EXPLOITATION IN PERSONAL RELATIONSHIPS:
FROM CONSENTING TO CARING

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ABSTRACT

While exploitation is a widely used notion in moral and political philosophy, it is becoming increasingly apparent that a fully adequate account of the concept has yet to be provided. The theories proposed so far generally fail to account for a large scope of exploitative interactions and relationships, especially those contained within more personal and intimate contexts.

The objective of this dissertation is to analyze some of the most prevalent theories of the general notion of exploitation (especially the consent-based and vulnerability-based accounts), and to show why they fail to account for full range of exploitation among intimates. My central argument is that exploitation often consists in use of another person that is made wrongful neither by the exploitee’s characteristics and circumstances, nor by the exploiter’s mere acts, but rather by the nature of the exploiter’s mental states, such as her motives, dispositions, attitudes, feelings, intentions, and so on. In the end, I propose that, especially within genuinely intimate relationships, the exploiter’s failure to properly care about the exploitee can be particularly relevant to an adequate explanation of what makes the exploiter’s actions in fact exploitative.
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Chapter 1

INTRODUCTION

As widely used as the notion of exploitation is, philosophers have yet to provide a fully adequate account of the concept. Some of the analyses proposed so far (especially those defended by Marx and his followers, as well as more recent theories proposed by Robert Goodin, Allen Wood, Alan Wertheimer, Ruth Sample and some others) have certainly been instructive and insightful – yet, they all fail to account for the full range of exploitative interactions and relationships. When we turn to the more subtle forms of exploitation that go beyond mere transactions among relative strangers, we open up the possibility of a more apt analysis of the concept.

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The accusation that one person has exploited another is a common one. Charges of exploitation are frequently applied with regard to specific actions, interactions, and transactions among individuals, as well as to broader practices, relationships, and even
entire markets, economies, and governments. A few examples from news stories and editorials show just how widely the concept is applied:

There are two compelling reasons to object to the sale of organs, whether from living donors or the families of patients who have recently died. The first one is exploitation, that is, when one person takes advantage of the misfortune of another for his or her own benefit.\(^1\)

For well over a century, socialists, progressives, and even many Christians have railed against the capitalist exploitation of workers. They denounce capitalists—whether the Carnegies and Fricks of yesteryear or the Nikes of today—for paying low wages for hard work.\(^2\)

The Sinn Fein leader Gerry Adams has insisted that the family of murdered Belfast man, Robert McCartney, is being exploited for political gain. "Let there be no doubt that factions of the media, as well as political opponents of Sinn Fein, have very opportunistically exploited this man's killing," he told reporters.\(^3\)

There are sound reasons why our common and statutory law universally prohibits legally binding termination of future parental rights of a pregnant woman before the child is born. To say that the nongenetic gestational mother can never have future parental rights is an open invitation to exploitation of poor women as baby factories.\(^4\)

\(^1\) “ISO Healthy Kidney; Top Dollar Paid” by Dr. Jeffrey P. Kahn

\(^2\) “In Praise of Capitalist Exploitation” by Dr. Mark W. Hendrickson

\(^3\) “Family being exploited for political gain, warns Adams”
http://www.independent.co.uk/news/world/americas/family-being-exploited-for-political-gain-warns-adams-528967.html

\(^4\) “Women Nowadays Take Pregnancy in Stride; Surrogate Exploitation”
Anyone who promotes the misrepresentation that there is a religious-based cure for HIV is involved in an obscene exploitation of people’s vulnerability.\(^5\)

Foreign strippers face exploitation as sex workers in dingy strip joints and clubs that exploit them and put them into prostitution.\(^6\)

Examples such as these reveal that the notion of exploitation is in fact quite common and has substantive and diverse areas of application – yet, its meaning is not always clear. Sometimes the term is applied exclusively to unfair financial transactions, and certain authors further restrict exploitative transactions to only those that are demonstrably harmful to the victim. Many others will not regard a transaction exploitative unless the exploitee’s involvement is involuntary or somehow coerced. On the other end of the spectrum, we find those who apply the concept quite liberally and use it as almost synonymous with any kind of wrongful treatment or abuse.

The objective of this dissertation is to take a closer look at some of the most notable accounts of exploitation, to present these approaches with critical analyses, and to show how, and why, they mostly fail to account for certain instances of exploitation, especially those in personal and intimate relationships. I will propose that many instances and kinds of exploitation can only be properly analyzed by taking into account

\(^5\) “Televangelist criticised by Guyana’s Health Minister for claimed HIV/AIDS cure” [http://www.caribbeannetnews.com/cgi-script/csArticles/articles/000039/003989.htm](http://www.caribbeannetnews.com/cgi-script/csArticles/articles/000039/003989.htm)

some of the exploiter’s relevant mental states, such as her motives, attitudes, and dispositions.

1.1 Beyond Unfair Distribution

Following the Marxist critique of wage labor in capitalism, the concept of exploitation in philosophy has been traditionally interpreted as a primarily economic notion that is firmly tied to unfair distribution of benefits and burdens. Yet, it cannot be denied that people are often exploited in personal relationships in ways that are independent of their social class position or the society’s broader economic structure. Exploitation among intimates is often unconnected to their objective lack of better alternatives and doesn’t necessarily involve any financial dealings: in personal relationships we can exploit others’ generosity, gullibility, fear, affections, and so on, in order to get them to do things that promote our interests, aims, and goals. Owners of the means of production who take advantage of their workers’ lack of options are therefore far from being the

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7 According to Marxist theory of exploitation, workers in modern capitalist societies are exploited by their employers (owners of the means of production, i.e., capitalists) because of the unfair distribution of social surplus (profits) among them: the employers receive far more than their fair share (calculated proportionally to their contribution), while laborers receive far less. This arrangement is made possible by the laborers’ lack of alternative options: while they can to some extent choose who they will work for, they cannot choose not to work for a capitalist, because this form of labor is their only means of survival.
only group that has the means and incentive to exploit others; friends, relatives, spouses, and lovers exploit each other as well, and in ways that often have nothing to do with maldistribution of burdens and benefits, nor with any other kind of disparity of value, be it financial or not.

It is remarkable that, with the notable exception of Marxism, philosophers seem to have neglected an in-depth analysis of the concept until relatively recently; after all, the Marxist approach to exploitation, while useful for criticism of certain social and economic arrangements, is undoubtedly too narrow to be able to cover many different instances and types of exploitation that occur in personal relationships. Lately, some authors have picked up on this lack of interest in the phenomenon and have offered various accounts of exploitation, most of which attempt to establish the features that they consider necessary conditions of exploitation, such as invalid consent, coercion, harm, exploitee’s acute vulnerability, etc. However, while not Marxist in spirit, these accounts still often rely heavily on the notions of fairness and justice in their analyses, despite their attempts to broaden the approach to exploitation so as to encompass as many exploitative interactions and relationships as possible.

Alan Wertheimer, who in his book *Exploitation* presents undoubtedly the most comprehensive contemporary analysis of exploitation, is careful to note that his approach is not necessarily meant to cover instances of (non-financial) exploitation in
personal relationships. While he attempts for his theory to encompass not merely economic exploitation of laborers, but also, for example, alleged exploitation of student athletes or commercial surrogates, his conception of exploitation is still market-based and relies fundamentally on the notion of fairness: Wertheimer understands an exploitative transaction as “one in which A takes unfair advantage of B,” and correspondingly argues that “it is clear that the terms or substance of a transaction must be unfair if it is to be exploitative.”

More specifically, Wertheimer argues that whether a transaction is unfair depends on a price that would be generated by a hypothetical market: the “fair market value” is a counterfactual concept that “represents the price that an informed and unpressured seller would receive from an informed and unpressured buyer if [the object of the transaction] were sold on the market.” Accordingly, exploitation (i.e., taking unfair advantage of someone) consists in “paying a non-standard price” for something – an analysis which, as Wertheimer readily admits, cannot be meaningfully applied to many exploitative interactions within personal and intimate relationships, despite the fact that the term “price” is supposed to encompass more than mere monetary value.

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9 Ibid., p. 207.
10 Ibid.
11 Ibid., p. 230.
Wertheimer remarks that it is quite possible that “the best principle of fair division varies according to the context”¹² in the sense that different types of contexts and relationships may generate different moral baselines which in turn determine what’s fair in a particular transaction or relationship. Wertheimer in fact grants that “[t]here is no reason to think that there is a unique principle for fair transactions”¹³ – a comment which reveals that his theory of exploitation is not in fact meant to cover all instances and types of exploitative interactions, especially those which, like intimate relationships, cannot be plausibly couched in terms of “fair market value.”

Other authors, however, are more ambitious in their theories of exploitation: Robert Goodin and Ruth Sample, who both argue that their vulnerability-based analyses of exploitation are supposed to encompass all instances of exploitation, including those that occur within intimate relationships, present us with approaches to exploitation that nevertheless rely on the notion of unfairness. Goodin, for example, who explicitly states that the ‘economic’ understanding of exploitation is too restricted since “[l]overs can exploit one another just as surely as can economic classes,”¹⁴ still argues that the notion of unfairness (or of “taking unfair advantage”) is “built into the concept of exploiting a

¹² Ibid., p. 236
¹³ Ibid.
And even Ruth Sample, who bases her understanding of exploitation on the notions of degradation and substantive vulnerabilities, claims that exploitation is a “kind of injustice” that can be “usefully understood in terms of social contract theory.” As I will soon show, it seems that a few characteristic examples of exploitation in personal and intimate relationships can easily demonstrate how analyzing the concept of exploitation as essentially tied to unfairness or injustice cannot successfully account for our commonsense intuitions about exploitation.

In fact, I find that none of the proposed theories or definitions of exploitation, be they fairness-based or not, fully correspond to our intuitions and pretheoretical notions of the concept; some fail because they don’t seriously consider the kind of exploitation that occurs in personal, especially intimate, relationships, while some others that do acknowledge this kind of exploitation, still fail to recognize that issues of consent, justice, fairness, and even substantive vulnerabilities cannot properly explain what makes some personal interactions and relationships exploitative. Many instances of exploitation in such contexts are often consensual, mutually advantageous, don’t concern financial means or material goods, and may not even involve exploiting another’s genuine vulnerabilities or needs: contented and well-off individuals can

15 Ibid.

become victims of exploitation just as obviously as can those who are made vulnerable because some of their needs are not fulfilled; it seems that exploitation in such cases may not be tied to any kind of unfairness, but can rather be wrongful for other reasons. Below are a few examples of exploitation that I believe cannot be analyzed through any of the proposed accounts:

1. “Marriage”

   Peter is in love with Sarah and wishes to marry her. Peter knows that, while Sarah wants to marry him as well, this is not because she would care about him, but rather because Peter is rich, and Sarah will benefit financially if they get married. Peter loves Sarah very deeply, and concludes, after a lot of thought, that it is worth it – he decides to marry her nevertheless.

2. “Girlfriend”

   Matt and Carrie have been a couple for about a year, and have decided to move in together a few months ago. They have soon discovered, however, that they have fallen out of love for each other, and have decided to break up. But Carrie has given up her old apartment when she moved in with Matt, and has lost her job in the meantime, so now she has nowhere to go but her parents’ house, which is an unwelcome prospect for her. Matt tells Carrie that she can stay with him free of charge if she continues to have sex with him. Because her relationship with her parents is strained, Carrie reluctantly accepts Matt’s proposal.

3. “Uncle”

   John’s uncle has promised his sister – John’s mother – on her deathbed to make sure John never ends up on the street. John has now graduated from college, but does not have a job or a place to stay. His uncle offers John to move in with him. John takes the opportunity, and doesn’t seem to be looking for a job any longer. Despite feeling
used, John’s uncle feels that it is his moral duty to keep his promise, as well as to make sure none of his relatives end up on the street; he therefore keeps financially supporting John.

4. “Neighbor”

Mildred’s neighbor, Monica, has a five year old son who occasionally needs to be looked after. Monica knows that Mildred is too kind, generous, and willing to help to ever refuse to baby-sit. Monica often calls Mildred at the last minute and asks her to look after her son, while she never offers any favors in return.\textsuperscript{17}

1.2 Exploitative or Not?

Although I have a strong intuition that the above cases involve some sort of exploitation, I have found that not all of them immediately strike a chord with everyone: some consider some of the cases obviously exploitative, but judge other examples not to be instances of exploitation, despite being morally wrong for other reasons; still others argue that some, or even all, of these examples are not morally problematic in any way whatsoever.

Sometimes, the disagreements (i.e., conflicting intuitions about whether an interaction or a relationship involves exploitation) stem from the fact that there is a prior disagreement about the uses of relevant terms; this kind of disagreement does not

\textsuperscript{17} Based on the motion picture \textit{Unhook the Stars} (1996), directed by Nick Cassavetes, starring Gena Rowlands as \textit{Mildred} and Marisa Tomei as \textit{Monica}. 
necessarily concern the moral status of interactions under scrutiny. Those who accept the market-based approach to exploitation, for example, will lack the intuition that marrying someone for their money is an instance of exploitation, although they may not deny that doing so is morally wrong. On the other hand, some will interpret the meaning of exploitation as a non-moral notion: Joel Feinberg notes that “[t]o exploit something, in the most general sense, is simply to put it to use, not waste it, take advantage of it,”\(^{18}\) and Justin Schwartz also believes that the term can be used in a morally neutral sense: “to exploit something […] means to use it for a purpose.”\(^{19}\) Those who defend this conception of the term exploitation will likely argue that marrying someone out of love and marrying someone for their money are both instances of “exploitation,” but will add that only the latter is morally wrong.

Such linguistic disagreements can be easily overcome by making sure that we define the relevant concepts in a clear and uniform way. Throughout this text, I will be using “exploitation” and “wrongful use” as synonymous and, as such, interchangeable. This implies that saying that an interaction is exploitative is to automatically condemn it as being morally wrong, while to say simply that A is using B is saying nothing yet about whether the interaction in question is morally problematic or not. The difference


between “use” and “wrongful use” can then be understood as roughly corresponding to Kant’s distinction between “using as a means” on one hand and “using as a mere means” on the other, with the caveat that Kant seems to count all wrongful treatment of people under the title of treatment as a mere means, while I will understand wrongful use (i.e., exploitation) as a subset of wrongful treatment, and thus as different from some other types of wrongful treatment (such as neglect, oppression, discrimination, etc.) in that only the former involves use of a person as a tool or an instrument in order to achieve some other purpose.

It needs to be noted also that some authors perceive the concept of use, and therefore of exploitation, as strongly tied to “the benefit condition.” This is the view that using another person, whether it is in fact wrongful or not, necessarily involves some sort of benefit or gain on part of the user; according to this view, it is an analytical truth that you cannot use someone without benefitting from the process. It seems to me, however, that this view is implausible: it can be easily shown that, in order to use another person, the exploiter’s purpose doesn’t have to include any sort of benefit or advancement of her own interests. First of all, it is rather clear that we can exploit people in order to benefit someone else, rather than ourselves: an employer can exploit her workers so that she can use the profits as payment for her children’s college education, or in order to cover her friend’s health costs. Further, we can even choose to use the profits to benefit people other than those who are close to us and whom we care
about: Feinberg observes, for example, that “A may exploit B for a great ‘gain’ all of which he then gives to charity.”

However, one might still argue, as Feinberg in fact does, that cases like these don’t automatically undermine the view that exploitation necessarily involves some sort of benefit to the exploiter: in order to preserve some version of the benefit condition, Feinberg proposes that we should broaden the notion of gain or benefit so that it includes “fulfillment of one’s aims, purposes, or desires, including altruistic and conscientious ones,” while Wertheimer offers a similar suggestion that “we need a more protean conception of what counts as a benefit to A, one that includes A’s purposes, goals, and values.”

Although I don’t think that benefit condition of exploitation (especially when benefits are understood in such broad manner) is of crucial importance, I would like to voice my agreement with Stephen Wilkinson’s criticism of this approach. He argues that, not only is the use of the term “to benefit” highly counterintuitive when applied to Feinberg’s example (giving the profits to charity), but it also doesn’t correspond to the

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21 Ibid.


fact that people can exploit others for their own selfish purposes that don’t *in fact* benefit them, at least not in an objective sense (using the profits on drugs is a good example). But more importantly, stretching the meaning of “benefit” doesn’t really add anything to the condition that wrongful use has to involve some sort of use, if “benefitting” simply stands for “fulfilling one’s aims or purposes.” After all, whenever we try to use someone, we do it with *some* purpose, and we only succeed in using them when that purpose is fulfilled, regardless of whether it in fact benefits ourselves, someone else, or no one at all. While Feinberg’s and Wertheimer’s proposals of broadened definition of benefit may work to save the benefit condition, they at the same time render it redundant, if “to use” automatically entails “to benefit” in this broadened sense. As long as we agree that we can use, and thus exploit, others even if we’re not thereby trying to promote our own objective interests, I think we can continue to have the same intuitions about what counts as exploitation.

Often, however, disagreements about whether an interaction is exploitative amount to more than mere semantic disputes. Some authors in fact doubt whether a satisfactory account of exploitation can be offered at all, given not just the differences between certain kinds of exploitation (e.g., economic vs. intimate), but also due to the many disagreements between people judging whether particular interactions involve any kind of wrongful treatment at all. John Harris suggests that we have two very different conceptions of exploitation with which we operate regularly: one use of the
concept refers to “the idea of some disparity in the value of an exchange of goods and services,” while the other conception refers to wrongful use that doesn’t involve any commercial or financial dimensions, but is rather tied to personal and intimate relations, such as those that involve treating someone as a ‘sex object,’ for example. While some authors argue that a general theory of exploitation (i.e., a theory that encompasses all interactions, arrangements, and relationships that we consider exploitative) is called for, others suggest that the various ways of wrongful use are just too different to be able to fit within a single, unified account.

Given such disagreements, as well as the purported elusiveness of crucial concepts, Nancy Davis doubts whether “our commonsense views about using persons can play an important role in philosophical argument, either in the construction or in the criticism of moral theories.” She also argues that, as long as we don’t have a substantive account of what exactly people owe each other, we won’t be able to tell which arrangements are exploitative; this observation seems to be voicing Feinberg’s concern that we may not be able to produce a satisfactory account of wrongful use “in

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24 John Harris, _The Value of Life: An Introduction to Medical Ethics_ (London: Routledge, 1985); p. 120.

25 See, for example, Jonathan Wolff, “Marx and Exploitation,” in _Journal of Ethics_ 3 (2), 1999: 105-120.

the absence of a complete normative moral theory." 27 I don’t think the situation is that hopeless, however (and neither does Feinberg, to be fair): Rawls’s proposal that we should strive to find balance between our pretheoretical (or commonsensical) judgments on one hand, and general moral principles on the other, seems like a sensible way to approach the subject. 28

Despite this, the question persists whether all interactions we consider exploitative should be covered by a single theory: the suggestion that those instances of wrongful use which involve disparity of value are essentially different from those usually present in personal relationships is not that outrageous. For the purpose of this thesis, I will remain agnostic on whether a unified theory of exploitation is possible, given the many different kinds of wrongful use with very specific characteristics that they don’t seem to necessarily share. I will therefore not offer a set of necessary and sufficient conditions of exploitation; my aim is rather to convince the reader that we need to attempt a substantial shift in our perspective if we want to acknowledge different kinds and instances of exploitation that have been overlooked so far: those authors who claim to propose unified theories have so far proven unable to accommodate the type of exploitation that is prevalent in personal relationships. Too

27 Feinberg 1990; p. 20.
28 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999); the account of reflective equilibrium is introduced on p. 18.
much focus has been put on the victim’s agency, her characteristics and circumstances (Is she free to choose? Is her consent valid? Is she genuinely vulnerable or in a substantial need?), but not enough on the other party, i.e., the exploiter, and particularly on the latter’s mental states, rather than her pure acts.

I also have to note that it is a central feature of my approach that I need to argue in support of the view that has been widely dismissed and rejected in contemporary analytic philosophy: the view that our motives, attitudes, and dispositions can sometimes directly affect the permissibility or our actions. My aim, however, is not to offer a complete list of dispositions and attitudes that entail exploitative behavior in particular cases, but rather to point out that absence of appropriate and required mental states often directly determines whether an interaction or a relationship is exploitative or not. I hope to convince the reader that the shift I propose is necessary for an appropriate analysis of the phenomenon of exploitation. Given that my proposal is rather controversial, this would be a big step already.

**1.3 The Structure of the Dissertation**

This thesis has two general parts: the first consists of the following two chapters, in which I explore and analyze two popular approaches to the theory of exploitation: the consent-based and the vulnerability-based approach. In chapter 2, I examine a
widespread notion according to which there is no such thing as consensual exploitation. Interestingly, both libertarian and Marxist accounts of exploitation rely heavily on the notion that people are only exploited when their consent to an interaction or a relationship is somehow invalidated. The approaches differ, of course, in their accounts of what makes consent invalid: while the first group embraces a relatively narrow view that defines valid consent through absence of any rights-violation, the other offers a much broader (too broad, in my opinion) view where consent can be considered invalid whenever a person lacks “acceptable alternatives” to the proposed interaction. I conclude the chapter by arguing that the so called “consent condition of exploitation,” according to which invalid consent is a necessary condition of exploitation, fails: especially when it comes to personal relationships, there is a large presence of exploitation that can be properly described as consensual.

Chapter 3 deals with vulnerability-based accounts of exploitation proposed by Ruth Sample and Robert Goodin; according to their approaches, we exploit people whenever we take unfair advantage of their vulnerabilities. I examine the two accounts in turn and conclude that these theories of exploitation are not very helpful: Sample’s approach is too narrow, since she defines vulnerabilities in terms of basic needs and thus leaves many instances of exploitation – especially those in personal relationships – unaccounted for. Goodin’s approach, on the other hand, is too vague and doesn’t help explain why it is acceptable to benefit from others’ vulnerabilities in some ways but not
others; in the end, his account proves too narrow as well, for while Goodin begins his analysis by emphasizing that personal relationships can be just as exploitative as economic transactions, his final account doesn’t correspond to most cases of exploitation among intimates.

In chapter 4 I present and illustrate my intuition (which I defend more fully in chapter 5) that exploitation in personal relationships may often be due to the exploiter’s motives, dispositions, and attitudes, and not merely her actions. I therefore examine some accounts according to which the permissibility of actions never depends on the agent’s mental states such as her motives, intentions, subjective reasons, attitudes, and dispositions. I devote most attention to T.M. Scanlon’s most recent work, *Moral Dimensions*, in which he deals substantially with the alleged relevance of intentions for action permissibility.\(^{29}\) I argue that some of my examples of exploitation in personal relationships shed doubt on his argument, in which he denies that motives, attitudes, and dispositions can ever directly and fundamentally determine whether a certain action is permissible.

In chapter 5 I develop my disagreement with Scanlon’s position further by showing that the view that mental states matter in personal relationships is in fact widely accepted, and that it doesn’t affect merely the evaluation of one’s character, but

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also of her actions. In the end, I hope to establish that motives and attitudes can directly
determine permissibility of some actions, and I conclude that exploitation in personal
relationships often consists in use that is rendered wrongful not by the exploiter’s
actions, but rather by her motives, attitudes, and dispositions. In intimate relationships
particularly, it is often the agent’s failure to care for the other person that renders her
actions exploitative.
The idea that consensual, voluntary interactions cannot be wrongful is a widely assumed commonsense notion that is in fact shared by many philosophers. If this view is correct, then it must follow that all instances of exploitation have to automatically involve invalid consent. In this chapter, I will present and analyze two main versions of the consent condition of exploitation, i.e., the view that absence of valid consent is a necessary feature of exploitation, and argue that both versions fail in their conception of exploitation as essentially nonconsensual.

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The four putative examples of exploitation I have presented in the introductory chapter all involve interactions or relationships that appear to have been entered into voluntarily and are sustained freely (although perhaps somewhat reluctantly) by both parties involved. Yet, the intuition that people cannot complain of being treated wrongfully in interactions to which they have voluntarily consented is widespread, and taken for
granted by many: it is often argued that the act of consenting effectively precludes any sort of wrongful treatment, and that therefore a person cannot reasonably complain of being coerced,\textsuperscript{30} as long as she knowingly and voluntarily accepted the terms of a particular arrangement. If this view is accurate, then it must follow that exploitative interactions, in personal and impersonal settings alike, cannot be properly consensual (and, conversely, that consensual interactions which may \textit{seem} wrongful don’t really involve exploitation).

