

Reponses

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I am grateful to Gulzaar Barn, Suzie Love, and Lucas Stanczyk for their comments on *Exploitation as Domination (EaD)*. They raise questions about theoretical issues, such as the nature of the injustice of exploitation and its Kantian pedigree, as well as practical issues, from patriarchy and colonialism to sex work and contract pregnancy. I will address the injustice and overinclusion questions first, then turn to practical and methodological issues.

Kant, Unrequited Love, Overinclusion

Love and Stanczyk take issue with my account of exploitation on the grounds that it needs to be supplemented by a Kantian theory of freedom (Love) or that its explanatory ambitions are of “real but limited significance” (Stanczyk, 53). I discuss Love first, then Stanczyk.

Love argues that my account of exploitation would do well to adopt a Kantian conception of domination, based on the right to freedom. This includes a right to “innate *equality*, that is, independence from being bound by others to more than one can in turn bind them” (38). In *EaD* I remain non-committal as to the exact theory of domination; it suffices for my account that there exists one such sound theory. What I do instead is broach generic republican, Kantian, and recognitionist theories of domination and then argue that exploitation is domination-enabled self-enrichment on *any* of these accounts. But suppose I were to go Kantian, along Love’s lines: What would the upshot be?

Love writes:

Demonstrating that a particular relationship is a relationship of domination does not suffice to establish that this relationship is unjust. To establish the injustice of domination within a state, the domination must be shown to have legal force. (39)

So in Love's interpretation, interfering with my body in the state of nature would not wrong me. For a Kantian, this claim is puzzling, since it seems to contradict Kant's emphasis on independence 'from the constraining choice of another' as a *natural* right of humanity as such. For example, Kant thinks that a bully bullying you in the state of nature would wrong you. But Love is right that a similarly coercive and exclusionary right to *external* objects of choice requires a state. For Kant, rightful external possession requires some kind of coercive authority claiming to authorize such possession in the name of all—merely *unilateral* appropriation entails domination. So, if private property requires legal authorization and if capitalism requires private property, then capitalism requires law in that sense.

Chapter 4 of *EaD* argues for this claim, but in a roundabout way: as Love recognizes, my main aim is to show that capitalist domination presupposes a capitalist state that creates, interprets, and enforces property law. The capitalist state *claims* the authority to do these things in the name of all, which is part of what makes capitalist transactions between consenting adults possible. Love and I are therefore in agreement that legal institutions are a necessary condition for capitalist domination. And I think we also agree that they are a necessary condition for the *abolition* of capitalist domination, that is, for a system of laws that does not merely *claim* to be speaking in the name of free and equal people, but genuinely does so. But now note that, although all of these ideas are entailed *by* Kantian right, they do not seem to require it. So the *EaD* argument does not commit you to Kantian right.

Stanczyk takes a different tack. He argues that the account of exploitation I offer is inferior to a 'reciprocity conception' (RC) according to which:

Reciprocity as mutual advantage relative to an appropriate benchmark. Productive cooperative activity ought to benefit everyone relative to an *appropriate* benchmark, as given by the claims that people have independently of the demand for reciprocity. (45)

Stanczyk then argues that my domination account is either a variant of RC or otherwise overgenerates—it generates false positives. I will first explain in what sense my view might be construed as a version of RC. I will then show that, even if my view is not a variant of RC, it does not overgenerate. Stanczyk's dilemma, in other words, is not exhaustive.

The domination account, as *EaD* presents it, is effectively a theory of subsumed labour: exploitation is a dividend of servitude, where that dividend is cashed out in terms of unilateral labour flow. Exploitation, in this view, is domination-induced unreciprocated service to others. The nature of this relationship is typified by the:

Non-Servitude Proviso [NSP]—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. (*EaD*, 40)

Does NSP entail RC? A lot hinges on how one's independent 'claims' are spelled out. The NSP supposes that each producer is entitled to equal productive independence from the choices of others, unless there is an independent justification for inequality. If the entitlements it designates entail Stanczykian 'claims' then the NSP might entail the RC.

