

SWEATSHOPS, CHOICE, AND EXPLOITATION

Matt Zwolinski

Abstract: This paper argues that sweatshop workers' choices to accept the conditions of their employment are morally significant, both as an exercise of their autonomy and as an expression of their preferences. This fact establishes a moral claim against interference in the conditions of sweatshop labor by third parties such as governments or consumer boycott groups. It should also lead us to doubt those who call for MNEs to voluntarily improve working conditions, at least when their arguments are based on the claim that workers have a moral *right* to such improvement. These conclusions are defended against three objections: 1) that sweatshop workers' consent to the conditions of their labor is not fully voluntary, 2) that sweatshops' offer of additional labor options is part of an overall package that actually harms workers, 3) that even if sweatshop labor benefits workers, it is nevertheless wrongfully exploitative.

1. Introduction

For the most part, individuals who work in sweatshops choose to do so.¹ They might not *like* working in sweatshops, and they might strongly desire that their circumstances were such that they did not have to do so. Nevertheless, the fact that they choose to work in sweatshops is morally significant. Taken seriously, workers' consent to the conditions of their labor should lead us to abandon certain moral objections to sweatshops, and perhaps even to view them as, on net, a good thing.

This argument, or something like it, is the core of a number of popular and academic defenses of the moral legitimacy of sweatshops. It has been especially influential among economists, who point to the voluntary nature of sweatshop employment as evidence for the claim that Western governments ought not to restrict the importation of goods made by sweatshops (Anderson, 1996: 694), or that labor-rights organizations ought not to seek to change the law in countries which host sweatshops in order to establish higher minimum wages or better working conditions (Krugman, 1997; Maitland, 1996), or, finally, that consumer boycotts of sweatshop-produced goods are misguided (Kristof & Wudunn, 2000).

This paper seeks to defend a version of the argument above, while at the same time clarifying its structure and content. The first step is to understand how a

worker's consent can have any moral weight at all. How does choice have the power (a 'moral magic,' as some have called it) to transform the moral and legal nature of certain interactions (Hurd, 1996)? I begin the paper in section two by exploring several ways in which choice can be morally transformative. I distinguish between autonomy-exercising and preference-evincing choice, and argue that while the latter has been given far more attention in the mostly consequentialist defenses of sweatshops,² the former notion of consent, with its deontological underpinnings, is relevant as well. With this preliminary work accomplished, I then put forward in section three what I take to be the best reconstruction of the argument which seeks to base a moral defense of sweatshops on the consent of their workers. In section four, I explain how this argument undermines various proposals made by anti-sweatshop activists and academics. The remainder of the paper is devoted to a critical examination of this argument. I first examine, in section five, whether the morally transformative power of sweatshop workers' consent is undermined by a lack of voluntariness, failure of independence, or exploitation. My conclusion is that, at least in general, it is not. After having completed this discussion of the moral *weight* of consent in section five, I turn to considerations of its moral *force* in section 6.³ If consent makes sweatshop labor morally justifiable, what does that tell us about how businesses, consumers, and governments ought to act? And, perhaps more interestingly, if consent does *not* make sweatshop labor morally justifiable, what does *that* tell us? My position is that there is a large gulf between concluding that the activities of sweatshops are morally evil and concluding that sweatshop labor ought to be legally prohibited, boycotted, regulated, or prohibited by moral norms. To the extent that sweatshops do evil to their workers, they do so in the context of providing their workers with a financial benefit, and workers' eager readiness to consent to the conditions of sweatshop labor shows that they view this benefit as considerable. This fact leads to the ultimate practical conclusion of this paper, which is that there is a strong moral reason for third parties such as consumers and host and home country governments to refrain from acting in ways which are likely to deprive sweatshop workers of their jobs, and that both the policies traditionally promoted by anti-sweatshop activists (e.g., increasing the legal regulation of sweatshops, legally prohibiting the sale of sweatshop-produced goods, or subjecting such goods to economic boycott), and some more recent proposals by anti-sweatshop academics (i.e., voluntary self-regulation via industry-wide standards or universal moral norms) are subject to criticism on these grounds.⁴

Before I begin with the main argument of the paper, however, I want to make a brief statement about the methodology by which that argument will proceed. Because there is such widespread disagreement among philosophers regarding what precise form a correct moral theory will have, I attempt to frame the argument of this paper in such a way that it remains valid given a wide range of conflicting assumptions about foundational moral questions, and to keep my assumptions on these matters as minimal as possible. This approach has its drawbacks. Those who are interested in approaching moral philosophy exclusively from the standpoint of one particular

theory might find that theory given short shrift in this paper. And those who are interested in the foundations of moral theory will find little exploration of those topics here. I proceed in this manner not because I find such questions unimportant, but rather in order to be able to address a matter of broad social significance from a perspective that is relevant to as wide an audience as possible. In Rawlsian language, I hope that by avoiding commitment to any comprehensive moral doctrine, the argument of this paper might be part of an “overlapping consensus” of reasonable positions, finding support from not just one but a number of different more comprehensive moral theories.⁵

2. *The Moral Magic of Choice*

An agent’s choice, or consent, is transformative insofar as it “alters the normative relations in which others stand with respect to what they may do” (Kleinig, 2001: 300). This transformation can affect both the moral and the legal claims and obligations of both the parties involved, and of third parties.⁶ Consent to sexual relations, for instance, can render permissible one’s partner’s otherwise impermissible sexual touching, and render it impermissible for third parties to interfere with the sexual activity to which one has consented. But the moral transformation to which choice gives rise can occur for various reasons. In this section, I will discuss two ways in which choice can be morally transformative, and argue that both are relevant to the case of sweatshop labor.

a. *Autonomy-Exercising Choice*

One way that choice can be morally transformative is if it is an exercise of an agent’s autonomy. Sometimes we view the decisions of others as worthy of our respect because we believe that they reflect the agent’s will, or because they stem from desires, goals and projects that are expressive the agent’s authentic self.⁷ If so, this fact will often provide us with a reason for not interfering with the agent’s action even if we think the consequences of her action will be bad for her, and even if we disagree with the reasoning that underlies her decision. I might believe my neighbor’s religious practices to be based on an untrue faith, and ultimately detrimental to his financial, emotional, and spiritual well-being. Nonetheless, I am not entitled to compel my neighbor to abandon his religion, and this is not merely because the consequences of my interference would be worse for my neighbor than my doing nothing. Even if I could make him better off by compelling him to abandon his religion, and even if my coercion would have no other ill effects in the world, a respect for my neighbor’s autonomy would still require me to abstain from such behavior.⁸

Thus, one way that a worker’s choice to accept the conditions of sweatshop labor can be morally transformative is if it is an exercise of autonomy. Such a choice can, I will argue, be morally transformative in certain respects even if it is not a *fully* autonomous one, and even if it does not achieve the full range of moral

transformations that such a fully autonomous choice would yield.⁹ Specifically, I believe that a worker's autonomous choice to accept conditions of employment establishes a strong claim to freedom from certain sorts of interference by others, even if it fails to render the employment relationship a morally praiseworthy one. But how strong a claim to non-interference does it generate? And against which sorts of interference does it hold?