Many authors who are invested in analyzing the notion of exploitation disagree with this view and maintain that exploitation obviously \textit{can} be consensual.\textsuperscript{31} Sweatshop

\textsuperscript{30} The ambiguous use of the term “coercion” has been the source of many misunderstandings and fallacious arguments in the literature. Because some authors use the notion as intrinsically wrongful, while others argue that people can be coerced by background conditions such as ill health and bad weather conditions, many disputes over the role coercion is supposed to play in wrongful treatment really boil down to prior disagreements about its semantic use. In order to avoid such misunderstandings, I will be using the notion of coercion as \textit{essentially wrongful}. According to this understanding, it doesn’t make sense to say that one person has coerced another, yet has done nothing wrong thereby; the notion that convicted criminals are \textit{coerced} into obeying the punishment imposed by the court is implausible according to this understanding of coercion, which I will be using throughout this entire chapter.

labor, organized prostitution, organ sale, surrogate motherhood, as well as many intimate abusive relationships, are often cited as evidence for the truth of this claim; observing certain exploitative practices, interactions, relationships, and institutions allegedly shows us that people do, in fact, agree to participate in them, and that their consent should count as valid, given the standard criteria for valid consent, which are voluntariness, possession of relevant information, and competence. Authors in favor of this view argue that fulfilling these criteria doesn’t change the fact that such practices are obviously exploitative, which demonstrates, in turn, that the widely accepted “Volenti non fit injuria” principle\(^\text{32}\) is false (at least for the purposes of moral, if not legal, assessment), and that people can, indeed, be wrongfully used, despite providing valid consent to the interaction or relationship in question.

But many other authors insist that this view is mistaken, and that absence of valid consent is a necessary condition of any wrongdoing. According to them, exploitation, as well as any other sort of wrongful treatment, must necessarily involve some trait that effectively precludes or invalidates one’s consent: if we are to say that individuals from my examples are being exploited, then we must contend that their

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\^\text{32}\) A common legal principle (commonly referred to as “Volenti maxim”), meaning “To one who has consented no harm is done.” (Joel Feinberg, Harm to Others: The Moral Limits of the Criminal Law (New York: Oxford University Press, 1984); p. 115.)
involvement in relevant interactions and relationships is somehow less than fully voluntary. The preferred strategy for resolving the puzzle behind what appears to be consensual exploitation is then either to reject the premise that the alleged exploitees’ consent is valid, or else admit that they are not really exploited.

The so called “consent condition” of exploitation – i.e., the view that absence of valid consent is a necessary condition of exploitation – is in fact steadily defended by several philosophers. I have decided to consign these authors into two main camps, depending on their view of what constitutes voluntary consent. The first group consists of those who define involuntariness, and consequently invalid consent, in terms of presence of coercion, which is in turn understood in terms of a rights-violation. Throughout this chapter, I will be referring to this view as the Coercion-based view. According to this approach, there is no exploitation involved in the cases I presented above: since the alleged exploitees in those examples aren’t directly coerced by anyone, and since they can choose freely among the available alternatives, their consent must be considered voluntary (and thus valid), and it therefore doesn’t make sense to say that they are exploited.

In the other group, we have those who, while also accepting the consent condition, prefer to argue that these examples of exploitation only involve apparent, and thus invalid, consent. According to this view of consent, people act involuntarily not only when they are directly coerced by others, but also when they simply have no
reasonably eligible alternatives to choose from. I will be referring to this approach as the *Unacceptable Alternatives* view, since it defines involuntariness in terms of an absence of genuine choice, or reasonably acceptable alternative options. Proponents of this view argue that many exploitative intimate relationships cannot be claimed to be genuinely voluntary, since victims usually feel like they have no other viable option but to stay in them. (For example, Carrie from the “Girlfriend” case I presented in the previous chapter may feel that she has no real choice, since she considers all of her alternative options to be even worse than continuing to have sex with Matt. According to some, the fact that Carrie feels like she has no choice entails that her subsequent decision is not genuinely voluntary.)

In this chapter, I will examine the philosophical background and motivation behind the consent condition, and analyze the arguments of both camps that defend it. I will argue that both approaches fail to some extent: the *Coercion-based* view is too narrow, since it declares many suspect arrangements as involving no wrongful treatment, despite the fact that they are obviously exploitative. The *Unacceptable Alternatives* view, on the other hand, while capable of covering more exploitative interactions and relationships than the *Coercion-based* view, still tends to exclude many instances and kinds of wrongful use in consensual intimate relationships and personal interactions – namely those instances in which the exploiter takes advantage of another’s arbitrary desires or mere preferences, rather than her genuine needs. A
variation of the *Unacceptable Alternatives* view that takes these worries into account, however, tends to be too broad to be really useful: since it couches voluntariness in terms of one’s preferences (and thus understands involuntariness in terms of sheer reluctance), it ends up condemning many perfectly permissible interactions and arrangements.

My main aim in this chapter is to show that the apparent puzzle of consensual exploitation shouldn’t be explained away by downplaying any of the two supposedly contradictory features of exploitation: valid consent and wrongful treatment. By so doing, we not only distort our common understanding of voluntary action as a normative concept, but are also likely to miss some important moral dimensions of exploitation in general.

### 2.1 The Consent Condition

The idea that people cannot be treated wrongfully in interactions to which they have voluntarily and knowingly consented is ubiquitous in philosophy. While the consent condition of wrongful treatment is considered a staple in modern liberal political theory (*pace* Mill), we shouldn’t overlook the fact that it has been advocated since the times of Aristotle, and that even Kant is often cited in its support (and this despite his insistence on duties to self – a notion which seems to betray the assumption that a person can treat
herself wrongfully despite the fact that she voluntarily chose to treat herself in that way). In fact, the view that a person’s consent automatically eliminates the possibility of her being exploited, or treated wrongfully in other ways, is so widespread that it is often assumed even by defenders of opposing theoretical approaches.\(^{33}\)

In this section, I will present the central ideas surrounding the notion of valid consent, its necessary features, and the role consent is supposed to play in moral assessment of particular interactions and relations; furthermore, I will also examine the philosophical background, the intuitions, and the motivations behind the consent condition of wrongful treatment. While in this section I deal with the general idea of consent and how it relates to wrongful treatment, in the following two sections (2.2 and 2.3) I will narrow my focus on one of the three necessary conditions of valid consent: voluntariness, the condition that has proven to be the most relevant in analyses of exploitation. In those two sections, I will thoroughly analyze the \textit{Coercion-based} view and the \textit{Unacceptable Alternatives} view of the voluntariness.

\(^{33}\) For example, Wertheimer notes that most libertarians and Marxists in fact agree that exploitative interactions cannot be properly consensual; they usually disagree, however, on the question of which interactions are to count as consensual in the first place. (Wertheimer 1996, p. 25)
Valid Consent

The notion of consent is among fundamental concepts in contemporary moral, legal, and political theory: it usually functions as justification or legalization of various human interactions, transactions, relationships, and even governments. Depending on its purposes in particular theories, consent can be characterized in somewhat different terms, for example as a kind of promise, a self-assumed obligation, a permission, a rights-waiver, or an authorization. What is common to all these interpretations is that consent brings about significant normative changes among the people involved in a specific arrangement: by consenting to an interaction or a relationship, one effectively changes the structure of permissions, rights, liberties, and duties faced by other individuals involved in the arrangement.

By saying that someone consents to something, then, we typically mean that the person authorizes or legitimates others to interact with her in ways that would have been otherwise impermissible. Obvious examples of non-consensual treatment include acts like rape, theft, trespassing, battery, kidnapping, and so on. These acts are in fact defined through absence of consent and constitute paradigm examples of impermissible treatment, in moral and legal theory alike. The substantial transformative power of consent is well illustrated by the fact that there is generally nothing wrong with the  

physical actions involved in these examples (sex, gift-giving, visiting, surgery, transporting another person) as long as both parties have consented; when consent is absent, however, an essentially equivalent physical action automatically becomes a rights-violation and, as such, impermissible.

In order for consent to count as genuine, however, and thus properly morally transformative, it must meet certain conditions that establish its validity. Valid consent is usually defined by reference to three crucial elements: the consenter’s competence, possession of relevant information, and voluntariness. Let’s take a closer look at these requirements.

35 A. John Simmons adds two further conditions: the intention to consent and to thereby alter existing moral relations, and acceptability of content of consent, in the sense that we can only provide valid consent to actions that are not considered unconditionally impermissible. The latter condition excludes not only actions that harm unconsenting others (which is uncontroversial enough), but also, at least according to those who believe in inalienable rights, consent to being killed, maimed, or to become a slave, to name a few examples. (A. John Simmons, “Consent”; an entry in Routledge Encyclopedia of Philosophy, edited by Edward Craig; New York: Routledge, 1998) It seems to me that the intention to consent is relatively easy to establish and can be safely assumed in all of our cases, so I will not explore it in this text. The acceptability of the content of what is consented to, on the other hand, is a much trickier issue. Whether it should be considered a necessary component of valid consent will depend primarily on what job one wants consent to do, and also whether it is to be considered a normative, or merely an empirical notion. To me, it seems suspect to simply assume that an action’s permissibility constitutes a necessary component of valid consent, and I believe that the question of permissibility should be considered separately. Let me just say at this point that the principle seems rather question-begging: it seems to assume that, no
The first condition, *competence*, refers to one’s decision-making capacities, which determine one’s general ability to provide valid consent; this requirement refers to one’s ability to understand the nature and the consequences of what is proposed. Whether one is sufficiently competent to consent to a specific interaction can therefore be highly dependent on context: children and people with certain sorts of mental impairment can give valid consent to some transactions but not others, in some circumstances but not others. Some cases are uncontroversial: a child’s consent to sexual relations with an adult is automatically considered invalid, even if we contend that this same child may be able to give valid consent (or dissent) to numerous less problematic practices and proposals. Children are taken to be incompetent to give consent to sexual relations primarily because they are considered developmentally incapable of understanding the nature, significance, and consequences of the interactions and relations to which they’re allegedly consenting.\textsuperscript{36}

Another example of incompetence that is rarely disputed concerns people in the state of delirium, which can be a result of alcohol-withdrawal, brain tumor, drug-abuse, or many other diverse causes. Delirium can involve severe confusion, disorientation, matter what the person giving consent says, she doesn’t *really* consent to $x$, because $x$ is something that cannot be consented to.

\textsuperscript{36} Additionally, we often assume that children’s consent to sex is not really valid, even from their own, experientially limited, point of view: children usually give apparent consent to such relations out of fear, not out of sexual desire. In such cases, the disputed issue is not the requirement of competence, but rather of voluntariness.
hallucinations and delusions, all of which undoubtedly render one temporarily incapable of making any important decisions for themselves. And while the invalidity of consent in cases like these is rarely challenged, some cases are more controversial. It has been argued, for example, that it’s impermissible for psychotherapists to have sex with their patients on the grounds that most patients are not sufficiently competent to provide valid consent to such relations, given that severe mental distress is usually the reason why they are receiving treatment in the first place.37

Although various contextual issues surrounding competence give rise to numerous difficulties for determining the significance of provided consent in particular cases, I would like to ensure that such complications will be of little concern to us. The examples I’ve presented in the beginning, as well as other examples we will be exploring throughout, will be assuming absolute competence of all alleged exploitees. I chose such examples deliberately, so that the questions of competence don’t become an unnecessary obstacle in our query: the authors who are concerned with the consent condition of wrongful treatment are usually disagreeing about the function of the voluntariness, rather than competence, requirement of valid consent, and the larger part of this chapter (i.e., the sections on Coercion-based and Unacceptable Alternatives

37 Wertheimer 1996, p. 175. As Wertheimer notes, this argument is rather spurious, especially if we keep in mind that we don’t normally regard psychiatric patients to be incapable of providing consent to sexual relations with people who are not their psychotherapists.
views) is devoted to analyzing those disputes. However, before I focus on examples of exploitation where consent is supposed to be invalidated by the expolitee’s involuntariness, rather than her incompetence, I would first like to say a few more words on the second of the three conditions of valid consent: possession of relevant information.

This requirement of valid consent demands that one be sufficiently informed about the nature of the transaction or interaction in question. The word “sufficiently” is crucial here: we can hardly ever possess all the information pertaining to the interaction to which we are consenting. Still, we usually have a rough idea in each specific case of what counts as relevant information, the absence of which can alter the status of one’s consent; we also have some general intuition about what constitutes a significant enough gap between one’s beliefs about the state of affairs on one hand and the actual situation on the other. Moreover, a great deal will depend not only on the content of unavailable information, but also on the reason that caused one’s ignorance: when a person is in fact deceived into performing an action she would not have performed had she known the truth, the chances that we will consider her consent invalidated are much higher than if her ignorance was entirely her own responsibility.38

38 Still, intentional deception is not the only factor that can invalidate consent on the grounds of ignorance: in certain circumstances, ignorance that is not a result of lying (or intentional withholding of crucial information) can be significant enough to
Determining whether one possesses enough relevant information to ensure valid consent can be tricky; uncertainty and confusion about the presence and relevance of needed information might hinder our attempts to determine whether an interaction is in fact unconsensual due to lack of vital information, rather than due to a violation of some other requirement of valid consent. In order to avoid any such confusion, I would like the reader to assume that the information requirement, whatever one takes that to be in a particular case, has been adequately fulfilled in each of the examples we will be discussing – as I said before, I’m taking this approach in order to get rid of any impediments which could unnecessarily complicate our ‘voluntariness-oriented’ analysis of the consent condition of exploitation.

The third, and last, condition of valid consent, *voluntariness*, may be the most complex among the three. It is also the most important for our inquiry, since the

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effectively invalidate one’s consent, and, in some cases, even render the other party’s action impermissible. The most debated cases of this sort concern informed consent to medical procedures: if the patient’s consent is to count as valid, she must be familiar with the nature of the procedure, the risks involved, the prognosis, etc. The fact that most patients have no medical education, however, makes it difficult to determine when their decision is sufficiently informed to constitute valid consent. Consequently, there is a lot disagreement on how much and which kind of information is sufficient to ensure valid consent to medical treatments and procedures; sometimes, consent to medical treatment can be considered invalid due to lack of essential information, even when there has been no intention to deceive the patient. (See, for example, Ruth R. Faden and Tom L. Beauchamp, *A History and Theory of Informed Consent*, New York: Oxford University Press, 1986.)
disputes over whether exploitative interactions can be truly consensual virtually always concern themselves with the voluntariness requirement, rather than any of the other two conditions. I find that there are two main approaches concerning the notion of voluntariness: as explained earlier, I have termed these approaches the Coercion-based view and the Unacceptable Alternatives view. I will present and analyze these two views separately later in this chapter, and I will show how they function when applied to various instances of purported exploitation; but before I do that, I would like to briefly present the broader intuitions and motivations behind the consent condition of wrongful use.

**Consent and Wrongful Use**

The consent condition of exploitation – that is, the view that a person cannot be said to be exploited if she provides valid consent – reflects a widespread intuition that there is a strong conceptual link between wrongful treatment of people and the absence, or impossibility, of their consent to the treatment in question. The view that there can be no such thing as consensual exploitation is in fact an expected outcome of certain fundamental principles in liberal philosophical tradition, according to which individuals’ autonomy has priority over their objective interests and welfare. Mill has famously argued that
the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.\(^\text{39}\)

Each individual thus has the right (in the sense that she cannot be compelled to do otherwise) to act as she pleases, so long as her actions do not violate others’ rights. In other words, if the performed action only affects the agent herself, then we have no right to intervene, even if the person is harming herself. This rationale logically extends to interactions involving two or more individuals, especially when it comes to legal issues: Joel Feinberg states that

\[
\text{collaborative behavior ought never to be criminal when the collaboration is fully voluntary on both sides and no interests other than those of the collaborative parties are directly and substantially affected.} \quad \text{\textsuperscript{40}}
\]

We are thus only justified in limiting people’s actions when they cause harm to others, and it is important to keep in mind that “harm” doesn’t simply stand for just any setback to one’s interests (since we are often justified in setting back others’ interests), but must also include a \textit{wrong}.\(^\text{41}\) In the liberal tradition, wrongful action that can be rendered impermissible thus literally \textit{consists} in a violation of another’s rights, and Feinberg is


\(^{41}\) Feinberg 1983; pp. 34-37.
very clear that the possibility of a rights-violation effectively disappears with one’s consent: “One class of harms [...] must certainly be excluded from those that are properly called wrongs, namely those to which the victim has consented.”

The possibility that a person could be wronged by an action to which she has consented is thus categorically denied, regardless of how much the person is harmed in the (morally neutral) sense of setback to her interests.

As I have mentioned earlier, a legal principle that echoes this rationale is called the *Volenti* maxim, according to which “to one who has consented no harm is done.” Feinberg notes that, while this maxim has a central place in all modern legal systems, it was already endorsed by Aristotle, who argued that one “does not suffer injustice” when “he suffers nothing against his wish.” According to the *Volenti* maxim, Feinberg argues, it is conceptually impossible to in fact consent (at least in the sense that can be considered “valid”) to being treated wrongfully, unfairly, or unjustly, since this would imply that one has consented “to being-treated-contrary-to-one’s-wishes, which is absurd.”

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42 Feinberg 1984, p. 35.
43 Ibid., p. 115.
45 Feinberg 1984, p. 115.
The *Volenti* maxim is not merely a widely-accepted legal standard, but also an important ethical principle. The idea that a person cannot reasonably complain of having her rights violated if she voluntarily waived that right is not founded only in common sense, but also in respect for each individual’s autonomy. According to Robert Nozick, “voluntary cooperation might be regarded as the core principle of ethics,” and respect for autonomy demands that we not interfere with people’s personal decisions that affect no one but themselves. Rendering certain consensual interactions impermissible then seems to be a principal way of undue paternalistic or moralistic interference, utterly unacceptable to many liberal thinkers, which leads some philosophers to argue, for example, that intervening with sweatshops actually harms the workers by violating their personal autonomy.

While some authors find Mill’s autonomy- and liberty-based doctrine to represent the most convincing defense of the consent condition of wrongful treatment, others (including Nozick) prefer to cite Kant in support of their view: after all, Kant’s second formulation of the *Categorical Imperative*, the so-called *Humanity Formula*, demands that we never treat people as mere means, and this commandment is typically interpreted as requiring that we should never treat people in ways to which

they could not properly consent; deception and coercion are used by both Kant himself and his followers as paradigm examples of such treatment.48

According to Kant, when I take advantage of someone through making a lying promise to him, “the person whom I seek to use for my own purposes by such a promise cannot possibly agree with my way of treating him.”49 If I sign a contract to give a sum of money to a company that promises to use it for charity, and it turns out that the whole thing is a scam and that those involved intend to spend the money entirely for their own selfish purposes, virtually everyone will agree not only that the company has done something impermissible, but also that its representatives cannot plausibly argue that I’ve consented to this specific arrangement. My consent in this case was merely apparent, and thus invalid, since I did not even know what I was “consenting” to: one cannot properly consent to a transaction when one doesn’t even know what the transaction really consists in.


49 Kant 2002, GW 4:430; emphasis mine.
Coercion serves as an even more characteristic example of a method that effectively precludes the possibility of valid consent. If I coerce another person, to use Kant’s terminology, I strip her of “the possibility of choosing whether she wants to contribute to the realization of a certain end;” I deny her the choice between consent and dissent, which renders her resulting “choice” involuntary. For example, if the only reason I agree to a transaction is that I’m being threatened with horrible consequences in case I decline (“Your money or your life!”), my alleged consent counts for nothing; an armed robber cannot claim that I gave him my money voluntarily if the only reason I decided to hand him my money was that he threatened to kill me unless I did what he asked of me. Even if I technically made a choice (I “chose” to hand over my money in order to avoid certain death), it was a forced choice: my decision was not genuinely voluntary.

In agreement with Kant’s principle, Christine Korsgaard argues for a tight link between the impossibility of consent and wrongful treatment of people: “the question whether one can assent to your way of acting can serve as a criterion for judging whether you are treating her as a mere means,” where the notion of “treatment as mere means” covers our understanding of exploitation in terms of “wrongful use,” as well as

any other types of wrongful treatment. According to the Kantian analysis, by forcing someone to perform an action they would otherwise not choose to perform, we fail to treat them in a way consistent with their real status as rational beings. Coercive methods undermine people’s freedom of choice, they violate their autonomy, they infringe on their sovereignty – and are as such clearly impermissible.

However, while Kant certainly seems to be arguing in favor of a strong conceptual link between consent and wrongful treatment, it is important to note that he doesn’t seem to be insisting that absence or impossibility of consent is a necessary feature of treatment as mere means. It seems consistent with Kant’s views to say that one can be used as a mere means even when she is neither coerced nor deceived; it is quite possible to treat people wrongfully even when they do consent to such treatment, as can be inferred from Kant’s insistence on “duties to oneself” which imply that a person can violate such duties by treating herself wrongfully despite the fact that she “consents” to such treatment, i.e., voluntarily chooses to treat herself in that way.\footnote{I don’t really think that it’s plausible to argue that one could effectively deceive or coerce oneself – at least not in the same sense as one can do these things to other people.}

Also, Kant’s examples from The Doctrine of Virtue show that we can treat others wrongfully (and, in fact, contrary to our perfect negative duties) by ridiculing them or treating them in ways that are supposed to reveal their supposed inferiority to ourselves;
according to Kant, such treatment is wrongful despite the fact that people can (and often do) consent to such treatment.⁵²

In short, it can be argued that Kant’s account only shows that absence of valid consent is a sufficient, but not also a necessary feature of wrongful use. If this is accurate, then there seems to be no reason to believe that Kant is committed to saying that exploitation cannot be consensual, when there is in fact a reasonable interpretation of him on which wrongful use can occur despite valid consent.⁵³ Those who defend the consent condition of exploitation, however, find Kant’s notion of mere means useful for their purposes, believing that it confirms the intuition that wrongful treatment implies invalid consent. Kant’s *Humanity Formula* is therefore, despite evidence to the contrary, often used as central support for the consent condition, regardless of whether the view concerning consent is based on presence of coercion (in terms of a rights-violation), or merely on absence of acceptable alternatives.

It is thus important to note that, while the consent-based model of wrongful treatment seems to support the *Coercion-based* view of voluntariness much more than it


⁵³ Interpreting Kant as arguing that wrongful treatment cannot be consensual is what leads many theorists of exploitation to dismiss approaching exploitation through Kant’s *Humanity Formula*, which is regrettable, given Kant’s valuable insights into wrongful treatment of people. See, for example, Sample (2003), p. 12, or Wertheimer (1996), p. 297.
supports the *Unacceptable Alternatives* view, many proponents of the latter approach find themselves sympathizing with the consent condition, presumably because they agree that it is unacceptable to proscribe voluntary, autonomously chosen actions which concern no one but particular consenting adults. That many opponents of sweatshop labor, for example, tacitly endorse the consent condition is illustrated by the form of their responses to sweatshop defenders: when the latter argue that sweatshops are not wrongful since the workers’ consent is voluntary, their opponents typically choose to argue that this consent is only apparent and thus invalid, rather than replying, for example, that valid consent doesn’t prevent the possibility of wrongful treatment, and that sweatshop labor can be exploitative despite being consensual. This common response suggests that the consent condition of wrongful treatment is not limited to libertarians, but is widely shared throughout the entire political and philosophical spectrum.

The crucial difference between the two approaches thus lies in their differing conceptions of what constitutes voluntary, or consensual, action in the first place, rather than in whether and in what way involuntary consent affects the moral status of relevant interactions and relationships. According to the *Coercion-based* view, the mere fact that we sometimes feel “forced” to accept a specific proposal (as sweatshop workers often do, given that they have no other acceptable alternatives, or as Carrie may feel in the “Girlfriend” scenario) does not yet establish that we are being treated wrongfully. On
the other hand, proponents of the *Unacceptable Alternatives* view argue that, when it comes to establishing voluntariness, there is no essential difference between actions that we are forced to perform because someone is directly coercing us, and those actions that are “forced” upon us by our particular situation, general circumstances, or background conditions. In the next two sections of this chapter, I will examine each of the two views in turn.

### 2.2 The Coercion-Based View

The proponents of this view argue that the voluntariness requirement of valid consent is only violated when one person is directly coerced by another, where coercion is understood relatively narrowly in terms of a rights-violation. In this section, I will present this view of voluntariness as a reasonable account that corresponds to our intuitions concerning valid consent and coercion. I will also argue, however, that the Coercion-based view of involuntariness, while itself plausible, cannot be sensibly applied to the consent condition of wrongful treatment, since combining the two yields implausible results in the sense that it fails to condemn many wrongful interactions, especially those that involve exploitation.
Coercion as a Rights-Violation

Proponents of this approach consider voluntariness, and thus consent, as inherently tied to the structure of rights and duties between the parties to a particular interaction. In reference to Marxian theory of exploitation, Robert Nozick notes:

Whether a person’s actions are voluntary depends on what it is that limits his alternatives. If facts of nature do so, the actions are voluntary. […] Other people’s actions place limits on one’s available opportunities. Whether this makes one’s resulting action non-voluntary depends upon whether these others had the right to act as they did.  

Regardless of whether one ascribes to the Coercion-based or the Unacceptable Alternatives view of voluntariness, one has to admit that the notion of rights is linked to consent in important ways. As I have noted earlier in this chapter, it cannot be denied that consent has the power to significantly change the structure of rights and obligations amongst individuals involved in a specific interaction; by consenting, we give others permission to treat us in ways that would constitute a rights-violation in the absence of our consent.

