

Exploitation and Joint Action

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1. Introduction

Recent years have seen a growing philosophical interest in the concept of exploitation as well as in putatively exploitative practices, such as commercial surrogacy, sweatshop labor, and medical research in the developing world. This article contributes to the philosophical debate in this area by focusing on a problem about exploitation that has remained largely unexamined until now. The debate has concentrated on the kind of situation where one party to a transaction or relationship, *A*, exploits another party, *B*, and *A* benefits himself/herself. At the same time, philosophers have for the most part ignored cases where *A* exploits *B*, but the gains *A* extracts from *B* accrue not (only) to *A* but (also) to a third party, *C*.¹

This omission is striking because such cases are easily found in the real world. Clinical researchers and their sponsors may exploit research subjects to advance the interests of future patients. Sweatshops may exploit workers in poor countries on behalf of multinational firms and for the benefit of their customers. In fact, it is plausible to claim that, more often than not, several parties stand to gain from putatively exploitative practices in today's globalized economy. For example, Iris Marion Young (2011, ch. 5) paints a vivid picture of the complex and multilayered network of actors (i.e., sweatshops, multinationals, intermediaries, distributors, retail and wholesale companies, individual and group customers, and so on) who make up one prominent such practice, the global apparel industry.

Therefore, in order to be genuinely practically relevant, exploitation theory needs a better grasp of how third parties can be involved in exploitative transactions and arrangements and of the normative significance of such involvement. Young herself, while emphasizing that the circle of those bearing some (mostly forward-looking) responsibility in connection with such transactions and arrangements is much broader than commonly thought, does not systematically distinguish among different kinds of third-party involvement. Our work undertakes such an analysis.

We distinguish between different types of cases corresponding to different kinds of involvement in exploitation by the third party. We also argue that these different types of involvement have different moral implications—especially as regards the remedial duties incurred by the third parties. Our main claim is that in many cases third-party beneficiaries can be properly construed as *acting together* with exploiters in bringing about and/or maintaining the exploitative relationship or transaction. Establishing joint action in such cases is important because, first,

it helps to explain why third parties are morally responsible² for the exploitation. Second, the moral responsibility of third parties in turn provides a rationale for allocating to them duties to remediate the victims of exploitation.

We think that the joint action perspective helps to avoid two potential pitfalls in theorizing third-party involvement in exploitation. The first consists in drawing the circle of exploiters too narrowly. If one relies exclusively on exploitation theory one may fail to recognize that even some agents not directly transacting with the exploitee can nonetheless qualify as exploiters. This narrow focus gives more plausibility to these agents' denial of moral and legal responsibility than it should. But, second, one may also draw the circle too broadly. It may seem tempting to describe *all* parties as exploiters who stand to benefit from exploitative transactions, regardless of their specific role in the transaction. However, this approach is unattractive: it fails to recognize what is specifically morally wrong about exploitation, it obscures differences between exploiters in particular and beneficiaries of injustice in general, and makes it difficult to attribute duties to rectify exploitation to specific agents. As we will explain, joint action theory is useful for resisting these under- and over-inclusive tendencies.

The article starts by briefly characterizing exploitation in the standard two-party sense, and by outlining the debate about its moral wrongness and locus (Section 2). We then distinguish this kind of exploitation from cases where third-party beneficiaries are also involved. We specify three main ways in which third parties can be implicated in exploitation: (i) by non-culpably benefiting from exploitation; (ii) by culpably benefitting, without joint action; and crucially, (iii) culpably, through joint action with the exploiter (Section 3). In Section 4, we elaborate the distinction between (i) and (ii). In Section 5, we elaborate the distinction between (ii) and (iii). Section 6 makes some important clarifications and addresses some objections to our taxonomy. In Section 7, we argue that our taxonomy corresponds to significant differences in third-party duties of remediation toward victims of exploitation. We close by summing up the main findings and consider the possibility of real-life applications in Section 8.

2. Exploitation

Exploitation is a puzzling phenomenon. In the most egregious cases, the exploitee is harmed, or her consent is invalid, or both. Slave owners and human traffickers engage in exploitation that is clearly non-consensual (because coercive) and often harmful (because the victims are made worse off than they otherwise would be). However, a philosophically remarkable feature of exploitation is that it can also occur when transactions are Pareto-superior and consented to by all the parties involved.

Consider, for instance, this relatively mundane case:

Migrant Worker: A woman leaves her native country to escape poverty hoping for a better future abroad. As a newly arrived immigrant she has few employment options. However,

she really needs an income in order to eat adequately, pay her rent, and cover other necessary expenses. An elderly man proposes to pay the woman for taking care of domestic work at his house. He tells her openly that he expects her to work hard but will only offer very modest payment. She knows that he can let her go anytime he pleases. The woman accepts the offer for lack of better ways to earn an income. The arrangement costs the man significantly less than hiring domestic work from other providers.

It appears that the woman benefits from accepting the man's offer. True, it is far from an ideal way of making a living. But it is in her own judgment her best available option. Moreover, the man does not seem guilty of failing to obtain her consent. She fully understands his proposal and its consequences, and he neither threatens nor manipulates or deceives her. It might be objected that her agreement is not genuinely voluntary because she has no other viable option. She is coerced by the circumstances, as it were. But even if this is indeed a form of coercion proper, it is not one for which the man is to blame. Surely, the woman's circumstances are not of *his* making.

Nonetheless, even though the man benefits the woman and obtains her consent it intuitively appears that he treats her in a morally objectionable way. More precisely, there is a good case to be made that he exploits her.³ Two features of the case invite this judgment. First, the woman's situation is such that she cannot reasonably turn down almost any opportunity to earn an income. Second, the man takes advantage of this situation. He could have offered a deal more advantageous to the woman but since he does not have to do this to secure her agreement he offers the deal that maximizes his own gain.

