

## **Assignment 2**

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**Does the social contract tradition have the resources to characterise and respond adequately to class-based forms of exploitation?**

- I) What is exploitative on one theory of justice, such as libertarianism may be required by another theory of justice?
- II) What is the difference between structural and transactional exploitation? What difference does this make?
- III) Can exploitative social institutions and practices ever be a rationally agreed basis for legitimate and fair laws?

**Does the social contract tradition have the resources to characterise and respond adequately to class-based forms of exploitation?**

The purpose of this writing is to show that a contemporary social contract offers a sufficient framework for addressing and responding to class-based forms of exploitation. Particularly, it will focus on Rawls' account that attempts to ground a basic structure for a fair society in principles of justice. His view will be explicated to offer a suitable characterisation of exploitation and equality in a fair society. Additionally, I will respond to three related sub-questions. These concern the conflicting perspectives of exploitation across theories of justice, the distinction between structural and transactional exploitation, and whether exploitative systems can ever be part of a rationally agreed basis for fair laws. Firstly, I will provide a background on the social contract tradition, characterising accounts from Hobbes and Locke. I will introduce wrongful exploitation, how it relates to unfairness, and the connection between transactional exploitation and the social contract. I will show that the wrongfulness attributed to exploitation derives from the procedure and outcomes relating to the distribution of benefits, and moral norms. Secondly, I will address conflicting classifications of exploitation in relation to libertarian and utilitarian theories of justice. Next, I will make a distinction between structural and transactional exploitation and relate this to class-based forms of exploitation. In the last section of this essay, I will introduce Rawls' contemporary account of the social contract and explicate a theoretical instrument, the original position, which he uses to derive his two principles of justice. Contrasting Rawls' conditions on which to reasonably accept the principles of justice, I will suggest that they offer a rationally agreeable basis for fair laws. In conclusion, I will satisfy an affirmative answer to sub-question III by appealing to Rawls' difference principle as a source of asymmetrical class-based exploitation. I support that the principles adequately address the proliferation of class-based exploitation towards the least advantaged. However, this is done at the expense of exploiting the advantaged population's rights to liberty, property, and equal opportunity. I consider the wrongfulness of resulting exploitation, with *or* without the difference principle, contentious.

## Background

### Social Contract Theory

The Social Contract tradition suggests that society is founded on rational agreements that establish moral and political guidelines for conduct. When individuals consent to the social contract, they agree to conform to the state's laws in exchange for the protection of their natural rights and values (D'Agostino, 2021). Both Hobbes (2008) and Locke (1947) posit that each member of society commonly has the right to preserve their own life. <sup>1</sup> Hobbes (2008, p.79) characterises this as "the right of nature". The social contract is best understood as an agreement reasoned between individuals and a legitimate authority that serves to protect core values and impose a system of regulations on citizens.

Hobbes (2008) and Locke (1947) both describe a state of nature as the default condition outside of a social contract, where individuals act according to their own interests and rules. The "condition of mere nature" is viewed as a state of war, due to humanity's psychological self-interest (Hobbes, 2008, p.84). This self-interest predisposes people to seek prosperity that enhances survival, and any action towards gathering resources is instrumentally justified by the natural right to preserve one's life. Stealing the resources of others, or pre-emptively invading and killing nearby threats, may be judged as necessary for the preservation of an individual's life. Inevitably, the state of nature is a state of war due to the common desire for self-preservation that is justified by the natural right to self-defence.

Hobbes (2008) and Locke (1947) believe that life is better protected by a sovereign authority than fending for oneself in the state of nature. Irrespective of individual's resources, there is always a power that may threaten their security. Therefore, it is *rational* to concede some liberties to a central authority to protect one's life. For Hobbes (2008) and Locke (1947) one should consent to the social contract if the authority is legitimate, possessing the effective power to enforce laws and judge disputes to provide security for its citizens. One's life is better preserved under the protection of a legitimate authority. In summary, the social contract tradition suggests that an agreement between individuals and a legitimate authority provides the rational means and basis for a civil governed society.

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<sup>1</sup> In contrast to Hobbes's (2008), Locke (1947) further asserts that humanity has the inherent duty to preserve mankind. "Everyone as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he as much as he can to preserve the rest of mankind..." (Locke, 1947, p. 271). This duty also provides Locke with rational grounds for consenting to the social contract.

