

EXPLOITATION AND DEMEANING CHOICES:
UNDERSTANDING THE LONG LINE AT THE SWEATSHOP DOOR

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degree of
Doctor of Philosophy
in Philosophy

By

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Jeremy Christopher Snyder
entitled Exploitation and Demeaning Choices:
Understanding the Long Line at the Sweatshop Door
submitted to the faculty of Philosophy

in partial fulfillment of the requirements for the degree of
Doctor of Philosophy.

This dissertation is complete and satisfactory in all respects, and any and all revisions required
by the final examining committee have been made.

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PREVIEW

EXPLOITATION AND DEMEANING CHOICES:
UNDERSTANDING THE LONG LINE AT THE SWEATSHOP DOOR

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Thesis Advisor: Margaret O. Little, Ph.D.

ABSTRACT

Sweatshop labor is often cited as an example of the worst and most pervasive form of exploitation today, yet understanding what is meant by the charge has proven surprisingly difficult for philosophers. Fairness-based theories, looking to hypothetical fair market prices for labor, cannot see a moral wrong in the extraordinarily low wages generated by a competitive global market with a very high labor supply; moral libertarians, focusing on the benefits to the global poor often conferred by the interactions, rest content that sweatshops expand opportunity; and respect-based accounts tend to support constraints on employment conditions so strong that many mutually beneficial interactions would be ruled impermissible. In my dissertation, I argue that fair market prices and the expansion of opportunity cannot alone eliminate worries of exploitation in sweatshop labor, but that morally nonideal conditions can justify wages below the ideal level when progress is made toward a threshold level of well-being for workers.

I develop an account of what I call “Needs Exploitation,” grounded in a specification of the duty of beneficence. In the case of sweatshop labor, I argue that

employers face a duty to extend to employees a wage sufficient to meet their basic needs. This duty is limited by the degree of the employees' dependence on the employer for basic needs and a reasonability standard where the employer may remain within a range of well-being between deficiency and luxury. I further argue that sweatshop labor often, though not always, represents a demeaning choice for the employee. Deploying recent work from expressivist theories of action, I indicate the ways in which acceptance of an arrangement offering exploitative wages can carry “surface endorsement” of one's own degradation. In these cases, the exploitee's willing participation in the exchange serves as a fig leaf, obscuring the fact that she is left below the level of well-being owed to her.

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Finally, I would like to thank my friends and family for putting up with me over these past years, and particularly the final year, of my graduate career. My parents always stressed the importance of education and gave me the space to discover what sort of education was right for me. Michael Ferry, Susan Boucher, and Eleanor and John Boucher-Ferry helped me to understand and prioritize the important things in life. Most importantly, my wife, Leigh Palmer, gave me the support and love to see my dissertation through to the finish and to believe that I had something of merit to say. Leigh read, commented on, and edited countless drafts of my papers and chapters. I have grown incredibly with her and would be much less without.

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Exploitation and Demeaning Choices:

Understanding the Long Line at the Sweatshop Door

[C]ommerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbours, and of servile dependency upon their superiors. This, though it has been the least observed, is by far the most important of all their effects.¹

Chapter 1: Introduction

1.1: Sweatshop Labor and Charges of Exploitation

Sweatshop labor is often held up as an example of the worst and most pervasive kind of exploitation today. In its most troubling forms, sweatshop labor can include forced² and child³ labor, sexual abuse,⁴ and withholding of wages.⁵ The wrongfulness of these abuses is easy to grasp, involving as they do coercion, manipulation, and outright harm to workers. But the moral status of the long hours and low wages of sweatshop labor apart from these wrongs has proven more difficult for philosophers to grasp.

The buying power of large, Western retailers, in conjunction with local economic conditions, keep the wage levels of sweatshop workers low. The jobs that are available are monotonous, dehumanizing, and often dangerous. Take, for example, the experience of Wang Chenghua, a worker in a box factory in China:

Wang Chenghua learned to work like a metronome. He slipped strips of metal under a

¹ Smith 2000 [1776], 440 [IV.4.4].

² See Varley 1998, 69-70; and Bernstein 2000, 52.

³ See Lopez-Calva 2001.

⁴ See Varley 1998, 70.