To take the first question first, it is of course true that not all autonomous choices generate claims to non-interference. But when the subject matter of the choice is of central importance to the agent's identity or core projects, it is plausible to suppose that autonomous choices do generate strong claims to liberty.¹⁰ And it is hard to deny that the choices made by potential sweatshop workers *are* of central importance in just this way. Sweatshop workers do not generally choose to work in order to gain some extra disposable income for luxuries, or simply to take pleasure in the activity of working. They work to survive, or to help their family survive, or so their children can gain an education and escape the misery of poverty that drove them to sweatshops in the first place. Choices such as these involve projects—one's own survival, one's role as a parent or a spouse—that are of central importance to most people's lives. Such choices, when made autonomously, deserve respect.

But what does respect amount to in this context? In the case of religious liberty, we think that the autonomous pursuit of religious practice generates a claim against certain sorts of interference with that practice by others. We might similarly hold, then, that the autonomous acceptance of sweatshop labor generates a claim against interference in carrying out the terms of their agreement, such as the kind that would be involved most obviously in an outright legal prohibition of sweatshop labor. But the idea that autonomous choice generates a claim to non-interference is one which stands in need of closer examination.

The analogy of religious practice is instructive. Note that even in the religious case, not *all* manifestations of religious practice are protected by a claim to non-interference, and not *all* kinds of interference, even those which involve the core aspects of religious practice, are prohibited. A religious believer who desires to murder a non-believer because his religion orders him to do so has *no* claim to freedom from interference in pursuit of this project. And even the ordinary religious desire to adhere to a certain structure of beliefs has no claim to freedom from the kind of interference that we classify as "persuasion." I cannot *force* you into abandoning your religious faith, but I can certainly try to talk you out of it.

I do not believe that the above qualifications pose a serious difficulty for the claim that the autonomous choice to accept sweatshop labor is entitled to a claim to non-interference. The reason the religious believer's desire to murder the non-believer is not entitled to any such claim is that the activity he wishes to engage in violates the rights of another. But those who worry about sweatshop labor are not typically worried that sweatshop workers are violating anyone else's rights. If anything, they worry that the rights of the sweatshop worker himself are being violated. But the fact that a worker loses some of his rights is a *consequence* of the autonomy of his

choice, not an objection to it. One of the things that autonomous choices allow us to do is to waive certain claims that we might have had (in the case of workers, the claim not to be told what to do by others, or the claim to certain kinds of freedom of association, for instance). It is because we think it important to allow people to waive their rights in this way that we find autonomy to be such an important value, and why we believe it proper to respect autonomous choices—at least those which are largely self-regarding—with non-interference.

This is not to say that *all* sorts of interference with a sweatshop worker's choice are impermissible. To take some easy examples, it is of course permissible to use persuasion to try to get a sweatshop worker to not accept conditions of employment that you view as exploitative. And it is likewise permissible to start an ethically run MNE and to compete with the unethical sweatshop for its labor force. There are good reasons, both consequentialist and deontological, for refusing to view these sorts of actions as objectionable violations of workers' autonomy.¹¹ But it *would* be immoral, I believe, to prevent contracts for sweatshop labor by legislative fiat.¹² To do so would be to violate the autonomy of the workers who would have otherwise chosen to work in such conditions. And what it is immoral to do directly, it is also probably immoral to do indirectly. Laws which have the effect of preventing workers and sweatshops from freely contracting together—such as laws in the host country which raise the price of labor to a prohibitively high rate, or laws in countries that consume sweatshop labor which ban the importation of sweatshop-made goods—are thus also morally suspect.¹³

b. Preference-Evincing Choice

Choices are more than a method of exercising autonomy. Choices also signal information about an agent's preferences. Significantly, this is true even when the choice is made under conditions of less than full autonomy. An agent faced with the gunman's threat of "your money or your life," for instance, still has a choice to make, even if it is only from among a range of options which has been illegitimately restricted by the gunman. And should the agent decide to hand over his wallet, this would tell us that among the two options he faces, as he understands them, he prefers giving his wallet to the gunman to losing his life. This might not be morally transformative in the same way as a fully autonomous choice would be, but surely it does *something* to change the moral landscape. Compare the following two cases:

Accommodating Kidnapper: *A* kidnaps *B* and locks her in his basement. When mealtime arrives, *A* asks *B* which of two foods she would prefer to eat, and gives her whichever she requests.

Curmudgeonly Kidnapper: *A* kidnaps *B* and locks her in his basement. When mealtime arrives, *A* asks *B* which of two foods she would prefer to eat, and gives her whichever one she does *not* request.

In both versions of the story, *A* illegitimately restricts *B*'s range of options. In neither case is *B*'s choice of meals fully autonomous. Still, it *is* a choice, and it seems clear that *B*'s making it will affect what *A* ought to do. Disregarding *B*'s preferences by giving her the meal that she least prefers is a wrong above and beyond the initial wrong of coercion.¹⁴ By choosing one meal over another, she has conveyed information about her preferences to *A*. And by giving her the meal she least prefers, *A* is knowingly acting in a way likely to make her worse off, and this is wrong.¹⁵ *B*'s choice is thus morally transformative, but in a way different from that described in the previous section. Here, the moral transformation occurs as a result of *B*'s choice providing *A* with information about *B*'s preferences. Knowing what somebody prefers often changes what one ought to do. It might not be wrong for me to serve fish to a guest about whom I know nothing. But if my guest tells me that she despises fish, serving it to her anyway would be (*ceteris paribus*) extremely disrespectful. By expressing preferences, choices thus transform the moral landscape.

In the mugging case, the victim's choice to hand over his wallet might not make the mugger's decision to take it a morally praiseworthy one, or even a morally permissible one. In *these* respects, therefore, his choice is *not* morally transformative. But there is another respect in which it is. It is transformative in that it renders impermissible certain attempts by other persons to interfere with his activity. A well-meaning busybody who attempted to prevent the victim from handing over his wallet, believing that death in such circumstances was surely better than dishonor, would be acting wrongly, and what makes the act wrong is that it goes against the victim's choice—whether that choice is fully autonomous or not.

In a similar way, then, a worker's choice to accept sweatshop labor can be morally transformative by signaling information about her preferences. A worker's choice to accept sweatshop labor shows that she prefers that kind of labor to any other alternative. Sweatshop labor might not be the kind of thing for which she has any *intrinsic* desire. But when all things are considered—her poverty, the wages paid by the sweatshop and that paid by alternative sources of employment, etc.—she prefers working there to anything else she might do.

And by expressing her preferences, her choice is morally transformative. To attempt to directly remove the option of sweatshop labor (or to act in ways which are likely to indirectly remove that option), while knowing that sweatshop labor is the most preferred option of many workers, is to knowingly act in a way which is likely to cause workers harm. Indeed, given that many potential sweatshop workers seem to express a *strong* preference for sweatshop labor over the alternatives, acting to remove that option is likely to cause them *great* harm.¹⁶ This is, *ceteris paribus*, wrong.

Sweatshop workers' choices can thus be morally transformative in two ways—by being exercises of their autonomy, or by being expressions of their preferences.¹⁷ Note that while both sorts of choice can be morally transformative, they achieve their respective transformations by calling attention to very different sorts of values or considerations. The proper response to an autonomy-exercising choice is one of

respect, and this respect seems to counsel non-interference with the agent's choice even if we believe the consequences of interfering would be superior for the agent. Preference-evidencing choices often give us reason for non-interference as well, but *only because* we think the consequences of doing so will be better in some respect for the agent. The expression of a choice for one thing over another is usually good evidence that one actually prefers that thing over the other, and it is, *ceteris paribus*, better for one to get what one wants.