According to standard understanding of relevant terms, if I have a right against you to treat me in a certain way, then you have a corresponding duty to treat me in that

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54 Nozick 1974, p. 262; emphasis mine.
The prevailing liberal model of the structure of rights and duties gives conceptual priority to rights, which means that moral obligations are typically conceived as essentially derived from rights: they are understood as having no independent grounding apart from rights. This entails that, when I waive my claim against you, your correlative duty vanishes as well; eliminating your specific duty effectively bestows you with a corresponding liberty, which means that you are now free to perform an action that would have been wrongful in absence of my consent (typical example: informed consent to medical procedure).

The conception of other people’s claim-rights as the exclusive source of our moral duties implies that I cannot be guilty of a wrongdoing when I’m not violating any of others’ rights, while the classical understanding of consent as a rights-waiver

55 According to the widely accepted Hohfeldian analysis of rights, these fall roughly into four categories: claims, liberties (or privileges), powers, and immunities, all of which can be defined in reference to their correlative duties. A has a claim that B φ if and only if B has a duty to A to φ; A has a privilege to φ if and only if A has no duty not to φ; A has a power if and only if A has the ability within a set of rules to alter her own or another's Hohfeldian incidents; B has an immunity if and only if A lacks the ability within a set of rules to alter B's Hohfeldian incidents. (Leif Wenar, “Consent”, an entry in Stanford Encyclopedia of Philosophy, edited by Edward N. Zalta; 2007) When we analyze consent in terms of a rights-waiver, “rights” typically stand for claim-rights, or rights to non-interference. Since this is the sense of consent involved in the cases of exploitation I will be discussing throughout this text, I will be using the term “rights” as shorthand for “claim-rights,” unless I indicate otherwise.

56 Wenar 2007.
conceives of voluntary consent as a notion which effectively removes specific claim-based duties, and thus transforms otherwise impermissible actions into permissible ones. The conclusion of these two notions combined is inescapable: if we cannot commit a wrong without violating a right, and if voluntary consent functions as a rights-waiver, then no voluntary interaction can ever be properly wrongful.

While this rights-based view of voluntariness may seem plausible enough to many, others have denounced it as too narrow: proponents of the Unacceptable Alternatives view argue that one acts involuntarily whenever one has no reasonable alternatives to the proposed (inter)action, be it because someone is directly coercing her, or simply because her background conditions “force” her to accept it. Despite the fact that we tend to put a lot of weight on rights when determining action-permissibility, and that therefore the Coercion-based view seems plausible, it may yet seem odd that the presence or absence of a rights-violation makes such a decisive difference in determining voluntariness. It seems that it can be plausibly argued that, when I feel truly “forced” to accept a specific proposal, I usually feel that my choice is therefore involuntary, regardless of whether my rights are being violated in the process. In order to illustrate this intuition, let us consider two cases that seem to differ in very little apart

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from our intuition that one clearly involves (wrongful) coercion, while the other may not, at least not in such an obvious way:

Proposal 1 – Person A to person B: “You can either choose to work for me for a dollar a day, or I will lock you in a dungeon, where you will die of starvation.”

Proposal 2 – Person A to person B: “You can either choose to work for me for a dollar a day, or you will die of starvation, because you have no other means of survival.”

The available alternatives seem to be essentially the same in both scenarios – B can either work for A, or else starve to death. So why do we tend to think of the person in the first proposal as being coerced, while we may not have the same intuition about the second proposal?

The notion of a *pre-interaction baseline* when defining coercion proves quite helpful here: in order to clarify our differing intuitions about the two scenarios, we only need to compare the alternatives B had *before* the proposal was made against the alternatives she faces *after* A has presented her with a new set of options she now must choose from. The pre-interaction baselines in each of the above scenarios differ significantly. In Proposal 1, no matter which of the two options B chooses, she will end up worse off than she would have been if A’s proposal hasn’t been made. In Proposal 2, however, one of the two options B can choose from doesn’t alter her current situation at
all, while the other stands to improve it. This is why it makes sense to say the first proposal represents a *threat*, and the second an *offer*: according to this understanding, defended among others by Wertheimer, threats make one’s situation worse by reducing the number of alternatives one can choose from, while offers make one’s situation better by proposing additional alternatives without thereby detracting from already available options.\[^58\]

However, this doesn’t yet solve the problem of voluntariness and coercion. Threats, understood in the sense of simply reducing one’s options, can be justified, and often don’t amount to coercion (recall that I have decided to use ‘coercion’ as wrongful by definition). Imagine that I’m always late for work and my boss tells me to either start coming in on time, or else I will be fired: my boss is in fact threatening me in the sense that she proposes to make me worse off relative to my pre-interaction situation, when I was still able to sleep in *and* keep my job, regardless of which alternative I choose. I will either have to get up earlier or I will lose my job, and each of these two alternatives sets back some of my interests. Yet, we would hardly say that my boss is guilty of

\[^58\] Alan Wertheimer, *Coercion* (Princeton: Princeton University Press, 1987); pp. 202-221. As we will see, many interpretations categorize threats as wrongful by definition; I find Wertheimer’s classification in terms of the proposal’s effect on the range of one’s options tidier, and thus more helpful, since it still allows us to distinguish further between wrongful and non-wrongful threats.
coercion, or that my resulting choice, whichever option I end up picking in the end, is involuntary.

So when do threats amount to coercion? Nozick suggests that what matters is not only the pre-interaction baseline, but also the *moral baseline.*\(^{59}\) This makes coercion primarily a normative concept, and not merely an empirical notion (which would be the case if we decided to employ only the pre-interaction baseline in order to define coercion), and a normative notion is what we need if we want it to help us distinguish wrongful acts from those that are permissible, i.e., if we want to distinguish coercive acts from voluntary ones.

According to Nozick’s proposal, moral baseline is firmly grounded in A’s and B’s rights and obligations. While, as we will see later, Nozick still lets us pick and choose between pre-interaction and moral baselines when deciding whether an act is voluntary, Alan Wertheimer makes a compelling argument in favor of accepting the moral baseline as decisive in determining presence of coercion and involuntariness: as long as B’s rights are not violated by the proposal, she is not being coerced.\(^{60}\) This is


\(^{60}\) This understanding of coercion doesn’t necessarily support libertarianism, though: Wertheimer notes that the moral baseline approach could be employed by any type of moral theory that presupposes existence of rights and obligations, which also
what explains the essential difference between the two cases above: B’s rights are violated only in the first case, but not in the second, because A has a negative duty not to imprison people who refuse to work for him, but (presumably) no duty to feed starving people, at least not according to liberal theories which we are examining here, which recognize hardly any positive rights. ⁶¹

If this is right, then Proposal 2 doesn’t involve coercion, and person B in that case accepts the proposal voluntarily, thus effectively providing valid consent to this interaction. Since A doesn’t violate any of B’s rights by making the particular offer, A cannot be accused of coercing B. Therefore, whatever B ends up choosing, it will be her own voluntary choice, which removes any possibility of coercion.

includes any theory that recognizes positive duties, such as a duty to help starving people, regardless of whether we are to blame for their situation or not. It seems that what allows Wertheimer to accept this definition of coercion is precisely the fact that he, unlike Nozick, rejects the consent condition of wrongful treatment.

⁶¹ Stephen Wilkinson proposes an interesting take on the consent condition: he accepts the rights-based view of coercion, but suggests that sweatshop labor could still count as non-consensual if we accept a broad welfare-rights view, which recognizes many positive universal duties and their corresponding rights. (Stephen Wilkinson, “The Exploitation Argument against Commercial Surrogacy,” in Bioethics 2003 17(2), 169-187.)
Coercion and the Consent Condition

According to this view, then, our background conditions (such as poverty, ill-health, natural disasters, previous injustices and misfortunes, etc.) certainly have effects on our choices, and our range of available alternatives may sometimes be regrettable, but our actions are voluntary as long as no one is violating our rights when presenting us with specific choices and offers. A person can therefore only be said to act involuntarily when others limit her available options *wrongfully*, i.e., by violating her rights.

If we accept this view and add the consent condition, we can do nothing but conclude that neither the sweatshop workers nor the individuals in my examples are really exploited: just as impoverished farmers don’t have a *right* to work in someone else’s sweatshop factory, ex-girlfriends don’t have a *right* to live with their ex-boyfriends, and enamored young men don’t have a *right* to marry the objects of their affections. Because they have no such rights, these obviously cannot be violated, which means that they are not coerced, particularly not by proposals that offer them to fulfill their desires (for a job, residence, and marriage, respectively) if they accept certain conditions, such as are lousy payment, sex that one would prefer not to have, or an unloving, greedy spouse. Add the consent condition, and you can do nothing but conclude that none of these individuals are in fact wrongfully used.
It now seems that, if we accept (1) the consent condition, i.e., the view that valid consent effectively removes the possibility of an act (or an interaction) being wrongful, and (2) the rights-based view of voluntariness, i.e., the view that people are only coerced when their rights are violated, then we can only conclude that exploitation (that is, wrongful use) cannot be properly consensual: valid consent automatically removes a possibility of any sort of wrongful treatment, including exploitation.

Libertarians employ this line of thought in order to show that there is no exploitation present in the cases I presented at the outset, nor in typical sweatshop cases: consensual exploitation is a conceptual impossibility. Since individuals in the mentioned cases consented to the interactions, they have thereby waived their relevant rights; and because their rights therefore cannot be violated, there can be no wrongdoing involved. And, finally, since we’ve defined exploitation as wrongful use, there can be no such thing as consensual exploitation: sweatshop workers and other individuals from the above examples are not exploited, period.

Most people look at this conclusion with astonished bewilderment: while some people doubt that my examples of exploitation in personal relationships constitute wrongful use, the majority still agrees that sweatshops are a paradigm example of exploitation, and that therefore something has to be wrong with either the Coercion-based view of voluntariness, or else with the consent condition. I am going to assume that we find this reaction plausible: our starting point is that at least some of these cases
are definitely instances of exploitation, and what we want to do is analyze this claim and back it up. However, if we couple our conviction that these are cases of exploitation with the consent condition (which is based on the *Volenti* maxim), we can do nothing but conclude that to believe that there is exploitation in sweatshops is to believe that the employees’ consent is in fact only apparent, and as such invalid. But is this really so – is the exploitees’ involvement necessarily non-consensual in such cases? The proponents of the *Unacceptable Alternatives* view of voluntariness certainly think so.

### 2.3 The *Unacceptable Alternatives* View

Many critics of the *Coercion-based* view of voluntariness have proclaimed the view mistaken, arguing that, when trying to determine if one’s action was forced, it should hardly make any difference whether one’s rights have been violated in the process. Some authors argue that, when a person is in a position where she has to choose between accepting an exploitative offer or letting some of her basic needs go unfulfilled, it doesn’t make sense to say that her resulting choice is voluntary, even if the person making the offer is not violating any of the exploitee’s rights. Others go even further, arguing that our choices are relevantly involuntary (and thus unconsensual in the sense which makes the other person’s action impermissible) whenever we would
prefer not to get an offer which makes us choose between two or more alternative options, when we would much prefer to keep \textit{all} those options.

In this section, I will first present some philosophical background and intuitions behind the \textit{Unacceptable Alternatives} view of voluntariness, after which I will present and examine both the needs-based and the preference-based versions of the view.

\textbf{Forced Choices}

The view that our choices can be deemed involuntary not only by other individuals who are violating our rights, but also by other factors and in other ways, is not a contemporary invention. Aristotle’s examples from \textit{Nicomachean Ethics} reflect the intuition that one’s actions are equally (in)voluntary, be they imposed by other people or by natural forces. First, Aristotle draws a distinction between actions that involve no volition whatsoever on one hand, and actions that involve hard, or forced, choices on the other. An action, he argues, is “forced without qualification whenever its cause is external and the agent contributes nothing;”\textsuperscript{62} examples of completely non-voluntary action involve one’s body being moved either by a strong wind or by other people. According to Aristotle, when a person is completely overpowered by an external

\textsuperscript{62} Aristotle 1999, pp. 30-31.
physical force, her action should not even be considered *involuntary*, but rather entirely *non*-voluntary.

On the other hand, actions performed under *hard circumstances* ("done because of fear of greater evils"), are considered to be *mixed*: they are part voluntary, part involuntary. Aristotle illustrates such actions with two examples: one involves a tyrant who threatens to kill your family if you refuse to do something shameful, while the other involves the decision to throw precious cargo overboard during a vicious sea-storm, in order to save oneself and others. Such actions are partly voluntary because they involve a conscious choice (and can serve as the grounds for responsibility and perhaps even blame), but are also partly involuntary, "since no one would choose any such action in its own right."

While Aristotle considers such actions to be "more like voluntary actions," since the principle of the action is internal to the agent, the relevant issue is that he seems to consider such actions to be either voluntary or involuntary *to the same extent*, regardless of whether one is forced by a natural phenomenon or by another human being. If, as Aristotle claims, the degree of voluntariness doesn’t depend on whether it is a person or an inanimate object that "forces" the agent, then the absence of a rights-violation (which

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63 Ibid., p. 30.
is used by proponents of the Coercion-based view as a decisive criterion for establishing voluntariness) will be of even lesser importance.

Many contemporary authors find this view of voluntariness attractive, and also intuitive. Michael Taylor, for example, argues that “effects on the individual’s choice conditions are the same whether others act within their rights or not.”64 This implies not only that we can be coerced by other people even when they are not in violation of our rights, but also that we can be forced by our circumstances which can be entirely independent of other people’s actions, yet can often prevent us from making a truly voluntary choice.

Onora O’Neill is also sympathetic to the idea that rights-violations are not necessary components of involuntary actions. In her view, absence of direct agential coercion is necessary but often not sufficient for voluntary action: whether a person’s choice should be considered voluntary depends on whether she is “genuinely free” to either consent or dissent to the proposal. O’Neill notes that “if consent and dissent are in principle possible, we can refuse the opportunities, offers, or activities that do not suit us”65 – and there seems to be no reason to suppose that people have a “genuine” option of dissenting whenever no one is in violation of their rights. O’Neill uses organized

64 Michael Taylor, Community, Anarchy and Liberty (Cambridge: Cambridge University Press, 1982); p. 99.

prostitution to illustrate her argument: while the outward transactions between most prostitutes and their clients usually seem consensual, reminding ourselves of the harsh circumstances which usually lead women into prostitution suggests that such transactions may in fact be involuntary, even forced. Especially in places where poverty is a common occurrence, and many women “choose” prostitution in order to support themselves and their families, we should be more open to the possibility that such choices may not be truly voluntary.

It thus seems plausible to argue that background conditions, rather than just other people’s overt actions (including rights-violations), can just as effectively determine whether particular individuals’ choices can really be considered their own. When the majority of a certain population is living in extreme deprivation and misery, the despair that guides their choices may be overlooked, and their decisions may appear voluntary; we need to look closer to realize that people may be in a sense forced into accepting certain arrangements, and that this kind of “force” may be imposed by their circumstances, rather than other people.

According to supporters of the Unacceptable Alternatives view of voluntariness, then, coercing someone by violating their rights is just one of many possible scenarios in which people feel forced to make involuntary choices, perform involuntary actions, and consent to involuntary transactions and relationships. If one must choose between two evils, then it sounds somewhat cynical to insist that the evil one ends up with has
been chosen voluntarily. But does this really entail that the *Coercion-based* view of voluntariness is in fact misguided, even false?

We certainly have to admit that the *Unacceptable Alternatives* criterion of voluntariness has some intuitive plausibility: when trying to explain the (pre-analytical) meaning of coercion, people often tend to take the absence of reasonably eligible alternatives to be crucial; they take “I had no other choice” to imply “I was forced to do it.” An armed-robbery victim will say that her decision to give the robber her money was involuntary because her only alternative was death; she may not even mention that her rights were violated in the process, much less that the violation of her rights was the *reason* why her decision to hand over the money was involuntary. But if the reason why the robbery victim’s decision wasn’t sufficiently voluntary is that she had *no other choice*, then we may start wondering whether armed robberies are really that different from sweatshops in terms of voluntariness and coercion. If an impoverished farmer decides to work in a sweatshop in order to avoid starving to death, no one may be violating her rights, but it’s unclear why we should consider her decision any more voluntary (or less coerced) than the robbery victim’s. The starving farmer and the robbery victim both seem to be forced into accepting the respective proposals for the exact same reason: their only alternative is certain death.

The proposed picture behind the *Unacceptable Alternatives* view then seems to be simple, yet highly intuitive: if we don’t have a “genuine” choice between performing
or not performing an action, then our decision cannot be considered voluntary; the absence of any rights-violations may be necessary for voluntary consent, but it doesn’t guarantee it. If we conceive of the notion of involuntariness as essentially much broader that what the *Coercion-based* view suggests, then it seems that involuntary actions can be triggered by many different kinds of means; forced choices may be induced not only by coercive threats, but also by our economic circumstances, our wider social and historical setting, and even by natural phenomena – all of these can “force” us into making choices we would rather not make if we were in different circumstances, which evidently makes these choices involuntary, and thus unconsensual.

The problem with this view is that it is, while perhaps highly intuitive, at the same time much too vague: as I will soon show, it is in fact quite unclear how one is to effectively differentiate between actions that are sufficiently voluntary to warrant valid consent, and those that are not. We certainly don’t want to think that our actions are involuntary whenever we would prefer our choices to be different, since this would make involuntary action ubiquitous in everyday life. The main task of anyone who supports the *Unacceptable Alternatives* view must then be to provide reliable and convincing criteria of what makes our available options sufficiently unacceptable to render our choices involuntary to the point of invalidating our consent.

In the following section, I will examine different approaches to the *Unacceptable Alternatives* view. I will present and analyze two versions of what makes
certain options unacceptable, and the resulting choice involuntary: the preference-based and needs-based view. I will conclude this chapter by arguing that the view in fact fails to provide us with reliable criteria of voluntariness, and thus of valid consent, and as such cannot meaningfully contribute to our analysis to exploitation.

Unacceptable Choices: Preferences and Needs

A proponent of a version of Marxist view of exploitation, Jeffrey Reiman, argues that “if B is considerably less acceptable than A, I would say that those who end up in A have been (relatively) tightly forced […] into A.” 66 Put this way, this understanding of forced, and thus involuntary, choice seems much too broad: if it is to be plausible, it needs to provide criteria of what makes one’s alternative options unacceptable (or at least far less acceptable than the proposed option). After all, if I choose chocolate ice cream because I find all the other flavors far less satisfying, it would be absurd to claim that my choice was involuntary or forced simply because I found all the other alternatives unacceptable. Or, if I’m offered two jobs, one as a waitress and the other as a typist, we wouldn’t normally say that my choice to be a typist was forced or

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involuntary, even though working as a waitress may have been completely unacceptable
to me.

Equating the notion of involuntariness with that of sheer *unwillingness* may
seem attractive – literally understood, the two concepts do have the same meaning;
however, involuntariness is standardly associated with force, while unwillingness
usually stands for reluctance, disinclination, and even mere lack of enthusiasm. Despite
the fact that equating the two concepts doesn’t correspond to our intuitions about their
meanings and implications, it is occasionally suggested that they should have the same
moral import. Nozick, interestingly enough, proposes an account of coercion that puts
the notion of “what one does willingly” at the center of essential criteria for coercion.
He suggests that whether one is coerced (and whether her action is therefore
involuntary) depends on her preferences: the recipient must not only favor accepting the
proposal in question over refusing it, but must also prefer *getting the proposal* (or
having the “proposer” changing the range of her options in some other way) over the
status quo.

According to this view, I am coerced if (1) I do x because you have changed my
circumstances in such a way that I now want to do x, but I wouldn’t want to do x if you
didn’t make the change, *and* if (2) I would have preferred that you hadn’t changed my
circumstances in such a way in the first place. In other words, if the only reason why I
end up choosing x is that you have arranged my options in such a way that I now find x
to be the most acceptable choice, it doesn’t yet follow that I’m being coerced (since you may have, for example, just offered me a high raise in case I don’t quit my job); however, if I would have also preferred that you didn’t make the offer (i.e., I would have preferred that things remain the way they were before you made your proposal), then my choice is not fully my own, but is rather involuntary, forced, and even coerced, according to Nozick.

John Elster proposes an account of coercion which seems to share Nozick’s assumption that preferences are central to distinguishing involuntary from voluntary action:

The common feature of these cases is that an agent A performs an action $x$ that has the intended and actual consequence of making another person B perform an action $y$ that differs from the action $z$ that B would have performed had A instead pursued his “normal” course of action $w$. We must also stipulate that B prefers the counterfactual situation in which A does $w$ and [B] does $z$ to the actual one in which A does $x$ and [B] does $y$.67

Elster’s language is rather technical, so let’s translate it into a real life scenario that fits his proposed definition: You call me on a Friday afternoon and ask me if I want to go the gym with you. If you didn’t call me, I would have stayed home and watched TV. I

would have also preferred that you didn’t make the call; however, because I don’t want to hurt your feelings, or because I know that I need to work out, I agree to go with you. According to Elster’s account, it seems that you have now coerced me into going to the gym: if you didn’t call me with the intention of getting me to the gym, then I would have stayed home, which is the state I would have preferred at the time. Yet, the proposed conclusion, namely that this makes my going to the gym involuntary, is clearly nonsensical; it also seems odd to claim that you, the person who made the phone call, are acting coercively, since you were hardly trying to force my choice, especially since it seems quite plausible to assume that you weren’t aware of my preferences.68

A standard job proposal can be technically understood as “come to work for me or I won’t give you the money.”69 Such an offer is normally not considered an instance of coercion, even by Elster’s and Nozick’s standards, because people in general prefer to get such offers, even if they end up rejecting them over still better ones. However, if my boss tells me that she’s going to fire me if I don’t start working harder, then it seems

68 I am quite sure, of course, that Elster would agree with my conclusion. He is aware that his definition clearly needs some fine-tuning, and his intuition seems to be that it’s not enough that I simply prefer action A to action B, but also that all the available alternatives to the proposed action need to be significantly less acceptable – they have to be “below some critical level”. (Elster 1997, p. 36) In the course of the next few pages, I will show why this addition makes Elster’s proposal even less plausible.

69 Nozick 1969, p. 447.
that both Nozick and Elster would have to conclude that my boss is coercing me, since I would in fact prefer to slack off and still keep my salary; in Nozick’s terms, I would prefer my boss not having changed my choice situation so that I now have to choose between the two. This view then implies that my subsequent decision to work harder in order to keep my job is involuntary.

Does that make any sense? Perhaps it does, if we want the notions of involuntariness and coercion to have a merely descriptive status; but it won’t do absolutely any work if the question is whether someone is doing something wrong by changing my choice position and the alternatives available to me. If we like, we can adopt the criterion of appealing to one’s preferences in order to determine whether one’s choice is voluntary in descriptive and morally irrelevant sense, but preference-based view of voluntariness won’t help us settle the question of wrongful use.

Reluctance to perform proposed actions, no matter how strong, is clearly insufficient to support judgments about moral permissibility of specific offers. Claiming that “A is guilty of coercing B to do x, because B doesn’t really want to do x,” is obviously not going to work. It seems rather absurd to claim that we should be considered coerced whenever we need to sacrifice something in order to achieve a desired end, when the two are mutually incompatible, as are sitting in front of the TV all days long and staying healthy and fit, or retaining all your money and having a nice house and enough to eat every day. The fact that we often have to choose only one out
of two or more desired options is not present only in proposals that narrow our options, but also in virtually all offers, i.e., the proposals that add to our existing set of options – yet, just because there’s no such thing as a free lunch, it doesn’t follow that our paying for our lunch is automatically involuntary or coerced.

The “preference-based” account of voluntariness is not entirely without its merits, however: it brings to attention the fact that we can exploit not only people’s needs, but also their desires, wants, and idiosyncratic inclinations, as some of my examples show. Yet, acceptability of one’s range of alternatives clearly cannot depend merely on one’s wishes or preferences. Rather, when we say that one truly has no reasonable choice, we usually mean that she has to give up something truly significant, something of great value and importance.

Approaching “unacceptability” of available alternatives from this angle tries to correct for the over-inclusiveness of the preference-based view by focusing on people’s needs instead. The idea behind “unacceptable alternatives” is not simply that people have to do something they’d rather not do in order to get something they want, but rather that they have to do these things in order to get something they need; if a person accepts a proposal because she (or her children, for example) will otherwise die, starve, become or stay homeless or ill, then she is forced into accepting that offer.
Paradigm example of exploitation, sweatshop labor, seems to fit nicely within these criteria. Sweatshop workers usually stand to suffer drastic, dire consequences if they are to decline an offer to work in a sweatshop, and it seems plausible to argue that one’s choice should not be considered adequately voluntary if all of her other options are extremely harsh (disease, starvation, homelessness…). Tommie Shelby argues that we are forced in a morally relevant sense whenever we face certain constraints on our freedom to choose between alternatives, but he also notes that this is a necessary, not sufficient, condition of wrongful use: a justified charge of exploitation also demands that there be an asymmetry in power between the two parties, and that the exploited party’s forced sacrifice benefits the exploiter.\(^\text{70}\)

Shelby thus defends a force-inclusive definition of exploitation (which amounts to the same as defending the consent-condition), and further argues that one is forced to accept a proposal when refusing to do so "would involve allowing some vital need to go unfulfilled."\(^\text{71}\) For example, a woman may be compelled by her circumstances when she chooses to engage in prostitution, if her only other alternatives are "extreme poverty, returning to an abusive home, more risky forms of criminal activity," \(^\text{72}\) and so on. On


\(^\text{71}\) Ibid., p. 397, emphasis mine.

