much of the same holds true since Kate Millet first made this claim in 1970. One way that patriarchy has been upheld is through its systematised conditioning towards an ideology. That is, sexual politics are upheld “through the socialization of both sexes to basic patriarchal policies with regard to temperament, role, and status” (26). This interiorisation of ideology has effects on the comportment of both sexes.

The systemic way in which patriarchy maintains gender norms, more broadly conceived, is arguably one of its key features. Restrictive ideas about masculinity and femininity abound in our culture, and these construct the development of both men and women, inhibiting self-actualisation. The gendering of characteristics such as capability, assertiveness, strength, vulnerability through norms and patterns of behaviour, seems to speak to a phenomenon that is extraneous to male coercive control of women’s (sexual) labour. Further, to understand pornographic norms and the choice between sex and nonsex as ‘male control of women’s sexual labour’ as Vrousalis does, neglects the relational aspect of sex, and indeed of domination. Pornographic norms also inhibit the sexual development of men. Under such ideology, male sexuality is constructed along the lines

of experiencing pleasure in domination (Dworkin 1981).<sup>4</sup> This is, in some real sense, harmful to the dominating party *qua* dominator. One sense in which it is harmful is because it is limiting; being engaged in a culturally enforced domination relation precludes meaningful connection. Further, the general corruption of human relationships through noxious sexual politics will harm men as participants too.

Wider conceptions of patriarchy can account for this psychic damage to men. Similarly, Vrousalis' account of patriarchy could be extended to account for oppressive gender socialisation more broadly. In a footnote, Vrousalis notes that "patriarchy is the systematic disempowerment of women with respect to their ability to self-direct their free purposiveness" (99). It would seem that under patriarchal socialisation men suffer a similar such fate: the internalisation of harmful norms is poised to undermine their ability to self-direct free purposiveness. If not, then Vrousalis cannot account for the manner in which internalised patriarchal ideology harms women through domestic and sexual norms. Either Vrousalis needs a discriminating reason as to why only *women's* purposiveness is undermined by internalised gender norms, or he must concede that men's purposiveness is similarly undermined. If this is so—that a dominating relationship seems to have such an effect on both the dominant and subordinate party—what does this tell us about the nature and wrongfulness of domination?<sup>5</sup> While this harm to men might not constitute domination, it may still be reasonably considered under the purview of justice, requiring redress.

This discussion suggests that the relational nature of domination is important to understanding its wrongfulness. If it is correct that domination also harms the dominator, an account of why domination is bad *as a relation* and *bad for the dominator* seems essential to understanding and arguing for its wrongfulness. This is so far absent from the three reasons for the Proviso that Vrousalis supplies. Being the dominant party in a patriarchy thwarts development and undermines self-actualisation, as all

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<sup>4</sup> Following Dworkin (1981), I am concerned here primarily with heterosexual relations, but norms surrounding masculinity and femininity and their corresponding demands of domination and submission are not the preserve of heterosexuality.

<sup>5</sup> To be clear, I do not intend to argue that because men's purposiveness is similarly undermined that they are also *dominated* by patriarchy. Rather, patriarchy can be further fleshed out as relative group-based advantage and disadvantage, positing men as the dominant party. However, insofar as Vrousalis' definition of domination focuses on control of purposiveness as the feature that maintains the relation, it needs to reckon with the idea that men's purposiveness is also undermined. Thus, a theory of domination might also have to account for the dominating party's undermined purposiveness and the wrongfulness therein.

bear the demands of the ideology's norms. It is unclear whether this applies to the dominating capitalist (*is your boss' opportunity for self-actualisation similarly thwarted because they dominate you...?*), which attests to the aforementioned difficulty in providing a definition of domination that applies universally or to diverging phenomena. At the very least, however, it seems that patriarchy is a key illustrative instance of domination for Vrousalis and does some important conceptual work. If he wants to retain patriarchy as an illuminating case of domination, then something needs to be said about domination's wrongful relational harm on both sides of the relation.