With this understanding of the morally transformative power of choice in hand, we are now ready to turn to a closer look to the argument with which this paper began—an argument that seeks to base a moral defense of sweatshops on the consent of the workers.

3. *The Argument*

1. Most sweatshop workers choose to accept the conditions of their employment, even if their choice is made from among a severely constrained set of options.¹⁸
2. The fact that they choose the conditions of their employment from within a constrained set of options is strong evidence that they view it as their most-preferred option (within that set).
3. The fact that they view it as their most-preferred option is strong evidence that we will harm them by taking that option away.
4. It is also plausible that sweatshop workers' choice to accept the conditions of their employment is sufficiently autonomous that taking the option of sweatshop labor away from them would be a violation of their autonomy.
5. All else being equal, it is wrong to harm people or to violate their autonomy.
6. Therefore, all else being equal, it is wrong to take away the option of sweatshop labor from workers who would otherwise choose to engage in it.

I believe this argument (hereafter, "The Argument") captures and clarifies what lies behind many popular defenses of sweatshops. There are three things to note about it. The first is that, unlike popular defenses, The Argument clearly distinguishes two different ways in which workers' choices can serve to establish a claim of non-interference against those who act in ways that make sweatshop labor a non-option—one based in respect for workers' autonomy (1, 4, 5, and 6) and another based in an obligation not to harm (1, 2, 3, 5 and 6). Unlike the standard economic defense of sweatshops, then, The Argument is not purely consequentialist in nature. Appeals to consequences are relevant in The Argument's appeal to the preference-evidencing power of choice, which cautions us to avoid harming workers by frustrating their revealed preferences.¹⁹ But The Argument has a deontological foundation as

well, which is brought out in its notion of autonomy-exercising choice. Here, The Argument counsels us to refrain from interfering in sweatshop workers' choices, not because that interference would frustrate preference-satisfaction, but because doing so would violate workers' autonomy in their choice of employment.

The second thing to note about The Argument is that, again unlike popular defenses, it is clear regarding the nature of the moral transformation that sweatshop workers' choices effect. Their choice establishes a claim of non-interference against those who might wish to prevent them from engaging in sweatshop labor, or make that labor more difficult to obtain. That is all that is claimed by The Argument. It does not attempt to show that workers' choices render the treatment bestowed on them by their employers morally praiseworthy. It does not even attempt to show that their choice renders such treatment morally *permissible*.²⁰ And, finally, it does not establish an *insuperable* claim against interference. The Argument shows that harming sweatshop workers or violating their autonomy is wrong, but leaves open the possibility that these wrongs could be justifiable in certain circumstances. The Argument simply shifts the burden of proof on to those who wish to prohibit sweatshop labor to provide such justification.

The final thing to note about The Argument is that its success is extremely sensitive to a wide range of empirical facts. The truth of premise 1, for instance, hinges on whether people *do* in fact choose to work in sweatshops, and fails in cases of genuinely forced labor. The claim that we harm sweatshop workers' by removing what they see as their best option (premise 3) depends on particular facts about the nature of an individual's preferences and their relation to her well-being, and the claim that workers' choices are autonomous (premise 4) depends on the particular conditions under which the choice to accept sweatshop labor is made. This sensitivity to empirical facts means that we cannot determine *a priori* whether The Argument is successful. But this is as it should be. Sweatshops are a complicated phenomenon, and while philosophers have an important contribution to make to the conversation about their moral justifiability, it is only a partial contribution. For the complete picture, we need to supplement our moral theorizing with data from (at least) economists, psychologists, and social scientists. In this paper, I will draw on empirical data to support my argument where it is available. Since I am not well positioned to evaluate the soundness of such data, however, I will attempt to clearly signal when I appeal to it, and to indicate the way in which The Argument's success is or is not reliant on its veracity.

4. What Policies Does The Argument Oppose?

The Argument's conclusion is that it is wrong to 'take away' the option of sweatshop labor from those who would otherwise choose to engage in it. But what exactly does it mean to take away the option of sweatshop labor? What sort of policies is The Argument meant to oppose?

a. Bans and Boycotts

The most obvious way in which the option of sweatshop labor can be ‘taken away’ is a legal ban on sweatshops or, more commonly, on the sale or importation of sweatshop-produced goods. The mechanism by which the former sort of ban removes the option of sweatshop labor is fairly obvious. But bans on the sale or importation of sweatshop goods can, if effective and large enough in scale, achieve the same results. If goods made in sweatshops cannot be sold, then it seems likely that sweatshops will stop producing such goods, and those who were employed in their production will be out of work.²¹ Economists and others have therefore criticized such bans as counterproductive in the quest to aid the working poor.²² As a result, neither sort of ban is defended by many anti-sweatshop scholars writing today, but many activists and politicians persist in their support of such measures.²³ The Argument condemns them.

b. Legal Regulation

Bans on the importation or sale of sweatshop-produced goods take sweatshop jobs away from their workers by making their continued employment no longer economically viable for their employers. The increased legal regulation of sweatshops can accomplish the same effect for the same reason. Legal attempts to ameliorate working conditions in sweatshops by regulating the use of and pay for overtime, minimum wage laws, or workplace safety, for instance, raise the cost which sweatshops must incur to employ their workers. This cost is passed on to the MNE which, in turn, might decide once costs have passed a certain level, to move their operations to another country where labor is more productive or less heavily regulated.²⁴

Calls for the increased legal regulation of sweatshops are more common among both activists and academics alike.²⁵ It is worth noting, though, that calls for the increased enforcement of existing regulations are likely to be indistinguishable in their effects. Many laws in the developing world which ostensibly regulate sweatshop activity are either poorly enforced or completely ignored.²⁶ Sometimes the lack of enforcement is simply due to insufficient resources on the part of the enforcement agency. But sometimes it is a deliberate choice, since government officials want the tax revenue that MNEs bring to the country and worry that increasing the cost of doing business could lead those MNEs to stay away or leave. Calls for the enforcement of existing regulations do have the advantage over calls for new regulation in that such enforcement will help to promote the rule of law—a key value in both economic development and a healthy democracy.²⁷ But in terms of their effect on workers’ jobs, they are equally bad, and equally opposed by The Argument.

c. Voluntary Self-Regulation

Today, many of the most prominent academic critics of sweatshops focus their energy on calls for voluntary self-regulation on the part of MNEs and the sweat-

shops to which they subcontract. Their hope is that self-regulation can correct the moral failings of sweatshops while at the same time avoiding the unintended harms caused by the more heavy-handed attempts described above.

Nothing in The Argument is opposed to voluntary self-regulation as such. If, as The Argument was specifically formulated to allow, many of the activities of sweatshops are immoral, then they ought to change, and voluntary self-regulation will often be the best way to accomplish this change.