What is morally wrong about such mutually beneficial and consensual yet exploitative transactions? Exploitation theorists disagree about the answer. Some hold that the essential wrong of exploitation consists in the violation of some norm of fairness (Wertheimer 1996, 2011; Mayer 2007; Valdman 2009). Call this the *transactional fairness approach*. Others argue that exploiters wrong their victims not because they treat them unfairly but because they degrade them or fail to respect them as persons (Wood 1995; Sample 2003). Call this the *Kantian approach*. Yet others opt for what we will refer to as the *domination view*, which conceives of exploitation as domination for self-enrichment (Vrousalis 2013, 2016). More precisely, on this view "A exploits B if A benefits from the exchange with B, A subordinates B, and such subordination is grounded on A's power over B" (Vrousalis 2016, 529). Finally, there are of course some who combine these approaches holding that exploitation comes in more than one variety (Wilkinson 2003; Snyder 2012).⁴

Most of what we have to say does not depend on committing ourselves to this or that theory of the wrongness of exploitation. In fact, we will argue that one needs to distinguish among different types of third-party involvement no matter which of these competing approaches one prefers. As we will explain, left to their own resources none of the approaches will be able to explain why some types of involvement implicate the third party in the exploitation.

Our account is also largely neutral with respect to another divisive issue in contemporary exploitation theory. Philosophers disagree about whether exploitation is best understood as a feature of individual transactions or as a structural phenomenon (Holmstrom 2013; Deveaux and Panitch 2017). On the former view, *Migrant Worker* involves exploitation because of how the man treats the woman (whether unfairly, degradingly, or in some other objectionable way), not because of the broader social, economic, or institutional context wherein the transaction occurs. The latter view, by contrast, foregrounds precisely these contextual features: exploitation is intimately connected to structural inequalities that systematically render some groups of people (in this case, unemployed migrant women) vulnerable to being taken advantage of by others (in this case, comfortable non-migrant men).⁵ Since we will mostly discuss individual transactions it might seem that we are committed to a transactional view. Not so. First, proponents of a structural view too will recognize cases of exploitation that are unconnected to structural inequalities. For even in perfectly egalitarian and otherwise unobjectionable structural settings people will presumably have at least *some* vulnerabilities (such as imprudence or distractedness) that render them vulnerable to being taken advantage of in morally problematic ways in at least *some* situations (Vrousalis 2013, 135). Second, in cases where exploitation *is* connected to structural inequalities (such as, plausibly, *Migrant Worker*) “structuralists” should be interested in how individual interaction reflects and perhaps reinforces these inequalities (Malmqvist 2013). Structuralists can fruitfully see the individual transactions we will discuss in precisely this light. Thus, we believe that both sides in this debate should find our discussion relevant.

3. Exploitation with Third-Party Beneficiaries

Migrant Worker is a case of what might be called *direct* exploitation. In such cases, the exploiter engages in the exploitative transaction in order to benefit herself. However, as we noted above, it frequently happens that the gains the exploiter extracts from the exploitee accrue not (only) to the exploiter but (also) to a third party. This kind of situation has not been studied in much detail until now. Mikhail Valdman (2009, 2) is right to conclude: “it is not clear how to handle benefits secured by third parties.”

It might be thought that this is because such cases on closer analysis reduce to direct exploitation. Alan Wertheimer (1996, 210–11) briefly discusses two types of cases (which he calls *mediated exploitation*) where this seems true. The first is the kind of case where “C (an individual or group) [has] authorized or asked A to seek a benefit for C from a transaction with B.” In some cases, this could mean that A is acting merely as C’s stand-in or proxy.⁶ For example, A may be executing orders or be coerced to act or may be innocently ignorant of the fact that he is party to an exploitative transaction. Here A is for all intents and purposes a means by which C exploits B. So this seems to be a case of direct exploitation (of B by C).

The second kind of case is the kind where A's gain can be construed broadly enough to include C's gain. Wertheimer provides the following illustration: "Consider the Legal Aid lawyer who advises her client to reject a generous settlement because she wants to litigate a new legal doctrine that, if the litigation is successful, will serve the interests of a larger group."⁷ The lawyer (A) may exploit her client (B) to increase her own fees or win a bigger case, or she may exploit B to serve the interests of her larger client group (C). Either way, a successful litigation is her aim, and accomplishing that aim could properly be counted as a benefit to her. Again, the fact that there are third parties involved plays no distinct role in the analysis. Consequently, this seems to be a case of direct exploitation as well (of B by A).

However, it would be a mistake to think that exploitation involving third-party beneficiaries is *always* reducible to direct exploitation (of B by C or of B by A). There are cases where A is neither a mere proxy for C nor shares C's interests to such a degree that their respective gains are coextensive. To see this let us consider three variations of *Migrant Worker*.

First, add the following details to the case (with the rest of *Migrant Worker* remaining as before):

Fortunate Son: Having saved a handsome sum the man feels generous and gives the surplus to his adult son, who no longer lives at home. The son is surprised by the gift. He has not asked for or implied that he expected the money. He didn't even think his father had that kind of money to spare and is unaware of how the surplus was created. Yet he welcomes the gift as he has an expensive lifestyle but a modest income.

Second, return to *Migrant Worker* and add this instead (but nothing else):

Exactng Son: The man has an adult son who no longer lives at home. The son has repeatedly asked his father for economic support. The father has previously made clear that he will not provide the money because the costs of running his own household are too high. "Lower your costs then! I don't care how. I need the money," the son replies. By hiring the migrant woman the father can indeed save some money, and he is now willing to comply with his son's wish. He arranges to transfer the surplus to his son. The son is pleased to receive it and accepts the money despite knowing very well where it comes from.

Third, return to *Migrant Worker* and add this instead (again with no other changes):

Son at Home: The man has an adult son who lives at home. It was the son who suggested hiring the migrant woman (whom he knew about through a friend) after his father had asked for his assistance in finding affordable domestic labor. Moreover, the son enables his father to communicate with the woman, serving as an interpreter between them since she does not speak the local language. Furthermore, he too makes use of the woman's services, enjoying having the house cleaned and tasty meals prepared for him. The son can do little to influence the woman's situation: it is his father who decides how much she will be paid and what her work tasks and working conditions will be. The son is pleased with the father's arrangement with the woman and is keen on keeping it, and he makes this clear to both of them.