\(^\text{72}\) Ibid., p. 398.
the other hand, we are not forced when we have to choose among fulfilling our mere desires or inclinations, and we are therefore not exploited when someone takes advantage of the fact that we have these preferences.

Shelby therefore suggests that one’s alternative options must be severely dire if they are to count as unacceptable enough to make one’s choice involuntary, and Elster seems to be endorsing a similar idea by suggesting a refinement of his initial proposal that our choices are involuntary whenever we would prefer not to have to make them. Referring specifically to labor exploitation, Elster proposes that one is forced to sell her labor power if “(1) the alternative is below some critical level and (2) the offered wage is well above the alternative.” Since both conditions seem to be fulfilled in standard sweatshop cases, it seems to follow that sweatshop labor is forced. But, in order to properly test Elster’s definition, we might need to consider a different example that fits his proposed criteria: if I’m unemployed with no job offers, and you offer me a regular, perfectly legal job that pays $100,000 a year, my other options are both below critical level and far less acceptable than your proposal, but it still makes no sense to say that my accepting your job proposal is forced or involuntary – yet, Elster’s account seems to imply exactly this conclusion. Actually, Elster’s view (which is in fact very similar to Reiman’s view presented at the beginning of this section) turns out to be incredibly

73 Elster 1997, p. 36, emphasis mine.
counterintuitive: according to this view, if you can currently afford one meal a day, then offering you two meals for a day’s work is less exploitative than offering you five meals for the same amount of work; the higher your proposed paycheck, the more likely it is that about to be exploited.

More importantly, however, it is not always plausible to proclaim a choice involuntary whenever it involves a great sacrifice and is made only because one’s other options are even worse, possibly fatal. Wertheimer’s Gangrene Patient scenario, introduced earlier in this chapter, reminds us that people can make a voluntary choice even in dire circumstances: if we were to consider the patient’s choice to have her leg amputated involuntary simply because her only alternative is death, then we could make no use of the concept of informed consent in medicine! One of the central requirements of informed consent is that the patient’s choice must be voluntary: we don’t dismiss people’s decisions to undergo lifesaving treatment by arguing that their consent is invalid, “because they have no other acceptable alternatives anyway.”

The central problem with both versions of the Unacceptable Alternatives view – the preference-based and the needs-based version – is that they fail to provide us with reliable criteria of what makes one’s available options relevantly unacceptable to render the resulting choice involuntary. The preference-based version is clearly over-inclusive,
since it equates involuntariness with sheer unwillingness. However, the needs-based view fails as well: it just cannot be said that our choices are involuntary whenever rejecting the proposal would let one or more of our needs go unfulfilled, since this would make all our life-saving choices involuntary. Another problem with the needs-based version of this view is that it is also under-inclusive: it implies that we cannot have our preferences and virtues exploited, as long as our available options aren’t sufficiently drastic; I will say more about these concerns in the next chapter.

All in all, it seems that both versions of the Unacceptable Alternatives view fail because they cannot provide us with reliable criteria of voluntariness – but these criteria would only be really needed in the first place if we would insist on the consent condition of exploitation, as the above authors do. I believe that the failure of these approaches only confirms the intuition that we don’t have a good reason to insist that exploitation needs to necessarily involve invalid consent.

**Conclusion**

Many authors, such as Elster and Reiman, note that the proponents of the Coercion-based view of voluntariness are neglecting what they consider a fundamental ingredient of genuine choice: “positive liberty” or “real ability.” Absence of wrongful coercion only guarantees negative freedom, but it doesn’t yet enable us to do what we want, or
even to get what we truly need. If we abandon the *Coercion-based* view, and instead interpret involuntariness as a descriptive notion of one’s psychological state (as proponents of the *Unacceptable Alternatives* view seem to do), then we may show that people’s actions can be involuntary even when no one is violating their rights. “I’ll fire you if you don’t work harder” will make my working harder equally (in)voluntary, whether my boss is acting within her rights when making this threat or not. But this doesn’t help us solve the problem of wrongful use: we know that there is nothing wrong *per se* with “forcing” people to do what they’d rather not do. My boss has every right to fire me if I don’t do my job – she’s not “coercing” me in any morally relevant sense, and I cannot reasonably complain that my resulting actions are involuntary (at least not in the sense that would have any moral implications), no matter how much I would prefer to be paid for *not* doing my job.

In combination with the consent condition, both the *Coercion-based* view and the *Unacceptable Alternatives* view fail to recognize several types of exploitation as involving wrongful use. If we insist on the claim that one cannot be exploited if her consent is voluntary, we may be able to explain only instances of exploitation that involve rights-violations, or perhaps, additionally, those that involve “hard circumstances,” like sweatshops. However, when it comes to many cases of alleged exploitation in personal relationships, we must either concede that the people in my examples aren’t wrongfully used, or else admit that their choices are involuntary. I see
no good reason why we should do either; each of these two options carries a risk of
distorting the notion that it’s trying to define: exploitation.

I believe that the notion of consent (or voluntariness) offers hardly any help with
determining exploitation, and I will later attempt to show that we cannot adequately
address the issue of exploitation without focusing more on the exploiter, and much less
on the exploitee. For now, let me turn to the examination of vulnerability-based
accounts of exploitation.
Chapter 3

Taking Advantage of Vulnerabilities

The notion that exploitation consists in taking wrongful advantage of another’s vulnerability is widespread in philosophy. Considering the popularity of this view, it is disappointing to find that very few authors offer to provide substantive accounts of the vulnerabilities they consider pertinent to exploitation, as well as of relevant features which make taking advantage of those vulnerabilities wrongful. In this chapter, I analyze the few approaches that in fact attempt to provide such accounts, with the intention of examining whether and how they pertain to exploitation in personal relationships.

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People who possess the ability or resources to fulfill our needs and desires often have a certain kind of power over us, which in turn makes us vulnerable to them: if I want something that you own or have control over, especially if that item or service is hard to
come by, then you have the advantage of manipulating the rules of our transaction, and this can make me vulnerable to your abuse of this advantage. This has led some philosophers to argue that taking advantage of other people’s vulnerabilities is a defining feature of exploitation.

The notion that exploitation generally consists in taking wrongful advantage of others’ vulnerabilities certainly sounds intuitive and is quite widespread: Ruth Sample, for example, argues that “exploitation involves making use of another’s vulnerability;”74 Robert Goodin claims that exploitation consists in “pressing your advantage against […] those who are particularly vulnerable to you,”75 and Alisa Carse and Margaret Little define exploitation as “an exchange that involves wresting benefit from a genuine vulnerability in a way or to a degree one ought not.”76 Even some authors who don’t center their theories of exploitation around the idea of vulnerabilities often agree that exploitative interactions and relationships involve taking advantage of


It has to be admitted that this notion is quite intuitive, especially if we consider some standard cases of exploitation: a starving farmer is vulnerable to being exploited by someone who can satisfy his need for food; a person in love is vulnerable to being exploited by the object of her affection; a sick person is vulnerable to being exploited by someone who can help him restore his health; a stranded motorist is vulnerable to being exploited by a potential rescuer. Many theorists argue that what makes one particularly likely to be exploited is most often her incapability to fulfill her essential needs, and for many, exploitative behavior consists exactly in taking advantage of such vulnerabilities.

In the previous chapter, I have examined the views which base the charge of exploitation on the absence of valid consent to the transaction under scrutiny. The proponents of the Unacceptable Alternatives view of voluntary consent direct their attention to the fact that the agent is unable to meet some of his needs because of circumstances that make it impossible to choose a different course of action. It is not difficult to see that most crimes fall within this category. A man who has no means of maintenance is vulnerable to being exploited by someone who can satisfy his needs; a person in love is vulnerable to being exploited by the object of her affection; a sick person is vulnerable to being exploited by someone who can help him restore his health; a stranded motorist is vulnerable to being exploited by a potential rescuer. Many theorists argue that what makes one particularly likely to be exploited is most often her incapability to fulfill her essential needs, and for many, exploitative behavior consists exactly in taking advantage of such vulnerabilities.


Of course, not everyone who needs something is automatically vulnerable in the relevant sense. The degree of one’s vulnerability is proportional to one’s need’s urgency and the scarcity of the means of fulfilling it: I’m more vulnerable to you if the needs that you can fulfill are very strong or vital, and I’m especially vulnerable if I don’t have many alternative means of fulfilling those needs. Sweatshops can be once again used as a paradigm example: sweatshop workers are usually exploited precisely because they are having a hard time fulfilling their basic needs (such as needs for food and shelter), and because they have extremely poor alternative ways of fulfilling those needs.
attention to the question of *why* people consent to certain interactions: if the answer is “because they have no other (acceptable) options,” then we should presume that such interactions are not truly consensual, but rather forced in some way that makes their involvement involuntary. I have argued that proclaiming a person’s consent invalid whenever she has no reasonably acceptable alternatives turns out to be implausible; however, it may still be feasible to argue that one is exploited when the reason *why* she (validly) consents to an agreement is that she has no other viable options. In other words, it could be argued that the absence of reasonable alternatives is an essential feature of wrongful use, without thereby assuming that the alleged exploitee’s consent is automatically invalid in cases where she can only refuse a proposed transaction on pain of not being able to satisfy one or more of her other needs. In such cases, we could argue that the person’s substantive vulnerability is being taken advantage of, and that she is therefore exploited, despite providing valid consent.

In this chapter, I am going to examine approaches that attempt to analyze exploitation in this way: that is, in terms of “taking advantage of someone’s vulnerabilities.” I want to examine both how these theories succeed in analyzing exploitation in general, as well as how they fare in relation to exploitation in personal relationships in particular. Since the vulnerability-based definitions of exploitation have two essential components – the notion of vulnerabilities and the concept of ‘taking advantage’ – the proponents of this approach need to address two questions. The first
concerns the question *which* vulnerabilities are relevant for exploitation, i.e., what types of vulnerabilities need to be taken advantage of for an interaction to count as exploitative. As we will see, different authors disagree on whether every perceived need or desire can be considered a vulnerability that can be potentially exploited, or whether only people’s essential needs can constitute relevant vulnerabilities. Most authors tend to settle for the latter option: vulnerabilities considered relevant for exploitation are usually those that are more or less directly connected to our essential needs, while taking advantage of mere desires is in general not considered exploitative.

The second question concerns what *relation* one must stand in to another’s vulnerability in order for that relation to constitute exploitation. Given that it doesn’t always seem wrong to benefit from the fact that other people need things we can provide them with (it is, for example, acceptable to trade food, medicine, and clothes for money), we need to establish the criteria that will help us recognize when “taking advantage of a vulnerability” is indeed wrongful and therefore exploitative.

After examining different approaches to these two questions, I will conclude that the notion of vulnerabilities is not very helpful for analyzing all instances and types of exploitation. If exploitation must involve taking advantage of genuine vulnerabilities, such as basic needs, then the criterion is too restrictive and doesn’t allow for criticism of cases where one’s wants and desires are being exploited. This doesn’t mean that vulnerability-based accounts of exploitation don’t capture an important and extensive
part of exploitative interactions: basic-needs-based approach is particularly feasible when applied to one of paradigm cases of exploitation: sweatshop labor. Still, these theories are limited in scope and only work within that particular scope. I will provide some examples which show that an approach based on taking advantage of basic needs doesn’t in fact correspond to the general notion of wrongful use: while taking advantage of a person’s hunger or illness is certainly particularly heinous, it doesn’t follow that one cannot wrongfully exploit a well-off person’s generosity and compassion, or even a wealthy person’s shoe fetish.  

I will also argue that the problem of under-inclusiveness of needs-based accounts of relevant vulnerabilities cannot be solved by claiming that anything, even the most superficial desire, should be considered a vulnerability, at least for the purposes of defining exploitation. Such an account would not only trivialize the notion of vulnerability, but would also utterly fail to illuminate the problem of exploitation: if anything, including wants and desires, can constitute a relevant vulnerability, then we seem to be arguing for a tautological definition of vulnerability according to which

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79 Two of my examples are going to prove especially instructive here: in one case, “Uncle,” a young man is taking advantage of his uncle’s generosity and his virtue of promise-keeping, while in another example, “Neighbor,” a young woman keeps taking advantage of her neighbor’s kindness and concern in order to ask her for favors at the last minute. I will argue that both cases involve exploitation, despite the fact that the uncle and the neighbor have all of their basic needs met, and it is therefore not their needs that are being taken advantage of.
anything that makes you vulnerable to exploitation consists a relevant vulnerability. The phrase “to be vulnerable to exploitation” then simply means the same as “to be susceptible to exploitation” – and it is obvious (and analytically true) that one cannot be exploited if one is not susceptible to it. Clearly, such a tautological definition then doesn’t add anything to the analysis of exploitation by emphasizing that “taking advantage of vulnerabilities” is essential to the phenomenon.

My criticism of the vulnerability-based accounts, in short, is two-pronged: either the criteria of vulnerability are substantive but then too restricted (as is the case with basic needs), or they are generous but then carry no weight for an analysis of exploitation (which is what happens if we consider just any need or desire a relevant vulnerability). In other words, basic-needs-based accounts of vulnerabilities succeed in indentifying and condemning sweatshops and other kinds of labor exploitation, but they fail in their attempts to define the general notion of exploitation; at the same time, those accounts that define vulnerabilities in more extensive terms than are basic needs are too vague and unable to explain why and when taking advantage of vulnerabilities so understood is wrong. In each case, we get a theory that is unable to fulfill its proclaimed aim: providing a satisfactory account of the general notion of exploitation.

Regarding the fact that vulnerability-based definitions of exploitation require substantive analyses of two concepts – that of vulnerabilities themselves and that of the relation the exploiter stands in to another’s vulnerability – it needs to be clarified that I
will focus much more on the former, i.e., the definition of the notion of relevant vulnerabilities. I believe that, after convincingly showing that we cannot provide a helpful account of vulnerabilities that would be useful for the purposes of defining exploitation, it doesn’t make much sense to dwell on the ‘relation’ part.

Before I proceed with examining substantive vulnerability-based accounts of exploitation as presented by Ruth Sample and Robert Goodin, I would like to motivate the analysis by taking a brief look at some general background and intuitions regarding the role of vulnerabilities in a theory of exploitation.

### 3.1 Vulnerabilities, Susceptibilities, and Needs

Notions of vulnerabilities and their defining features are often employed as if their meanings are self-explanatory and non-problematic; a good illustration can be found within a rising number of approaches to the ethics of clinical trials (especially those conducted in developing countries).\(^8^0\) A bulk of bioethics literature is devoted to the

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subject of “vulnerable populations” and to establishing norms that would prevent such populations from being exploited within the spheres of healthcare and medical research.  

However, instead of providing substantive criteria of the features that make certain populations vulnerable, most authors prefer to present us with guidelines which list categories of vulnerable groups that merit special protections and justifications, among which are children, women, elderly, prisoners, refugees, deportees, indigenous people, ethnic and other minorities, handicapped or mentally disabled persons, and economically and educationally disadvantaged populations. Among these, some groups consist of individuals whose circumstances are likely to prevent them from providing valid consent (children and mentally handicapped are obvious examples), and some authors indeed conflate the notion of vulnerability with the participants’ inability to consent. They accordingly categorize as vulnerable exclusively those subjects who either lack competence needed for consent, or are likely to be coerced or misinformed.

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"Vulnerability as a Concept of International Human Rights Law" in *Journal of International Relations and Development* 6, no. 2 (June 2003): 139-155.


about the nature and risks of a given clinical trial.\textsuperscript{83} At the same time, some other accounts of relevant vulnerabilities don’t emphasize the participants’ (in)ability to provide valid consent, but rather tend to focus on their limited resources\textsuperscript{84} (especially on those required to fulfill the most basic human needs), while some other approaches focus on “inequities of power, knowledge, or material means”\textsuperscript{85} between the researchers and their subjects.\textsuperscript{86}

Despite extensive lists of categories and subcategories, however, the concept of vulnerability remains vague and elusive, and when an attempt at a definition is made, it often consists of further imprecise notions. I have used the literature on the ethics of clinical trials as an illustration of the imprecisions that are present both in philosophical and in our commonsensical intuitions about vulnerabilities: despite the complexities behind the concept, it is often used as if its meaning is self-evident, and as if it is


\textsuperscript{85} See David C. Thomasma, "The Vulnerability of the Sick" in \textit{Bioethics Forum} 16, no. 2 (Summer 2000): 5-12; p. 7.

\textsuperscript{86} These approaches notably give credit to the idea that people are not vulnerable \textit{simpliciter}, but are usually vulnerable only to some people, and only in certain respects; I will say more about these important qualifications in the next few sections.
sufficiently clear when taking advantage of such features is wrong. If we want to define exploitation in terms of taking advantage of people’s vulnerabilities, we need a much clearer idea of what counts as a relevant vulnerability in the first place.

**Which Vulnerabilities?**

Robert Goodin argues that people who are relevantly vulnerable to exploitation are those whose interests are strongly affected by others’ actions and choices. But this still sounds too broad – put this way, it doesn’t yet answer the question of what in particular constitutes the notion of vulnerability that could be usefully applied to a philosophical analysis of exploitation. What makes us vulnerable in the sense that can be exploited by others, or, to put it in somewhat different terms, which vulnerabilities are relevant for exploitation?

In his article, “Exploitation”, Allen Wood categorically denies the possibility that each and every need, want, or desire could be said to constitute an actual vulnerability of the sort that can be properly exploited (i.e., wrongfully used). Wood in fact warns us that adopting a view that “any need or desire constitutes a vulnerability” would be absurd, and would “make exploitation virtually ubiquitous in human social

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87 Goodin, 1987; p. 187.
Wood’s point is that we can’t make use of a definition of exploitation in terms of taking advantage of vulnerabilities if any susceptibility to loss can be construed as a vulnerability, since this would lead us to conclude that many perfectly permissible interactions involve exploitation. If we want to avoid this conclusion, Wood argues, we must acknowledge the difference “between human interactions which play on genuine vulnerabilities (i.e., those relevant for exploitation) and those which do not,” even if we don’t (yet) have an account of which vulnerabilities count as “genuine”, and are as such relevant for exploitation.

Many authors agree with Wood’s claim that, if exploitation is to be defined as taking advantage of vulnerabilities, then we need to make sure that we are talking of genuine vulnerabilities, and not just any susceptibilities or predispositions to harm. Alisa Carse and Margaret Little, for example, agree that vulnerabilities cannot be defined merely as “susceptibilities to loss”, since this is too broad. They distinguish such de facto vulnerabilities from “more genuine ones”: “those susceptibilities that tend

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88 Wood, p. 145.

89 Ibid. This seems to suggest that Wood understands the notion of “taking advantage” in morally neutral terms (as simply meaning “to benefit”), and that we thus need to determine benefitting from which desires or needs is wrong, in order to thereby determine what constitutes wrongful use. As I will argue towards the end of this chapter, this approach seems quite misguided; it is instead more promising to argue that, while we can exploit any need or desire, we must distinguish between ways of taking advantage (i.e., benefitting) that are wrongful, and those that are not.

to render precarious one’s access to more important goods.”

It is only taking advantage of such genuine vulnerabilities that has the potential to constitute actual exploitation. But how exactly do we determine which kinds of features can be considered relevant vulnerabilities? In the next section, I will present the two most substantive and comprehensive accounts of what makes certain vulnerabilities relevant for exploitation: the theories presented by Robert Goodin and Ruth Sample.

3.2 Fair Play and Basic Needs

As I noted in the introductory chapter, the idea of unfairness is often used in conversations on exploitation. Sometimes, as we saw, the idea of unfair distribution of surplus value generated by the transaction is only meant to capture cases that involve goods to be distributed and don’t claim to cover all cases of exploitation, as Wertheimer himself agrees. But other times, fairness is used by certain theorists like Goodin not in a distributive sense, but in the sense of fair play; when combined with the notion of

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Ibid. Interestingly, Michael Kottow proposes notions of vulnerability and susceptibility that seem diametrically opposed to those put forward by Carse and Little. Kottow argues that being vulnerable is a descriptive characteristic of human beings qua humans: it means that we are fragile, but can be nevertheless intact. (Kottow 2004, p. 281) To be susceptible, on the other hand, involves “being injured and predisposed to compound additional harm”. (Kottow 2003, p. 460) However, I find that most authors understand these two notions as presented by Carse & Little, which is how I will be using them throughout this chapter.
relevant vulnerabilities, this understanding of “unfair advantage-taking” is supposed to capture all, rather than just economic, instances and kinds of exploitation – at least according to Goodin.

Goodin begins his vulnerability-based account by explaining that exploitation consists in taking unfair advantage of someone, where unfairness can depend either on the characteristics one is taking advantage of, or on the way in which one is doing it. Goodin suggests that the substantive notion of unfairness involved in exploitation is best explained through a game analogy:

‘Fair play’ is play according to the formal rules and informal ethos of the game. ‘Unfair advantage’ is play at variance with those standards. ‘Taking unfair advantage,’ seen in this light, would consist in availing oneself of strategic opportunities which are denied to one under the rules and ethos of the game at hand.\(^92\)

Just as what is fair and unfair will depend on the nature of the game, so what is to count as exploitative or non-exploitative will depend on the context and circumstances of a given interaction or relationship. Goodin argues that there is nothing about acts themselves that makes them intrinsically exploitative; whether playing for advantage is unfair or not will depend on whether it is appropriate to do so in the given context: “Exploitation thus consists in playing games of strategy in circumstances which render

\(^{92}\) Goodin 1987, p. 183
them somehow inappropriate.”

Establishing when it is appropriate to play for advantage is therefore not something we can determine independently of the accepted social norms of a specific society or culture: Goodin’s theory relies heavily on accepted social norms, as he explains exploitation in terms of a violation of the norms governing certain social interaction:

Once the norms are set, whether or not they have been violated is an objective fact. The subjectivistic, relativistic element in notions of exploitation comes in the setting of the norms in the first place, not in determining whether or not they have been violated.

There would therefore seem to be no general, universal rule which would help us determine when someone has been wrongfully used: we must necessarily rely on particular social norms to help us support the charge of exploitation in any specific case. Yet, things are not hopelessly relativistic according to Goodin: it is precisely the concept of vulnerabilities that is supposed to help make his account of exploitation more objectivist. By appealing to the notion of vulnerabilities, Goodin proposes a way of defining exploitation in supposedly universal terms: according to him, exploitative transactions, are manifestations of a flagrant violation of our duty to protect the vulnerable, i.e. those “whose interests are strongly affected by our own actions and

\[93\text{ Ibid., p. 184.}\]

\[94\text{ Ibid.}\]
choices, regardless of the particular source of their vulnerability." Goodin further identifies four kinds of playing for advantage that can be considered wrongful (i.e., exploitative) due to the fact that the exploitees in these cases are relevantly vulnerable to us: it is wrong to play for advantage against those “who have renounced playing for advantage themselves,” those “who are unfit or otherwise unable to play in games of advantage,” those “who are no match for you in games of advantage,” and when “your relative advantage derives from others’ grave misfortunes.”

While these relative terms carry a potential to identify the kinds of vulnerabilities relevant for exploitation in general (as opposed to just economic exploitation), they might still be considered too vague, and perhaps overinclusive. Ruth Sample, who proposes a substantive critique of Goodin’s theory, finds his account to be overly relativistic and insufficiently precise regarding the nature of relevant vulnerabilities. Sample proposes a more substantive and precise account of the features that are supposed to count as genuine vulnerabilities; she provides an in-depth analysis which distinguishes between vulnerabilities that are relevant to exploitation (“genuine vulnerabilities”), and those that are not. Sample’s theory is among the most recent ones, and is at the same time thoroughly concerned with a substantive account of relevant vulnerabilities, which needs to be carefully unpacked and analyzed.

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95 Ibid., p. 187.
96 Ibid., pp 185-186.
Capabilities and Basic Needs

Sample’s account of exploitation relies on a very definite understanding of what makes a person vulnerable. Far from interpreting it as just any susceptibility to loss, Sample defines vulnerability in terms of basic human needs: what counts as a genuine vulnerability (i.e., a vulnerability that can be wrongfully taken advantage of) will depend on an account of what people require for a good, flourishing life. According to her, a genuine vulnerability will have to involve “an extreme dependency with respect to something that one needs – not merely something that one wants.”