⁵ See Bearak 2001; and Varley 1998, 63-4.

mechanical hammer with his right hand, then swept molded parts into a pile with his left. He did this once a second for a 10-hour shift, minus a half-hour lunch.... “The work is so boring it is almost impossible to keep your mind on it,” Mr. Wang recalled one recent afternoon while resting on a dirty cot in his crowded hospital room. “But if you let your mind wander for just a second, it's over.”⁶

In Mr. Wang's case, his error in forgetting that he was but one piece of the machinery surrounding him resulted in the loss of several fingers; but, even without this loss, he would earn at best cents a day for his long hours of labor.⁷

Yet would-be workers line up for low-wage labor, desperate for the improvement in their lives that these jobs provide.⁸ Indeed, it is easy to find stories of workers, making very little by United States' standards, grateful for jobs at sweatshops.

Consider this scene, described in the *New York Times*:

Each morning, the workers spill off the buses and past the guards at the front gates of the industrial parks here, rushing to punch the clock before the 7:30 start of their workday. Outside, anxious onlookers are always waiting, hoping for a chance at least to fill out a job application that will allow them to become part of that throng. With wages that start at less than 40 cents an hour, the apparel plants here offer little by American standards. But many of the people who work in them, having come from jobs that pay even less and offer no benefits or security, see employment here as the surest road to a better life.⁹

⁶ Kahn 2003, A3. Interestingly, Adam Smith comments on the deadening effect of repetitive labor and understands this effect as an argument for government provision for public education. As he puts it, “The man whose whole life is spent in performing a few simple operations, of which the effects too are, perhaps, always the same, or very nearly the same, has no occasion to exert his understanding, or to exercise his invention in finding out expedients for removing difficulties which never occur. He naturally loses, therefore, the habit of such exertion, and generally becomes as stupid and ignorant as it is possible for a human creature to become. The torpor of his mind renders him, not only incapable of relishing or bearing a part in any rational conversation, but of conceiving any generous, noble, or tender sentiment, and consequently of forming any just judgment concerning many even of the ordinary duties of private life.” See Smith 2000 [1776], 840 [V.1.178].

⁷ And in some instances, disability or pregnancy in workers is met with dismissal from one's job; the now unemployed worker quickly replaced by a new worker from the large global labor pool. One worker stated, after being fired for becoming pregnant, “I have learned a lesson. I will never get pregnant again, and if I do, I will immediately have an abortion before I am booted out.” Abdi 2003, 12.

⁸ I will use the term 'sweatshop' labor to describe very low-wage labor as this term is typically used both by proponents and critics of low-wage labor. However, nothing morally is meant to hinge on the use of 'sweatshop' labor rather than 'low-wage' labor.

⁹ Rohter 1996, A1.

The simplest defense of low wage labor in the Developing World, then, is that it benefits both the economy of the host country and provides higher wages to employees than would otherwise be available. Workers are happy to take these jobs, given the alternatives, and typically many more workers seek jobs from Multi National Enterprises (MNEs) than are available. Consider Eber Orellana Vasquez of Honduras: “This has been an enormous advance for me,” Mr. Orellana said, “and I give thanks to the maquila for it. My monthly income is seven times what I made in the countryside, and I've gained 30 pounds since I started working here.”¹⁰ Given that the workers' only other prospect is a life of subsistence farming in the countryside, the limited opportunities for self-improvement, improved food and water security, and exposure to urban luxuries provided by sweatshops can be understood as an enormous benefit for factory workers.

Given this situation, some philosophers have argued that purchasing goods from sweatshops can be seen as a virtue, since these purchases presumably spur greater hiring of those persons most desperate for sweatshop jobs. The argument is simple: “A worker chooses a particular job because she prefers it to her next-best alternative. To us, a low-paying job in Honduras or in Los Angeles's garment district seems horrible, but for many adults and children, it's the best choice they have. You don't make someone better off by taking away the best of her bad options.”¹¹ By this logic, anti-sweatshop protesters who advocate shutting down factories paying low wages are

¹⁰ Rohter 1996, A1. See also, Mydans 1996.

¹¹ David Henderson 1996, 2.

dangerously misguided. Therefore, “anyone who cares about fighting poverty should campaign in favor of sweatshops, demanding that companies set up factories in Africa. If Africa could establish a clothing export industry, that would fight poverty far more effectively than any foreign aid program.”¹²

The obvious answer to these concerns is that the goal of those persons protesting sweatshop conditions is not to shut down factories in the Developing World but to improve conditions and wages in those factories. The primary interest of the anti-sweatshop movement is in the welfare of workers in the Developing World. If the best jobs available to unskilled laborers were relocated to much richer countries, then these workers most certainly would be harmed. But, by raising wages above the market rate, employers can grant their workers the opportunity to save money and to improve their situations while still retaining the competitive advantage of the very low cost of labor and cost of living in the poorest parts of the world. In this way, the argument goes, wages can go up with jobs still benefiting the poorest of the poor.