Furthermore, by providing concrete examples of ‘positive deviancy’—cases where multinational enterprises have made changes to improve conditions for workers in their supply chain above and beyond those required by market pressures or the law—much of the recent scholarship on self-regulation has provided a valuable model for firms who wish to begin making changes in the right direction.²⁸

There are, however, two significant causes for concern over the precise way in which the case for self-regulation has been made in the recent literature. First, to the extent that ‘voluntary’ self-regulation is to be accomplished by industry-wide standards, the regulation is really only voluntary for the industry as a whole.²⁹ For any individual firm, compliance is essentially mandatory. Individual firms, then, are in much the same position as they would be under legal regulation, insofar as those who cannot afford to comply with the mandated standard would be forced to cut costs or alter their production in a way that could negatively affect the employment of sweatshop workers. Additionally, industry-wide standards serve as an impediment to the market’s discovery process. By establishing *one* standard with which all firms must comply, this sort of approach discourages (and in some cases, prohibits) individual firms from experimenting with their own standards which might be better suited to the particular context in which they are operating.³⁰

The second and less well-recognized problem is that by making the case for self-regulation in terms of the *rights* workers have to certain forms of treatment and the *obligations* that MNEs have to ensure such treatment, supporters of ‘voluntary’ self-regulation end up putting too strong a demand on MNEs for the kind of reform they desire, while paying insufficient attention to ways of helping workers that fall short of their desired goal.

To see this problem more clearly, we can look at the recent work of Denis Arnold. The core philosophical argument of that work claims that workers have rights to freedom and well-being,³¹ and argues that these rights require MNEs to ensure that certain minimum conditions are met in their supply chain.³² As an example of the sort of specific obligation to which these general rights to freedom and well-being give rise, Arnold and Hartman state in a recent paper that “respect for the rights of workers to subsistence entails that MNEs and their suppliers have an obligation to ensure that workers do not live under conditions of overall poverty by providing adequate wages for a 48 h work week to satisfy both basic food needs and basic non-food needs” (Arnold & Hartman, 2005: 211).

Now, it cannot be doubted that it would be a morally praiseworthy thing for MNEs to ensure that their workers are given this level of treatment. But this is not what Arnold is claiming. He is claiming that MNEs have an *obligation* to provide this level of treatment—one that is grounded on workers' *rights*. This is making an extremely strong moral claim. Rights are generally thought to be 'trumps'—considerations which, when brought to bear on a decision, are supposed to override any competing claims.³³ Respecting rights is non-optional.

But notice that while rights as such are non-optional, the right and corresponding obligation that Arnold endorses are conditional in an important way. Workers have a right to certain levels of minimum treatment, and MNEs have an obligation to provide it, *if* MNEs involve those workers in their supply chain. But nothing requires MNEs to do so. Workers have a right to adequate wages *if* MNEs contract with sweatshops to employ them. But MNEs are under no obligation to outsource labor in this way at all. And if the only morally permissible way to engage in such outsourcing is to incur heavy costs by seeing that workers receive the minimum level of wages, safety conditions and so forth demanded by Arnold et al., it is quite possible that many MNEs will choose *not* to do so.

Whether they would or not is, of course, an empirical question the resolution of which is beyond the scope of this paper.³⁴ But merely noting the possibility highlights an odd feature of the logic of Arnold's position. Arnold is committed to claiming that:

1. It is morally permissible for MNEs not to outsource their labor to workers in the developing world at all.
2. It is not morally permissible for MNEs to outsource labor to workers in the developing world without meeting the minimum conditions set forth by Arnold's account of workers' rights.

But empirically, it seems plausible that

3. Sweatshop labor that falls short of meeting the minimum conditions set forth by Arnold's account of workers' rights can still be a net benefit to workers, relative to their other possible sources of employment.³⁵

And clearly,

4. MNEs which do not outsource their labor to workers in the developing world do not benefit those workers at all.³⁶

It follows that, on Arnold's view,

- C1) It is morally permissible for MNEs not to benefit workers at all by not outsourcing their labor to workers in the developing world.

And

- C2) It is morally impermissible for MNEs to benefit workers to some extent by outsourcing labor to workers in the developing world without meeting the minimum conditions set forth by Arnold's account of workers' rights.

This means, paradoxically, that according to Arnold's argument MNEs are more morally blameworthy for doing business with a sweatshop that pays less than adequate wages than for doing no business abroad at all, even if workers in the unethical sweatshop would prefer and freely choose their work over the option of no work at all. Indeed, elsewhere in their essay, Arnold and Hartman seem to explicitly embrace this point. They approvingly cite critics (one of whom includes Arnold himself) who argue that "regardless of the kinds of benefits that do or do not accrue from the use of sweatshops, it is simply morally impermissible to subject individuals to extended periods of grueling and mind-numbing labour in conditions that put their health and welfare at risk and which provide them with inadequate compensation" (210–11). But I do not think we should be so quick to declare as irrelevant the benefits that accrue to workers under conditions of labor which fall short of meeting the minimum standards demanded by Arnold. Labor which falls short of a living wage can still help a worker feed their family, educate their children, and generally make their lives better than they would have been without it. This is a morally significant benefit, and one our system of moral norms should at the very least *permit*, if not encourage.

Thus, while The Argument does not condemn voluntary self-regulation as such, it *does* condemn the claim that outsourcing labor to the developing world is only permissible if certain minimum standards are met. For we cannot simply assume that MNEs will continue to outsource labor to the developing world if the only conditions under which they may permissibly do so are ones in which the costs of outsourced labor are significantly higher than they are now.³⁷ And without this assumption, our system of moral norms ought not to prohibit MNEs from outsourcing labor in a way which falls short of meeting Arnold's standards, for to do so would be to deprive workers of the ability to engage in labor they would freely choose to accept, and thereby frustrate workers' choices and harm the very people we intended to help.

5. Challenges to The Argument

I will discuss three potential vulnerabilities in The Argument. One potential vulnerability centers on premises 1, 2, and 4, and stems from possible failures of rationality and/or freedom (which I will group together as failures of voluntariness) in sweatshop workers' consent. The second is located in premise 3, and derives from a possibly unwarranted assumption regarding the independence of a potential worker's antecedent choice-set and the offer of employment by a sweatshop. A final criticism of The Argument is centered on the conclusion (6) and holds that even if everything in premises 1–5 is true, it nevertheless ignores a crucial moral consideration. That consideration is the wrongfulness of exploitation—for one can wrongfully *exploit* an individual even while one provides them with options better than any of their other available alternatives.

a. Failures of Voluntariness

The first premise states that sweatshop workers choose the conditions of their employment, even if that choice is made from among a severely constrained set of options. And undoubtedly, the set of options available to potential sweatshop workers is severely constrained indeed. Sweatshop workers are usually extremely poor and seeking employment to provide for the necessities of life, so prolonged unemployment is not an option. They lack the education necessary to obtain higher-paying jobs, and very often lack the resources to relocate to where better low-skill jobs are available. Given these dire economic circumstances, do sweatshop workers really make a “choice” in the relevant sense at all? Should we not say instead, with John Miller, that whatever “choice” sweatshop workers make is made only under the “coercion of economic necessity” (Miller, 2003: 97)? And would not such coercion undermine the morally transformative power of workers’ choices?