Sample’s list of genuine needs, however, encompasses more than mere basic material goods that one requires in order to survive, such as food, shelter, and necessary medical aid; many of Rawls’s social primary goods, such as self-respect, powers and opportunities, rights and liberties, represent genuine needs that need to be met if a person is to live a flourishing life.

Yet, even a just distribution of social primary goods may not be sufficient for a flourishing life. Sample finds Martha Nussbaum’s more extensive capability approach to be especially compatible with our commonsense intuitions about what we owe to each other, and as such particularly well-suited for determining fundamental vulnerabilities that can be wrongfully taken advantage of. Nussbaum characterizes

97 Sample 2003, p. 74.
98 Ibid., p. 76
capabilities in terms of “basic powers of choice that make a moral claim for opportunities to be realized and to flourish,” and proceeds to list ten central human capabilities, among which are also emotional capability, practical reason, and affiliation with others. While we may disagree with Nussbaum regarding the specific content of “threshold capabilities,” Sample’s point is that, once we do agree on a basic list of capabilities that need to be fulfilled if the individuals are to flourish in a particular society or culture, we can use that list in order to determine which of those needs count as genuine vulnerabilities that are relevant to exploitation (i.e., needs that can in fact be wrongfully used).

The important thing to keep in mind is that, according to Sample, we can only exploit genuine vulnerabilities, rather than anything people might imagine they “need.” Put differently, Sample considers taking advantage of another’s basic needs a necessary condition of exploitation:

I reject the idea that a person could be exploited if no vulnerability is made use of. A person whose basic needs are met, and who nonetheless chooses to transact in a way that would violate a putative restriction on exchange, is not exploited.

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100 Ibid., pp. 78-80.

101 Sample 2003., p. 83.
According to Sample, then, if a person’s basic needs are met, then she cannot be exploited, even if she chooses to participate in a transaction that would count as exploitative were her basic needs not met. Sample in fact argues that using her spouse’s “need for [her] affection and approval to convince him to quit smoking or to give up scuba diving” would not be exploitative, since she is not asking him “to give up or compromise something that is a prerequisite of or constitutive of human flourishing.”

The only vulnerabilities that can be exploited, then, are those that fit “a set of human capabilities and their concomitant functionings.”

As I have already noted, benefitting from another’s vulnerability is certainly not sufficient for exploitation, and Sample makes that clear by arguing that we exploit others only when we take advantage of their vulnerabilities in a degrading or disrespectful manner. The contentious point, however, is that she is adamant that taking advantage of basic needs is a necessary condition of exploitation; therefore, if we take advantage of someone’s mere desire, i.e., of something that is not objectively essential to their flourishing, we cannot be said to be exploiting them, no matter how degrading our manner of taking that advantage is. I will critically examine this view in the following section.

102 Ibid., p. 84.
103 Ibid., p. 83.
3.3 Exploiting Virtues, Vices, and Desires

Taking advantage of people in need certainly does sound very close to what we often have in mind when we accuse one person of exploiting another. Unlike the consent-based accounts of exploitation, the vulnerability-based ones can in fact account for sweatshops exploitation, which is certainly a notable improvement. Yet, further analysis shows that the vulnerability-based interpretation of the general notion of exploitation may cause even more problems than it solves. While Sample’s view does a good work in identifying what is wrong with labor exploitation of impoverished workers, it is far less obvious that all forms of exploitation involve taking advantage of basic needs. Examples that involve exploiting another person’s generosity, sense of moral duty, or even one’s greediness, all seem to invalidate the assertion that we can only exploit others’ basic needs, since the exploitees’ basic needs are more than satisfied in these examples. I wish to examine a few such examples, in order to illustrate my suspicions about the needs-based approaches.

It seems that we can often exploit people whose basic needs are met by, for example, taking advantage of their moral virtues, as is shown in my example (“Uncle”) where John’s uncle has promised John’s mother on her deathbed to make sure John never ends up on the street. The uncle feels that it is his moral duty to keep his promise, despite the fact that John is now obviously taking wrongful advantage of him by refusing to look for a job and simply relying on him to keep supplying him with money.
There is no doubt that the uncle’s basic needs are met, but it still seems that John is exploiting him; however, John seems to be taking wrongful advantage of his uncle’s moral virtues, not his basic needs. It seems that Sample would have to admit that this example doesn’t in fact involve exploitation.

It further appears that desires can be wrongfully taken advantage of as well, as we can observe in the following scenario:

“Cruise”

Susan yearns to go on a cruise in the Mediterranean, but cannot afford to do so. She tells about her desire to her coworker, Max, who proposes to pay for Susan’s cruise if she takes responsibility for a business deal gone bad due to Max’s carelessness and inadequacy. Susan knows that she will be publicly humiliated; however, her desire for a cruise is so strong that she decides to accept the proposal anyway.

Knowing how much Susan wants to take the trip, Max is aware that it will be hard for Susan to decline. But, while Max is clearly exploiting Susan’s wishes for his own purposes, he is, once again, not taking advantage of her basic needs; he is, rather, guilty of taking wrongful advantage of her desires.

For another example of exploiting another’s desire, consider a case in which a rich man offers to pay for a relatively poor woman’s education on the condition that she becomes his mistress; it has been the woman’s desire for years to be able to enter a specific graduate program, but she can’t afford it. While it seems that the man is exploiting the woman, it is hardly true that entering any graduate school can be
considered satisfying a basic need – and concluding that the woman is nevertheless exploited conflicts significantly with Sample’s account.

It is furthermore also possible to exploit another’s character flaws and moral vices, although Joel Feinberg argues that “exploitation of another party’s defect of character is likely to seem the least blamable form of noncoercive, nonfraudulent exploitation.”

104 Taking advantage of another’s cruelty or greed, he says, may be wrong, but there is a “pleasing element” to it. Yet, it seems to me that, while watching others getting “hoisted with their own petard” may be amusing, it is nevertheless true that it’s usually wrong to exploit others, despite their weaknesses and vices. Imagine that John’s uncle were a narcissistic, egocentric man, whose only reason for continually bestowing so much money on his nephew is that he doesn’t want his neighbors to see that he has poor relatives; his nephew knows about his uncle’s preoccupations with appearances, and keeps taking advantage of them. There are clearly no “genuine vulnerabilities” involved, yet we can see how it’s wrong of John to keep turning down jobs and spending large amounts on partying, all the while knowing full well that his uncle will keep on resentfully giving in to his requests for more and more money, since he can’t stand being thought off as coming from a “bad family.” These examples cast doubt on the idea that we can only exploit what Sample terms “genuine vulnerabilities;” it seems

that we can also exploit others’ moral virtues and vices, as well as their idiosyncratic wants and desires.

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Analyzing vulnerabilities in terms of basic needs provides us with a theory of exploitation that dismisses many cases of purported exploitation in personal relationships as not in fact exploitative. I believe, however, that the cases I have presented in the introduction yield a strong intuition that they genuinely do involve exploitation, and I think that this intuition should be indulged for at least a little longer: even if Sample’s theory cannot account for these cases, perhaps we can make use of a more general vulnerability-based account of exploitation that interprets the notion of vulnerabilities more broadly, so that it includes desires, virtues, and also vices.

Goodin’s theory seems to be more open to the possibility that we can exploit more than people’s basic needs. Yet, it too suffers from some considerable flaws. First, his theory relies heavily on accepted social norms, which are, as he himself readily admits, quite relativistic in their constitution. According to Goodin’s account, we can justifiably accuse someone of exploiting another only if she is flouting some accepted social norm. Yet, it would seem that a theory of exploitation that cannot appeal to any universal moral standards certainly fails to provide us with a tool that would enable us to charge a norm itself as exploitative. Ruth Sample is right to point out that an account of exploitation that is conventionalist about acceptable norms cannot really explain
what is bad about exploitation in general: “Goodin’s view does not allow us to say that a person has complied with the prevailing standards for responding to another person’s vulnerability and yet exploited them.”

Despite this failing, though, one could still make use of Goodin’s general understanding of exploitation in terms of taking unfair advantage of those vulnerable to us due to asymmetry in our respective bargaining powers. Both in economic and intimate relationships, it seems that the exploiter is guilty of taking advantage of someone who does not have any acceptable alternatives, and must thus accept whatever the exploiter wishes to offer: a sweatshop worker consents to a minimal wage because this is his only chance at survival, while Carrie from the “Girlfriend” scenario only agrees to sleep with her ex-boyfriend because she doesn’t want to move back with her parents. These people are relevantly vulnerable, and thus exploited, because they have no reasonably available alternatives to choose from.

But, while this approach may be able to account for some of the cases I introduced in the first chapter, the question arises once again: what about taking advantage of a person’s virtue or her sense of duty, as is the case in the “Neighbor” and “Uncle” scenarios? In order to answer this, we first need to take a closer look at Goodin’s own definition of relevant vulnerabilities: according to Goodin, “a

105 Sample 2003, p. 54.

106 However, unlike the Unacceptable Alternatives view of voluntariness, this approach doesn’t argue that the expolitee’s consent is therefore involuntary.
vulnerability is a matter of being under a threat of harm,‖\textsuperscript{107} The threatened harm must necessarily be to the person’s “welfare” or “interests,” according to Goodin’s own analysis, and our duty to protect the vulnerable “is a duty to prevent harm from occurring; it is equally compelling whether it requires positive action or refraining from action.”\textsuperscript{108}

If we choose to interpret the notions of “harm” and “interests” in objectivist (and thus relatively narrow) terms that involve essential needs, then we will end up with an overly narrow account of exploitation that is, quite like Sample’s theory, unable to account for exploitation of virtues, vices, and desires. However, if we interpret the notion of “interests” more broadly, in a way that defines relevant vulnerabilities as any susceptibility to harm or loss (in the sense of setback to one’s interests), then we may in fact be able to make a case for Goodin’s theory of exploitation as perfectly capable of covering all the examples I presented previously. One’s love for another, one’s strong desire for something, one’s sense of duty, one’s kindness and generosity – all of these make one susceptible to some sort of harm or loss, which means that they are all relevant candidates for exploitation.

\textsuperscript{107} Robert Goodin, \textit{Protecting the Vulnerable} (University of Chicago Press, 1985); p. 110; while this may seem true by definition, note that Wood explicitly rejects this definition of vulnerability, and argues that it simply means that one is vulnerable to being exploited.

\textsuperscript{108} Ibid., p. 111.
But as virtually all proponents of vulnerability-based accounts in the end agree, defining vulnerability as *any* susceptibility to harm gives rise to significant problems: it seems that this would not only seriously trivialize our notion of vulnerabilities, but also that such an approach just cannot formulate a uniform criterion for when it’s wrong to take advantage of someone’s vulnerabilities, especially if the latter are going to encompass everything from such needs as hunger or illness, to mere desires and affections, all the way to moral virtues and vices. Having a strong sense of moral duty simply does not qualify as “a threat of harm to person’s welfare” in the same sense as one’s needs for food and shelter do, and one’s loyalty or one’s enthusiasm for travelling are simply not vulnerabilities on par with those that stem from one’s lack of nutrition or needed medicine.

It seems that we now have to choose: either we can keep on searching for an account that can make sense of exploiting one’s strong desires and commitments, or we can maintain the vulnerability-based model, arguing that it’s only genuine, substantive vulnerabilities that can be accurately said to be exploitable. While Sample seems content to do the latter, I believe that my four examples defy the “basic needs” criterion of exploitation, and perhaps our intuitions can be vindicated by a more apt theory. I really believe that the four cases I presented in the beginning yield a prima facie intuition that they involve exploitation; if we cannot hope to provide a better theory, then perhaps we would have to drop the intuition – but, as I will show in the remaining
two chapters, we can in fact propose an account of exploitation in personal and intimate relationships that adequately explains what precisely it is that makes those cases exploitative.

**Conclusion**

In this and the previous chapter, I have presented and analyzed what I take to be the two most prevalent and intuitive accounts of wrongful use: the first bases the charge of exploitation on lack of valid consent, while the other contends that exploitation consists in taking wrongful advantage of another’s (genuine) vulnerabilities. I have concluded that both approaches fail to account for many instances of exploitation in personal and intimate relationships; while the vulnerability-based accounts tend to cover a wider area of exploitative interactions and relationships than do accounts based on absence of valid consent, they still generally fail to recognize wrongful use in cases where people’s desires, virtues, and strengths are being taken advantage of.

In the following two chapters, I will propose my own view of how such cases of wrongful use can be accounted for. I will argue that we need to shift our perspective from the exploitee (particularly from her ability to consent and from her basic needs), and instead focus on the exploiter; moreover, I will argue that, in many cases of exploitation in personal relationships, we should concentrate on the exploiter’s attitudes.
and dispositions, rather than her pure acts, if we are to determine whether her use of another person is in fact wrongful or not.

The view that one’s private mental states can have an effect on permissibility of her actions is highly contentious; very few philosophers defend the idea that one and the same act’s permissibility status can directly depend on that person’s intentions, motives, attitudes, dispositions, and so on. I will present relevant views on this issue in the next chapter, and I will argue that my examples of exploitation in fact present convincing counterexamples to this widely accepted view. In the last chapter, I will say more on how inappropriate attitudes and dispositions can directly determine whether an instance of using another person is in fact wrongful or not.
Chapter 4

INTENTIONS, MOTIVES, AND REASONS FOR ACTION

So far, I have argued that consent-based and vulnerability-based accounts cannot provide a satisfactory analysis of exploitation in personal and intimate relationships. In this chapter, I introduce the idea that the presence of exploitation in such relationships can be more accurately explained by appealing to the exploiter’s mental states (such as her motives, intentions, attitudes, and dispositions), rather than to her pure acts. Since the view that one’s mental states can directly affect permissibility is highly contentious, I will examine some of the strongest arguments against it, and then present them with counterexamples. In the last chapter, I will advance from these examples in order to support my central thesis that presence of exploitation in personal relationships often depends essentially on the exploiter’s attitudes and dispositions.

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The disagreement over the relevance of one’s intentions for the permissibility of her actions still merits considerable attention among philosophers. On the one hand, it seems reasonable to say that it obviously matters whether you give someone morphine with the intention of alleviating their pain, or with the intention of killing them; it matters whether you put a knife through my chest with the intention of ending my life, or with the intention of creating a surgical bypass. Legal systems mirror the distinction as well: manslaughter and murder, for example, qualify as two different types of action, and merit different kinds of punishment, precisely because of the difference in the agent’s intentions.

On the other hand, many philosophers have argued that, while intentions are certainly morally relevant in many ways, we shouldn’t be too quick to conclude that intentions can therefore affect action permissibility, or even that they can justify actions on their own, independently of other factors. After all, what justifies (and renders permissible) your cutting my chest open is my need for a bypass, not your intention of creating one.

According to many philosophers, then, the view that intentions in fact matter for permissibility rests on some sort of confusion: James Rachels has pointed out long ago that we shouldn’t confuse action assessment with the assessment of people’s
character\textsuperscript{109}, while Jonathan Bennett has argued that we should be careful to distinguish between first-order morality (“morality for the guidance of deliberating agents”) and second-order morality (“guiding judgments on people in respect of past actions”), since only the latter of the two can be affected by the agent’s intentions.\textsuperscript{110} More recently, philosophers like Derek Parfit and Thomas Scanlon have offered substantive arguments in support of the view that what makes actions impermissible depends on objective reasons against them, not the agents’ subjective reasons, such as their intentions, attitudes, or motives. On the whole, the argument is that when people believe that intentions matter for permissibility, they do so only because they are confused about the different functions and applications of moral principles, or, more specifically, about the difference between subjective and objective reasons.

Since I intend to argue that exploitation in personal relationships often depends on the agent’s intentions, motives, attitudes and dispositions, my aim in this chapter is to critically examine the views according to which one’s reasons for action, as well as various other types of mental states, can never directly affect permissibility of the intended action. I will focus especially on the most recent text by Thomas Scanlon,


Moral Dimensions, in which he allows that one’s intentions and subjective reasons can have some relevance for permissibility, but only in a derivative sense, and never fundamentally. Scanlon’s view is similar to Bennett’s: according to him, the view that intentions can matter in a more direct way rests on a confusion between different uses of moral principles; Scanlon is adamant that action permissibility depends exclusively on objective reasons, i.e., considerations that count decisively for or against certain actions, and not on “the agent’s failure to give these considerations the proper weight.”¹¹¹ I will argue, in this and the next chapter, that Scanlon and others overlook the fact that, when it comes to certain relationships and practices, agents’ reasons just are among those considerations that count decisively for or against particular actions; I will further argue that the charge of exploitation in personal and intimate relationships often rests precisely on such considerations.

4.1 Philosophical Background

The critics of the view that intentions can directly affect action permissibility usually focus on two issues they believe the proponents of the view to be mistaken about: first, the critics argue, intending certain consequences is not relevantly different from merely

foreseeing those consequences, and second, the view that either intended or foreseen consequences can affect our assessment of action permissibility is confused: people’s intentions in acting can serve as criteria for evaluation of their characters, but not also of their actions. I will now examine both issues in turn.

**Double Effect, Intending, and Foreseeing**

Among the most vocal supporters of the view that intentions can affect action permissibility are the proponents of the Doctrine of Double Effect (DDE). The doctrine has many clauses, one of which is that it’s always wrong to *intend* a harm, but it may be permissible to cause it if you only *foresee* it, sometimes even when all the other circumstances, including consequences, are exactly the same in both cases. Thomas Aquinas, who introduced the doctrine, has argued that killing in self-defense is

112 Recently, attempts have been made to salvage the DDE by replacing the distinction between intending and foreseeing with the distinction between direct and indirect agency. (See John Finnis, Germain Grisez, and Joseph Boyle, "'Direct" And "Indirect": A Reply to Critics of Our Action Theory." *Thomist: A Speculative Quarterly Review.* 65, no. 1 (2001): 1-44, and Warren Quinn, “Actions, Intentions, and Consequences: The Doctrine of Double Effect”, in Warren Quinn, *Morality and Action* (Cambridge: Cambridge University Press, 1993): 175-193.) While these accounts make the DDE much more plausible, they are also less relevant for the debate on the importance of intentions for action permissibility. Accordingly, the criticism of the doctrine that is analyzed in this section concerns the classic interpretation of DDE with emphasis on the importance of intentions, rather than on the versions that focus on direct and indirect agency.
generally justified if one’s intention is not to kill the attacker, but rather to save her own life. This means that, even if the victim *foresees* that her attacker will thereby be killed, since this is the only way in which she can defend herself, her action is still permissible, because she is not acting with the direct *intention* of killing the attacker.\(^{113}\)

More recently, the view has been used as an attempt to justify our intuitions in cases such as that of strategic bomber vs. terror bomber: the strategic bomber wants to bomb the enemy’s munitions factory in order to win a (just) war, and his action can be deemed permissible, even if he foresees that a certain amount of civilians who live in the vicinity of the factory will be killed as a consequence of his raid. The terror bomber, on the other hand, wants to perform the exact same action, but for different reasons: he wants to bomb the factory *because* the explosion will kill the civilians, the fact which will demoralize the enemy to the point of surrendering the war. Many have felt that the strategic bomber’s action is permissible, while the terror bomber’s is not, and the DDE seems to correspond to those intuitions by explaining that what makes the terror bomber’s action wrong is that he *intends* the civilians’ deaths, while the strategic bomber merely *foresees* them – the fact that, in combination with other relevant factors, renders his action permissible.
While this explanation seems plausible, establishing a morally relevant distinction between intending and foreseeing has in fact proven to be rather elusive. In his lecture on “Morality and Consequences,” Jonathan Bennett analyzes many different attempts at drawing the distinction, and argues that there is, first of all, no definite way of distinguishing between the concepts of intending and foreseeing, and also that, even if we can establish the difference, the DDE yet needs to provide us with a reason for why the difference has the moral relevance of such proportions.\(^{114}\)

While some of Bennett’s criticism may seem somewhat hasty, he nevertheless raises some important points; first of all, it is true that the understanding of the notion of intentions proposed by the classical formulation of the DDE seems too narrow, since ‘merely foreseeing’ the consequences of one’s actions doesn’t usually shed one of responsibility for those consequences: I certainly couldn’t argue that it’s permissible for me to stop feeding my children with the intention of saving some money, while “merely” foreseeing that the kids will starve to death as a consequence. This doesn’t yet establish that DDE fails, however, since the doctrine would condemn such actions as well, based on the combination of other requirements it lists besides the demand that the bad consequence shouldn’t be strictly intended – most notably, such an action would violate the requirement that the intended good end (saving money) must be proportional.

\(^{114}\) Bennett 1980.
to the foreseen evil/bad means (starved children). Still, the worry remains that something important is missing when we employ such an overly narrow understanding of intentions, an understanding that seems to put nearly no weight on the consequences of the agent’s action that he might be aware of, as long as he has no direct intention of bringing them about.

While an attempt to define the concept of intention itself is another ungrateful task, we can at least agree that we can distinguish between two general senses of the term: the narrow sense, which includes only the consequences the agents wants to bring about, and the broader sense, which includes not only what the agent takes as her reasons in favor of action, but also everything else she is aware of will follow from her acting in this way, whether she strictly plans those consequences or not. Thomas Scanlon, while denying that intentions can ever have fundamental significance for permissibility, argues that the agent’s intentions can also be understood in a broader sense, i.e., in the sense which

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115 The standard conditions for an action to be permissible under the DDE are listed as follows: 1. The action in itself has to be good or at least indifferent; 2. The good effect, and not the evil effect, must be intended; 3. The good effect must not be produced by means of the evil effect; 4. There has to be a proportionately grave reason for permitting the evil effect. (Joseph Mangan, "An Historical Analysis of the Principle of Double Effect" in Theological Studies, no. 10 (1949): 41-61.)
tells us something about how [the agent] evaluates [relevant] factors – which she sees as reasons for acting the way she plans to act, which as costs to be avoided if possible, which as costs to be borne, which as inconsequential.\textsuperscript{116}

So understood, intentions in this broader sense are just as relevant for our assessment of the agent’s reasons as the intentions in the narrow sense, since, when one is aware of a certain implication of her action, “then even if she does not take this aspect of what she is doing to provide a reason for her action, she at least does not […] take it to constitute a sufficient reason not to act in that way.”\textsuperscript{117} So, even if one argues that the DDE fails because of the supposedly untenable distinction between intending and foreseeing, this fact doesn’t automatically disqualify the possibility that intentions can matter for permissibility when understood in the broader way that Scanlon suggests. Putting the puzzle specific to the DDE aside, we can focus on the more general question of whether one’s motives and subjective reasons (intentions in the broader sense) can ever affect action-permissibility. In the following section, I will present the views that concern themselves with different roles that intentions and motives are supposed to have on assessments of one’s actions as opposed to one’s character.

\textsuperscript{116} Scanlon 2008, p. 11.

\textsuperscript{117} Ibid.
**Actions and Characters**

It is often argued that, while an agent’s motives and intentions can be relevant to our assessment of her character, they really have no bearing on action permissibility. In his response to the DDE proponent Thomas D. Sullivan, James Rachels argues that “the intention is not relevant to deciding whether the act is right or wrong, but instead it is relevant to assessing the character of the person who does the act, which is very different.”\(^{118}\) Rachels reaches this conclusion after introducing an example where two people perform the exact same action, which yields the exact same consequences, but the actions are performed for very different reasons: Jack and Jill visit their sick grandmother; Jack does it because he cares about her, Jill does it in order to ensure she’s not left out of her grandmother’s will. According to Rachels, Jill did a morally good thing by “comforting an elderly sick relative,” but we are still justified in thinking badly of her because “she was only scheming after the old lady’s money.”\(^{119}\)

It is certainly remarkable that even a consequentialist like Rachels would think scheming an old lady a “morally good deed;” it seems that only a hard-core act-utilitarian could seriously defend the view that it’s permissible (and even good!) to deceive and mislead vulnerable people into giving you large sums of money by

\(^{118}\) Rachels 1994, p. 141.

\(^{119}\) Ibid.
pretending you like them, as long as it makes them feel good about themselves. But it doesn’t follow from this that Rachels is wrong about his view on the irrelevance of intentions for permissibility: we can disagree with his claim that Jill’s actions are permissible, but it seems that we can also easily explain why this is so without recourse to Jill’s intentions.