Or, perhaps not. Some philosophers have responded by denying the claim that above-market wages can be consistent with the greatest benefit to the global poor. Ian Maitland argues that if labor costs rise above market wages, foreign investment and employment will fall in the Developing World. An increase in the labor supply would naturally follow, depressing labor prices in the informal sector of the economy and slowing economic development.¹³ Non-wage benefits have the same, negative effect

¹² Kristoff 2006, A21. See also Kristoff and WuDunn 2000; and Krugman 1997.

¹³ Maitland 2004. For a similar point, see Bhagwati and Hudec 1996; and Henderson 2001.

as they increase the cost of labor, decreasing the demand for that labor. Similarly, when improved working conditions, including safer working conditions, raise the cost of doing business, negative effects on economic development, over the long run, will follow.¹⁴

While these results are frustrating, Maitland holds that it is still better for an individual to work in a factory that is unsafe by Developed World standards than to subsistence farm in the countryside. Sweatshops, then, are a positive force both for the economies of the Developing World and the individual workers within those countries. The counterintuitive conclusion that follows from this argument is that the anti-sweatshop movement has been counter-effective and, even more contentiously, immoral since it is inferior in terms of its consequences for workers when compared to allowing or even promoting sweatshop labor. As Maitland puts it, “not only is it ethically acceptable for a company to pay market wages, but it may be ethically unacceptable for it to pay wages that exceed market levels. That will be the case if the company's above-market wages set precedents for other international companies which raise labor costs to the point of discouraging foreign investment.”¹⁵ Only by courageously standing up to the anti-sweatshop movement, and thereby putting their brand names at risk, can MNEs truly help the global poor.

There seems to be a tension between decrying the terrible nature of much of sweatshop labor and appreciating the need, even desperation, of many workers for

¹⁴ Maitland 2004, 588.

¹⁵ Maitland 2004, 589.

these jobs. Overly broad charges that sweatshop labor is impermissible and exploitative will underemphasize the benefit and relative desirability of these jobs. On the other hand, focusing on the benefit conferred by these jobs seems to give insufficient weight to the moral importance of the dehumanizing form that these jobs can take and the extremely low wages they provide. While the voluntary nature of this work helps it to avoid certain harms, an account of sweatshop labor should take seriously that sweatshop labor is still one of a very bad range of options for workers. The aim of this project will be to explore and assess accounts of exploitation with an eye to their ability to explain the competing intuitions surrounding sweatshop labor. In other words, is there an account of exploitation that addresses the intuition that low-wage labor can be wrongfully dehumanizing and degrading while at the same time taking seriously the benefits conferred by and desirability of this labor?

1.2: Alternative Senses of Exploitation

Why, then, think that sweatshops, among other forms of so-called exploitation, are a form of moral wrong? Maitland's point, even if accurate, is not itself an argument that sweatshop labor is not exploitative.¹⁶ If the reader accepts the possibility that the interest of individual rights, fairness, and a minimal standard of well-being create

¹⁶ As it happens, Maitland's macroeconomic assumptions are suspect. Given that labor costs make up a very small fraction of most apparel manufacturing, there is good reason to think that even a very large increase in labor costs would result in negligible overall production cost increases. See Pollin, Burns, and Heintz 2004. Moreover, internal changes such as hiring fewer foreign managers and reducing executive perks can make higher wages cost effective in lower margin industries. See Arnold and Hartman 2006. Finally, there is good reason to think that higher wage levels and better working conditions will lead to increased worker productivity. See Bliss and Stern 1978a; and Bliss and Stern 1978b. Private businesses have built health clinics and financed an anti-malaria campaign in Sub-Saharan Africa, drastically reducing employee absenteeism. See LaFraniere 2006. See generally Santoro 2000, 4-10.

moral duties beyond the requirement that an action have beneficial consequences, then there will remain the possibility that some mutually beneficial and voluntary interactions are, nonetheless, morally wrong. Still, it will be crucial, given the dangers of harmful secondary effects of one's actions, to explore means of meeting the basic needs of employees that will minimize or avoid any harms to others, and I am optimistic that the creative employer can avoid these worries.¹⁷