These three cases are not reducible to direct exploitation in either of the ways considered earlier. In none of the cases does the son treat his father as a mere proxy. The initiative to exploit is mainly the father's. He does not just carry out his son's orders. Nor can the son's gain be straightforwardly counted as a gain to the father. The sons in *Fortunate Son* and *Exacting Son* benefit from having their expensive lifestyle supported, and the son in *Son at Home* from having his meals prepared and his clothes washed. Of course, insofar as the father cares about his son, the son's well-being will to some extent affect his well-being too. But to say that each and every benefit to the son is an equal benefit to the father would suggest an unrealistically intimate relationship.

So in all three cases the son is connected to the exploitation in a way that calls for further analysis. Note, however, that this connection is a different one in each case. The son in *Fortunate Son* is not at all involved in exploiting the woman, but unwittingly benefits as a result of his father's actions. By contrast, while the son in *Exacting Son* is not involved in exploiting the woman directly, he can be said to encourage as well as profit from the exploitation. *Son at Home* is again different. The son cooperates with his exploitative father in a way that does not hold true of *Fortunate Son* or *Exacting Son*. In the remainder of this article, we shall discuss these different ways of being connected to exploitation by third parties and spell out the normative implications of this taxonomy.⁸

4. Innocent Beneficiaries and Culpable Contributors

The son in *Fortunate Son* in no way contributes to his father's exploitative conduct and is not even aware of the exploitative relationship. He merely profits from it. Thus, this appears to be a clear case of innocently benefiting from the wrongdoing of others. Arguably, once the son learns about the origin of the benefit he receives, he incurs a duty to redress the negative consequences of the exploitation (we return to this issue in Section 7). In any case, whatever duties he may have in that regard these cannot arise from moral responsibility and blameworthiness for the exploitation itself.

What about the scenario in *Exacting Son*? Here, as we set up the case, the son knows that his money derives from the father's exploitation of the domestic help. In this regard his position seems symmetrical to that of the fortunate son, once the latter learns about the origins of his gains. If knowledge of the exploitation suffices to generate a remedial duty in one of the cases, so too does it generate such a duty in the other case.

But unlike the fortunate son the exacting son does not seem quite innocent of the exploitation in the first place. He encourages his father to purchase cheap domestic work through his insistent requests for money. Also, it seems plausible that he knows (or could and should know) that his requests may have this effect given that the father's explicit justification for not providing the money is that his present household expenses are too high. Furthermore, it seems plausible that he knows (or could and should know) that the wages and working conditions of

those who provide the cheapest available domestic work are likely to be morally suspect. If all of this is right, then the son is complicit in the father's wrongful conduct in the sense of knowingly contributing to it (Lepora and Goodin 2013), and is also blameworthy because of that.⁹

Some may want to go further and maintain that the exacting son is not just complicit in exploitation, but himself an exploiter. However, none of the theories of exploitation we outlined earlier seem to support that judgment.

Consider transactional fairness theories first. The son does not directly transact with the exploitee: the deal is struck between his father and the domestic help. That is, it is the father not the son who determines the price she is paid and the conditions of her employment. Recognizing this point is compatible with holding that the son treats the domestic help unfairly in some sense, but if there is unfairness here it does not derive from the fact that he pays her below the hypothetical fair market price (to use Wertheimer's [1996] criterion). Nor does the unfairness derive from the fact that he violates "a *prima facie* moral obligation not to extract excessive benefits from people who cannot, or cannot reasonably, refuse [the] offer" (to use Valdman's [2009] criterion) because he does not make the offer and he does not extract the benefit.

Similar reasoning applies if one adopts a Kantian approach. On this approach *Exacting Son* involves exploitation because the vulnerability of the domestic help (Wood 1995) or her unjust circumstances (Sample 2003) are being taken advantage of, or because she is being taken advantage of in a way that neglects her basic needs (*ibid.*). But whichever version one prefers it is surely the father not the son who is doing the relevant form of advantage-taking. The advantage-taking is a function of the woman's low wage and onerous working conditions. (To see this, suppose the proposed wage was drastically increased and the working conditions drastically improved. Then the woman's vulnerable or unjust circumstances would not be taken advantage of because she would have agreed to the exchange even if she were not in these circumstances. Nor would she be taken advantage of in a way that neglects her basic needs because she would be sufficiently compensated to be able to satisfy those needs.) And, again, it is the father not the son who determines the wage and working conditions.

Finally, take the domination view that links exploitation to power and subordination. While the son benefits from his father's exchange with the domestic help, he does not subordinate her (to use Vrousalis's [2013] criterion). The father does that. It is true that, in a general but important sense, both father and son occupy structural positions of power or privilege relative to the woman. But only the father appears to possess power *over* her—the kind of power relevant to domination (Vrousalis 2013)—because he alone determines whether and when she is hired or fired. This is consistent with finding it morally objectionable that the son profits from the woman's servitude, but if this is objectionable, then it is objectionable despite the fact that she is not *his* servant.

In order to show that the exacting son is an exploiter, some may want to expand the criteria of exploitation so that anyone who knowingly benefits from

and/or contributes to exploitation (including the exacting son) is *ipso facto* an exploiter. The problem with this strategy is that we lose our grip on what is specifically morally distinctive about wronging someone by exploiting that person. The son may be criticized for benefiting from unfairness or from the vulnerability or servitude of the domestic help, as well as from encouraging his father to use her precarious situation to extract benefit. But what is wrong about the son's doing these things is different from what makes wrong the actual extraction of the benefit. In other words, we want to resist classifying the exacting son as an exploiter because we want to hold on to the claim that being an exploiter involves a moral wrong over and above being a beneficiary and/or contributor to exploitation.

5. Culpable Contributors and Culpable Cooperators

In this section, we will compare *Exacting Son* and *Son at Home*. Our main purpose is to show that there is a morally significant difference between the cases as regards the son's involvement in the exploitation. Ultimately there are good reasons to consider the stay-at-home son, but not the exacting son, to be an exploiter. However, we shall also argue, exploitation theory by itself cannot account for how the cases differ. This may be unsurprising since demarcating the class of exploiters is not the concern of exploitation theory itself. Exploitation theory is primarily concerned with *what makes* transactions exploitative, not with *who counts* as an exploiter. Nevertheless, we believe that exploitation theory's silence on this matter is unsatisfying. For when more than one party is involved in and benefits from exploitation, as is often true of exploitative real-world practices, one would like to be able to determine who is and who is not to be considered an exploiter. We will argue that the difference between our two test cases becomes salient once they are seen through the lens of joint action theory.