## Exploitation

Exploitation involves taking advantage of a vulnerability. Benefitting from another's vulnerability is not always wrong, such as when a Rugby team exploits an opponent's weak defence by accelerating pace in vulnerable areas. However, wrongful exploitation can be defined as a condition that allows one to use another's vulnerability to unfairly gain a benefit (Zwolinski, 2022).<sup>2</sup> The wrongfulness may be attributed to the *unfairness* of the exploitation. Unfairness posits a moral judgement based on the distribution of resources, procedural flaws in the agreement, or the judged motives/attitudes of the exploiter (Wertheimer, 1996). Concerning the latter, Buchanan (1985) describes wrongful exploitation as a violation of one's moral rights and emphasises the instrumental nature of an exploitative transaction.

“...the harmful, merely instrumental utilization of him or his capacities, for one's own advantage or for the sake of one's own ends” (Buchanan 1985, p. 87).

In this sense, exploitation may be considered wrongful when it violates the moral norm that suggests people should not merely be treated as a means.<sup>3</sup> Wolff (1999) shares this view of exploitation and believes that the wrongfulness of exploitation derives from a ‘fairness’ norm.

“To exploit someone is to make use of their circumstances in a way which fails properly to acknowledge their standing as an end in themselves” (Wolff, 1999, p. 113).

The unfairness of exploitation may be better understood in terms of the distribution of benefits or procedural flaws within the agreement.<sup>4</sup> For instance, a multinational company might wrongfully exploit workers in developing countries through unfair wages, working conditions, or employment contracts. The distribution of resources from the transaction creates enormous profits for the company at the expense of cutting production costs through unfair pay for the laborers. Employment contracts may also take advantage of lacking job opportunities and poverty, offering labourers unfair benefits in harmful situations. Vulnerabilities and moral rights may be exploited through unfair distribution of benefits or an unfair procedure for balancing those benefits. Real world examples of such situations include tech companies advancing excessive uncompensated overtime (Chamberlain, 2011) and global

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<sup>2</sup> This account of exploitation due to unfairness involves a moral judgement to characterise what action may be deemed ‘unfair’ or ‘wrong’. Not all accounts of exploitation involve fairness (Vrousalis, 2013) or being moralised (Goodin, 1987).

<sup>3</sup> This moral norm perhaps most famously originates from the Kantian principle, “*So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.*” (Kant 1785, p. 429)

<sup>4</sup> Considering the distribution of resources and procedural flaws within a transaction, Zwolinski (2022) outlines substantive and procedural unfairness. These types of unfairnesses are used to distinguish between judgements made about the weighted value of outcomes for each party in the transaction, and the validity of the method used to distribute these outcomes.

food/household companies exploiting disadvantages within third-world populations through child labour, below minimum wage pay, and the denial of pensions or health insurance (Abraham, 2021).

In summary, wrongful exploitation commonly concerns one party taking unfair advantage of another party's vulnerability through a discrete transaction. Seemingly, the unfairness of the transaction may derive from the procedure and outcomes relating to the distribution of benefits, and whether moral norms concerning the treatment of others are violated. The type of exploitation that has been illustrated will be referred to as *transactional* exploitation.

### **Transactional Exploitation and Social Contract Theory**

Consent to the social contract is arguably rational because it protects citizens against exploitation, as a mutual set of enforced rules on which to mediate transactions within society may better protect one's vulnerabilities. For instance, within Hobbes' (2008) state of nature, one party may exploit another's vulnerable village defences by invading and stealing all their sheep. If the village had consented to a social contract that protects citizens rights and values, the state may be responsible for reducing this vulnerability, and holding the invaders accountable. Without the social contract there is no legitimate authority to protect citizens from such brutish forms of exploitation. Having a central authority decreases one's vulnerabilities, and thus mitigates exploitation through an agreed upon set of rules that protect one's rights and values.

**I. What is exploitative on one theory of justice, such as libertarianism may be required by another theory of justice?**

Theories of justice represent principles that inform how to understand and ground socio-economic and political structures. Such theories include egalitarianism, libertarianism, and utilitarianism, each containing various presuppositions on what constitutes justice. Given individual differences in backgrounds and experience, people may adopt various theories of justice that best align with their personal belief systems.