I do not think so.³⁸ The mugging case discussed in section two shows that while coercion may undermine *some* sorts of moral transformation effected by choice, it does not undermine *all* sorts.³⁹ Specifically, the presence of coercion does not license third parties to disregard the stated preferences of the coerced party by interfering with their activity. After all, one of the main reasons that coercion is bad is because it reduces our options. The mugger in the case above, for instance, takes away our option of continuing our life and keeping our money, and limits our choices to two—give up the money or die. Poverty can be regarded as coercive because it, too, reduces our options. Poverty reduces the options of many sweatshop workers, for instance, to a small list of poor options—prostitution, theft, sweatshop labor, or starvation. This is bad. But removing one option from that short list—indeed, removing the *most preferred* option—does not make things any better for the worker. The coercion of poverty reduces a worker’s options, but so long as he is still free to choose from among the set of options available to him, we will do him no favors by reducing his options still further. Indeed, to do so would be a *further* form of coercion, not a cure for the coercion of poverty.⁴⁰

A related sort of criticism attempts to undermine the voluntariness of sweatshop workers’ consent by pointing to their ignorance, or lack of rationality in making this decision. The relevant sort of ignorance could take two forms. Workers might lack knowledge about relevant alternatives such as better employment or chances to receive valuable education or training. Or they might not know various facts about employment conditions at the sweatshop—how dangerous it is, what their managers will be like, whether they will be able to unionize, and so forth. And even if workers have all the relevant knowledge, they might still fail to act rationally if they do not give this knowledge the proper weight in their deliberation. A worker might unreasonably devalue the risks associated with working in the proximity of toxic chemicals, or might over-value the benefit of her increased income.

To what extent does this objection undermine The Argument? It is almost certainly true that there are some, perhaps many, workers whose choice to accept the conditions of sweatshop labor is made irrationally, or in the absence of important

relevant information. Some forms of information—such as the possibility of being raped by an abusive manager, or the possibility of miscarriage due to lack of medical treatment—might be especially difficult to foresee or appreciate antecedently to taking a job. But does it follow from this that it is, contrary to The Argument's conclusion, morally permissible to take away the option of sweatshop labor from those who would choose to engage in it?

There are two reasons to think not. First, just because some individuals make the choice to work in a sweatshop irrationally or ignorantly does not mean that *all* do so. It does not even begin to follow from this objection, therefore, that sweatshop labor should be removed as an option for *all* workers, unless it can be shown (a) that it is impossible to discriminate between those who are competent to freely accept sweatshop labor and those who are not, and (b) that the moral cost of allowing workers to consent to sweatshop labor ignorantly or irrationally is greater than the moral cost of prohibiting that choice for those who *are* competent.

Second, even if *all* workers who consent to the conditions of sweatshop labor were ignorant or irrational, it still does not necessarily follow that it is permissible to remove the option of sweatshop labor from them. This is because, as Janet Radcliffe Richards has noted in another context, “ignorance as such is not an irremediable state” (Radcliffe Richards, 1996: 380).⁴¹ It is a problem that can be addressed at a variety of levels—by individual managers, company policies, or legal rules that direct resources toward attempting to make sure that individuals have as much relevant information as possible available to them, along with the resources to deliberate properly over that information. This could be accomplished by modifying the content or enforcement of contract law to strengthen disclosure requirements, or by public education campaigns.⁴² If sweatshop workers are making decisions involuntarily, then it is at least possible that the correct response is to attack the involuntariness—not their decision-making capacity.

b. Failures of Independence

The intuitive pull of The Argument stems from the intuition that the offer of sweatshop labor can only improve the lot of potential workers. After all, sweatshops are only offering an additional option. Either this option is better than any of their available alternatives, in which case the workers are made better off, or it is not better than any of their available alternatives, in which case the workers are not made better off. But if they are not made better off, they are made no worse off, either—they can simply choose whatever option they would have selected in the absence of the sweatshop's offer. In neither case, then, does the offer of sweatshop labor make potential workers *worse* off.

Intuitive as this argument may be, it is only valid if the provision of an additional choice is the *only* way that sweatshops affect potential workers. But what if this assumption fails to hold? What if, in addition to offering jobs, sweatshops also close off other options that were previously available to potential workers? If this were the case, we could no longer conclude *a priori* that sweatshops make potential

workers better off. The fact that an individual chooses to accept sweatshop labor might show that she prefers it to any of her *currently* available alternatives, but it does not show that she prefers it to any of the alternatives that were available to her *prior* to the introduction of sweatshops. Determining whether she is better or worse off would now require comparing the value of the opportunities provided by sweatshops to the value of the opportunities they foreclose. This makes any moral evaluation considerably more difficult.

How might sweatshops foreclose opportunities for potential workers? The most obvious possibility is that sweatshops might displace domestic producers. The multinational enterprises that contract with sweatshops are often in a position to eliminate competing firms in the host country. Sometimes they accomplish this by traditional economic competition due to economies of scale and superior technology. In other cases, however, host country governments are willing to grant special privileges to multinational enterprises in order to make their country a more “business-friendly” environment.⁴³

Another possibility is that sweatshops will suppress, often with the assistance of the host country government, efforts to unionize the labor force. A 2000 report by the El Salvadoran Ministry of Labor found that of the 229 *maquila* factories operating at the time, employing approximately 85,000 workers, not a single union existed with a collective contract. The reason is that any attempt to unionize was met with mass firings and subsequent blacklisting.⁴⁴ In the case of El Salvador, these anti-unionization efforts were, in fact, a violation of national law. But this was insufficient to prevent their widespread violation, and many countries which host sweatshops lack even this formal legal protection.⁴⁵

The first approach eliminates alternative job possibilities directly, by putting the suppliers of those jobs out of business. Whether this makes workers better or worse off, of course, depends on whether the jobs provided by sweatshops are superior or inferior to the jobs they eliminate. This is difficult to assess, but we have at least two methods of doing so. First we can compare the wages paid by sweatshops with those paid by non-sweatshop host-country jobs. The economic research on this point, which I summarize in section 5.c.i, indicates that sweatshop jobs out-pay their domestic rivals by a significant margin. Second, we can look to see where workers choose to accept employment. On this point, even authors critical of sweatshops note that sweatshop labor is in high demand. Doris Hajewski notes, for instance, that on one day during her 2000 visit to a Nicaraguan free-trade zone, “about two dozen people lined up at 7:30 a.m. at the gates of the zone to apply for jobs. They line up every day” (Hajewski, 2000). This is not a perfect measure of worker-preference, but it is at least *prima facie* evidence of the greater desirability of sweatshop jobs.

The effect of the second approach on worker opportunities is less clear. If sweatshops deny workers the right to organize *within sweatshops* but have no effect on their ability to unionize elsewhere, then the offer of sweatshop labor really *is* independent, at least on this dimension, of other elements of potential workers’

antecedent choice sets. Sweatshops are simply supplementing workers' antecedent choice set with an additional possibility of non-unionized labor. If, on the other hand, sweatshops are affecting workers' ability to unionize not only in the sweatshops themselves, but elsewhere in the domestic economy—perhaps by influencing national laws in a way that makes unionization more difficult—then the failure of independence is genuine, and The Argument, as stated, does not succeed.⁴⁶

Still, this criticism only works in cases where the offer a job is genuinely linked with the choice-diminishing activities of sweatshops. And this will not often be the case. For most workers, the choice-diminishing activities of sweatshops or their multinational partners will be a done deal. Such choice-diminishing activities are often co-incidental with the *introduction* of sweatshops into a country, but not with a sweatshop's offer of employment to any particular individual. For such individuals, the fact that it was sweatshops which diminished their range of opportunities is irrelevant. What are relevant are the options available to them *now*, and their choice to accept the conditions of sweatshop labor indicates that they view this option as preferable to any of the alternatives currently available to them. This is morally transformative, just as The Argument claims, and we should be wary of interfering in any labor agreement consented to by workers in such situations. Where this argument would give us possible license to interfere is in the introduction of sweatshops into the country. If workers can be made better off by our limiting MNEs' ability to collude with host country governments for lowered labor standards (perhaps through the mechanism of international law, or perhaps through import restrictions adopted unilaterally by foreign governments against non-compliant host countries), then we perhaps have reason to do so. But the mere fact of MNE-host country government collusion does not demonstrate this by itself. In order to make this demonstration, we must compare the welfare of workers living under colluding governments with their expected welfare were collusion to be disallowed. If, in response to the prohibition on collusion, MNEs stop outsourcing, cut wages, reduce non-wage benefits, or shift outsourcing to other areas, then we might conclude that workers under the colluding government are better off, and that we therefore have good moral reason not to disallow such collusion.