This more expansive conceptualisation of domination's wrongfulness might be illuminated by Aimé Césaire's (1950) contention that colonisation harms the coloniser:

Colonization works to decivilize the colonizer, to brutalize him in the true sense of the word, to degrade him, to awaken him to buried instincts, to covetousness, violence, race hatred, and moral relativism; and we must show that each time a head is cut off or an eye put out in Vietnam and in France they accept the fact, each time a little girl is raped and in France they accept the fact, each time a Madagascan is tortured and in France they accept the fact, civilization acquires another dead weight, a universal regression takes place, a gangrene sets in, a center of infection begins to spread; and that at the end of all these treaties that have been violated, all these lies that have been propagated, all these punitive expeditions that have been tolerated, all these prisoners who have been tied up and 'interrogated', all these patriots who have been tortured, at the end of all the racial pride that has been encouraged, all the boastfulness that has been displayed, a poison has been distilled into the veins of Europe and, slowly but surely, the continent proceeds toward savagery. (35)

Domination instils norms of comportment upon the dominator. Consistently treating others as means to one's own ends plausibly has some reflexive effect. Lauding power over the powerless creates patterns of thought and behaviour. If not the wholesale brutalisation described by Césaire, it seems plausible that at least some thwarting of the dominator's self-actualisation occurs. This effect requires consideration in an account of why domination is wrongful. Indeed, it may turn out to be focal to domination's wrongfulness, but we will not know that until we take the

argument where it goes. I hope to have shown that this aspect of domination demands attention, much more so than I can give it here.

### III. SURROGACY AND EXPLOITATION

Commercial surrogacy arrangements<sup>6</sup> are often analysed through the lens of exploitation. Dominant philosophical analyses of commercial surrogacy have focused on the practice in abstraction, pointing to the potential for exploitation under certain circumstances where these ‘certain circumstances’ have been hypothetical. In considering whether commercial surrogacy should be banned if deemed exploitative, Alan Wertheimer (1992) questions whether such a ban would actually have egalitarian consequences, as “we have no empirical evidence to support the claim that the permissibility of surrogacy would reinforce or perpetuate social inequalities” (238). Wertheimer’s statement appears less plausible now that we have a wealth of empirical evidence to suggest that countries in the Global South have become surrogacy hotspots due to their ability to provide a ready supply of surrogates at a significantly lower cost than the West.

For Vrousalis, commercial surrogacy is exploitative because it:

Involves unilateral alien control over a woman’s reproductive capacity. Since that capacity is assimilable to productive purposiveness, as I have defined it, it comes under the purview of the Non-Servitude Proviso; contract pregnancy thereby violates it. And since the domination of the surrogate mother involves unilateral labour flow, in the form of her gestational care for the embryo, surrogate motherhood is exploitative. There is, finally, a conditional version of this argument: if contract pregnancy is exploitative, then so is organ donation for money. Humans are, in a relevant sense, ‘pregnant’ with their own organs. (81)

In congruence with the rest of his account of exploitation, therefore, surrogacy is exploitative because it extracts a dividend from servitude. Servitude consists in unilateral alien control over purposiveness. To flesh

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<sup>6</sup> Commercial surrogacy involves a financial contract between a surrogate and the intended parent(s) to carry a baby to term. In traditional surrogacy, the surrogate’s egg is used, making her the genetic mother. In gestational surrogacy, the surrogate has no genetic relationship with the child, since both gametes come from the commissioning couple or are sourced elsewhere, with assisted reproduction techniques used to implant the resulting embryo.

this out further, let us consider the example provided by Vrousalis earlier on in his discussion:

To take a concrete example, suppose that omelettes are the only means of consumption and that, if I am to nourish myself, I must produce an omelette. As an omelette consumer I have set myself an end; as an omelette producer I must use means to pursue and fulfil that end. Now, as long as you and others own the eggs, I can produce the omelette only by your permission. This makes my ability to set and pursue the end of omelette production—my productive purposiveness—subordinate to your unilateral will. When that subordination is expressed in extraction of unilateral labour flow from me, you exploit me. Omelette redistribution will not solve this problem, insofar as it leaves the mode of omelette production untouched, no matter how much it ameliorates the mode of omelette distribution in my favour. Egalitarian egg predistribution does better, but still subordinates my omelette production to your will, insofar as it does not preclude your ownership or control of the omelette-producing cookshop. And again, when that control eventuates in unilateral labour flow, you exploit me. (38)