How might my account and Stanczyk's diverge? One way is suggested by Stanczyk:

Consider [...] the exploited, deeply caring person and ask the following question. [I]s it possible to take advantage of a person's love and selfless character without ever *making* her do anything? It seems to me that this is eminently possible [...] If this is right, however, then the domination account faces a dilemma. It can admit that the loving labors of an exploited party to an intimate relationship need not be unilaterally directed by her selfish partner. But in that case, it will have failed to capture one of the paradigmatic forms of interpersonal exploitation. Alternatively, the account can be revised to say that *whenever* a person wants and labors for the approval of someone else, their purposive activity should be seen as 'unilaterally directed' by an alien will [...] In this case, however, an implication of the account will be that exploitation and servitude are omnipresent in human life, and likely to be permanently so. (52)

This example is a variant on the *Charlotte and Werther* case (*EaD*, 18). Stanczyk's treatment of that example suggests that my view is either inconsistent—because it deems Charlotte to be undominated—or overgenerates—because it deems too many relationships as dominated. Stanczyk maintains that RC, by contrast, suffers neither of these infir-

mities, nor the dilemma they constitute. I begin by noting that his example is underdescribed: if Werther does not categorically disavow Charlotte's giving behaviour, he may yet be *making* her do things. As Goethe knew, unrequited love, unless categorically disavowed by its object, might further excite the passions of its subject. So Werther may still be dominating Charlotte, much like the retired pusher who negligently benefits from the addiction of the addict.

More generally, I do not agree with Stanczyk's intuition (that Werther exploits) if he does not, in some sense, control Charlotte's action. The sheer fact that Werther "takes advantage of [Charlotte's] love and selfless character" (52) does not show that he exploits *her*, as opposed to those mere features *of* hers (selflessness and selfless love). In order to exploit *her person*, Werther must, in addition, get Charlotte to do something, namely serve him in some way. But if so, then her actions are up to him, whether he knows/wills/intends it or not. It is relevant here that Stanczyk's RC itself is more ambitious than the NSP, since the latter only elaborates on one kind of reciprocity-failure, namely exploitation. Non-exploitative unfairness, *EaD* argues, is a distinct way in which Werther might mistreat Charlotte (*EaD*, 88–90).

Moreover, domination is easier and therefore more widespread than Stanczyk seems to allow. Werther can get Charlotte to act, in the domination-relevant sense, not only when she lacks options or when he deprives her of them; Charlotte might have meaningful options and still be dominated. (Lacking options is a sufficient but unnecessary condition for domination—see *EaD* 42–43, 77–80.) So *pace* Stanczyk unrequited love is exploitative only if its object benefits through—possibly unexercised—power over its subject. Those unconvinced that this accords with ordinary usage can just call the phenomenon I am describing *explomination* (*EaD*, 89).

Barn mentions yet another way in which *EaD* might overgenerate. Adapting my discussion of omelette production (*EaD*, 38–39) to human reproduction, she writes:

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*. 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 eventuates in unilateral labour flow, i.e., whenever she charges others for access to the means of production, *she exploits them*. (63–64)

Barn is right that poor women possessed of reproductive capacities who sell them to rich couples lacking them do not exploit the latter. So if *EaD* yields this conclusion, then it overgenerates. My response in the book (*EaD*, 80–81) is to deny Barn's premiss: *EaD* does not take poor women possessed of scarce reproductive assets to be exploiters, because both the nature of the good they sell and the terms on which they must sell it is not up to them. Consider, first, the nature of the good. Giving someone discretion over the use of your body in return for money is akin to contract slavery; no such thing is given by the buyer. In addition, the mere availability of pregnancies for sale stigmatizes the sellers as 'baby machines', where, again no comparable stigmatization obtains for the buyer.¹ Now consider the terms of the transaction: *EaD*'s judgment of the rich couples as exploiters *might* have been different if the trade obtained between transactors of roughly equal bargaining power. But Barn's examples take the sellers to be vulnerable and relatively poor people, not free and equal people.² So the *EaD* idea—that the rich couples exploit—survives.

PATRIARCHY, COLONIALISM, RACISM

Barn doubts that the *EaD* account is pluralistic enough to capture paradigmatic cases of exploitation. Unlike Stanczyk, who suggests that the *EaD* theory is overinclusive, Barn claims that it is underinclusive. Noting my definition of patriarchy as "the systematic disempowerment of

¹ In her discussion of contract pregnancy, Satz (2010) emphasizes this aspect, as well as how it reinforces sexist stereotypes of "women as the incubators of men's seeds" (131).