The central question of joint action theory is when people act together. To put it more formally, the main concern of joint action theory is to distinguish coordinated or agglomerative actions by pluralities of individuals, on the one hand, from genuinely cooperative actions, on the other. A successful theory of joint action is expected to explain the difference between you and I going for a walk together, and two strangers happening to walk side by side on a narrow path as they want to get from A to B.

Most theories of joint action home in on the *intentions* of participants as the key to joint action. To be sure, we find considerable disagreements regarding the necessary and sufficient conditions for an action to qualify as *joint* action (see Gilbert 1989, 2000; Searle 1990, 1995; Kutz 2000).¹⁰ We believe that on all of the major theories of joint action there will be at least some cases of exploitation involving third-party beneficiaries where the exploiters and the third parties act together. However, we will not discuss differences among theories of joint action here.¹¹ We will simply take Michael Bratman's theory of shared agency (2014) as our point of departure. We choose to do so because it contains the most detailed

elaboration of how the intentions of participating agents have to be interrelated in order for them to act jointly.

So when do two agents act together? The short answer according to Bratman is that two (or more) individual planning agents act jointly if their relevant intentions and contributory actions are appropriately responsive to the intentions and contributory actions of the other(s), and they are aware of this connection (Bratman 2014).

Skipping some technicalities, we can spell out the relevant Bratmanian conditions (each necessary and jointly sufficient) as follows:

1. *Shared intentions*: When I intend to do something together with you I do not merely form expectations regarding your behavior intending to do my part in light of those expectations. Rather, because I intend the activity to be a joint one I intend your contribution to it as well. If your intentions regarding the activity relate to mine in the same way, then our intentions regarding that activity are shared. An important sign of the presence of shared intentions is that participants mesh their sub-plans as regards the execution of their respective contributions to the joint activity.
2. *Mutual responsiveness*: During the implementation of the shared intention each participant will track what the other is doing by way of their contribution. The respective contributions will be mutually adjusted if that is necessary for the realization of the shared intention. For example, to some extent at least, each participant may be willing to help other participants realize their contributions should they encounter difficulties, and each participant will make sure that their contributions do not thwart the contributions of the others.
3. *Mutual knowledge*: All of this is out in the open, that is, the participants' intentions regarding the activity are a matter of common knowledge.

We think that in *Son at Home* the father and the son can be described as sharing the intention to avail themselves of the migrant woman's labor at a price and on conditions highly advantageous to themselves. Their individual intentions interlock and are reflexive, their sub-plans mesh and all of this is out in the open. The son intends to enable the arrangement between his father and the migrant woman, and then to facilitate and make use of that arrangement once it is in place. The father intends to use his bargaining power to ensure that the woman performs the work they want at a price he is willing to pay. And each intends the contribution of the other as a means to the realization of their intention. The son intends that the father negotiates with the woman since he does not have the money to do so himself. The father first intended that the son find a suitable domestic worker and then intends the son to enable him to communicate with her. Further, they are disposed to act on these intentions in a mutually responsive way. For example, if the woman wanted to end the arrangement and work for somebody who pays

better the son would try to persuade her to stay. And if the son had some extra need or wish the father would ask the woman to perform that additional chore as well. Therefore, the father and the son can be said to be involved in a joint activity.¹²

So at this juncture, we are in a better position to see what can be gained by applying joint action theory to exploitation cases. What joint action theory helps us recognize is that one can become an exploiter by cooperating with a direct exploiter with respect to the exploitative transaction or relationship. So it is crucial that the son in *Son at Home* cooperates with his father in exploiting the exploitee. The son helps to plan and maintain the exploitation and enjoys its fruits such as a clean home. As far as we only consider the son's contributory actions on their own it is true that he by himself does not make an offer to the exploitee to transact at an unfair price, does not take advantage of her in a humiliating or degrading way, and does not subordinate her. This is why exploitation theory by itself lacks the resources to establish why somebody like the son in *Son at Home* can be said to exploit the domestic help. But when we consider his contributory actions in combination with those of his father we can see not only that their shared intentional activity amounts to exploitation but also that the son becomes an exploiter as well. He does so by sharing the intention with the father to exploit the exploitee, by implementing that shared intention together with the father, and by profiting from the exploitation.

By contrast, why does it seem plausible to say that father and son do *not* act together in *Exacting Son*? It is certainly true that the son wants his father to meet his demand for money in some way or other. But he is indifferent as to how this is accomplished. As far as he is concerned the father might equally well reduce what he currently spends on food or forgo a costly weekend trip. This means that he has certain expectations regarding his father's behavior, but no intentions regarding his father's actions. In sum, it seems to us that at least two of the crucial Bratmanian conditions are not met in this case: the son's and the father's intentions are not shared intentions and they are not mutually responsive to each other in the realization of their own individual intentions.

We have already noted that the lack of shared intentions does not let the exacting son off the hook. Thus, the lack of cooperation in the form of joint activity does not necessarily exempt the third party from moral responsibility and blame. However, the grounds for assigning responsibility and blame differ between cases where third parties act jointly with exploiters (e.g., *Son at Home*) and cases where they do not (e.g., *Exacting Son*). In the former type of case the third parties intend the exploiters' contributory actions. In the latter they do not, although they may still knowingly benefit from and contribute to the exploiters' wrongful conduct.

Thus it seems that the joint action perspective offers a helpful conceptual tool to substantiate the intuition that the circle of exploiters is wider than those directly transacting with exploitees. At the same time, this perspective also helps us not to draw that circle too widely and so avoid obscuring the distinction between exploiters in particular and culpable beneficiaries of injustice in general.

The significance of this distinction will become even clearer as we look at the remedial duties of those who cooperate in exploitation (Section 7). But first let us make some clarifications and address potential objections.

6. Defending the Taxonomy

The taxonomy of third-party involvement we have outlined above can be attacked from two different directions: one can question the viability of the distinction between cooperating and non-cooperating third-party beneficiaries, and one can insist that third-party beneficiaries acting jointly with exploiters is just a case of direct exploitation where the exploiting party happens to consist of more than one individual.