This account, however, is in danger of rendering the surrogate the exploitative party, which would be perverse. Consider: as consumers, the infertile couple have set themselves the end of producing offspring. As producers, they must use means to pursue and fulfil that end. The surrogate owns the means of (re)production that the infertile couple do not. As long as the surrogate (and fertile others) own this, while the infertile couple do not, the infertile couple can produce offspring only by the surrogate's permission. This makes the couple's ability to set and pursue the end of offspring production—their productive purposiveness—*subordinate to the surrogate's unilateral will*.<sup>7</sup> When that subordination is expressed in extraction of unilateral labour flow from the couple (such as the thousands paid in surrogacy fees), the surrogate exploits the infertile couple. As long as production is in the surrogate's hands, and when that control

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<sup>7</sup> It does not matter that there are other individual surrogate women who the couple could approach if they did not want to be subject to that individual surrogate's unilateral will. Rather, they are subject to the will of 'fertile women who are willing to act as surrogates', as a class, just as the individual in Vrousalis' example is subject to the will of egg owners as a class.



eventuates in unilateral labour flow; i.e., whenever she charges others for access to the means of production, *she exploits them*.

It might be responded that this does not constitute the extraction of ‘unilateral labour flow’. This term is rather nebulous, but we can see if this example would constitute unilateral labour flow in reference to the open ways in which it is defined by Vrousalis. It is sometimes cashed out in terms of unreciprocated effort (69), or surplus labour (72). The surrogate of course also undertakes labour, in the dual context of *specific* contracted reproductive labour, and in *generally* maintaining her organs and reproductive capacities.<sup>8</sup> So perhaps effort is not unreciprocated in this case, and the labour (through payment) extracted from the couple is not beyond the labour put in by the surrogate. There is therefore no extraction of surplus labour, and both parties reciprocate effort.

On the chance there is no exploitation, it nevertheless remains that the surrogate controls the means of offspring reproduction, in a manner that the infertile couple do not. It is possible for dominators to violate the Non-Servitude Proviso without exploiting (52), and it seems that this might be what surrogates do. The couple remain *dominated* by the surrogate, therefore. Clearly something has gone wrong, however, if we conclude that surrogates are the dominators through their control of a means of production that dictates others’ ends. Such an understanding of both surrogacy and domination takes us rather far from the empirical reality of surrogacy, characterised by marginalised women contracting into unfair arrangements. If we want to maintain coherence with this reality, it seems that we need another explanation as to why surrogacy is exploitative.

Let us grant that a surrogate is exploited according to the story Vrousalis’ account provides. This becomes troubling for another reason. To recall, a woman’s reproductive capacity is assimilable to productive purposiveness, and so comes under the purview of Vrousalis’ Non-Servitude Proviso. Surrogate motherhood involves unilateral alien control over this capacity. The domination of the surrogate mother involves unilateral labour flow, in the form of her gestational care for the embryo, thus surrogate motherhood is exploitative.

However, this account is in danger of rendering non-contract, ‘*ordinary*’ pregnancy, similarly exploitative. It seems that what makes surrogacy contracts exploitative is *alien control over reproductive capacity*. However, what exactly does alien control consist of here? And how can

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<sup>8</sup> According to Vrousalis maintaining your organs requires labour.

control over one's reproductive capacity be non-alienated? Is the idea that exploitative surrogacy involves unilateral labour flow in the form of 'gestational care for the embryo'? Pregnancy, in so far as it involves women's reproductive capacity and thus their productive purposiveness, cannot avoid being exploitative on this account. Pregnancy will necessarily involve some alien control over women's purposiveness: if she is engaged in a relationship with a co-parent, they will bear the fruits of her labour without the same level of engagement or effort. Indeed, plausibly without even a commensurable level of engagement, as their body and thus purposiveness is simply not engaged in the same manner. The body is a finite and terminal resource, and pregnancy, childbirth, and nursing will have some unavoidable lasting impact. Even if a woman is single and her reproductive capacities are not drawn upon by a partner or another adult, her gestational care for the embryo seemingly constitutes unreciprocated effort: Can the foetus be said to pay its way?