While Jill hasn’t exactly lied to her grandmother, she has in a way deceived her. One could argue that Jill’s actions are impermissible because, by deceiving her grandmother about her feelings, she invalidates her grandmother’s consent to keeping Jill in her will: a person cannot provide valid consent if she is being purposefully deceived about the circumstances that are relevant to her consent. An even stronger charge could be that Jill is violating her grandmother’s right to know about the reason why Jill is visiting her, especially if the grandmother made an explicit request that she will only accept visits from people who genuinely care about her. In any case, if Jill’s action of visiting her grandmother is wrong for these reasons, and not directly because of her intentions (or her reasons for action in the broader sense that includes one’s motives, attitudes, and dispositions), Rachels may be right in claiming that the agent’s intentions are only relevant for evaluating her character, not the permissibility of her actions. I will say more on how indirect deception (or taking advantage of one’s mistaken beliefs even when the agent is in no way responsible for the other person having such beliefs) can affect permissibility in the next section.
Judith Jarvis Thomson similarly claims that the agent’s subjective reasons matter morally only when it comes to evaluating the agent herself, not her particular deeds. She finds the idea “that a person’s intentions play a role in fixing what he may or may not do” very odd. One of her examples concerns Alfred, who wishes to hasten his wife’s death by poisoning her with a substance that is, unbeknownst to him, actually “the only existing cure for what ails his wife.” Is it permissible for Alfred to give her the substance he believes will kill her? Thomson says that it would be absurd to say that Alfred shouldn’t be allowed to save his wife’s life simply because he’s unaware that he would in fact be doing so. Even though his intentions are blameworthy, and we might even agree that he should be punished for his deed, his action is surely permissible. As Thomson says, “how could his having a bad intention make it impermissible for him to do what she needs for life?” Thomson therefore suggests that we should accept what she calls

_The Irrelevance-of-Intention-to-Permissibility Thesis_: It is irrelevant to the question whether X may do alpha what intention X would do alpha with if he or she did it.

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122 Ibid., p. 293.

123 Ibid.
Further, Thomson also offers an explanation of why so many people mistakenly believe that intentions can matter for permissibility: the first reason is simply the inability (or reluctance) to distinguish between moral judgments about people from judgments about their actions. The second reason, she argues, is fear of consequentialism: according to her, G.E.M. Anscombe’s essay on “Modern Moral Philosophy”\(^\text{124}\) sends a clear message that our failure to recognize the intentions’ bearing on moral permissibility commits us to consequentialism, a fear which, according to Thomson, “is due to an over-simple conception of the resources of morality.”\(^\text{125}\) As my analysis of the Jack and Jill case above shows, one can appeal to rights, not consequences, in order to show why Jill’s visiting her grandmother is wrong. People who believe that rights trump utilities can therefore embrace the view that intentions have no bearing on permissibility, without the fear that they now have to resort to maximizing utility.

But the DDE is not the only view often criticized for being confused about the role of motives in moral assessment: Kant’s moral theory is also a frequent target of such criticism, which I will analyze in the following section.

\(^{124}\) Originally published in *Philosophy* 33, No. 124 (January 1958).

\(^{125}\) Thomson 1999, p. 518.
4.2 Regarding People as Mere Means

Kant is often criticized for yielding counterintuitive results regarding permissibility of specific actions, due to his alleged disregard for their consequences. Kant’s insistence that actions only have moral worth if they’re performed for the sake of duty\(^{126}\) is sometimes interpreted as saying that we shouldn’t do the right thing unless we also do it for the right reasons – we therefore shouldn’t, for example, save a drowning child if we only want to do it for fame or monetary reward.\(^{127}\) Whether Kant simply meant that such actions have no moral worth but should be done nevertheless, or else that they really shouldn’t be performed at all is an exegetic puzzle that I don’t intend to address here, although it is really much more likely that Kant had the former interpretation in mind.\(^{128}\) But does it automatically follow from this that one’s reasons for action should never have any bearing on permissibility? A surprising number of people seem to have drawn this conclusion.


\(^{127}\) Scanlon offers this as a possible, but implausible, interpretation of Kant’s imperative that we should never regard people as mere means. I will say more on this in the next few pages.

\(^{128}\) Scanlon as well finds this interpretation much more plausible. For a thorough discussion of the issue, see Barbara Herman, “On the Value of Acting from the Motive of Duty.” *The Philosophical Review* 90, no. 3 (Jul. 1981), 359-382.
Recently, Derek Parfit and Thomas Scanlon have attempted to show that motives and intentions, as well as our general reasons for acting, are irrelevant for determining permissibility. Both authors present us with their analyses of Kant’s *Humanity Formula* and its requirement that we never treat people as mere means; they are also both interested in whether the formula can be plausibly interpreted as saying that our actions are only permissible when we do them for the right reasons, with the required motives, and with the right attitudes and dispositions toward the people we’re interacting with.

Parfit argues that whether we regard someone as a mere means has no bearing on how we may act with respect to them. He introduces an example of a gangster buying his morning coffee: the gangster regards the coffee seller as a mere tool whom he wouldn’t hesitate to injure if it were in his interest to do so. However, although he regards the seller as a mere means, it is not in his interest to rob him this morning, so he treats the seller in a civil way. Parfit argues that “what is wrong is only his attitude to this person. In buying his cup of coffee, he does not act wrongly.”\(^\text{129}\) In other words, the gangster’s action of buying coffee is permissible despite his blameworthy attitude towards the person he’s interacting with. Whether we *regard* someone as a mere means is therefore irrelevant to the question of whether it’s permissible for us to interact with

this person in any way, since our actions are permissible as long as they are compatible with regarding people as ends in themselves.

But what happens when we don’t treat people we regard as mere means nicely, as the gangster treats the coffee-seller, but rather harm or injure them as a means to our own ends? In the example above, the coffee seller is in no way harmed (and actually benefits from the interaction), but what do we say about cases where one regards the person as a mere means and at the same time harms or injures her? While it might be tempting to say that such actions are obviously impermissible, Parfit offers an example that involves permissible harming of a person we regard as mere means. The gangster is now in the situation where he could save his child’s life only by performing an action which involves bruising another person’s leg; while the gangster both regards the person as a mere means (his attitude towards this person is the same as towards the coffee seller in the previous example) and at the same time harms (i.e., acts against the interests of) this same person in the process of promoting his own interests, it still doesn’t follow that he shouldn’t be allowed to save his child’s life. Whether it is permissible for him to do so has nothing whatsoever to do with his attitude towards the person he is about to injure, according to Parfit, since it would be obviously absurd to claim that he should let the child die because he regards other people as mere tools. Parfit adds:
If it would be wrong to impose certain harms on people as a means of achieving certain good aims, these acts would be wrong even if we were not treating these people merely as a means. And, when it would not be wrong to impose certain lesser harms on people as a means of achieving such aims, these acts would not be wrong even if we were treating these people merely as a means.\textsuperscript{130}

Parfit concludes that, while it’s wrong to regard others as mere means, “the wrongness of our acts never or hardly ever depends on whether we are treating people merely as a means.”\textsuperscript{131} While ‘hardly ever’ suggests that there might be some cases where intentions and attitudes do matter for permissibility, Parfit, unfortunately, offers no examples of such actions.

Scanlon, whose account I will analyze more thoroughly in the next section, presents us with a similar analysis of Kant’s \textit{Humanity Formula}. The requirement to treat people as ends in themselves is, broadly speaking, a requirement to treat certain considerations as reasons, but this can be understood in one of two ways: on the one hand, it can be read as a claim about what reasons there are; on this reading, the \textit{Humanity Formula} declares that “actions are impermissible if they are incompatible

\textsuperscript{130} Parfit, \textit{On What Matters}, p. 124. Parfit uses ‘treating as a mere means’ as interchangeable with ‘regarding as a mere means’, which means that his talk of ‘treatment’ concerns our actual motives and attitudes towards the other person, rather than the type of acting that is generally incompatible with regarding someone as ends in themselves.

\textsuperscript{131} Ibid.
with the idea of rational beings as ends in themselves.”\textsuperscript{132} On the other hand, the requirement can be interpreted as a claim about what an agent has to \textit{count} as reasons: “On this reading, I treat someone as an end in herself only if I \textit{take} the fact the she is an end in herself as giving me reasons to treat her in some ways but not others.”\textsuperscript{133} And, Scanlon argues, since it’s obviously possible to interact with people in permissible ways despite regarding them as mere means, the second reading of the \textit{Humanity Formula} is implausible.

Scanlon also agrees with Parfit’s handling of the example which involves the gangster and the coffee-seller, and observes that, although the gangster “\textit{treats} him as a mere means,” he also “\textit{treats} the coffee seller fairly and politely.”\textsuperscript{134} Note the two different uses of the word ‘treat’: in the first instance it refers to the gangster’s mental states, in the second to the nature of his actions, i.e., whether they’re \textit{compatible} with treating (regarding) people as ends in themselves. Interestingly, neither of the two uses describes (or refers to) the gangster’s \textit{reasons for} this specific action, which is supposed to be the main focus. The reason why I bring this up is that I’m confused with Parfit’s choice of example: the gangster’s attitude towards the coffee-seller doesn’t, and more importantly, isn’t \textit{supposed to}, inform his action of buying coffee in one way or the

\textsuperscript{132} Scanlon 2008, p. 99.
\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid.; emphasis mine.
other – his attitude has nothing to do with his \textit{reasons for} buying coffee. This example would only succeed in showing that the second reading of the \textit{Humanity Formula} is wrong if it required something like “do not interact with people \textit{while} you think of them as mere means” – but that is surely not supposed to be the message.

The reason why we consider the gangster’s action permissible is precisely that we don’t take one’s attitude towards the coffee-seller to be relevant toward permissibility of their act of \textit{buying coffee}, and while this is precisely Parfit’s and Scanlon’s point, we have no reason to conclude that the same holds for all other practices and relationships. Just because a certain consideration doesn’t matter in the coffee-selling business, it surely doesn’t follow that it doesn’t matter in more intimate relationships and practices, or that it doesn’t affect the permissibility of actions more personal than mere coffee-buying. I will consider examples that involve such actions in the next section of this chapter (4.3).

Objective Reasons Only

The majority of the above-mentioned critics subscribe to what Alec Walen has termed “the objective reasons picture of permissibility,” which is the view that “the reasons that make an act impermissible are not the ones in the mind of the agent; they are the ones
that are available to the agent, whether she perceives them or not."¹³⁵ But, aren’t these authors too quick to draw this conclusion?

After all, it seems too obvious that the fact that intentions don’t matter for permissibility in some cases doesn’t entail that they never matter. Cases where intentions are irrelevant for permissibility (such as Parfit’s example involving a coffee-buying gangster) are still a far cry from proving that the only thing that ever matters for action-permissibility are objective, agent-independent reasons, and that it is always irrelevant whether (and in what way) the agent in fact takes these reasons into account. As Walen points out, “none of these authors offers a formal argument;” instead, they present us with “an attractive picture of action-guiding moral reasoning.”¹³⁶

In his criticism of Scanlon’s position, Jonathan Dancy writes that showing that some examples can be ‘solved’ without allowing that the agents’ reasons play a role in determining the permissibility of their actions “leaves one wondering whether the point is generalisable;”¹³⁷ just because it may be hard to come up with examples where intentions do matter, he says, “the matter seems to turn rather on the fertility of our


¹³⁶ Ibid.

imagination.‖ In the next section, I will introduce some examples which, in my view, show that permissibility can depend on the agents’ reasons for their actions, as well as on their general motives, attitudes, and dispositions.

4.3 The Derivative Importance of Intentions

In the movie Magnolia, Linda Partridge is trying desperately to convince her family lawyer to erase her from her dying husband’s will. The reason, she says, is that she’s only married the old millionaire for his money, and even though she eventually came to love him deeply, she doesn’t think she deserves to inherit his wealth, given the reasons she had for marrying him at the time. Presumably, if she had married him out of love, and not merely out of her desire to get hold of his money, then she would now consider herself entitled to her inheritance.

While Linda doesn’t exactly frame the problem in terms of permissibility of her actions, we can do so: was it impermissible for Linda to marry Earl Partridge with the intentions and for the reasons she did, and in the absence of some other reasons and attitudes, such as love and respect? The answer will, of course, depend on many other

\[138\] Ibid.

\[139\] Magnolia (1999), directed by Paul Thomas Anderson, with Julianne Moore in the role of Linda Partridge and Jason Robards as Earl Partridge.
factors. First of all, it doesn’t seem impermissible for two people to agree to get married for reasons that have nothing to do with one’s regard for one another: if it were the case that Linda and Earl Partridge explicitly agreed to get married only because she wanted his money, while he simply wanted to be married to a young, attractive actress, the contract could have been considered morally permissible (or, if it were deemed impermissible, this would have been for other reasons than that one of the parties is guilty of merely using another). In any case, that doesn’t seem to be the case in the Magnolia scenario: Linda seems to feel guilty precisely because her husband would not have appreciated the fact that she’s married him with no other goal or consideration in mind besides inheriting his money.

**Mistaken Expectations**

Now, if it is the case that Earl wasn’t aware of these facts because Linda lied to him about her motives, then it’s easy to explain why Linda’s behavior was impermissible: she consciously deceived Earl, making him believe that she loved him, so he would marry her. Purposeful deception, especially in matters of love, is obviously impermissible, at least in absence of considerations that might outweigh the reasons against it. But the answer might be less clear if there is no straightforward deception involved: what if Linda never lied to Earl that she loved him, because the question
never arose? Perhaps it was Earl’s own fault for never suspecting that a young woman like Linda could have ulterior motives for marrying an old, spiteful guy like him; if it never occurred to him to ask Linda how she felt about him before he proposed to marry her, could we still fault her for deceiving her future husband? In other words, is it Linda’s fault that Earl believed that she loved him, if she gave him no reason for thinking so?

A similar dilemma is present in the scenario I’ve mentioned in the previous chapters: in the “Neighbor” case, Monica keeps asking Mildred to babysit for her, but she never does anything in return. It’s true that Monica never promises that she will return the favor by helping Mildred, who has no children, in some other way, but then we usually don’t explicitly demand a promise of reimbursement when we help people in need or do them favors. Monica has thus never lied to Mildred by making any promises, but the fact that she never returns a favor, while she keeps asking for Mildred to babysit, is surely problematic. It doesn’t seem like we can simply say that Monica did nothing wrong because she never lied, but then what exactly did she do wrong?

Scanlon argues that, even when there’s no outright deception involved, we can still explain the wrongness of such cases through the moral requirement to not “mislead others or take advantage of their mistaken beliefs about one’s intentions.” Scanlon 2008, p. 40. We can do
this, for example, by acting in ways that are standardly supposed to convey a message that we are moved by certain reasons, when we in fact are not. When Jill from Rachels’s example visits her sick grandmother, she is consciously conveying a message that she cares about the grandmother’s wellbeing, without explicitly saying so (i.e., without lying about it). Yet, because Jill is really only concerned with her grandmother’s will, she is guilty of representing herself as being moved by a legitimate consideration, which makes her behavior hypocritical at least, and also possibly impermissible. Scanlon terms such cases “expression cases,” and describes them as examples where, while the agent’s intentions do affect permissibility, they do so only in a derivative way, since what really makes Jill’s action impermissible is an objective consideration that counts against it: the fact that Jill is consciously misleading her grandmother.

Another way in which intentions can have a derivative relevance for permissibility concerns what Scanlon terms “expectation cases.” These involve cases where the agent’s fault for her “victim’s” mistaken belief is of an even lesser degree than in the “expression cases:”

These are the cases in which someone enters into a certain relation with an agent – a conversation, perhaps, or some form of cooperation – only because he or she assumes (perhaps without the agent’s having done anything to encourage this assumption) that the agent has certain intentions, or is moved by certain reasons and not others.\footnote{Scanlon 2008, p. 40}
Scanlon asks us to imagine that we both decide to go to a conference because we believe that we’ll both be presenting; however, while I happen to know that you’ve been taken off the program, I decide not to inform you of that fact, because I hate travelling alone, and I therefore want you to go anyway. In this case, the fact that you’re mistaken about your role at the conference is none of my fault (the fact that you haven’t been notified is the organizer’s fault, not mine), but it’s still clearly impermissible for me not to tell you about it, especially when my intention is for me to benefit from your ignorance.

But, again, Scanlon would argue, my intentions matter only derivatively: the real reason why my action is impermissible lies with the fact that I took advantage of your mistaken belief, instead of informing you of the true state of affairs, which is what I should have done. Therefore, regardless of whether or not the agent had a role in another person’s acquiring of her false belief, Scanlon argues that the facts about the reasons the agent is moved by are in a certain sense relevant to the permissibility of her actions, but again, only in a derivative way: the action’s permissibility in such cases depends on “other moral principles requiring openness about one’s aims.” Scanlon’s account can therefore explain why Monica’s behavior in the “Neighbor” case is wrong despite involving no straightforward deception: Monica is taking advantage of

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142 Ibid., p. 62.
Mildred’s justified expectation that her favors will be returned when she needs help herself.

But what happens after Monica has been using Mildred in this way for months, even years? After a while, Mildred has no more reasons to believe that she can expect Monica to return her any favors, and we can assume that she has come to terms with the fact. When she keeps babysitting for Monica despite that knowledge, can we still argue that she’s being wrongfully used? Well, I’m convinced that we can, but this cannot be explained through the requirement Scanlon offers as an explanation: Monica is not taking advantage of Mildred’s false beliefs or expectations any longer, because those have ceased to exist (or, if not, are in any case no longer justified). Mildred is now in no way deceived or misguided, and her involvement is absolutely consensual. It seems that Scanlon would have to concede that Monica’s actions are now permissible, but in my view, Monica should stop asking Mildred for favors if she has no intention of returning them, and therefore the permissibility of her asking for a favor depends on whether she has an intention to return it – and this holds regardless of whether Mildred will believe Monica or not.

One might argue at this point that, while Monica is not violating Mildred’s actual expectations any longer, she is violating her normative expectations. While it is certainly true that Monica is violating some moral norms, the norms of honesty and truth-telling are not among them once Mildred becomes aware of the fact that Monica
has no intention of returning favors; this means that the norms Monica is violating are not covered by Scanlon’s requirement not to take advantage of people’s mistaken beliefs. Yes, Monica is clearly violating a normative expectation, but it is precisely the nature of this norm that we are here concerned with: the norm in question is the requirement not to use others as mere means, and our goal is to explain what exactly this norm requires. Saying that Monica is violating a normative expectation is thus, while true, uninformative.

The Predictive Significance of Intentions

Let’s now return to the Magnolia scenario, and ask whether our judgment of Linda’s actions would change if it were the case that Earl knew how Linda felt about him (so, there would be no deception or mistaken beliefs involved), but was so deeply in love with her that he still wanted to marry her despite all that; he would have, of course, preferred if Linda loved him back, but given his strong feelings about her, he decided to marry her nevertheless.\textsuperscript{143} There is no kind of deception involved, and Earl’s involvement is clearly voluntary, since it would also be absurd to argue that his strong feelings clouded his judgment to the point of invalidating his consent: being in love

\textsuperscript{143} This interpretation of the “Magnolia” case is more or less analogous to the “Marriage” scenario I presented in the introductory chapter.
with your partner is widely considered the top best (and, for most people, also necessary) reason for getting married; we certainly don’t want to annul all loving marriages on the basis of invalid consent. So, if Earl’s involvement is voluntary, what other reason, if any, could we offer for saying that Linda’s action of marrying Earl was impermissible?

It could be argued that Linda’s marrying Earl was impermissible because her greed and absence of love for her husband caused her to treat him in ways that are impermissible. We can imagine that Linda’s feelings certainly had a strong influence on her behavior: she treated her husband differently than she would have if she were in love with him; she was mean, inconsiderate, uncaring, etc. Based on this, one might argue that, if Linda’s treatment of her husband after they got married was impermissible, and if Linda’s reasons for marrying him were indicative of this treatment, then her marrying him in the first place was just as impermissible, since her reasons for marrying him were a reliable sign of how she was going to treat him once they’re married.

Scanlon calls this derivative way in which intentions can indirectly affect action permissibility the “predictive significance” of intent, and J.J. Thomson also mentions how intentions can impact action permissibility in this sense: “A difference in intention may make a difference as to what will in fact happen, and in that way may bear on
permissibility in action.” That is so because in such a case it wouldn’t be just the agent’s mere intentions, but rather the result of her intentions, that would differ, and the difference in result of one’s action of course bears on its permissibility.

Accordingly, both Scanlon and Thomson argue that, in cases like this, one’s intentions or reasons for acting can have merely derivative (indirect) relevance for permissibility: what ultimately decides whether an action is impermissible are its (likely) consequences, not the intentions themselves. If, on the other hand, a person has intentions of which she mistakenly believes that they are likely to produce bad consequences, as is the case with stabbing at voodoo-dolls, then such actions are permissible according to Scanlon, since they are unlikely to produce bad consequences. This allegedly shows that it’s the consequences, not the intentions, that are fundamentally responsible for action-permissibility, and therefore the intentions’ import is merely derivative.

But now imagine that, despite all expectations, Linda ended up treating her husband well: if the consequences are the same as they would have been if she had loved him, is she still guilty of doing something wrong? I think someone who defends the view that intentions have no bearing on permissibility could answer in one of two ways: the first option is to bite the bullet and say that Linda’s action was permissible,

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144 Thomson 1999, p. 515, footnote 17.
145 Scanlon 2008, p. 45.
because permissibility depends solely on the *actual*, not the *expected* consequences. I expect this would have been Thomson's answer, based on how she deals with the case where one’s action has a highly unexpected consequence: in her example, B flips a light switch which ends up badly burning person A through “an extraordinary series of coincidences, unpredictable in advance by anybody.”

According to Thomson, B’s action was impermissible, even though we cannot blame him for it. If a particular action’s permissibility doesn’t depend on expected, but rather actual, consequences, then we must concede that Linda’s action is permissible in the case where she ends up treating her husband well (and if, of course, he knows about her feelings about him in advance, so there’s no deception involved).

I believe Scanlon would disagree with this solution, however; he would probably say that Linda’s action was still impermissible, since marrying someone out of mere greed is the type of action that is generally expected to lead to unwelcome results, including impermissible actions. If Linda indeed ended up treating her husband nicely, then this was still a very unlikely coincidence, a turn of events that couldn’t normally be expected when one person marries another out of greed, and with complete lack of concern and respect. Scanlon’s point is that “permissibility is determined by those

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features of our situation that we should take as counting for or against an action."^{147}

Scanlon emphasizes that this doesn’t entail that permissibility depends on our reasons for action, or even on our knowledge of possible consequences: whether we could or should know that a consequence is likely to occur counts among the *objective* features of the world that determine action’s permissibility. When we give a baby an aspirin and it ends up killing her, this doesn’t mean that our action was impermissible, according to Scanlon, since there was no way for us to know (or even suspect) that this result could occur:

> What makes it permissible to act in a certain way is not the fact that, having done these things [i.e., having taken reasonable steps to find out what consequences our action is likely to have], we believe that so acting poses no danger to others; rather, it is the fact about the world that taking these steps puts us in a position to see that the available evidence does not indicate that our action poses such a danger.^{148}

Scanlon could therefore argue that, since Linda had no reason at the time of her wedding to suspect that her current feelings (or, rather, lack of them) will have no effect on how she treats her husband, she shouldn’t had married Earl Partridge.

I’m not sure I’m convinced by this answer: on one hand, it is surely true that our expectations of how we will treat our future spouse should have some effect on whether we should marry that person. For example, a man who loves his fiancée, but at the same

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^{147} Scanlon 2008, p. 50.

^{148} Ibid., p. 51
time knows that he has a terrible temper which is likely to lead him to abuse her, probably shouldn’t marry her; the same holds for someone who knows he’s too weak-willed and will end up cheating on his wife all the time. But does this mean that the permissibility of marrying someone should depend *solely* on how we expect to treat this person, regardless of our feelings? Remember that Linda was an actress: what if she were so good at disguising her feelings so that she could be confident at the time of their wedding that Earl could never find out how she felt about him? Taking Linda’s acting expertise as another objective fact about the world, it seems that Scanlon would now have to conclude that it’s permissible for Linda to marry Earl, since she has good reasons to believe that she will treat him in the same way she would if she were in love with him.¹⁴⁹

In any case, and even if it’s true that the actual consequences (i.e., how one person ends up treating another) cannot possibly be exactly the same when someone does or doesn’t love another person, it still doesn’t seem quite right to say that it was wrong for Linda to marry Earl *only* because of those consequences, and not at least in part because of her greed and lack of love and respect. It seems to me that relying exclusively on the consequences in order to determine action permissibility just doesn’t

¹⁴⁹ Note that this version of the “Magnolia” case doesn’t necessarily imply deception: theoretically, Linda could be both sincere about her reasons for marrying Earl, and at the same time make sure that she acts like a loving spouse.
tell the whole story: there is something about Linda’s reasons *themselves* that seems to make her marrying Earl impermissible. I will develop this intuition more substantively in the next chapter.

**Conclusion**

It certainly has to be said that Scanlon’s approach can explain many, if not most, of the cases that the DDE proponents usually offer in support of their view that the agent’s intentions can affect action permissibility. All the cases that he examines can be convincingly “solved” by showing that the importance of one’s subjective reasons is merely derivative, and that the actions’ wrongness can be more accurately explained through a different moral principle, such as the requirement that one discloses relevant information, or the importance of taking the expected consequences of an action into account. But, as Dancy says in his criticism of Scanlon’s earlier piece on intentions and permissibility, solving *these* examples doesn’t show that there are *no* cases where intentions matter.