Libertarianism fundamentally values individual rights to liberty and minimal state intervention. This theory is grounded in self-ownership and promotes individual sovereignty in terms of property rights and freedom from intrusion (Vossen & Christmas, 2023). Underlying Libertarianism is the belief that a just society maximizes liberty and reduces or eliminates state interference in individual affairs.

If perceived under other theories of justice, the focus on personal freedom within libertarianism can lead to certain exploitative situations. A wide economic disparity can arise from unregulated capitalism, leading to monopolistic practices, and rising inequalities in the distribution of resources (Braun, 2016). For example, a dominant corporation with a monopoly on an industry may be capable of exploiting individuals through high prices and poor services. Subsequently, exploitable vulnerabilities worsen as the advantaged continually gain more leverage over the less advantaged. The libertarian conclusion would uphold these instances as ethical and within the bounds of a just society, given the belief that individual freedoms are fundamental to justice.

Conversely, the theory of utilitarianism would regard these outcomes of libertarian principles as exploitative (Bird, 2006). Utilitarianism is grounded on the principle of maximising welfare, pleasure, or other defined forms of utility for the greatest number. Accordingly, this theory of justice might require state regulations and interventions to combat the perceived exploitative outcomes of libertarianism. However, to the libertarian, state intervention is seen as an unacceptable encroachment on individual liberty (Braun, 2016). What is exploitative on one theory is necessary for justice within another. Explicitly, wealth redistribution through taxation would be condemned as exploitative by libertarianism but deemed necessary by utilitarianism to ensure the greater good for a larger number. Thus, what is regarded as 'exploitative' can be a matter of political/moral perspective.

## II. What is the difference between structural and transactional exploitation? What difference does this make?

Exploitation can be understood as properties of individual transactions, or structural features of the societal institutions and background conditions which mediate these transactions. These two distinct notions of exploitation are termed *transactional* and *structural* (Zwolinski, 2011). As outlined above, the former focuses on individual agreements between discrete parties. Explorations of transactional exploitation tend to use an analysis of benefits and harm to the parties involved in a discrete agreement (Zwolinski, 2011). For example, Wertheimer (1996) describes various forms of transactional exploitation within unethical contracts, student athletes, commercial surrogacy, unconstitutional situations, and inappropriate therapy relationships. Each of these transactions are examined by scrutinizing the fairness of the offer made from one party to another.<sup>5</sup> If the outcomes or procedure of the transaction is sufficiently unfair, it is judged wrongfully exploitative.

Conversely, *structural* exploitation concerns the intrinsic properties of systems which mediate agreements between parties. Expressly, if the laws and norms within societal frameworks are unfairly balanced in favour of a specific group, exploitation will manifest from the structural features of the economy or social context. For example, McLaughlin & Hennebry (2013) discuss the legal status of migrant farm workers (MFW) in Canada. Unlike other citizens, the legal status of MFW is contingent on employers and subject to a different set of labour regulations. Because of the systemic vulnerability enshrined in the precarious legal status of migrants, employers reportedly threaten workers with dismissal to increase productivity and disregard reports of sickness or injury.<sup>6</sup> The structural framework for migrant labour creates fertile ground for exploitation. Canadian employers can hire migrants for undesirable jobs under depraved conditions and pay lower benefits because of their vulnerability. The lack of protection and adequate regulation within the framework provides advantage to employers that encourages a segmentation of the labour market. MFW will be subject to this structural exploitation until the imbalanced structure of the system is adjusted. Consequently, having unfair inherent structures within a system allows for the persistence of exploitation.

The relationship between structural and transactional exploitation is complex and entangled. The distinction between structural and transactional exploitation aims to identify and disambiguate the factors responsible for the injustice. Sample (2003, p.97-98) emphasises that an analysis of structural exploitation is necessary to understand certain transactional forms of exploitation. Considering the above example of Canadian migrants, the structural inequality of migrant legal status and differing

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<sup>5</sup> Wertheimer (1996) used the term *moral weight* to signify the wrongfulness of an exploitation. A transaction with high moral weight, judged through its unfairness, may be considered an impermissible exploitation.