If one has a wide range of moral duties beyond merely conferring a benefit on another, not every failure of these duties might generate worries of exploitation. Before turning to the plan of this project, then, I should first note some senses of exploitation that I will and will not be discussing. To begin, I take the label 'exploitation', for the purpose of this project, to pick out a *pro tanto* moral wrong. An action may be exploitative but permissible, all things considered. The fact that an action counts as exploitative will typically create a reason against doing the action and some form of moral residue if the exploitative action is committed. Thus, if Maitland's worries about higher labor costs slowing the rate of development for a host country are justified, then there may be cases where labor relationships are exploitative but morally permissible, all things considered. As exploitation is a *pro tanto* moral wrong, I will not be using the label 'exploitative' to pick out morally innocent actions, though the common use of the term allows for doing so. While I exploit the soil in my backyard in order to grow tomatoes and exploit a friend's strength to help me move a desk, for my purpose exploitation is not understood as merely taking advantage of some person

¹⁷ I provide a more detailed response to Maitland's challenge to higher labor costs in chapter four.

or thing but doing so in a morally problematic manner.

At its most general, a moralized concept of exploitation can be understood to capture a set of moral wrongs where one person A wrongfully takes advantage of or benefits from some vulnerability, weakness, or characteristic in another person B or from a person who is vulnerable or weak in some way. Described in this way, the idea of exploitation can capture the intuition that in some cases, at least, benefiting from a vulnerable person carries a moral taint, and that it can be wrong to gain an additional benefit from a range of weaknesses in another. But, if exploitation is understood as wrongfully benefiting from another's vulnerability, then the term will cover a very large number of cases. In order to restrict my discussion to a precise sense of exploitation, we can set aside both overly broad senses of exploitation and notions of 'wrongfully taking advantage' or 'wrongfully benefiting' that are better covered by other moral language.

Consider that A might take advantage of B's ignorance or naïveté, trusting nature, religious faith, love for A or another, respect or admiration for A or another, kind nature,¹⁸ or even some physical or personality defect.¹⁹ The worry generated by these cases is that, should a single account of exploitation attempt to cover them, the idea's explanatory power might become diluted. Again, it does not strain the everyday use of the term 'exploitation' to say that A exploits B by using any of the characteristics above to A's advantage. The wrongness of these actions, insofar as they share a kind

¹⁸ My thanks to David Luban for these examples.

¹⁹ My thanks to Henry Richardson for this example. In this example, A might gain from some physical or personality defect of B's by, for example, making B an object of ridicule.

of wrong, is very general, however. In these cases, by wrongfully gaining from a vulnerability in B, A treats B as an object of mere use, failing to show appropriate regard for B's well-being. More precisely, in these cases A harms B against a baseline of treating B as an object with dignity. But because these cases are unified only in the very general sense as cases of the mere use of another, more would need to be said in terms of the commonalities between these cases. Some of the narrower accounts of exploitation in the next chapter will be able to address these cases, overcoming the worry that equating exploitation to a general kind of mere use of another is unhelpfully vague.

More precise senses of exploitation are desirable, then. Toward that goal, let me suggest that some of these more precise senses of 'taking advantage of' or 'benefiting from' another can be more sharply understood by other moral language, outside of the scope and language of exploitation. Here I will mention specifically instances of: 1) Subversion of the will; 2) Commodification; and 3) Coercion as forms of taking advantage of or gaining from another's vulnerabilities that are already well-explored through other moral language.

To begin, in some instances a person A wrongfully takes advantage of or benefits from a vulnerability or weakness in a person B in order to subvert B's will. In a weak sense, the ability to subvert another's will depends on some weakness or vulnerability as a necessary condition for the subversion to occur successfully. Without that vulnerability, the target will be immune from subversion altogether. This

vulnerability can take the form of an ordinary, ongoing vulnerability shared by all humans. For example, we are all vulnerable to misinformation, ignorance, and abuse of trust, and so vulnerable to subversion of our wills. In some cases, these vulnerabilities will be heightened or particular to an individual. A person with a mental deficiency might be unusually vulnerable to subversion in a general sense, while two individuals in a close, trusting relationship will be particularly vulnerable to one another.