6.1. Contributors versus Cooperators

So, first, some will seek to collapse the distinction we draw between culpably benefiting from exploitation without joint action (exemplified by *Exacting Son*) and culpably benefiting from exploitation through joint action (exemplified by *Son at Home*). We have stressed that the son in *Exacting Son* not only knows about but also potentially contributes to the exploitation of the domestic help and that he is (or could and should be) aware that his nagging for money may have this effect. Based on this observation some may want to argue that such knowledge-cum-contribution suffices to turn a culpable beneficiary into an exploiter. We would like to make two points by way of response.

First, it is not true across the board that third parties who knowingly contribute to a moral wrong *ipso facto* act together with the wrongdoer. There are cases where agents know *about* and even knowingly contribute *to* wrongdoing in morally significant ways without thereby acting jointly with the wrongdoer. The gun shop employee who sells a gun to a prospective killer, knowing pretty well what the latter is about to do, may not share the killer's end even partially. Yet he does appear to be blameworthy for knowingly contributing to the killing.

Second, what level of contribution qualifies an agent as a cooperator rather than a contributor depends on one's theory of joint action. According to more inclusive account of joint action than the Bratmanian theory we have adopted there may be enough intentional overlap between the father and the son for the case to qualify as a case of joint action. In particular, Christopher Kutz (2000) defends a minimalist account of joint action according to which groups can act jointly even when "members of the group have only very weak expectations about each other's intentions, do not and are not disposed to respond strategically to one another, and do not intend that the group act be successfully realized. So long as the members of a group overlap in the conception of the collective end to which they intentionally contribute, they act collectively, or jointly intentionally" (90).

On this view, it might be suggested, the son in *Exacting Son* acts jointly with his father just as the son in *Son at Home* does. The father's and the son's

conceptions of their joint end overlap to the extent that they share the goal of making it possible for the father to give more money to the son. It is true that the father contributes to this end only grudgingly. However, Kutz's account allows that some participants in a joint activity be alienated from the collective end of that activity. It is also true that the son does not explicitly encourage, facilitate, or intend that the father meet this collective end *specifically* by exploiting the domestic help. However, as the case is described above, he does put considerable pressure on the father to meet his request one way or another and he does (or should) know that this is what the father is likely to do.¹³

In response, we concede that knowingly benefitting from exploitation together with an active contribution to setting up or maintaining the exploitative arrangement may amount to cooperating with the exploiter. As noted, how much of an active contribution is required for this to be the case will depend on one's theory of joint agency. But we also want to add that even if one adopts a minimalist account and understands cooperation very broadly, one would have to distinguish (as Kutz himself does) between cases where third parties have no shared intentions, that is, do not intend the success of the group activity, and cases where they do and are thus not alienated from the group's aims. In short, even on a significantly more catholic understanding of joint action there remain important conceptual and normative differences between Kutzian joint agents and Bratmanian joint agents. It follows that even if, based on Kutz's minimalist theory, one chooses to conceptualize the son as acting jointly with the father in *Exacting Son* it is plausible that that kind of joint agency would not have the same normative implications as cooperation in a narrower sense.¹⁴

Here is one more concern about our way of distinguishing between *Exacting Son* and *Son at Home*.¹⁵ We say that the exacting son is not an exploiter. And we say that the stay-at-home son is. However, we also say that the crucial difference between them is that the stay-at-home son intends the exploitation (by virtue of intentionally contributing to the joint activity with the father and sharing intentions with him regarding the joint activity). So, one may wonder, can mere intention turn someone from a culpable contributor into an exploiter? Does exploitation require the intention to exploit?

In response, we do think that focusing on intentions is the right way of establishing the difference between *Exacting Son* and *Son at Home* as long as the role of intentions is correctly understood. The point of bringing intentions into the analysis is not to add a necessary condition for an interaction to be wrongfully exploitative (rather than just be a case of wrongfully benefitting from justice) or to otherwise contribute to the debate about what makes exploitation wrong. Rather, the point is to establish when a third party to a wrongfully exploitative interaction can be correctly classified as an exploiter (alongside the direct exploiter)—regardless of what the wrong-making feature of the interaction is. As already noted toward the end of Section 5 above, by intending his own contribution to the joint activity and by intending the joint activity itself, the stay-at-home son

becomes an exploiter because the joint activity does amount to exploitation.¹⁶ And so his situation is quite different from the exacting son's.

6.2. *Asymmetrical Contributions to Joint Exploitation*

The second objection also challenges the way we demarcate the acting-jointly-with-the-exploiter category, but from the other direction. One may insist that when the third party acts jointly with the exploiter, such as in *Son at Home*, there are two exploiters (i.e., the father and the son), not one, and that is all there is to it.

We think treating *Son at Home* merely as a case of exploitation where there is simply more than one exploiter would miss the fact that since they act jointly the son's and the father's actions are co-dependent. Observe, second, that contributions to joint action are not always symmetrical. Joint action can involve symmetrical contributions by the participating agents: I lift one end of the sofa, while you lift the other. This is not always the case though. We can be said to have painted the house together if you had bought all the paint and the brushes and scratched off the old paint, after which I applied the new coating.

Such is the structure of joint action in *Son at Home* as well. In this case, the contributions are asymmetrical: the son helps to plan and maintain the exploitation and enjoys its fruits such as a clean home. Nevertheless, his contributory role is different from that of the father. Does he exploit the domestic help? Yes, he does because he intentionally contributes to a shared intentional activity which is properly described as exploitation. Does he exploit her in the same manner as the father? No, he does not because his contributory actions differ from the father's.