<sup>6</sup> Dismissal inevitably leads to becoming an illegal immigrant or deportation. Without a central standardised set of labour regulations, relaxed state regulations allow this form of exploitation to persist (McLaughlin & Hennebry, 2013).

labour regulations leads to a vulnerability. In this case, the structural imbalance is necessary for the manifested vulnerability and transactional exploitation exhibited by the employer onto the worker.<sup>7</sup> Sample (2003) suggests that the moral wrongness of transactional exploitation is often grounded in structural features of the wider system.

“Exploitation is not simply a feature of a particular transaction but derives its badness from preexisting social institutions that underwrite and encourage the transaction” (Sample, 2003, p.97)

Furthermore, the relevance of structural exploitation is not merely a means of identifying transactional exploitation, but a way of identifying macro institutions as exploitative themselves. Perhaps the moral focus on issues of exploitation grounded in structural inequalities should not be on discrete transactions at all. Distinguishing structural exploitation allows for an analysis of the exploitative nature of the system, the principal problem. In the case of the Canadian MFW, the significant moral issue may lie within the structure of the labour regulations, rather than the productivity and cost cutting measures of the employers. If the structure is blameworthy for the unfairness, the structural features should be identified as wrongfully exploitative. Evaluation of structural exploitation helps to illuminate the fundamental problems that produce wrongful exploitation.

*Class-based exploitation* is the systemic manipulation of one social class by another for gain, often perpetuated through societal norms and laws. This structural exploitation typically sees the exploiting class advancing socioeconomically at the expense of the exploited, due to differences in property/resource ownership. As considered above, transactional exploitation can manifest from structural inequalities that generate vulnerabilities in class-based societies. The ‘gig economy’ exemplifies class-based exploitation. Ride-share/delivery companies generate significant profits by categorising economically vulnerable workers as independent contractors, thereby denying them typical employee benefits and rights (Snider, 2018). To overcome class-based exploitation, political systems may aim to eliminate advantages,<sup>8</sup> or regulate advantages.<sup>9</sup> However, if sufficient class-based differences persist, the transactions between the advantaged and disadvantaged may produce unfair exploitation.

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<sup>7</sup> Structural features ground the transactional exploitation of MFW. However, structural injustice is neither a necessary nor a sufficient condition for *all* transactions to be exploitative. A hiker, stranded in a desert, could be exploited when a person offers them life-saving assistance in exchange for an exorbitant payment. Clearly, there is exploitation that can be transactional without a structural basis.

<sup>8</sup> For example, Marx’s (1847; 1867) theoretical account of class-based advantage is of great influence in relation to exploitation. He posits the systematic extraction of surplus value by those who own the means of production from those who produce those goods and services. This extraction of surplus is exploitation that results in a disproportionate distribution of wealth, solidifying class-based advantages. For Marx, the only way to reduce class-based exploitation is through the elimination of class-based differences, through the formation of a classless society (Crocker, 1972). Such concepts are widely debated, as they have significant implications for overall economic and political stability.

<sup>9</sup> For instance, competition and consumer laws regulate markets to stop collusion so that most citizens are not exploited by artificially unfair prices of resources (Competition and Consumer Regulations, 2010).

### III. Can exploitative social institutions and practices ever be a rationally agreed basis for legitimate and fair laws?

When rights, opportunities, wealth and, welfare, are distributed unequally, disparities between socioeconomic classes arise and lead to prospective exploitation. If the basic structure of society enables such inequalities, it can perpetuate exploitative social institutions and practices. Balancing the exploitative nature of class-based societies with principles of fairness presents a challenge. Explicitly, are laws that allow the exploitation of inequalities rationally fair? Rawls (2001) attempts to establish principles on which to ground a fair set of laws in a society where inequalities are conditionally permitted. Through a social contract lens, I will characterise Rawls' (2001) account and explore how it adequately responds to class-based forms of exploitation. I will conclude that his contemporary view of the social contract serves as a rationally agreeable basis for legitimate and fair laws. I argue that the view is affirmative to III, as Rawls' (2001) principles still permit conditional inequalities that entail structural exploitation of the advantaged majority.