c. Exploitation

One of the more common charges against sweatshops is that they exploit their workers. Such a charge, if true, might undermine our confidence in The Argument's conclusion by drawing our attention to a moral consideration ignored by it. But much depends on how we understand the concept of exploitation. Sometimes we use the term to refer to certain cases where *A* harms *B* and *A* benefits as a result. Allen Buchanan, for instance, defines exploitation as “the *harmful, merely instrumental utilization*” of an individual or her capacities for one's own advantage or ends (Buchanan, 1988: 87). A con artist who takes advantage of people's ignorance to sell them worthless stock, for instance, might be said to be exploiting them on this definition.

Upon reflection, however, it is clear that not all instances of exploitation are necessarily harmful. Consider the maritime case of *The Port of Caledonia and the Anna*. In this case, a vessel in distress sought assistance from a nearby tugboat. The tugmaster responded by offering a rope—but only for a payment of £1,000. The master of the vessel agreed to pay, but later sued and won (regaining £800 of the original £1,000) on the grounds that the bargain struck was “so unjust, so unreasonable that [the court] cannot allow it to stand” (Wertheimer, 1996: 40).

The appropriateness of this decision does not appear to turn on the claim that the owner of the vessel was *harmed*. Indeed, it does not seem appropriate to describe this as a case of harm at all. Philosophical definitions of the concept ‘harm’ vary, but all of them seem to have in common that being harmed involves some sort of setback to one’s interests.⁴⁷ In the current case, however, the result of the transaction was not to *set back* the interests of the vessel’s owner, but to *advance* them. The owner of the vessel was much better off being rescued—even at a cost of £1,000—than he would have been had the tugmaster taken no action at all. The agreement to which they came, far from being harmful, was actually mutually beneficial, at least when compared to the alternative of no transaction at all. Relative to this alternative—where the tugmaster receives no money and the vessel in distress receives no rescue—both parties experience an increase in utility. This suggests that a proper understanding of exploitation will make room for mutually advantageous, as well as harmful, exploitative transactions.⁴⁸

In what ways might mutually beneficial transactions be wrongfully exploitative? There are various ways in which such a claim might be spelled out. One way is to say that though transactions such as that in the *Port of Caledonia* case are mutually beneficial, they are exploitative insofar as the benefits are unfairly distributed in some way.⁴⁹ Any mutually beneficial exchange will be a positive-sum game, due to the differences in the values each party assigns to the objects of the exchange. In other words, mutually beneficial exchanges will create a *social surplus*—an amount of utility greater than that which existed prior to the exchange. But the way in which this social surplus is divided depends largely on the bargaining skill and position of the parties. One way of framing the claim that exchanges are exploitative, even if mutually beneficial, is thus to say that even though they benefit both parties, they do not benefit one of them *enough*.⁵⁰ Alan Wertheimer, for example, offers an analysis of the *Port of Caledonia* case that runs as follows.⁵¹ While it is true that the owner of the vessel benefited (on net) by purchasing a rescue from the tug for £1,000—that is, he was better off accepting the tugmaster’s offer than he would have been if the tugmaster had made no offer at all—he was nevertheless not made as well off as he should have been. He is not made as well off as he should have been because he *ought* to be rescued by the tug for a *reasonable* price (Wertheimer, 1996: 53). The tugmaster’s threatened course of action—i.e., not rescuing the vessel if he was not paid £1,000—was thus not something he had a right to do.⁵² It is akin to a mugger’s threatening to shoot you in the head unless you hand over to him everything in your wallet. In both cases, one party is threatening to violate the

rights of another unless they agree to pay a certain sum. And while it is true that in both cases the extorted party is made better off by paying the sum *relative to the alternative of not paying and having their rights violated*, this is not the relevant comparison for determining whether the exchange was exploitative and morally objectionable. To determine whether a mutually beneficial exchange is exploitative, we must compare the gains made by the parties not (necessarily) to the baseline of no-exchange-at-all, but rather to the baseline in which each party acts within their rights with respect to the other, and ensure that parties are left at least as well off as they would be under *those* circumstances.⁵³

There are several ways in which concerns about exploitation might be relevant to an assessment of The Argument. The first has to do with the wages paid to sweatshop laborers. The second has to do with other conditions of the labor arrangement, such as safety conditions, overtime regulations, the right to unionize, and so on. I will look at wage agreements first.

i. Exploitative Wages

If sweatshops have an obligation to pay a living wage to sweatshop workers, or if they have an obligation to pay a wage which fairly divides the social surplus derived from the labor arrangement, then those who pay a wage below this level might be guilty of exploitation even if the worker benefits from the job relative to a baseline of no job at all. They might be guilty of exploitation because they are taking advantage of workers' vulnerability (their lack of better available options) in order to obtain agreement to an unjust wage contract. On this view, sweatshops that pay wages below a certain specified level (specified by a moral theory of just or fair wages) are in the same position as the tugmaster in the *Port of Caledonia* case. The agreement they strike with laborers is mutually beneficial, but it is not as beneficial as it *ought* to have been to the workers, since the sweatshops have an obligation to divide the beneficial surplus of the agreement more fairly.

Part of what we would need to do, then, in order to resolve the question of whether sweatshop wages are exploitative, is to develop a theory of just wages. I am not convinced that such a task is possible, and it is certainly not one I can hope to engage in here. For the sake of argument, however, let us assume that some such principle can be specified, and see what conclusions this supposition leads us to in the case of sweatshop labor.

It is important to begin this discussion by noting that the bulk of the empirical data suggest that wages paid by sweatshops are significantly higher than those paid by potential workers' other possible sources of employment. Aitken, Harrison, and Lipsey, for instance, show that wages paid by multinational firms are generally higher than wages paid by domestic firms in developing nations (Aitken, Harrison, & Lipsey, 1996), a fact which was cited by the Academic Consortium on International Trade (ACIT) in support of their claim that universities should exercise caution before signing on to Codes of Conduct that might have the effect of reducing American clothing firms use of labor in developing countries (ACIT, 2000). Furthermore,

recent research has shown that sweatshop wages are higher regardless of whether they are paid by multinational firms or by domestic subcontractors—three to seven times as high as the national income in the Dominican Republic, Haiti, Honduras, and Nicaragua, for example (Powell & Skarbek, 2006). And if anything, these data probably tend to understate the extent to which sweatshop laborers out-earn other individuals in the developing world, as many of those other individuals work in either agriculture or the “informal economy,” where wages (and other benefits) tend to be much lower, but numbers for which are not accounted for in the standard economic statistics (Maitland, 1996). Of course, these facts, by themselves, do not refute the charge of exploitation, since it is possible that while sweatshop wages are higher than wages earned by non-sweatshop laborers, the wages still represent an unfair division of the cooperative surplus generated by the employment arrangement. Perhaps sweatshops are taking advantage of the low wages paid by domestic industries in the developing world to reap exploitative profits by paying wages that are high enough to attract workers, but much lower than the firm could afford if they were willing to settle for a more reasonable level of profit. Resolving this question would require, in addition to a moral theory of just wages, an examination of the rate of profit made by MNEs who outsource the manufacture of products to third world sweatshops, compared with the profit-rates of non-outsourcing firms in the same industry, and firms in relevantly similar industries. If the profit rates of sweatshop-employed MNEs are significantly higher than other firms in the relevant comparison class, this would be some evidence for the claim that they are unfairly exploiting their workers.⁵⁴

For now, however, I want to leave the full resolution of these empirical questions to the economists, and return to an analysis of the concept of “exploitation.”⁵⁵ Suppose it turns out to be true that MNEs are earning an unusually high rate of profit from their use of sweatshop labor—high enough that they could afford to pay significantly higher wages without putting the firm at risk.⁵⁶ Such firms could be said to be taking advantage of workers’ vulnerability to benefit disproportionately from their labor agreements. Are they guilty of an objectionable form of exploitation? Are they acting in a blameworthy manner?