In the next chapter, I will examine instances of exploiting people that in my view cannot be explained in ways that Scanlon proposes; the importance of one’s reasons in those cases is not merely derivative, but rather, as Scanlon would say, fundamental. As I’ve already noted before, Scanlon is right in saying that what matters
for permissibility depends on objective facts that obtain in the world; but I will argue that, sometimes (and particularly in personal and intimate relationships), the agent’s reasons for action count among such objective facts.
In the final chapter of this dissertation, I argue that many instances of exploitation in personal relationships cannot be accounted for without the recourse to the exploiter’s mental states, such as her motives, attitudes, and dispositions. I will first explore the common intuition that such mental states are generally accepted to be of primary importance when it comes to personal, and especially intimate, relationships, and will then show how this issue ties with wrongfulness and permissibility of particular actions. In the end, I will argue that certain interactions and relationships that involve use of another person can be exploitative, and thus impermissible, if the user doesn’t possess the required motives, attitudes, or disposition towards the used party.

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The goal of this chapter is to finally bring together several themes and intuitions that concern wrongful use in personal relationships, and to propose a richer, more complex picture of exploitation: a picture that gives due credit to the role that subjective reasons,
attitudes, motives, and dispositions play in personal relationships. These themes are:

first, exploitation can (and often does) involve valid consent on the side of the exploited party – contrary to some common intuitions, there is such a thing as consensual exploitation. Second: even people who are not vulnerable in any robust sense of the term (that is, people whose physiological, psychological, and social needs are sufficiently fulfilled) can be genuinely exploited. Third: whether one person is guilty of exploiting another depends on the kind of relationship the two parties are involved in. And fourth: the presence of exploitation in personal relationships often depends not only on the exploiter’s actions, but also on her subjective reasons and mental states, such as her intentions, motives, attitudes, and dispositions.

The first two of these issues, consent and vulnerability, have been thoroughly examined in chapters 2 and 3, where I have argued that neither invalid consent nor substantive vulnerabilities are necessary conditions of exploitation. Still, before I proceed with analyzing the role of subjective reasons and attitudes within certain types of relationships, I would like to make it clear that I certainly don’t want to deny that many instances of wrongful use in personal relationships involve some sort of deception (or at least concealing one’s true aims or feelings), or even coercion (including threats of physical violence). I also believe that many such instances of wrongful use are typically much more serious moral offences than most examples I’ve used so far. Nevertheless, I think it’s important to point out, as Onora O’Neill does, that exploitation
doesn’t conceptually depend on any such rights-violations, especially within intimate relationships:

Avoiding deceit and coercion is only the core of treating others as persons in sexual relationships. In avoiding these we avoid clear and obvious ways of using as (mere) means. But to treat another person as an intimate, […] relationship requires much more.¹⁵⁰

A young man, for example, who tells his girlfriend that he will break up with her unless she sleeps with him is not deceiving her, nor is he coercing her in any robust sense of the term (since she has no right to be with him in the first place) – yet, he is clearly using her. So what else, beyond valid consent, do such relationships require if they are to avoid the charge of exploitation? As I’ve also shown in chapter 3, stating that the man is taking advantage of his girlfriend’s vulnerability may be true,¹⁵¹ but noting this fact is hardly helpful, since it is often perfectly acceptable to benefit from others’ vulnerabilities, as is the case with receiving money in exchange for selling people the food, clothes, and medicine they need. What we want to know is how such cases differ from those where taking advantage of people’s vulnerabilities in fact represents wrongful use.

¹⁵⁰ Onora O'Neill, "Between Consenting Adults," p. 119.

¹⁵¹ Although it doesn’t seem that the man is taking advantage of the girl’s basic need, which is how Ruth Sample understands vulnerabilities which are supposedly relevant for exploitation (Ruth Sample, Exploitation, (Lanham, MD: Rowman & Littlefield, 2003); I have written more on Sample’s theory of exploitation in chapter 3).
As I have noted in the introductory chapter, we will have to attempt a substantial shift in our perception and analysis of exploitation if we want to explain how an interaction can be exploitative despite the absence of invalid consent and substantive vulnerabilities. In the previous chapter, I have shown that shifting our focus from a consenting and not-relevantly-vulnerable exploitee to her exploiter can provide us with some valuable insights. I have demonstrated, with a few examples, that sometimes we need to be aware of the exploiter’s intentions, motives, and attitudes if we are to determine whether an (inter)action is indeed exploitative or not. I have also proposed that, in such cases, one’s intentions (or other relevant mental states) can directly affect permissibility of one’s actions.

In this chapter, I want to show that these are not just a few scattered examples, and that the view that intentions and motives can have a direct relevance for permissibility is far better substantiated, and also more commonly accepted, than the critics allow. In personal relationships, our subjective reasons and attitudes are often decisively relevant for the permissibility of our actions. While exploitation in predominantly impersonal settings (such as factory settings or various interactions with strangers) can be more or less easily explained through more conventional means such as distributive unfairness, coercion, deception, or disregard for people’s basic needs, the fact that personal relationships put further requirements (special obligations) on both our behavior and our attitudes implies that, sometimes, exploitation in personal
relationships will consist in flouting these requirements, despite there being no breach of the more general and impartial moral rules.

In what follows, I will show that our motives, dispositions, attitudes, and other relevant mental states are not only indicative of our character, or even of the (moral) nature of the relationship we’re in, but that they can directly (and fundamentally, to use Scanlon’s term) affect the very permissibility of our actions. I will confirm the intuition, expressed in the previous chapter, that there are many cases of exploitation in personal relationships where the exploitative nature of relevant interactions cannot be properly explained without the appeal to the exploiter’s mental states or her reasons for action. Specific relationships provide us with particular requirements that concern not only our actions, but also our motives, dispositions, and attitudes, and it is my contention that flouting such requirements when dealing with other parties to these relationships (especially when we benefit from them) is often constitutive of exploitation.

5.1 Special Obligations in Personal Relationships

In the previous chapter, I have presented and examined Parfit’s scenario which involves a gangster buying his morning coffee. While the gangster regards (i.e., thinks of) the coffee-seller as a mere means, his outward treatment of him is civil and seems plainly permissible: he patiently waits his turn, politely orders his coffee, pays the required
amount, and thanks the waiter for his drink. Parfit argues that it would be absurd to
claim that it’s impermissible for the gangster to buy his coffee from the coffee-seller
simply because he regards the seller as a mere means. 152

I have already noted that I agree with Parfit’s judgment on action permissibility
in this particular example, since coffee-buying is just not the kind of practice that
requires a certain type of private attitude amongst the involved parties: politely ordering
and paying for your coffee is always permissible, regardless of what you happen to
think of the coffee-seller. Furthermore, there are many such practices which only
require that we treat people in ways that are merely compatible with regarding people as
ends in themselves, and don’t make any further demands on our private attitudes or
intentions, at least not for the purposes of action-permissibility.

The relationship between a coffee-seller and a coffee-buyer usually falls within
this class: it is far from what we would call a personal relationship, and such impersonal
relationships (if we can call them relationships at all) seldom regard our reasons or
mental states as relevant for permissibility of such interactions. The mistake Parfit
makes is that he only analyzes examples that concern people involved in situations that
are highly impersonal in character, and/or that revolve around questions of life and
death (or severe injury at least), where the importance of one’s intentions is trumped by

the urgency of required actions (e.g. saving a drowning man, several variations of the trolley problem, etc.). Like many others, Parfit concludes that intentions, motives, and attitudes are always irrelevant for action permissibility, and he does this before he takes a chance to test his hypothesis on examples that involve genuinely personal relationships.

Importance of Dispositions

Whether a person is being wrongfully used depends on many factors, and, as has been shown, the question often cannot be answered by appealing to the quality of her consent or the fulfillment of her basic needs. One of the relevant criteria that most authors seem to agree upon, implicitly or explicitly, is that the charge of exploitation concerning a specific interaction will depend on the context surrounding the parties to the interaction. This context will determine the specific requirements based on the social institution or interpersonal relationship among the parties involved: it is, after all, quite uncontroversial that we owe our friends and loved ones different kinds and degrees of concern, honesty and loyalty than we owe to mere strangers. Being secretive about one’s intimate relations, for example, will be perfectly acceptable in a professional

context, but probably not in a romantic relationship, and befriending someone with the sole intention of benefitting from the relationship will likely be constitutive of wrongful use, while starting a business deal for the same reason will not.

Despite some criticism, justifying special ethical obligations, i.e., obligations that we owe only to some people, is not really that difficult. This is not denying that impartiality is widely accepted as the central tenet of all legitimate ethical theories: few people disagree with J. L. Mackie’s statement that it is “beyond dispute” that judging a certain action morally wrong commits us to “taking the same view about any other relevantly similar action.” Treating all people equally, regardless of their personal characteristics or our own personal preferences, is a condition that underlies every plausible moral theory.

At the same time, the existence of special obligations seems just as intuitive. The least controversial among these are the obligations that we voluntarily and explicitly assume, such as those based on our promises and contracts. However, implicitly (tacitly) assumed obligations can be just as voluntary, and thus no less stringent; examples of these are parental obligations, or obligations owed to our friends simply in virtue of their being our friends. But commonsense morality also presupposes the existence of special duties which were in no way voluntarily assumed: we seem to

owe our parents, siblings, and even compatriots significantly more than we owe to people with whom we share no such connections. Whether we really have special obligations toward particular people even when our special relation is not a result of our intentional actions is a subject of a heated debate.  

Luckily, the grounding of involuntary special obligations is an issue I can here avoid. My aim is to show that we have obligations regarding our motives and attitudes, and that these obligations stem from the specific features of particular relationships we’re part to; in order to avoid voluntarist objections to certain types of special obligations (such as filial duties, for example), I will stick mostly to special obligations pertaining to friendships, romantic relationships, and other, somewhat less intimate but still genuinely personal, relationships – relationships that we have entered more or less voluntarily, and have thus become subject to special requirements concerning other people involved in the relationship. The issue I really want to look into is whether we have special obligations regarding our mental states, such as our intentions, attitudes, motives, and dispositions, and I think I can show that we do without thereby becoming entangled in the complicated issue of involuntarily required special obligations.

Still, I will presume that the reader will agree that voluntarily assumed obligations don’t have to be explicitly agreed to, or even acknowledged; in order to

155 See, for example, Samuel Scheffler, “Relationships and Responsibilities,” in Philosophy and Public Affairs 26, no. 3 (Summer 1997): 189-209.
become bound by specific obligations, we need not make explicit promises or sign contracts: the relationships we enter voluntarily supply us with such requirements automatically. We acquire special obligations through various choices we make: for example, when I decide to keep my baby, I bind myself to numerous parental duties. When I ask you for a huge favor, I bind myself to do the same for you if the need arises. And when I accept a favor from you, even when I haven’t asked for it, I become bound not to take advantage of it gratuitously.

To fully illustrate these intuitions, we can again rely on the two examples I’ve already used in the previous chapters: the first one (“Uncle”) involves John, an ungrateful nephew of a well-off man who keeps helping John out financially because he doesn’t want him to end up on the street, all the while John keeps taking advantage of his uncle’s generosity and concern by refusing to look for a job. The other example (“Neighbor”) involves a young mother, Monica, who keeps asking her neighbor, Mildred, to babysit at the last minute, without showing any interest in repaying the many favors in any way whatsoever.156

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156 While it may be argued that neither of the two relationships is entered into voluntarily, since we don’t choose our uncles or neighbors, that would be missing the point: the two characters owe special consideration to their benefactors precisely because they could choose to either repay or refuse the favors they keep accepting without so much as a second thought, and therefore their involvement is more than
I want to argue that these two examples show that special obligations don’t only pertain to required actions, but also to our subjective attitudes and dispositions: what makes John’s and Monica’s respective behaviors reprehensible is the fact that they keep asking for favors without being genuinely grateful or sufficiently concerned in becoming more proactive and organized; they don’t really care whether they represent a burden or not, as long as they can rely that their needs will be taken care of.

One might argue that the only problem with these two relationships is that “benefits” are unequally distributed among the parties, which implies that such examples could be successfully dealt with through some version of Marxist theory of exploitation. I think that doing so would miss the point; to be sure, it is true that there are finances involved in the “Uncle” case, and it might even be argued that Monica wouldn’t be guilty of wrongful use if she paid Mildred sufficient amounts that would cover not only babysitting, but also the “last minute fee.” But such an analysis would miss something important: first of all, we are here dealing with personal, not primarily economic relationships, and further, the failure of reciprocity in these cases concerns dispositions, not actions. Let me explain what I mean in the next few paragraphs:

In personal relationships, especially when it comes to people we care about, we don’t necessarily expect to have all of our favors returned in a comparable amount. sufficiently voluntary to undoubtedly generate special requirements on their part, without the need that they explicitly assume these same requirements.
John’s uncle is sufficiently rich to not even notice the additional deficit on his bank account, and Mildred is a lonely woman who loves spending time with her neighbor’s son. In general, older relatives are often happy to help us out financially or bestow gifts upon their grandchildren that they couldn’t possibly repay, and they do this without expecting to be reimbursed either in currency or in any other way (such as mowing the lawn, visiting every weekend, etc.). Such relationships need not be exploitative even if we never end up returning many of those favors in any way; what matters is whether we appreciate them sufficiently, not whether we repay them. It is similarly not automatically wrong not to repay your friendly neighbor who doesn’t mind babysitting your kid when you have an urgent work-related matter to attend to. If the uncle or the neighbor in the above examples never need any kind of favors, then we won’t argue that their beneficiaries should simply invent a need on part of their benefactors, just so they could help fulfilling it; it seems that strict reciprocity is not required in personal relationships, and can sometimes be even inimical to them. In other words, a relationship is not exploitative just because there’s an imbalance – no matter how significant – between how much each party has benefit from another.

What does make the above relationships exploitative, in my opinion, is the lack of the disposition to put some effort into organizing one’s life in a way that will make one more self-reliant and less dependent on the goodwill of people who care about us and would hate to see us suffer, especially if they can do anything to help; another thing
that’s missing is also the disposition to do any favors in return would the need arise. The fact that there is no such need only explains why there is nothing wrong with the asymmetry between favors given and received; but it does not follow that the exchange cannot be exploitative for other reasons. The problem here is not that the nephew and the young mother fail to perform any required (or even expected) actions – they do not. What makes their continuous asking for and receiving of many favors problematic is the fact that the recipients do it in what may be called ‘bad faith.’ The fact that one lacks a certain disposition can thus help explain why a relationship is exploitative, even if both parties succeed in performing all the required acts.

The issue gets even more complicated with relationships more personal and intimate than are those between babysitting neighbors or young men and their wealthy uncles. With these two examples, the dispositions in question are problematic (in fact, exploitative) because they are purely self-interested: we want the young man to be disposed to find a job and stop taking advantage of his uncle’s generosity, and if these conditions were fulfilled, his accepting help would have been permissible, regardless of his reasons for being so disposed. In other words, his actions are permissible whether his disposition to find a job (and return a favor if necessary) is based merely on guilty feelings, on his sense of duty, or on his sincere care and love for his uncle.

157 The term “bad faith” is here used in a general commonsense way, not in the sense proposed by Sartre.
But the same cannot be said with regard to more intimate kinds of relationships: as many authors have pointed out (and as I will show in the next section), when it comes to close personal relationships, merely being disposed to do the right thing can be often insufficient, and even motives that are compatible with general requirements of impartial morality can become vastly inappropriate in more intimate settings. The above examples show that it is sometimes not enough to do an otherwise permissible thing (such as asking for a favor) if we are not disposed to follow up in the required manner, such as doing the right thing in return. What I want to show in the following section is that it’s sometimes insufficient even if we are disposed to do the right thing, if our disposition itself doesn’t also stem from the right reason – the reason required by the relationship in question.

Before I proceed with my analysis of how private dispositions and attitudes can directly affect action permissibility and, therefore, exploitation, I want to examine the general area of special requirements that we face in personal relationships, even if these requirements don’t necessarily bear on permissibility as such.
5.2 Requirements of Care

In his article on the discrepancy between motivation and justification in modern ethical theories, Michael Stocker introduces a compelling example in support of his argument that acting out of a sense of duty can be at times utterly inappropriate, and that this is especially true within the sphere of personal relationships. In Stocker’s example, we are invited to imagine that we are sick in a hospital bed, when we receive a visit from a close friend who travelled all the way across town to come and cheer us up. When we gratefully praise our friend’s concern and generosity, he informs us that “it is not essentially because of you that he came to see you, not because you are friends, but because he thought it his duty.” Stocker’s subsequent comment that “something is lacking here” seems almost an understatement: we might agree that it is a friend’s duty to visit her friends in the hospital, but we don’t want that to be the reason why she came to visit us – at least not the only reason.

159 Ibid., p. 74.
160 It needs to be said that Stocker’s analysis of this example is in fact extremely controversial, and the suggestion that you should only ever visit your friends in a hospital if you’re doing it out of care for them (and not out of a sense of duty) has been widely criticized. It’s likely that even Stocker himself wouldn’t argue that this is true for every token occasion, and it is in fact unclear how relevant such concerns are for
So what exactly is missing in Stocker’s example? If the only reason why our friend came to visit were to ensure that he is kept in our will (which is what Jill does in Rachels’s example), there would be little disagreement on whether he was acting with dishonorable intentions; even if the disagreement on the *permissibility* of his actions persists, the *reasons* on which he acted would be unanimously considered immoral, or at least inadequate. But in Stocker’s case, where someone is acting from the motive or out of a sense of duty, it seems far more controversial to argue that such reasons could be considered problematic. If we agree that friends do have a (moral) duty to visit each other in hospitals, then how can we object to someone acting with the motive or intention on fulfilling such a duty?\(^{161}\)

*permissibility* (rather than other forms of moral objectionability) of specific actions. Nevertheless, his example still has a significant appeal in that it reminds us that personal relationships make very specific demands regarding our motives and attitudes, even if it’s yet unclear what practical import such requirements are supposed to have. In any event, this specific section of this chapter is only aimed at determining in what way personal relationships make demands on our motives, dispositions, attitudes, etc.; it won’t be until the next section that I will apply these findings to the question of action permissibility.

\(^{161}\) Some authors, in fact, disagree with the assumption that we have any rights or obligations within personal relationships at all. (See, for example, John Hardwig, “Should Women Think in Terms of Rights?”; Michael J. Sandel, *Liberalism and the Limits of Justice*; and Carol Gilligan, *In a Different Voice*.) In his criticism of this approach Michael J. Meyer argues that these accounts seem to “confl ate having rights and claiming rights,” in that they rightly argue that *invoking* one’s rights (or the other party’s obligations) in personal relationships may be often inappropriate, but then
In fact, further scrutiny shows that many kinds of motivation that are acceptable (and perhaps even required) in impersonal relations can be downright intolerable when it comes to more intimate relationships. John Hardwig argues that “motives of benevolence, pity, or compassion are also not acceptable as the characteristic or dominant motives in personal relationships,” and there is likewise something deeply troubling about finding out that your friends only ever call you because of feelings of “charity, altruism, and mercy,” or that “your spouse of thirty-seven years had stayed in your marriage purely or even primarily out of a sense of obligation stemming from the marriage contract.”

Moreover, the requirements personal relationships place on us exceed mere motivations and reasons behind our particular actions. Our general feelings about someone, as well as our attitudes and dispositions, can be suitable subjects of such requirements as well. Whether we genuinely care about our friends or lovers; whether

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163 Ibid.
we are concerned about their wellbeing; whether we rejoice in their successes and
mourn their losses – all of these are not only signs, but also requirements (at least in the
sense of preconditions)\textsuperscript{164} of good friendships and lasting romantic relationships.

Most authors who write on personal relationships in fact express the view, explicitly or implicitly, that whether we genuinely care about those close to us is at least as important as the actions we perform within such relationships, and, more importantly, that the motivation behind such actions should exceed acting out of “sense of duty,” or acting in a certain way merely because one knows one is required to do so. According to Elizabeth Telfer, the concern we feel for our friends is “to be distinguished from sense of duty and from benevolence,” and “it is this concern which normally motivates services performed out of friendship.”\textsuperscript{165} Marcia Baron similarly argues that it would be wrong for a friend to always (or even most of the time) act in a certain way only because it’s required by friendship, and not at all because of care, sympathy, etc.,\textsuperscript{166} and David B. Annis reminds us that “both Aristotle and Aquinas

\textsuperscript{164} These requirements can be understood as mere preconditions that don’t bear on permissibility in the following sense: “Although it is permissible for you not to do $X$ for person A, your not doing $X$ makes it the case that you’re not (or are no longer) A’s friend.”


stress that friendship involves wishing and acting for the good of another for the other’s own sake.”

As Stocker’s example shows, acting out of a sense of duty, or indeed out of any of the motives Hardwig lists, is often inappropriate even when we end up performing the exact acts that are required by appropriate special obligations, such as visiting friends in hospitals or supporting our spouses’ goals. And, while these requirements might be interpreted simply as preconditions for being in a specific relationship, rather than as requirements (or even obligations) that determine permissibility, they provide compelling support for the view that requirements on our dispositions, attitudes, motives, etc. in personal and intimate relationships are essentially different from those in more impersonal interactions. Stocker’s and Hardwig’s examples suggest that it’s possible to act wrongly even when we perform the required action, if we don’t at the same time perform it for the appropriate reason – and among reasons that are considered inappropriate are not just self-interested ones, but many others, even those involving a sense of duty or a genuine virtue.

It seems that, the more intimate the relationship, the more stringent the requirements on our reasons and attitudes: while the disposition to return a favor merely out of a sense of duty is sufficient when it comes to neighbors, the same disposition can

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be corrosive when applied to what are supposed to be genuine friendships. It also seems that personal relationships require that we view others in distinctive ways that are neither characteristic of, nor required in, more impersonal dealings.

**Different Modes of Valuation**

Note that we are not dealing merely with the question of how can one sort of motivation be appropriate in one setting but not in another: that self-interest may be an acceptable motivation in financial dealings but not in a marital setting is not that controversial. The issue raised by Stocker, however, is more complex than that: why does it seem that, in certain contexts, it may be wrong to do the right thing merely *because* we want to do the right thing (or with the *intention* of doing the right thing)? Why is visiting a sick friend simply for the reason that visiting a sick friend is the right thing to do considered morally problematic?

Christine Korsgaard argues that “moral and personal relationships are not different in kind. The difference between them is the difference between the *degree* of reciprocity that is required of us as one human being relating to another.”¹⁶⁸ But personal relationships seem to require that we feel concern and respect for another

person that is essentially different from our concern for all persons in general. Some authors have proposed a view, which seems correct to me, that genuinely intimate relationships require not only a higher, or additional, degree of respect and concern for the other person than do impersonal relationships, but that the mode of valuation itself in such relationships is, or at least should be, of an entirely different kind. Unlike most impersonal interactions, genuinely personal relationships require that we value people “intrinsically,” that is, not merely as vehicles toward some other goods we happen to value.

This last sentence might come as a shock to most ethicists: shouldn’t we value *all* people in this way, i.e., as more than mere means or instruments to our own ends? Well, of course; Elizabeth Anderson, whose conception of different modes of valuation I’ve borrowed here, argues that all people in general should be valued intrinsically, and I certainly agree with the view that we should never regard anyone as a mere object or a tool that we can utilize in whichever way we find useful; however, it seems to me that we can still draw a parallel to the difference between the requirements of impersonal and personal relationships by appealing to the difference between extrinsic and intrinsic modes of valuation. Let me explain what I mean.

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Within particular contexts, it may be acceptable to think of strangers in ways that could be considered “extrinsic,” at least to an extent; Anderson explains the meaning of extrinsic valuation in terms of valuing objects as “goods which it makes sense for a person to value only because it makes sense for her to value some other particular thing.” As I have already noted, I do not mean to imply that there are contexts within which we can treat people in any way we please; what is true, however, is that we can sometimes treat people as interchangeable or fungible to a certain degree: when I try to decide which salesperson to choose in my grocery store, I can base my decision on which one of them seems to be the fastest worker (seems to be the most skilled, has the shortest queue, etc.). This doesn’t mean that I can think of salespeople as mere objects, of course, but it does mean that I can, to a certain extent, think of them as fungible and replaceable: I can choose between them on the basis of who will be most useful to me. My point is that, while impersonal interactions allow for this kind of attitude, more intimate relationships do not: when deciding which team to root for at tomorrow’s basketball match, I shouldn’t base my decision on who’s most likely to win; I should root for my boyfriend’s team.