#### Rawls and the Social Contract

Rawls' (2001) contemporary account of the social contract asks what principles of justice would be rationally agreed upon to ground the *basic structure* of society. He asserts that this basic structure is made up of the political and social institutions which operate to satisfy principles of justice. These principles are the basic rights and values of citizens (Rawls, 2001, pp. 8-12).<sup>10</sup> Moreover, the role of these principles is "to specify the fair terms of social cooperation." (Rawls, 2011, p. 7). Rawls' (2001) account is clearly concerned with the fairness of the basic structure which mediates social transactions. Thus, it is central to the question: if citizens were surveyed, would they rationally agree to principles of justice that entail class-based forms of exploitation?

Rawls (2001) uses a hypothetical scenario, the *original position*, to create an impartial perspective that is designed to support reasoning towards a fair set of principles for the basic structure. In the original position, individuals envision a perspective where personal circumstances such as age, race, wealth, talents, and life experiences are unknown. The individual must then rationalise which principles of justice the basic structure should be founded on. Reasoning without the biases of one's social position or comprehensive moral doctrine ensures a fair and impartial standpoint.<sup>11</sup> The limits on perspective are what Rawls (2001, p. 15) terms the *veil of ignorance*. These restrictions allow people to mitigate

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<sup>10</sup> These principles represent similar foundations to Hobbes (2008) right to preserve one's life, and Locke's (1947) natural rights of life, liberty, and property. Rawls (2001) principles of justice serve to explicate the highest values or rights common to all people that constitute a fair society.

<sup>11</sup> A comprehensive moral doctrine includes beliefs, principles, values, or guidelines about what is right and wrong, or just and unjust. Individuals use their moral doctrine to guide behaviour, responsibilities, and reasoning.

disagreement between subjective doctrines and support more objective reasoning towards principles of justice.

Rawls (2001) regards the original position as the most rational method for the establishment and agreement to fundamental principles, as disagreement between doctrines is diminished. Designing a structure that is fair for all requires a method where all may agree.

“...citizens cannot agree on any moral authority, say a sacred text or a religious institution or tradition. Nor can they agree about a moral order of values or the dictates of what some view as natural law. So what better alternative is there than an agreement between citizens themselves reached under conditions that are fair for all?” (Rawls, 2001, p. 15).

By using the veil of ignorance, comprehensive moral doctrines are ignored and are no longer a source of disagreement. For Rawls (2001), the original position is used to reason principles that are grounded in a political conception, not a comprehensive moral doctrine.<sup>12</sup>

The original position is used by Rawls (2001) to promote justice as fairness by ensuring that principles chosen are unbiased and not to the advantage of any specific group over others. Under the veil of ignorance, Rawls (2001) argues for two principles of justice that he believes all rational agents under the veil of ignorance would agree to:

1. Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
2. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society.

These principles guide the design of a basic structure that balances the same equal rights and liberties to all, and the mitigation of inequalities that exploit the least advantaged. The second principle, namely the *difference principle*, prioritises the status of the worst-off in society. If one is placed in the least advantaged position, these principles ensure a fair share of basic needs to maintain and pursue various

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<sup>12</sup> In response, Rawls' (2001) original position may not be the most reasonable method for investigating principles for the basic structure of society. Rawls (2001) is convinced that such an idealised position is necessary for generating this set of rules, as reducing bias increases fairness and more likely leads to rational agreement. However, if principles must meet a set of shared values, such as liberty, equality, and welfare, a method that includes a variety of viewpoints may arguably be more effective than the original positions idealized perspective. Expressly, the epistemic advantage of 'wisdom of the crowd' and 'division of cognitive labour' is compelling (Gaus, 2011; Landemore, 2012). A diverse sample of perspectives may outperform one based on a strict normalization of perspectives. Rawls' (2001) method may not be most suitable for the task at hand, and there are further debates concerning the validity and value of the original position (Corlett, 1991; Persson, 2022). Unfortunately, further analysis of the original positions value as an instrument for political theorising is outside the purpose of this writing.

goals as a free agent with equal opportunity. With these principles, Rawls (2001) claims that under the veil of ignorance, the safest choice, following the *maximin* criterion, is the most rational for a fair society. Maximin claims that the best option is the one that leaves the worst-off group as well off as possible (i.e., maximising the minimum position in society). This is guaranteed by providing a sufficient level of minimum resources for “those belonging to the lowest income class with the least expectations” (Rawls, 2011, p. 59). The principles offer equal liberties and opportunity to all, while mitigating disparities between socioeconomic classes with the difference principle.