These moral wrongs can be given more precise names—‘coercion’ in the case of overt subversion of the will, ‘manipulation’ in its more subtle forms, and ‘deception’ in cases where information is wrongfully withheld or false information given. My reluctance to deny these terms shelter under the idea of exploitation is not meant as a denial that these terms can be called exploitation without abusing the everyday use of the term. If Anne lies to her husband Barry in order to get him to attend a wedding, we could easily make sense of the charge that Anne exploited Barry's trust. Here, Barry's trust of Anne was the vulnerability by which Anne manipulated Barry's will. But the use of the moral language of exploitation adds little to the understanding of the moral wrong, particularly when more fruitful language—in this case deception and manipulation—is available.

In short, what is distinctive about these cases is that, while they do amount to taking advantage of another's vulnerability, these are cases of taking advantage in a particular way, namely a subversion of the will. The idea of subversion can illuminate

these moral wrongs, and by removing them from the heading of exploitation we can see whether the latter concept can identify a distinct moral wrong.

Next, exploitation might be thought of as a kind of commodification or inducement of non-market goods into the market. For example, in cases where a person treats some non-fungible aspect of another as commodifiable, Ruth Sample holds that “[i]f we use the need of others for nonmoral goods in order to induce the exchange of certain goods or services that ought not to be subject to a market, those others have also been treated as having less value than they actually have.”²⁰ Sample grants that her account of exploitation is “connected to vulnerability because vulnerability is typically (if not always) at the root of exploitation.”²¹ More generally, those who would tie exploitation to improper commodification argue that some types of labor—e.g. sexual and reproductive labor—form spheres that should be left free of market norms. One reason given for this restriction is that the commodification of certain goods inherently degrades the holder of the good, as when a prostitute or surrogate mother relinquishes some authority over her body in exchange for money.²² The intuition here is that it is morally wrong to treat persons as mere things by means of taking control of their bodies in exchange for money.

However, many instances where such exchanges take place—e.g. requirements that wage laborers keep certain hours, contracts that place restrictions on the diet and conduct of athletes—are not usually understood to be morally troubling, at least in the

²⁰ Sample 2003, 74-5.

²¹ Sample 2003, 75.

²² See Anderson 1993, ch. 8.

sense that they necessarily entail the degradation of the participants. Arguably, then, the problem with commodification in these spheres is not that it is *inherently* degrading but rather that it is degrading against certain background conditions.

Margaret Radin, for example, argues for the need to restrict market norms to certain spheres while noting that background conditions will have an impact on which spheres should be completely market-inalienable and which only partially market-inalienable (e.g., through minimum wages and a standard work week).²³ The justification for these restrictions is found in Radin's claim that when goods that are essential to human flourishing and personhood are commodified, the person becomes alienated from those goods. According to Radin, when one engages in the sale of sexual contact, for example, that person becomes alienated from the human good of sexual intimacy, even in those cases when the good is not being offered up for sale. Importantly, the determination as to how to respond to this process of alienation will depend on the background conditions under which the good is sold.²⁴

Certainly, interactions where some great need motivates a person to sell some item or service that she believes ought not to be sold are very likely to be exploitative. However, the commodification of a non-fungible good in these cases, insofar as it is a moral wrong, seems to be a wrong *in addition* to the wrongness of exploitation, or a wrong that can be better captured by other language. Consider the two following cases. First, Andrew sells one of his kidneys to Barney in order to procure the money

²³ Radin 1987. See also Radin 1996.

²⁴ Radin 1987, 1903. For a general overview of accounts that tie exploitation to improper commodification, see Cherry 2000.

necessary to purchase a high-tech television system. Andrew has sufficient money to purchase the basic goods necessary to meet the basic needs for himself and his family, yet he very much wants to watch his favorite sports team play in the sharpest detail available. Second, Christopher sells his kidney to Danielle in order to procure medicines sufficient to treat a life threatening condition brought on by poor sanitary conditions in his home village.

Without delving into debates over which goods, if any, are non-commodifiable, human organs are a paradigmatic example of such goods.²⁵ If the trade in these goods is on its face morally problematic, the sale of Christopher's kidney seems to present an additional layer of difficulty over that in Andrew's case. What this example shows is that worries about exploitation, as opposed to commodification, are typically triggered less by the nature of the good and more by the circumstances that lead the weaker party to enter into a transaction in the first place. When the weaker party is driven by some basic, human need, for example, the moral worries generated by the transaction will be different in kind than those generated by otherwise morally questionable transactions between persons not facing an acute need.