Under what conditions would a woman's reproductive labour cease to be under alien control? No answer is supplied, but Vrousalis does provide an answer for when a *worker's* labour would not violate the Non-Servitude proviso. Alien control over a worker's productive capacity would cease under: "A system of worker control coupled with a strongly redistributive form of public ownership" (184). Similarly:

The only way the individual worker will fail to be exploited is if she can bind any other worker in the economy, whether in her own firm or in any other, to performing as much and as good labour as he can bind her. (181)

Can this help us in regard to women's reproductive labour? Women clearly cannot bind others into performing as much *reproductive* labour as they undertake. They might be able to enter arrangements with partners that ensure their partner remunerates them for their reproductive labour during pregnancy and maternity leave, but this arguably does not cover the totality of the bodily involvement. Vrousalis is clear to note that bodily transactions necessarily involve labour extraction:

The reproduction of our blood and kidneys requires labour. To think otherwise is to misunderstand the invariably effortful, often arduous, and sometimes painful, relationship to our own bodies and the bodies of others. (80)

Pregnancy arguably requires more such labour than the standard maintenance of our organs. How can women be counterfactually compensated for the way in which their body's labour has been terminally extracted through their reproductive capacities?

It might be objected that pregnancy need not undermine purposiveness, as women, under conditions of gender and class equality could choose to engage in this reproductive labour *on their own terms*. However, 'their own terms' will arguably be modulated by the consideration of other interests: of the foetus, the co-parent, the community at large. To set one's own terms of engaging in reproductive labour, in their entirety, and to receive commensurable reciprocated effort and retain the surplus labour, seems like a very long shot. And as aforementioned, it is not clear how one would adequately compensate for pregnancy and childbirth's lasting physical impacts.

Perhaps Vrousalis would not be concerned with the admission that all pregnancy is exploitative insofar as it precludes the ability to retain control over your purposiveness. Indeed, perhaps this reinforces his earlier claims that women's reproductive labour is coercively controlled by men under patriarchy. However, the problem here extends beyond patriarchy. Socially imposed disadvantage aside, this points to a fundamental form of exploitation that would persist even under equal gender and class relations, precisely because this labour is *sui generis* in the manner it undermines purposiveness and cannot be directly compensated for. The means of reproduction cannot change.<sup>9</sup> Extraction seems inevitable. Here, Vrousalis would be in the company of Sophie Lewis (2019), who argued a similar such case with the core claim 'reproduction is productive work' in *Full Surrogacy Now*. All gestation is work because of the immense physical and emotional labour it requires—it is an 'extreme sport'. Her 'full surrogacy' approach involves re-examining our [nuclear] modes of kinship to see where we can alleviate this strain. The idea is that we should live, care, and reproduce in larger systems of care as opposed to discrete private units. It remains unclear of course how such an alternative could adequately *compensate* women for their reproductive labour and cause their purposiveness to be non-alienated.

In any case, it seems that the application of Vrousalis' domination-based account does not quite get to the heart of what is exploitative about surrogacy arrangements. In one sense, it might lead to the unpalatable

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<sup>9</sup> Setting aside the possibility, or indeed, desirability, of ectogenesis.

conclusion that surrogates dominate the infertile through their ownership of the means of reproduction. And on the *intended* interpretation of why surrogacy is exploitative, it might turn out that all pregnancy is exploitative on this view, which may or may not be an appetising bullet to bite.

#### IV. CONCLUDING REMARKS

It has been suggested that the wrongfulness of domination needs to be understood as a relational harm, on both sides of the relation. For example, a more expansive definition of patriarchy that encompasses oppressive gender socialisation highlights the way in which the dominant can be harmed *qua* dominators. A recognition of this wrongful relational aspect is particularly necessary as the concept of patriarchy is being used to furnish and provide grounds for accepting this domination account. Next, I examined the application of Vrousalis' account to commercial surrogacy, a practice that is often viewed as a paradigmatic case of exploitation. I found that his domination-based account of exploitation was in danger of rendering surrogates the dominating party in such arrangements. Vrousalis' theory of exploitation certainly provides a rich and convincing story of labour relations under capitalism. It seems clear and unobjectionable that workers are dominated, both before and upon entering the workplace. Alien control over a worker's purposiveness does seem to constitute a core element of what is wrong under capitalism. But definitions struggle to be applied in totality, and something seems to have gone amiss when we try and understand paradigmatic cases of exploitation such as surrogacy in this manner. Further, Vrousalis' understanding of women's reproductive capacity as being assimilable to productive purposiveness points to an unavoidable form of exploitation: *pregnancy itself*.

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