### **The Principles of Justice: A Rational Basis for a Fair Society**

Given the original position, it is reasonable to accept principles of justice that favour the entire population, as one’s actual position is unforeseeable. In case one is placed in the least advantaged position, the difference principle ensures that they are as advantaged as they possibly could be. This guarantees of a sufficient socioeconomic standing for *all*, grounding a basic structure that gives citizens a fair set of rights and the greatest possible minimum benefit. Seemingly, from under a veil of ignorance, Rawls’ (2001) principles propose a reasonably agreeable foundation for a fair society. This is because being placed in such a society provides a fair standing of benefit, irrespective of which position an individual is assigned.

Rawls (2001, pp. 97-100) asserts three conditions which constitute rational agreement to his principles. Firstly, within the original position, one does not know the probability of being in any possible position in society. Predictions that analyse the probability of being placed in various positions are irrelevant as the circumstances are unknown.<sup>13</sup> Secondly, so long as the minimum position is acceptable, any position one ends up in will be adequate. The focus on maximising the minimum position should be primary as it creates a guarantee under unknowable circumstances. Lastly, other alternatives, such as principles of overall or restrictive utility, have worse potential outcomes for the least advantaged. Principles that primarily maximise utility through an overall or aggregate measure can allow for inequalities within society to be magnified rather than mitigated (Bird, 2006). Traditional utilitarianism perpetuates exploitative inequalities, thus providing no guarantee of a minimum standard of equal rights, opportunities, and safeguard from exploitation. Arguably, these reasons provide rational grounds on which to endorse Rawls’ (2001) principles of justice to generate a fair society approved by all.

Furthermore, the advantages of Rawls (2001) principles for society provide a rationally agreeable basis for fair laws. Firstly, the difference principle suggests that despite an individual’s socioeconomic standing, they will be guaranteed the rights and resources needed to maintain necessary life values and goals. This principle also ensures that an individual will maintain a sense of self-respect as an equal

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<sup>13</sup> In response to Rawls’ (2001) he may be uniquely risk averse, causing his endorsement of the maximin criterion. A riskier option may be to select a principle which greatly maximises the utility of some citizens at the cost of greatly diminishing others utility. This may be more rewarding if the risk settles in the positive direction.

citizen. Expressly, it affirms a sense of self-respect for all citizens since, unlike the principle of utility which permits the deepening disparity of disadvantage, it treats them as ends in themselves and not as means to the greater overall utility or well-being.

“...there may develop a discouraged and depressed underclass many of whose members are chronically dependent on welfare. This underclass feels left out and does not participate in the public political culture” (Rawls, 2001, p. 140).

Without a principle that mitigates the deepening detriment to the least advantaged, they may feel less self-respect due to class-based exploitation. The difference principle prevents the wrongfulness of instrumental exploitation, illustrated by Buchanan (1985) and Wolff (1999), as it treats them as an end and not merely an exploitable means.<sup>14</sup> In summary, Rawls (2001) principles guarantee an acceptable minimum set of rights and resources for *all* citizens. The difference principle further mitigates class-based exploitation, providing a sense of self-respect and benefit to the least advantaged for the sake of a fair minimum standing in society. Subsequently, Rawls (2001) account provides fair basic rights and protection to *all* citizens, suggesting that the principles offer a rationally agreeable basis for fair laws.

### **Does Rawls’ account entail exploitative social institutions and practices?**

Presuming that grounds have been offered to show that Rawls’ (2001) principles propose a rationally agreeable basis for fair laws, sub-question III, “*Can exploitative social institutions and practices ever be a rationally agreed basis for legitimate and fair laws?*”, may be contextualised to “*Does Rawls’ account entail exploitative social institutions and practices?*”. Subsequently, an affirmative answer to this question will satisfy an affirmative answer to III.