In general, to explain how the contributions to a joint activity can be asymmetrical and yet the activity nevertheless be a shared intentional activity, we can appeal to a distinction that plays a pivotal role in Bratman's own theory, namely the distinction between intending *to* and intending *that*. I can intend to do my own actions (e.g., apply the new coating), but I can intend that we act (e.g., paint the house together). So too in *Son at Home*: the son intends *to* perform his contributions to the exploitation (e.g., intends *to* serve as an interpreter between the father and the domestic help if necessary) and intends *that* they, that is, father and son, jointly make use of the domestic help's services on conditions that are advantageous to themselves.¹⁷

It is important to appreciate the possibility of asymmetrical contributions to joint actions because it helps us to reject a common defense made by agents cooperating with exploiters. Such agents—for example, multinationals contracting with sweatshops (see Young 2011)—may try to avoid their responsibility by pointing to the fact that despite some cooperation on their part the actual exploitative transaction or arrangement is carried out by their partners, not them. So even if they may admit some culpability they will deny that they are morally and legally responsible for the exploitation itself. But if we are right, those who cooperate with exploiters should not be allowed to help themselves to such a defense.¹⁸

7. Remedial Duties

We want to argue in this section that the remedial duties of third parties who act together with exploiters differ from corresponding duties of other third-party beneficiaries of exploitation. These differences concern both the *source* and the *content* of these duties.

By “remedial duty” we mean, to use David Miller’s (2001, 454) phrase, “a special [duty] to put [some] bad situation right,” that is, a duty “toward the deprived or suffering party that is not shared equally among all agents.” There is considerable debate about the source of such duties, that is, about what singles agents out as having them. Miller argued that agents may incur remedial duties in four ways: by virtue of (i) their moral responsibility for the bad situation’s occurrence, (ii) their causal connection to it, (iii) their communal ties to those suffering from it, or (iv) their capacity to provide alleviation. More recently, several authors have defended the so-called “beneficiary pays principle,” according to which (v) benefiting from bad situations can provide a distinct source of remedial duties (Butt 2007; Goodin and Barry 2014).

Among these proposed sources of remedial duty some are more contentious than others. Moral responsibility is probably the least controversial one. When some harm is caused by the blameworthy conduct of some identifiable agent it usually makes sense that that agent should bear the burden of alleviating the harm. Causal responsibility seems more questionable. There is something arbitrary about assigning remedial duties to agents who just happen to be causally upstream of some harm, but are wholly innocent of its occurrence. And benefiting from harm is perhaps the most controversial source of remedial duty (Knight 2013; Malmqvist 2016).

A significant advantage of our approach is that it allows us to sidestep these controversies for the most part. For, surely, the fact that the third party acted jointly with the exploiter suffices to ground a remedial duty on the basis of moral responsibility, that is, the least controversial of Miller’s four principles. More precisely, we submit that the third party’s remedial duty toward the exploitee is established by the fact that the third-party beneficiary acted jointly with the direct exploiter. Importantly, this means that the primary source of the third party’s remedial duty is not that he benefited from the exploitation. If he so benefited, this may create an additional source of remedial duty, but benefiting is not strictly speaking necessary for the remedial duty to obtain. This is helpful because it shows that even those who deny that merely benefiting from somebody’s plight creates remedial duties can accept that there are remedial duties in the case of joint action between exploiters and third parties.¹⁹

This brings us to the *content* of the remedial duties. Most of the discussion regarding remedial duties has focused on who incurs them and on what grounds, that is, the question of source. Less is said about what discharging these duties involves: what exactly needs to be done and how. We conjecture that the joint action perspective can help us with this issue as well.

Our main point is that third parties who act together with exploiters should make up not just for their contribution to the morally objectionable outcome, but also for their involvement with the objectionable actions of the exploiter, that is, remediation should track the connection to the moral criticisms to be made of exploitation. In short, it is part of the content of the remedial duty incurred by the third party to acknowledge that they acted in a morally objectionable fashion *together with* the direct exploiter.

There is a significant difference in this respect between *Exacting Son* and *Son at Home*. The exacting son knowingly benefits from and contributes to his father's exploitative conduct. He may therefore be required to disgorge the money that he received thanks to the exploitation, and quite plausibly also to transfer it to the exploited woman.²⁰ No doubt, similar efforts are also required in *Son at Home*.

However, what we want to stress is that because the stay-at-home son acted together with the exploitative father, some of his additional remedial duties are based on the fact that he cooperated with a direct exploiter, that is, his father. So, first, we concur with Young (2011, 146–47) that in general “agents who participate in processes that produce injustice often need to reorganize their activities and relationships to coordinate their action or coordinate it differently.” In many cases, this applies to culpable (and perhaps even non-culpable) beneficiaries and contributors as much as to cooperators. However, the need to cooperate to discharge remedial duties is particularly salient in the case of cooperative involvement in exploitation. It is a plausible default assumption that if joint action could be organized in order to carry out an exploitative transaction, then the participants in that joint action will also possess the capacity to cooperate in redressing the negative consequences of that transaction. So, for example, in the same way he acted jointly with the father, the stay-at-home son can be expected to coordinate the discharging of his remedial duties with the father and assist the father in his efforts to do so if necessary.²¹ Or if a multinational company was able to cooperate with sweatshops to organize production under exploitative conditions, then surely they can typically also be expected to cooperate to redress the negative consequences of such an arrangement.

Second, in some cases cooperatively discharging remedial duties may be necessary for non-material reasons as well. On both its legal and moral understanding, the overarching purpose of remediation is to “make the victim whole again.” In addition to material compensation, this frequently requires that wrongdoers apologize, ask for forgiveness and publicly acknowledge involvement in and concern for the victims' plight. We suggest that when third parties act together with wrongdoers they also have to engage in such practices to fully discharge their remedial duties. So the son in *Son at Home* should openly admit that he acted together with the father and shared his morally objectionable goals. Moreover, he should apologize not only for his participatory action but for what he and his father did together. In *Exacting Son*, by contrast, there is no joint action or shared intention to admit to or apologize for.