There is something rather odd about saying that they are. Recall that the form of exploitation with which we are concerned here is mutually advantageous exploitation. The charge against firms is not that they are *harming* workers, but that the benefit they gain from the transaction is disproportionate to that gained by the workers. But the firms are doing *something* to help. The wages they pay to workers make those workers better off than they used to be—even if it is not as well off as we think they ought to be made.

Do they have an obligation to do more? Consider the fact that most individuals do *nothing* to make Third-World workers better off. Are *they* blameworthy? As blameworthy as sweatshops? We need not suppose that such individuals do *nothing* charitable. Perhaps they spend their resources helping local causes, or global causes

other than poverty-relief. My point is that it would be odd to blame MNEs for helping *some* when we blame individuals less (or not at all) for helping *none*.⁵⁷

The same point can be made comparing MNEs that outsource to Third-World sweatshops with businesses that do not. Take, for example, a US firm which could outsource production to the Third World, but chooses to produce domestically instead. Let us suppose that the firm, *qua* firm, does not donate any of its profits to the cause of Third-World poverty relief. Is such a firm blameworthy? Again, it would be odd to say that it was innocent, or *less* guilty than MNEs that outsource to sweatshops, when the latter does *something* to make workers in the Third World better off, while the former does *nothing*.⁵⁸ Yet firms which do nothing in this way draw nothing like the ire drawn by firms which contract with sweatshops. This seems to suggest an incoherence between our understanding of the wrongfulness of exploitative wage agreements and our other moral judgments about duties to aid.

This same incoherence can be gotten at from a different direction. Sweatshops make the people who work for them better off.⁵⁹ But there are a lot of people who are *not* made better off by sweatshops. They are not necessarily *harmed* by them; their position is simply unaffected one way or the other. Anyone who works in agriculture, for instance, or in the informal sector of the economy, will not benefit (directly) from the wages paid by sweatshops. Such individuals lack the skill or the opportunity to take advantage of the benefits that sweatshop labor offers. As a result, they tend to be much worse off in monetary terms than sweatshop workers. To illustrate: Ian Maitland notes that in 1996, workers in Nike's Indonesian plant in Serang earned the legal minimum wage of 5,200 rupiahs per day. By contrast, the typical agricultural worker earned only 2,000 rupiahs per day (Maitland, 1996: 599). Yet, most people do not fault Nike for doing *nothing* to improve the position of agricultural workers. Why, then, should they be faulted for doing *something* to improve the position of (some) urban workers?

The problem, then, is this. We criticize a firm for failing to benefit a certain group of individuals sufficiently, even though it benefits that group a little. But we do not fault other firms for failing to benefit that group at all, and we do not fault the firm in question for failing to benefit other, possibly much worse off groups, at all. What could justify this seeming disparity in our moral judgments?⁶⁰

Alan Wertheimer, though he does not endorse the intuition itself, suggests that there is a principle underlying many objections to exploitation. This principle, which he calls the "interaction principle," holds that "one has special responsibilities to those with whom one interacts beneficially that one would not have if one had chosen not to interact with them."⁶¹ To accept the interaction principle, Wertheimer says, is to reject the "non-worseness principle," which holds that "it cannot be morally worse for A to interact with B than not to interact with B if: (1) the interaction is better for B than non-interaction, (2) B consents to the interaction, (3) such interaction has no negative effects on others" (Wertheimer, 1996: 289–93). By adopting the interaction principle and rejecting the non-worseness principle, one could consistently

hold that MNEs that outsource to sweatshops have a greater obligation to benefit workers in the developing world than do MNEs that do not.

In order to determine whether MNEs that outsource are wrongfully exploiting their workers, then, we must first determine whether the interaction principle is defensible. There seem to be two sorts of arguments that could be made in its defense in this context—one pragmatic in nature, the other stemming from deontological considerations about the nature of respect.

Pragmatically, we might suppose that MNEs have stronger or more demanding obligations to those with whom they are in close causal contact because they are in a better position to help such persons effectively.⁶² Perhaps they are more familiar with the needs of individuals with whom they are causally connected, or perhaps they are simply more able to interact with such individuals in a welfare-enhancing way. But note that what needs to be shown in the debate over sweatshops is not just that the relationship in which MNEs stand to their sweatshop laborers is one that gives rise to special obligations (i.e., obligations that are owed to some individuals but not others), but that it is one that gives rise to the *particular* special duty of monetary benefit. None of the facts about the MNE-laborer relationship seem to put MNEs in a better position to benefit workers in *that* way. One certainly needs to know certain details about a person before they can decide whether piano lessons, or a motorcycle, would benefit them. But money is not like these goods. Money is something like a primary good in Rawls's sense—it will help you achieve your ends, pretty much no matter what those ends happen to be (Rawls, 1971: 62). As a result, MNEs are in no better position to know that more money will benefit their workers than anybody else. Everybody knows this. Nor do they seem to be in any better position to *deliver* money to their workers. As supporters of Third-World poverty relief like Peter Unger point out, it takes only a few minutes to write a check to OXFAM or UNICEF, and with that simple action, money can be sent from anywhere in the world to aid individuals in any other part of the world.⁶³

Ruth Sample, in her recent work on exploitation, has suggested another way of defending the interaction principle (Sample, 2003). According to Sample, exploitation is a form of interaction that involves degrading and failing to respect the inherent value of another human being (Sample, 2003: 56–62). Neglect, on the other hand, is a kind of *non*-interaction. It is true that the consequences of neglect might sometimes be no different, or even worse than, the consequences of exploitation. But on Sample's account, there is something degrading and disrespectful about *treating* another person badly that is simply not there in cases of neglect, and this is why “we often regard exploitation as worse than neglect, even when the consequences of neglect are worse” (Sample, 2003: 60–61).