The difference principle arguably makes class-based exploitation asymmetrical. It allows for social and economic inequalities under the conditions of equal opportunity and the maximin criterion. Inequalities that satisfy these conditions may offer vulnerabilities accessible to exploitation. Notably, the difference principle is irrelevant if the party being exploited is part of the advantaged population. For example, high-income earners in society may be subject to larger taxation to provide benefits for the least advantaged in the form of welfare schemes. In this case, the advantaged majority might be viewed as subject to structural exploitation. Due to their class, the system imbalances rights to property/labour to benefit the lesser advantaged at the expense of the other. The difference principle is asymmetrically exploitative, as *only* one class, the least advantaged, can benefit from their class-based difference. Subsequently, they are not vulnerable to higher taxation and reduced property/labour rights.

Asymmetrical exploitation may also be evident in situations that violate the advantaged population’s right to equal opportunity. An example involving opportunity of employment, rather than taxation is

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<sup>14</sup> See this writings background section under ‘Exploitation’ for a description of Buchanan (1985) and Wolff’s (1999) analysis of unfairness.

relevant. For instance, a scenario in which a firm is required by a governmental affirmative action policy to hire or promote a certain percentage of disadvantaged individuals, regardless of their suitability for the job. While the benefit is greatest for the least advantaged, it may directly or indirectly 'exploit' the more qualified individuals from the advantaged majority who may get overlooked in the process.

Whether this form of exploitation is *wrong* depends upon whether it is deemed unfair or immoral. As discussed in section II, this may depend upon one's theory of justice. The wrongfulness might be understood by examining the loss of rights and benefits with and without the difference principle. With the difference principle, taxing the advantaged is at the cost of exploiting one's liberties (e.g., property and equal opportunity).<sup>15</sup> On the other hand, without the difference principle, instrumental use of the least advantaged wrongfully exploits their rights to self-respect. A basic structure which allows the latter violates moral norms. Specifically, the norm to treat all people as an end, not merely means (see Background: 'Exploitation').<sup>16</sup> Which form of exploitation is more wrongful depends upon how one values the rights that are in dispute.

Rawls's (2001) principles adequately address the proliferation of class-based exploitation towards the least advantaged, but at the expense of exploitation of the advantaged population's rights to liberty, property, and equal opportunity. An affirmative answer to III may be satisfied, as it is contended that Rawls' (2001) account entails asymmetrically exploitative social institutions and practices. Subsequently, III is affirmed for the principles of justice can be rationally endorsed, they offer a rationally agreeable basis for fair laws, and they advocate conditional inequalities that entail exploitation.

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<sup>15</sup> This is shared by a libertarianism outlined in section II. It is a common objection that taxation involves the immoral taking of just holdings legitimised by the equal right to liberty/property.

<sup>16</sup> Another defence of the difference principle may appeal to the law of diminishing returns (Shephard, 1974). Suggestively, the benefit of a specified level of resources for the most advantaged will be lower than the benefit it will provide for the least advantaged. Therefore, the wrongfulness is higher when others are free to exploit the least advantaged, as the potential benefit for them given a specified set of resources is higher. However, this response may be criticised for using a form of utility theory to analyse the overall outcomes from the transaction, without concern for the violation of moral rights of people as ends in themselves.

### **Social Contract Theory and Class-Based Forms of Exploitation**

In conclusion, through the lens of Rawls' account, the social contract tradition offers a robust framework for understanding and addressing class-based exploitation. It considers the complexity of class-based exploitation towards the least advantaged in society and offers solutions that aim to create a basic structure that provides mitigation from instrumental exploitation. Rawls' principles of justice are rationally acceptable without knowledge of one's socioeconomic position. Fairness is attainable with the difference principle, as *all* citizens are guaranteed an adequate standard of welfare, opportunity, and self-respect as an end and not merely a means to benefit for others. However, this principle simultaneously reveals a subtle form of exploitation of the advantaged, as it redistributes some of their wealth and privileges towards the least advantaged. While this approach does have the resources to manage and reduce forms of class-based exploitation, it does not eliminate it. Although, as Rawls may argue, the resulting 'exploitation' of the advantaged is a result of resetting the wrongfully exploitative socio-economic system towards a fair society for *all*. Importantly, the wrongfulness of exploitation is determined by one's theory of justice, their interpretation of fairness, and the value of various rights. Rawls may conjecture that the difference principle justifies the exploitation of the advantaged for a structurally fair society. Nonetheless, it is contentious whether exploitation with or without the difference principle is wrongful. While the social contract tradition offers resources to tackle social and economic disparities, it also compels an examination and understanding of fairness and exploitation.

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