Before moving on, we should point out that there is more to remedial duties than source and content. In particular, these features should be distinguished from what Christian Barry and Gerhard Øverland (2012) call the *demandingness* and the *stringency* of such duties. The son in *Son at Home* should engage in forms of remediation that are not required of the son in *Exacting Son*. But this does not entail that the stay-at-home son necessarily ought to shoulder larger burdens than the exacting son when discharging his duty, that is, that the duty is more demanding. Nor does it entail that it is more difficult for the stay-at-home son to justify refraining from shouldering these burdens by appealing to countervailing considerations, that is, that the duty is more stringent. Indeed, it is entirely possible that the exacting son should make larger sacrifices than the stay-at-home son to offset the exploitation he has profited from and that he cannot as easily justify foregoing these sacrifices by invoking his self-interest or the greater good, even though he did not act jointly with his father in exploiting the woman.²²

We end this section by suggesting that our approach to remedial duties may have significant practical implications. Although we cannot here defend any particular law or policy, our approach provides a potential justification for laws and policies which require not only direct exploiters but also third-party beneficiaries collaborating with them to bear the costs of remediation. This is an attractive feature of our account, we suggest, because it helps to ensure that the victims are duly compensated in cases where exploiters themselves cannot effectively be held to account. Moreover, our requirement that collaborators assist exploiters in their remediation efforts decreases the risk of victims remaining uncompensated due to exploiters' lack of power or resources. At the same time, these advantages are not bought at the price of assuming the contentious beneficiary pays principle.

8. Conclusion

In this article, we have begun to chart a hitherto unexplored area of exploitation theory, namely exploitative transactions and relationships involving third-party beneficiaries. We have argued that a proper understanding of such transactions and relationships requires going beyond exploitation theorists' standard two-party frame, and we hope to have been able to demonstrate the usefulness of joint action theory in that regard. When third parties act together with exploiters their conduct warrants different assessment as opposed to when they contribute to exploiters' actions or just benefit as a result of these actions. And these differences have important implications for the duties of third parties to address the consequences of exploitation.

These are not just significant theoretical findings but should also affect how one thinks about allegedly exploitative practices in the real world. We readily admit that such practices tend to be more complex than the simplified, somewhat mundane cases we have considered in this article. Nevertheless, we would like to suggest that once established, these distinctions can be usefully plugged into the ethical analysis of more complex and realistic cases too. Thus these cases help

us to more specifically identify “parameters of reasoning about responsibility” discussed by Young (2011).

Consider, for instance, a multinational firm that does business with a developing world subcontractor that exploits its workers. Should the firm be classified as innocently benefiting from the exploitation, as knowingly contributing to it, or as acting jointly with the exploiter?²³ And how should we classify an infertile Western couple that seeks out a surrogate mother in India with the assistance of an exploitative local reproductive clinic?²⁴ How we answer these questions bears on the moral assessment of the firm’s or the couple’s conduct, and specifically, on how one characterizes their duties to the exploited workers or the exploited surrogate.

Needless to say, determining the nature of the third party’s involvement in each particular real-life case will be heavily dependent on a wide range of facts on the ground. In order to know whether third parties innocently or culpably benefit from exploitation, and whether they cooperate or not with exploiters, we have to find out what the third parties know, what their intentions are and how these intentions relate to those of the exploiters, and what courses of action were available to them under the circumstances. In short, our taxonomy offers no shortcut to evaluating exploitative practices in the real world because adequately analyzing such practices will require coupling our framework with careful attention to empirical detail. However, we hope that our taxonomy highlights what *kind* of features to look for when we attempt such analyses.

András Szigeti would like to acknowledge support for this research received from the Lund Gothenburg Responsibility Project (LGRP) funded by the Swedish Research Council (PI: Prof. Paul Russell) and from Linköping University. Erik Malmqvist would like to acknowledge support from Linköping University. We would also like to thank two anonymous reviewers for JSP for helpful comments on earlier versions of this article.

Notes

¹There are cases of exploitation involving three (or more) parties that are wholly distinct from the ones we are concerned with. Joel Feinberg (1988, 191) discusses cases where A takes advantage of B and receives some benefit from C for doing so. We will not discuss such transactions in this article.

²Unless otherwise stated, we are concerned with moral not legal responsibility in this article.

³Note that calling a mutually beneficial and consensual transaction exploitative is not to exclude that it also involves other forms of wrongdoing. For instance, in some cases (perhaps including *Migrant Worker*) exploiters may be to blame for contributing to the unjust background conditions that make their victims vulnerable to exploitation (Malmqvist 2016). However, we set such possible additional wrongs aside in the present article.

⁴There is also some debate about whether these are really distinct views or not. For example, Richard Arneson (2016) treats the domination view as a version of the Kantian approach—an interpretation rejected by Vrousalis (2016).

⁵Often the former view is described as liberal whereas the latter is associated with Marxists, feminists, and other social critics (Holmstrom 2013; Deveaux & Panitch 2007). But one should be wary of

applying such labels too hastily. A liberal exploitation theorist could very well appreciate the significance of structural inequalities for exploitation whereas a Marxist could adopt a transactional view, although neither combination is perhaps very common. Furthermore, not only are these two issues (transactionalism versus structuralism and liberal versus Marxist, feminist and other critical approaches) independent of each other. *Both* should be distinguished from the question we raised in the introduction about of how broadly the circle of exploiters should be drawn. Thus, we expect that neither transactionalist nor structuralists, on the one hand, neither liberals nor their opponents, on the other hand, will find that our discussion begs the question against their respective views.

⁶Of course, C's authorizing or asking A to do something to B often does *not* involve C treating A as a mere proxy, but allows A retain her own agency. If that is the case, the exploitation of B by A on behalf of C is not direct exploitation.

⁷See also Feinberg (1988, 192–93).

⁸From a structural perspective these differences may seem less important than the similarities between the cases. In all three cases the son (and the father) occupy a privileged position in the institutional and gendered hierarchies that render the migrant woman vulnerable to exploitation. We recognize this point, but do not think it makes the differences we highlight irrelevant. One can, again, recognize that structural factors generate and shape exploitative relationships yet at the same time discriminate morally between agents occupying similar structural positions.

⁹In affirming that the son is complicit because he contributes to his father's actions we are not claiming that the contribution is necessarily to be understood in a causal sense. More generally, we are not here taking a stand on the thorny issue whether causal contribution is either necessary or sufficient for complicity. (For the view that it is necessary, see Gardner [2007] and Lepora and Goodin [2013]. For criticisms of that view, see Farmer [2007]. For the view that it is not sufficient, see Hörnle [2007].)

¹⁰Bratman (2014) offers a good overview of the debate.