Finally, one might argue that a moralized concept of coercion, where the coercive act makes both parties better off, could itself explain the wrongness of exploitation. That is, insofar as my discussion is focusing on voluntary and mutually

²⁵ Mark Cherry argues that human organs, at least, can be appropriately placed on the market. For Cherry, worries about exploitation in mutually beneficial interactions can be overcome by setting a minimum price for organs so that the social surplus created by the interaction is divided fairly. See Cherry 2005.

beneficial cases of sweatshop labor, why not think that a moralized account of coercion can explain the wrongness of these exchanges, obviating the need for a separate account of exploitation? In many respects, after all, instances of coercion mimic the moral phenomenon of exploitation. In each case a proposal is made to a more vulnerable party that on the surface can appear to be a morally innocent offer.

'Moralized' theories of coercion use a normative baseline against which to determine whether a proposition should be understood as a threat of harm or offer of benefit. Whereas a descriptive baseline will compare the level of one's welfare prior to the transaction, a normative baseline compares welfare levels before and after some moral duty has been discharged. Thus, coercive actions will always leave another person worse off against a baseline where one acts as one ought, but this does not preclude leaving another person better off against a baseline of not acting or presenting a choice at all. Consider, for example, A's offer to pull B from quicksand in exchange for half of B's future earnings (where A could act at little or no risk to herself). If A had not happened by to make this offer, then B would be considerably worse off. But despite the superiority of A's offer against a baseline of no offer, arguably A ought to save B, making A's 'offer' a coercive threat against a moralized baseline.

Robert Nozick's theory of coercion is generally considered the starting point for later, moralized theories.²⁶ Moralized theories of coercion will generally understand coercion always to involve a threat to make another person worse off when compared to some baseline, making the notion of a coercive offer unintelligible. Nozick does not

²⁶ See Nozick 1969.

give an exclusively moral baseline for distinguishing between threats and offers but rather makes use of an 'expected' baseline that can either encompass normative or statistical expectations: "If [the proposal] makes the consequences of Q's actions worse than they would have been in the normal and expected course of events, it is a threat; if it makes the consequences better, it is an offer. The term 'expected' is meant to shift between or straddle *predicted* and *morally required*."²⁷ Nozick uses two examples in order to support the statistical sense of expected. We can imagine a drug addict who is offered drugs in exchange for assaulting another person while in the past he has purchased the same drugs for twenty dollars. Nozick argues that if the addict has a past relationship with the dealer, then the change in the terms of the offer constitutes a coercive threat against the expected course of events. However, if the change of terms is due to the old dealer being replaced by a new dealer (with no wrongdoing on the part of the new dealer), then Nozick suggests that the new dealer's proposal is an offer since the dealer and addict have no previous relationship and the dealer does not have a moral duty to provide drugs to the addict.

Nozick justifies the moralized baseline with another example. Q is drowning far from shore and P is the only person available to save him. P proposes to save Q, who is known by P to be incredibly trustworthy, in exchange for \$10,000. If P happens across Q by luck, then it seems that compared to a baseline of the statistically expected course of events, where P would not encounter Q, P's proposal should be understood as an offer. However, compared to a moralized baseline where P would be required to

²⁷ Nozick 1969, 447.

save Q, P is threatening to make Q worse off compared to the course of events where P acts as he ought. Nozick also notes that the expected course of events can itself be morally suspect. Take a slave owner who beats his slave every day but then proposes to stop the beatings for one day in exchange for the slave performing some task. Here the slave owner has established a statistically normal course of events that is immoral but he threatens the slave compared to the morally expected interaction during which no beatings (and, for that matter, no slavery) takes place.

In situations where the statistical and normative baselines diverge, Nozick argues that we should use the baseline preferred by the recipient of the proposal. In the slave case, the slave would prefer the normative to the statistically expected course of events, making the moral baseline most appropriate. In the version of the addict case where a new dealer offers drugs in exchange for an assault, Nozick argues that the dealer has a moral duty not to sell drugs at all.²⁸ But because the addict prefers that the dealer sell him drugs rather than act as he ought, the proposal of giving drugs in exchange for assaulting another person should not be understood to be a coercive threat. Thus, where the statistically and morally expected baselines diverge, on Nozick's view the preferences of the person on the receiving end of the proposal will determine whether it is best understood as a coercive threat or merely an offer.

Nozick's account of coercion has a clearly moralized element, but his willingness to deny that coercion has taken place when one prefers the statistical baseline prevents the theory from being purely moralized. In defense of a full-fledged

²⁸ If the reader does not take selling drugs to be immoral, the case could easily be altered.