The picture, then, is different when it comes to personal relationships. Most authors, when trying to describe the characteristics of personal relationships, emphasize

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170 Ibid., p. 19.
the importance of dealing with those close to us as particular, unique, and irreplaceable persons. After all, we do choose our friends and spouses, at least to an extent, based on their particular characteristics that set them apart from the majority of other people: can they be trusted with our secrets, do they share our interests and sense of humor, are they good listeners? At the same time, the fact we choose them based on their particular characteristics doesn’t entail that we can treat them as replaceable: it is not true that we can simply stop being their friends (or stop taking the requirements of our friendship seriously) as soon as we find someone who better fits our ideal of a good friend (or an ideal spouse). This is where our choice of salespeople essentially differs from our choice of friends: it is one of the central requirements of friendship that we stand by our friends even when things get rough, when we have disagreements, etc.¹⁷¹ I believe that this shows how impersonal relationships don’t differ from personal ones merely in degree, as Christine Korsgaard argues above, but that the latter require essentially different ways of valuing people.

The difference between the modes of valuation can also be couched in terms of the inability of teleological approaches to give a satisfactory account of the appropriate grounds of actions and attitudes required by personal relationships. David Velleman

¹⁷¹ This doesn’t mean, of course, that it’s never acceptable to exit friendships; I’m just stressing that exit conditions in friendships are significantly more demanding than those which apply to exiting a slow line at the grocery store.
criticizes what had become, at least according to him, an almost instinctive assumption of philosophers when dealing with psychological states: an attempt to analyze all of them as something that is aimed at achieving some goal or state:

This assumption implies that love is essentially a pro-attitude toward a result, to which the beloved is instrumental or in which he is involved. I venture to suggest that love is essentially an attitude toward the beloved himself but not toward any result at all.172

Stocker argues in a similar vein that “acting out of friendship” cannot be reducible to any sort of aim, end, or goal “for the sake of which” we act: when we act out of friendship, we can be said to be acting “for the sake of our friend,” but here the phrase “for the sake of” is not being used in a teleological sense. In fact, reducing “out of friendship” to “for the sake of friendship” is completely misguided according to Stocker. He argues that, when we act out of friendship, we in fact act for the sake of the friend, while when we act for the sake of friendship, our aim is to “get, sustain, strengthen the friendship, rather than to act for the sake of the friend.”173 In the latter case, we are once again guided by an attitude inappropriate for, and even inimical to, real friendship.


Similarly, when we do something for our beloved because we love them or care about them, this often cannot be explained in terms of any of our goals or aims. Instead of focusing on the actions’ ends, we should sometimes (and especially in personal relationships) focus on their source, since acting with and out of the required emotion simply “cannot be accommodated by a psychologically based teleology.” The idea is that we should do the right thing not in order to achieve any other aim, and not even because the context demands it of us: we should help our friends not because that’s what friends should do, but out of friendship.

The general idea underlying the difference between the requirements of personal and impersonal relationships is thus twofold: in genuinely personal relationships, we should, first of all, care about people for their own sake (intrinsically, in a sense); and second, we should perform the required actions because we care about particular people in the required ways, not because the actions themselves are required. But what is the practical upshot of these observations – can we be truly required to care about someone? My answer will be that, while we can remain agnostic on this specific question, we can nevertheless argue that a lack of care (or other required attitude or disposition) can directly bear on permissibility of certain actions, especially those that involve our obtaining a benefit from someone else.

\[^{174}\text{Stocker 1981, p. 758.}\]
5.3 Care and Permissibility

Marcia Baron argues that “one has special duties as a friend, [and] among one’s duties will be those of cultivating certain attitudes and dispositions.”\textsuperscript{175} Nevertheless, the claim that there are any kinds of requirements on our feelings and dispositions, on our motives and attitudes, may still seem problematic to some; and even if they agree with this view, the question remains how can such requirements bear on permissibility. The question is, therefore, whether requirements of personal relationships, especially requirements that concern our attitudes and motives, really make any practical sense: first, it doesn’t seem that we can actually force ourselves to have certain feelings or attitudes; and related to this concern is the intuition that, if we don’t possess the required reasons, dispositions, or attitudes, then it makes no sense to demand that we act on them. In the light of these intuitions, how can we make sense of there being requirements on our intentions, attitudes, or dispositions? In terms of Stocker’s example, we can ask ourselves: how can you demand that I come to see you in the hospital \textit{for the reason} that I want to, when I really don’t want to, and thus cannot act for a reason I don’t have?

One way to deal with this is to argue that such a permissibility-affecting interpretation of requirements in personal relationships is simply mistaken. Perhaps the requirement that you care about your friends is meant rather as a constitutive

precondition of being in a relationship: perhaps demanding that you only visit your friend if you care means simply that visiting for any other reason (including a sense of duty) implies that you’re not a true friend. According to this interpretation of requirements on our mental states, Stocker’s example, while instructive, doesn’t really show anything about whether it is permissible for us to visit someone we don’t really want to visit for any other reason but because we feel that it’s our duty. After all, doctors do it all the time, and so do many other people whose job it is to visit sick people. Your boss or coworker might visit you for the same reason (i.e., because they feel it to be their duty), and so can your neighbor. It’s only your friends (and loved ones) that should visit you because they care about you, and people who don’t visit you for that reason, are simply not your friends – it certainly doesn’t follow from that that they are doing something impermissible just by visiting you in the hospital.

On the other hand, the question persists: would it really make no sense to interpret such requirements as bearing on action permissibility? Barring now from Stocker’s example, let’s ask ourselves if we really don’t perceive at least some of such requirements to represent something more than mere conditions for being in a relationship. Returning to one of my previous examples, “Marriage,” it seems that not loving your bride-to-be doesn’t simply imply that you (and she) are not in an ideal romantic relationship; it also means that you’re doing something wrong by marrying her for reasons that don’t involve love and respect, but rather greed for her money.
However, if requirements on our attitudes and motives do represent permissibility-affecting demands, as the “Marriage” example suggests, then how would this work in practice? After all, general requirements that we perform certain acts normally present us with only two alternatives: we can either perform the required action, or we can fail to do so. However, the view that there are also requirements on our reasons and attitudes that accompany our actions, and not only on acts themselves, seems to imply that sometimes we may be faced with at least three alternatives: (1) we can do the right thing for the right reason (such as saving the drowning man because it’s the right thing to do); (2) we can do the right thing for the wrong reason (saving a drowning person because of the reward); and (3) we can do the wrong thing (i.e., not saving the drowning person for whatever reason). Applied to Stocker’s example, this view seems to imply that the only right thing for us to do is to visit our friend because we care about him, while visiting him either because we feel it is our duty to do so, or because we want to remain in his will, are both instances of acting wrongly, perhaps even impermissibly.

As we have already seen in the previous chapter, Scanlon argues against this view: since ought implies can, he claims, we obviously cannot be required to do things we can’t do, and one of the things we certainly cannot do is acting on reasons (intentions, motives, dispositions, etc.) that are unavailable to us. The suggestion that a selfish person can choose to save a drowning man for the right reason, he says,
is odd because it presupposes that it is open to her to choose to act out of concern for the person’s wellbeing. It is open to her to choose whether to save the person or not, but not open to her to choose to see a certain consideration as a reason for doing so.¹⁷⁶

This doesn’t imply, of course, that we are altogether impotent regarding our intentions, attitudes, and dispositions: it is certainly true that we can slowly bring ourselves, or perhaps habituate ourselves, to care about our children’s hobbies or our spouses’ interests; perhaps we can work on starting to like healthy food, Russian novels, and even an annoying in-law. It cannot be denied that we can cultivate certain feelings and attitudes within us.¹⁷⁷ While all this is true, the fact remains, according to Scanlon, that we cannot, at a given occasion, act on a reason that is at that moment unavailable to us: while I can work on caring more about my friend, the fact is that he’s in a hospital right now, and, since I don’t care sufficiently about him at this moment, I also can’t visit him because I care, but rather merely because I feel it’s my duty. And, to return to the “Neighbor” example, Monica should certainly start working on developing certain virtuous dispositions, but since they are not available to her right now, how can we demand that she ask for a favor with a required disposition or intention, if she doesn’t (yet) possess it?


If Scanlon is right (and his account seems quite persuasive to me) in that we cannot act on reasons that are unavailable to us, then we are again left with only two choices when it comes to particular actions: we can either perform them or not, whatever our reasons for doing one or the other. When we see someone drowning, we should do everything we safely can to save him, regardless of our reasons for doing so: Scanlon is certainly right to argue that a selfish person should save a drowning man for a bad reason, such as fame or a reward, rather than letting him drown because a morally appropriate reason is not available to her.

But does this solution apply to all cases? What about the “Marriage” case I’ve discussed earlier – should we conclude that the man should marry his fiancée because he wants her money, since marrying her out of love is not available to him? No doubt this is an absurd answer: why, he shouldn’t marry her at all! Examples that concern personal relationships (and that are not tied to urgent matters of life and death) can draw different conclusions than do impersonal relations where the permissibility of a given action is either wholly independent of the agent’s reasons, or the urgency of required action trumps the relevance of the agent’s reasons and intentions.178 We can agree with

178 Even when certain intentions or attitudes are required, their relevance is not unrestricted. The relevance of bad intentions can be overridden by the importance of the required action: Jill from Rachels’s example shouldn’t visit her sick grandmother just because she wants to stay in her will, unless she knows that the grandmother will
Scanlon that we can still only choose between two alternatives (either we perform the action or we don’t) in such cases, but which alternative is the right one will depend on the agent’s attitudes and dispositions, and not merely on objective, external, agent-independent factors.

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Marrying someone for their money, calling your friend only when you need her help, asking someone for a favor without being disposed to return it (or without appropriately appreciating it, etc.), are all instances of exploitation, and are as such impermissible. While there certainly are many actions we should perform regardless of our private mental states, so there are also actions, especially within personal relationships, that are impermissible unless done with an appropriate motive or attitude. The worries raised by Scanlon’s criticism, namely that motives and other mental states should never bear on permissibility because they are not under our direct control, can thus be put aside: while it might be true that we can’t force ourselves to have certain attitudes or dispositions, this doesn’t change the fact that we should refrain from performing certain actions – especially those that involve using someone – if we don’t do them for the right reason or with the required attitude. I think we can thus safely accept Scanlon’s claim that we cannot act on an intention we don’t possess, and yet otherwise leave all her inheritance to her dog, while Jill intends to spend it on charity. The intentions’ relevance for actions permissibility is thus clearly pro tanto.
maintain the view that certain actions are impermissible if we don’t possess the relevant mental states. In other words, we can maintain that in such cases, permissibility of specific actions depends *directly* on our attitudes, motives, and dispositions.

The question is, of course, how we can determine *when* mental states are relevant for permissibility and *when* their absence constitutes exploitation. While I don’t believe that we can provide a list of mental states whose presence or absence can determine whether a specific action within a specific personal relationship is exploitative, we can nevertheless draw some central guidelines concerning *when* (i.e., in *which cases*) they matter. First of all, and as I’ve already indicated in the introductory chapter, an exploitatve action has to involve some sort of *use* of another person – use which involves fulfillment of one’s own aims or interests. This helps to explain why the intuitions about the “Marriage” or “Neighbor” cases are usually a great deal stronger than are intuitions about Stocker’s example, which is much more controversial. I think we can soundly conclude that this is because Stocker’s example involves intentional *confering of benefit* to (or helping) the person we may not have the appropriate feelings for, and is therefore not done without the other person’s interest in mind; scenarios like the one provided by Stocker cannot be appropriately described as involving one person *using* another. Especially in cases where the other person’s (the patient in Stocker’s example) interests are served in some way, her benefit creates a sort of a conflict that affects permissibility, and the question arises about which of the two outweighs the
other: doing the good (beneficial) thing, or refraining from acting for the wrong reason? The fact that the sick person in Stocker’s example benefits from the visit, while his so-called friend is not visiting in order to fulfill some aim of his own (unlike Jill in Rachels’s case), has as a consequence that most people fail to see anything wrong with the visitor’s actions.

In contrast, the intuition that one is acting wrongly in cases like “Marriage” or “Neighbor” is much more common: the conflict that arises out of benefitting someone else for the wrong reason is absent when we use someone, i.e. extract, rather than confer, benefit\textsuperscript{179} from a person for whom we lack the required feelings or attitude; we can safely say that such cases represent instances of wrongful use. Further, this is true even in cases where both the exploiter and the exploitee benefit from the interaction: the “use condition” doesn’t require that the exploitee doesn’t benefit as well, or even that she benefits less than the exploiter. Mildred, for example, loves spending time with her neighbor’s son – it can be said that she in fact benefits from babysitting him. But it is the boy’s mother’s (Monica’s) attitude, her insensitivity to Mildred’s plans, needs, and wishes that makes Monica’s behavior exploitative: Monica doesn’t care whether Mildred in fact benefits from the relationship; she doesn’t care whether she’s a nuisance, or whether Mildred has to forego some plans of her own because she simply

\textsuperscript{179} Many thanks to Maggie Little for crystallizing this idea for me.
couldn’t stand for her neighbor’s son to stay home alone. The fact that Mildred loves to help (and even benefits in a sense) is a happy coincidence that doesn’t change the indifferent nature of Monica’s motives: since her behavior wouldn’t change if Mildred were in fact bothered by babysitting Monica’s son, Monica’s actions are still exploitative.

All this connects with the fact that the requirement not to exploit people in personal relationships often goes beyond the negative obligation not to treat others as mere means. This is where it becomes especially apparent how the requirements in personal relationships differ from those in impersonal ones not only in degree, but also in kind: they require that we see people as positive ends – not merely as someone we shouldn’t use as mere means, but someone whose ends should be of concern to us, whose wellbeing we should care about, and whose personal plans, needs, and desires, as well as their feelings and dispositions, should figure in how we treat them, and in which ways it is permissible for us to interact with them.

But while the requirement not to exploit is a perfect duty, the requirements concerning our attitudes and dispositions are in a sense imperfect (which is really an expected – though not necessary – result of the fact that we are now talking of a positive duty to treat another as an end): the fact that personal relationships are not “one-off,” discreet interactions has as a consequence that we cannot judge each particular action performed within such relationships as if it follows from an isolated intention or motive.
Personal relationships are diachronic in nature, and we have to judge the permissibility of each specific action against the background of the agents’ more general dispositions and motivations. This means, first of all, that we may be unable to identify a single motive behind every particular action. But it also means that, even if we can identify a distinct motive behind a corresponding action, we won’t be able to judge the permissibility of that action without the knowledge of whether this problematic motive is predominant in one’s treatment of another person, or whether it is rather an exception in what is generally a mutually loving and caring relationship.

The first of these two points is in fact not very mysterious: many actions that are guided by positive duties cannot be reduced down to a single, discreet motive or intention, and especially actions that are guided by emotions or general attitudes cannot be couched in such teleological terms at all. When you call your neighbor in order to ask a favor, your intention of obtaining her help is not the only mental state that figures in determining the permissibility of your action; in fact, this individual intention cannot inform our judgment one way or the other: we need to know more about your general dispositions when it comes to this particular person whose help you’re now asking for. It is obviously not wrong to ask your neighbor to babysit at the last minute this once, if this is a truly urgent situation (or a once in a lifetime opportunity) that you couldn’t

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180 Recall Stocker’s and Velleman’s criticism of such views.
have predicted in advance, and if you do it with appropriate respect, show gratitude, and make sure to express your willingness to return the favor and your awareness that this is a lot to ask for.

But what matters is not just your behavior at this particular occurrence (since you could be just pretending, after all), but rather your general disposition toward this person: do you generally feel appreciation for her help, or are you taking it for granted? And, since your neighbor loves spending time with you son, do you encourage him to visit her even when you don’t need her help? And besides all this, do you in general strive to organize your life better, so you wouldn’t have to bother your neighbor at the last minute and depend on her goodwill any longer? All of these facts betray your general attitude toward your neighbor, and this attitude in turn determines whether your calling for her help tonight, when your friend has invited you to a sold-out concert of your beloved pianist, is exploitative, and thus impermissible.

This confirms the second point I made above, namely that we cannot judge whether acting on a certain motive is acceptable in this particular situation, unless we know whether this motivation is predominant, or rather an exception, in your relationship with the relevant person. This is even more obvious in more intimate relationships: calling your friend because you need a favor is acceptable as long as this is not why you ever call her (or even most of the time). Precisely because personal relationships are diachronic in nature, we often cannot judge the permissibility of
particular actions against particular attitudes or motives behind them; rather, our general attitude towards someone can be more accurately described in a broad sense as “general plan,” instead of a “reason for this particular action.” The permissibility of certain actions can then be judged against a general background of the entire relationship.

To sum up: in order to determine whether particular personal or intimate relationships involve exploitation, we need to focus on two relevant variables: one is the emphasis on the agent’s mental states, rather than her pure actions, and the other is the notion of use, or benefit. We can only talk of exploitation in such interactions and relationships when both variables are fulfilled: the relevant interaction involves one person using another in some way, when the user doesn’t possess the required attitude or disposition that would render such “use” permissible.

5.4 Exploitation as Failure to Care

From the beginning, I have based my thesis on the observation that extant theories of exploitation fail to acknowledge, and thus to condemn, many instances of wrongful use, particularly the kind that happens in relationships that are not led by economic interests, but are rather more personal in nature. Ranging all the way from various interactions with our coworkers and neighbors on one hand, to the most intimate relationships with
our close friends, relatives, and loved ones on the other, we find instances of exploitation that must remain invisible to those who define exploitation through economic (distributive) injustice, invalid consent, or through taking advantage of substantive vulnerabilities. I have argued that cases of exploitation which cannot be analyzed through any of these approaches demand that we refocus our attention on the agent guilty of exploitation, rather than on her victim. Only by paying attention to the exploiter’s motives, intentions, attitudes, and dispositions can we explain the exploitative nature of cases that elude other, “victim-oriented” and “action-based,” approaches.

Still, I would like to emphasize that my aim is not to argue that all instances of use that involve lack of required attitudes, motives, and dispositions on the user’s side are automatically exploitative. As I have noted in the introductory chapter, exploitation often involves use that is wrongful simply in virtue of its violation of requirements on action. The instances of use that are most obviously wrongful are those that flout the obligation that we should never treat people in ways that are incompatible with treating them as ends in themselves, and the most obvious cases of such treatment are those that involve coercion or deception. But obeying by this general norm is not always sufficient: most relationships put further specific requirements on what are considered permissible or required actions in certain contexts: special roles, such as being a boss or a parent, provide us with additional, special, obligations regarding our actions.
Use which is wrongful simply because it flouts requirements on action can be rectified through performing the required actions (or through abstaining from performing the impermissible ones): sweatshop exploitation, for example, can be explained through the violation of a requirement to pay a minimal wage or to distribute the benefits fairly (or, alternatively, to not take advantage of others’ basic needs). All the employer needs to do in this case is to perform the required action, and there is no further need to invoke her dispositions or intentions in order to rectify this kind of exploitative relationship. In my view, if a boss privately disrespects his workers, but outwardly treats them fairly and respectfully, and pays them a fair wage with all the required (by justice, not merely by law) benefits, then those workers are not exploited, even if the boss only complies with those requirements out of fear of legal repercussions.\footnote{Whether the boss is still doing something immoral remains open – I merely argue that he’s not doing something \textit{impermissible}, and that he’s not guilty of exploiting the workers.} Further, it seems that invoking one’s private motives or dispositions is also irrelevant to cases of exploitation that is wrongful due to invalid consent: as soon as we make sure that consent is valid, many such interactions cease to be exploitative, regardless of the user’s intentions or dispositions.

It is thus undoubtedly true that permissibility-status of many interactions doesn’t depend on the agent’s private mental states, but rather on other factors. This is why I
believe that Norvin Richards is wrong in his conviction that exploitation *always* represents a “failure to care,” where caring is understood as “a matter of being moved by the other person’s having the goal, not by the merits of the goal itself.”\(^{182}\) According to Richards,

> what ties together false friends, pure bargainers, and simple users is that each intentionally causes someone to satisfy a purpose directed away from him, while *not caring enough* about him to be moved by similar desires of his.\(^{183}\)

I think this is patently false: we are part to legitimate, non-exploitative dealings with people every day, even when we don’t particularly, or at all, care about out interactors’ goals or feelings. But the picture is quite different when it comes to personal relationships, and while friendships require that people care about each other, the fact remains that many other relationships and interactions, like business deals and interactions with strangers, do not.

I do, however, agree wholeheartedly with Richards’s claim that exploitation *can*, and often does, consist in lack of care. But it has to be noted that the phrase “exploitation as failure to care” is, while resonating, perhaps somewhat misleading here: as has been demonstrated in cases such as “Neighbor” and “Uncle,” the required attitudes and dispositions don’t have to involve genuine care or even respect. What is

\(^{182}\) Richards 1978, p. 101; emphasis mine.

\(^{183}\) Ibid.
required, however, is some sort of disposition, and my contribution to this debate is not limited to cases of exploitation that are wrongful only because the user doesn’t sincerely care for the used. “Failure to care” is thus here employed as shorthand for failure to possess any kind of attitude, motive, or disposition the absence of which makes certain instances of use wrongful, i.e., exploitative. In any event, this approach succeeds at something other theories of exploitation fail at: it manages to include the type of exploitation that often happens within personal relationships, between people who know each other, and where absence or presence of certain attitudes or dispositions directly determines whether a particular (inter)action is exploitative or not.

Interestingly, some authors have argued that we should adopt an approach to exploitation that demands almost the exact opposite from what I propose: Jean Hampton suggested that, for the purpose of determining whether a specific relationship is exploitative, we need to set aside the affections and emotional connections between those involved in a relationship. She proposes the following test:

Given the fact that we are in this relationship, could both of us reasonably accept the distribution of costs and benefits (that is, the costs and benefits that are not themselves side effects of any affective or duty-based tie between us) if it were the subject of an informed, unforced agreement in which we think of ourselves as motivated solely by self-interest?184

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Although Hampton claims that the test can be used for the purposes of determining exploitation in both personal and impersonal relationships, it is primarily aimed at determining whether women are exploited within traditional family (her approach is called “feminist contractarianism,” after all). In practice, the test requires that I imagine whether I would consider it fair to perform specific actions, or agree to certain arrangements, within my marriage if I did not have any special feelings or affections for my spouse or my children. Hampton’s approach which requires that we don’t take our feelings and affections into account (and that we even disqualify them as irrelevant) when trying to figure out whether we are being exploited has been widely criticized, and not only by the proponents of “ethic of care.” Ruth Sample, who is otherwise in favor of a contractarian approach to exploitation within the family, argues that “Hampton’s test would demand the virtual abolition of family.”

Sample’s point is that, while Hampton may be right in asserting that we wouldn’t agree to do many of our chores within our families if it weren’t for our feelings of affection

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186 Ibid., p. 272.
187 Ibid.
and concern for other members of the family, this hardly proves that we are being
exploited by them, or that our mutual arrangement is therefore unjust. Disqualifying the
emotional benefits we get from our family, while holding onto other kinds of benefits in
order to calculate whether we are exploited, therefore seems rather arbitrary. It certainly
is odd that we are allowed, even required, to keep all other kinds of benefits (i.e., those
not connected to our “affective or duty-based ties”) in the calculation; in order to
determine whether the relationship is just, Hampton’s test requires that we try to figure
out whether there’s a sufficient balance between costs and benefits that flow from the
relationship: in a traditional marriage, we may benefit financially, for example, but we
may incur several other costs – and all of these, except emotional ones, are supposed to
enter the test. So what is it about emotional benefits that renders them inappropriate for
the calculation? Isn’t their exclusion rather arbitrary?

It seems to me clear that affective ties should remain in the calculation, since
they are clearly considered a kind of benefit for which it is worth to incur certain costs.
Caring about our loved ones is constitutive of personal relationships, and both the
benefits and costs that flow from such feelings and attitudes help determine whether a
specific relationship is exploitative. In fact, as I have argued, we often cannot determine
whether a person is exploiting another unless we take into account the kind of
relationship they’re in, and whether they’re fulfilling the requirements that flow from
the relationship; since our affections, attitudes, and dispositions are among these
requirements, it is clear that we cannot provide a satisfactory answer to the question of exploitation unless we take them into account as well.

**Conclusion**

After examining various theories of exploitation and pronouncing them unable to acknowledge and condemn many instances of exploitation in personal and intimate relationships, I have proposed that the only way we can explain certain instances of wrongful use in such relationships is by arguing that the agent is guilty of exploitation when she (1) lacks a required attitude, disposition, motive, etc., while she at the same time (2) uses another person. What therefore makes such use wrongful is not based on objective considerations that are outside of the agent’s control, but rather on her own private mental states. My central thesis is that abstracting from these considerations will make it impossible for us to identify and criticize a lot of exploitation that goes on in personal and intimate relationships, particularly in close friendships or romantic relations, although this approach also applies to some less intimate, but still personal, relationships and interactions.

Exploitation in personal relationships therefore often directly depends on the dispositions, motives, and attitudes of those involved, and the more intimate the relationship in question, the more stringent and particular those requirements are. The
requirement that we care about certain people we deal with is very real and compelling, and failure to properly care about the other person involved in the relationship is often the direct underlying source of exploitation.
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