² I would want to resist Barn's *reductio* even in cases of equal alienable *and* inalienable assets (including reproductive assets). One way to do this could, for example, appeal to the additivity axiom of *EaD*, 77–78.

women with respect to their ability to self-direct their free purposiveness" (*EaD*, 99), Barn writes:

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 can-not 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? While this harm to men might not constitute domination, it may still be reasonably considered under the purview of justice, requiring redress. (60)

I agree with Barn that patriarchal norms are vehicles of domination (*EaD*, 95–98). But it does not follow that the positions of those who enact these norms are symmetric in the way Barn suggests; to think otherwise is to throw out the domination baby with the structural bathwater. Sure, structure constrains *both* dominated and dominators, but that is built into the hierarchical structure of pits, cages, prisons, slave markets, and so on. And it is incoherent to think that the injustice perpetrated by the slave owner wrongs him *as* a slave owner. Perhaps he is harmed as a person, but the harm is, by definition, not unjust; it might even be good *at the bar of justice* if the interests and ends of the unjust were set back.

To buttress this charge of underinclusion, Barn quotes a passage by Aimé Césaire, which explains how colonial exploitation dehumanizes the colonizer. The explanation is true but ambiguous. It could mean that the colonizer's character is divided by injustice, such that he cannot act as a unified person. That's bad for his character. But it is only bad for justice if it subverts its realization as a character-independent state of affairs. Marilyn Frye's (1983) seminal discussion of the patriarchy is relevant here:

We hear that oppressing is oppressive to those who oppress as well as those they oppress. Some men cite as evidence of their oppression their much-advertised inability to cry. It is tough, we are told, to be masculine. When the stresses and frustrations of being a man are cited as evidence that oppressors are oppressed by their oppressing, the word ‘oppression’ is being stretched to meaninglessness; it is treated as though its scope includes any and all human experience of limitation or suffering, no matter the cause, degree or consequence. (28)

But suppose that Barn is right and Frye is wrong: the unjust unjustly harm themselves. I do not think self-domination is possible, for the same reasons that self-exploitation is not possible (*EaD*, 134–135). So if the relevant injustice to self was supposed to be domination, then Barn’s suggestion would be incoherent. Barn suggests that the unjust may be doing themselves an injustice without dominating themselves. This is a coherent possibility, which might give us *additional* reasons to abolish colonial injustice. Even so, it does not follow that colonial injustice makes the colonizer worse off overall. By definition, the colonial exploiter benefits at the expense of the colonized, so a conscientious colonizer must think that the loss his character suffers is worth it—otherwise he would have quit the whale and gone to Catalunya as Orwell did.

I now register a caveat that supports Barn’s concerns, namely that not all exploiters are blameworthy. Some exploitation may be excusable or even blameless. To see this, suppose that a group optimizes by exploiting as a group—not as a group *agent*—such that no individual exploiter in it is individually blameworthy for exploiting (see *EaD*, 101–109); only the group *as a whole* is blameworthy. For example, it is plausible to think that only capitalists *as a whole* are (morally) responsible for the exploitation of workers as a whole (*EaD* 42–43, 105–108). This suffices to let individual capitalists off the hook. In fact, this is what *structural* exploitation, briefly discussed in chapter 4 of *EaD*, is supposed to be about: exploiters are collectively, but not individually, blameworthy if each performs her share of an injustice that only the group as a whole can perform and if that performance is not, considered independently of the group’s action, necessarily blameworthy or unjust.

Barn further suggests that the application of my account to colonial and liberal imperialism (*EaD*, chapter 6) may be underinclusive because

it has little to say about racial subordination. As Barn notes, the reason for this is that I take imperialism to be broader than colonialism, where only the latter is *necessarily* racist. Moreover, quite independently of any Fanon-type account of the psychology of colonialism, the injustice of colonialism, together with slavery, counts among the most extreme forms of subjection of purposiveness—one's ability to set and pursue ends. So colonialism and slavery are, on the *EaD* view, among the most extreme forms of exploitation.

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