¹¹With two exceptions. In the next section we will consider the relevance to our account of differences between Bratman's and Kutz's theory of joint action. We also briefly consider the implications of Margaret Gilbert's (2000) theory for our analysis in note 12.

¹²We see no reason why in principle rival theories of joint agency could not be used to reach the same conclusion (setting aside general theoretical reasons, orthogonal to the present inquiry, why some accounts of joint agency may be more persuasive than others). For example, according to Gilbert (2000) joint agency presupposes a joint commitment of the participating individuals which commitment grounds mutual obligations and corresponding entitlements. It is plausible to say that we can ascribe such a joint commitment to father and son in *Son at Home* given their shared aim to make use of the domestic help's services on conditions that are advantageous to themselves (the point of disagreement with Bratmanians is just that according to the latter such a commitment is not necessary). Further, Gilbert argues that the joint commitment creates a "plural subject." If the notion of plural subject is understood individualistically to refer merely to the fact that a group, thanks to the interrelations among its members, can bring about outcomes which mere aggregations of individual actions could not, then there is no reason why father and son could not be said to constitute a plural subject in *Son at Home*. If, by contrast, the notion is understood in a collectivist spirit as a locus of irreducibly collective agency (as distinct from a joint agency) and irreducibly collective intentionality (of the kind defended, among others, in List and Pettit [2011]), then the father and son in *Son at Home* will not meet this condition. It is doubtful, however, that Gilbert had such a collectivist interpretation of plural subjecthood in mind (see Bratman 2014, 128–30). In any case, it would be implausible to say that the only way a third-party beneficiary can become an exploiter is by constituting an irreducibly collective agent with a direct exploiter. See also note 23 regarding this last issue.

¹³Let us note in passing that Kutz's minimalist account has come under considerable scrutiny. Several critics have pointed out that this account makes it difficult to distinguish between being a partner in crime and being a mere contributor (see Lepora and Goodin 2013, esp. 80–83; Gardner 2007).

- ¹⁴In particular, it is plausible (although we do not have the space to argue this here) that the remedial duties incurred by joint agents in the more demanding Bratmanian sense are different from those of Kutsonian joint agents. Concerning remedial duties of joint actors, see Section 7 below.
- ¹⁵We thank an anonymous referee for raising this important issue.
- ¹⁶To preempt another possible misunderstanding about intentions it is worth adding that as long as one intends to play one's part in a transaction correctly described as exploitative, that description need not figure in one's own conception of one's action for one to be an exploiter. This seems trivially true of most cases of wrongdoing: people seldom do wrong with the *de dicto* aim of doing wrong. Thus, in *Son at Home* the father's and the son's *de dicto* aim is to make use of the domestic help's services on conditions that are advantageous to themselves, not specifically to exploit her. (There is an interesting special group of cases of exploitation where the *de dicto* aim is also exploitation. I might extract an exorbitant price from you in order to show you and myself that I can do so, that is, just to humiliate you. These are, morally speaking, interesting but special cases which need not detain us here.)
- ¹⁷There can of course also be cases in which several agents jointly exploit the exploitee in such a way that all contributions are symmetrical. Such cases do not call for further analysis as it seems trivially true that all participants in the joint action are exploiters.
- ¹⁸See, for example, Young 2011, 129: "The structure of the global apparel industry diffuses responsibility for sweatshop conditions. Big-name retailers in North America and Europe rarely own and operate the factories in which clothes made to their orders are manufactured. Instead, there is a complex chain of production and distribution involving dozens or thousands of contractually distinct entities that bring the clothes manufactured in multiple places to the stores in which people buy them. . . . The firms higher up the chain, however, often have no legal responsibility for the policies and operations of the firms below with which they contract."
- ¹⁹It is possible that third parties (as well as exploiters) have duties regarding the plight of the victims of exploitation quite independently of the exploitative transaction. Indeed, this seems highly plausible in cases where third parties occupy positions of power or privilege relative to the victims or where the victims are needy. These prior duties may arise from the third parties' capacity to provide relief, or from the fact that they systematically benefit from structural arrangements that disadvantage the victims, or from some other source. Moreover, they are presumably very general, incumbent not only on beneficiaries of exploitation but also on others similarly well off or privileged and directed toward not only victims of exploitation but also toward others similarly needy or disadvantaged. What we discuss here are duties that agents have *over and above* such prior general duties, special duties they have because of the exploitative interaction from which they gain.
- ²⁰Relinquishing the benefits resulting from wrongdoing and transferring these benefits to the victims are strictly speaking two distinct acts, and in some cases an agent may be required to perform one but not the other (Goodin 2013).
- ²¹In other words, we believe that the right way to construe this situation is to say that father and son incur together a *collective obligation* to materially and non-materially redress the harm of exploitation. We follow Bill Wringe (2014) in understanding collective obligation as distributive (because collective obligations necessarily entail individual obligations) but not reducible to individual obligations (because collective obligations can be explanatorily prior to individual obligations, that is, some individual obligations are incurred *because of* the existence of a collective obligation incurred by a group the individual is a member of).
- ²²This seems plausible if we consider that the exacting son gains financially from the exploitation of the woman and therefore has greater capacity to offer material recompense than the stay-at-home son whose financial situation is unaffected by the exploitation.
- ²³We grant that if irreducibly collective agents (as opposed to joint agents) are possible (for some doubts, see Szigeti 2014a, 2014b), then collective agents (e.g., corporations) can also be exploiters. It is also possible that, say, the cooperation between multinational and its subcontractor becomes formalized and structured to an extent that they can be said to form an irreducibly collective agent (we thank an anonymous reviewer for calling our attention to this possibility).

However, as we noted earlier (see note 12) since the necessary and sufficient conditions of irreducible collective agency are quite demanding (see List and Pettit 2011), we would let too many third parties off the hook if we required that they could only become exploiters by forming a collective agent with the direct exploiter.

- ²⁴Situations of both these sorts abound in the real world. Reports of exploitation (and of worse abuses) in multinationals' supply chains are not uncommon. See, for example, "Nestlé Admits" (2015). For a recent study of Western couples' involvement in India's allegedly exploitative reproductive labor market, see Vora (2013).

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