I am not convinced by Sample's argument. Sample is probably right to claim that we cannot account for subtle forms of wrongness inherent in exploitation by appeal to consequentialist considerations alone. But it is not clear that even a deontological approach will support the non-interaction principle.⁶⁴ First, it is not clear that the sort of treatment to which sweatshops subject their workers is really disrespectful in

the Kantian deontological sense of treating others as mere means. The sorts of wage agreements we are considering are the product of workers' consent. In forming these agreements employers are, of course, treating their employees in some respects as means—they are using workers' labor to benefit themselves. But a plausible, and common, interpretation of Kant's prohibition on treating people as *mere* means is that it rules out not *any* such use of other people—such treatment is ubiquitous and generally untroubling—but only those uses of other people that take place without their free consent.⁶⁵ Further argument would be required to demonstrate that such agreements are degrading and disrespectful even in those cases where they are freely consented to. Second, even if low wage agreements are exploitative and disrespectful, I do not think that the sort of considerations Sample gives are sufficient to show that this treatment is *more disrespectful* than neglect. As Sample points out, neglect makes it easier for us to “lose sight of the value of other valuable beings” (Sample, 2003: 68). But this point counts against her position, not in favor of it. Exploitation involves “incomplete engagement” with another valuable being, but neglect involves a complete lack of engagement. Phenomenologically, then, neglect might *feel* less wrong to us, because we are not cognizant of the value we are neglecting. But if the persons we neglect are, as Sample points out, just as valuable as those with whom we are engaged, then it is hard to see how neglect could actually *be* less wrong. Similarly, if those we neglect are indeed as valuable as those with whom we are engaged, then it is also not clear how we come to acquire new obligations to persons just by virtue of being engaged with them. The value of persons is the same whether we are engaged with them or not, and if the value is the same, so too should be our call to respect that value.

There are no doubt other arguments that could be made in defense of the interaction principle. All I have tried to do here is to show that some of the more obvious ones are not successful. The burden of argument is thus on those who wish to criticize sweatshop wage agreements to provide a coherent defense of the interaction principle, and thereby show how sweatshops' marginal benefit to the poor of the developing world is worse than the complete lack of benefit that most of us provide.

ii. Other Exploitative Working Conditions

My comments in the last section might sound like they are aimed at undermining the moral weight of *all* claims of exploitation. But this was not my intent. I do, indeed, believe that claims of sweatshop wages being exploitative are implausible. But I think the case *can* be made that sweatshops wrongfully exploit their workers in other ways. Specifically, I think this can be said of various forms of psychological and/or physical abuse on the part of sweatshop managers, such as the case described by Denis Arnold and Norman Bowie of a pregnant female sweatshop worker who was threatened with termination if she sought medical assistance. Fearing for her job, she kept quiet even when she began hemorrhaging and eventually miscarried (Arnold & Bowie, 2003: 231).

What is the difference between cases of abuse such as this and low wages? Recall our discussion of the concept of exploitation, above. What makes an action exploitative, on that analysis, is that it involves some actual or threatened violation of the rights of the exploitee by the exploiter. In my discussion immediately above, I argued that we generally do not hold that those who provide no monetary benefit to poor in the developing world are thereby violating the rights of those poor. Since, however, providing *no* monetary benefit does not violate anyone's rights, and since a contract whereby sweatshops agree to provide *some* benefit does not in itself violate anyone's rights, it follows that such contracts are not exploitative.

Things are different when we switch our discussion from wages to other forms of treatment such as physical or emotional abuse. I do not think it is plausible that individuals in the developing world have a right to a certain level of monetary benefit. But this leaves open the possibility that there are some actions managers might take or threaten to take which *would* violate the employee's rights. For example, a mid-level manager who raped a female employee and warned her to keep quiet about it or else she would lose her job would be violating that employee's rights in raping her, and exploiting her by using his managerial power to cover up his crime.

My point here is not to provide a catalog of those actions which do and do not constitute exploitation on the part of sweatshops or their agents. My point, rather, is that one can consistently hold that certain forms of treatment by sweatshops of their workers are exploitative while denying that low wages are. Because I believe the concept of exploitation is best understood in terms of actual or threatened rights-violation, the precise nature of the line between those actions that constitute exploitation and those which do not will depend on one's theory of rights. In the last section, I gave my reasons in for thinking that low wages do not constitute a rights-violation. Rape, on the other hand, is likely to be condemned as a rights violation by any plausible moral theory. Between these fixed points, there is room for considerable complexity in the moral terrain, and reasonable disagreement between different moral theories.

Regardless of how we judge the moral merit of the various actions of sweatshops, or the label we choose to put on them, the question of what we should *do* about those actions remains separate, and this is a point worth stressing. Even if we concede that sweatshops do violate the rights of their employees, it will require further argument to justify third-party interference in the employment relationship.⁶⁶ The Argument above gives us reason to think that sweatshop workers *prefer* and *voluntarily choose* the package of "employment plus rights-violation" to the package of "no employment plus no rights violation." This fact shifts the burden of proof onto those who wish to interfere with the employment relationship to show either why this preference/choice ought to be disregarded, or how their proposed regulation will do a better job satisfying workers preferences/choices than the current arrangement. In this spirit, let us now turn to questions of the moral force of sweatshop workers' consent.

6. Conclusion: Moral Weight vs. Moral Force

In the end, I think that The Argument provides us with good reason to view the choice of workers to accept sweatshop labor as establishing a moral claim against certain sorts of interference with their freedom to conduct that labor. It does so by giving us reason to believe that those conditions of employment make the worker better off than she would have been without them, and by demonstrating that workers' choices to accept sweatshop labor are autonomous decisions worthy of our respect. This does not *necessarily* mean that employers are doing as much as they should be doing, from a moral point of view, to benefit those workers. Relative to a baseline of no job at all, a job with low wages and an emotionally abusive manager might be the best option available to many workers. But this does not morally justify the emotional abuse. Sweatshop workers' consent thus shows us that sweatshop employment is probably their best option, and that we will harm them if we take that option away. But it does not show us that the people who run sweatshops are morally virtuous, or that their actions are morally praiseworthy.

It is thus difficult to morally evaluate sweatshops *as such*. Much depends on the details of what the particular sweatshop under consideration is like, and upon the particular activities of the sweatshop one wishes to morally evaluate. Sometimes a more thorough evaluation *will* show the operations of the sweatshop to be praiseworthy. Considerations such as those discussed in the section on exploitative wages above, for instance, seem to show that MNEs which outsource and thereby provide wages to workers in the developing world—even if those wages are below the level of a “living wage”—*are* doing something morally praiseworthy. Compared to a firm which does not outsource at all, they are providing a great benefit to individuals who stand in great need of such benefit.⁶⁷ Employers at the firm might be providing this benefit from purely selfish motives, and our judgment of their moral character would reflect this fact. But judgments of the virtue or viciousness of character can be separated from questions regarding the praiseworthiness or blameworthiness of actions, and our judgments of sweatshops should reflect this complexity.

So where does this leave us? Presumably, if we are interested in the moral evaluation of sweatshops, it is only because forming such an evaluation is a necessary step in deciding what we should *do* about them. So what moral force does our evaluation have?

The answer, I think, depends very much on which actors we are talking about. The reasons one has for responding to sweatshops in one way or another depend crucially on who one is. This is because different groups or individuals may have different knowledge of the wrongness, differing moral responsibility with regard to it, and differing abilities to intervene effectively.

The managers of sweatshops themselves, for instance, probably have the strongest reason to act by all three of these measures. They are more directly aware of the way in which workers are treated than any third party, they bear something very close to primary moral responsibility for that treatment, and are in the best position to change it. Insofar as economic, political, and other practical considerations

make it possible, then, sweatshop managers ought to work to change conditions in sweatshops for the better, by refraining from physical and emotional abuse themselves, eliminating it among their subordinates, maintaining a safe and hospitable workplace, and so on.⁶⁸

Next to sweatshop managers, MNEs have probably the next strongest reason to act. As Arnold and Hartman have shown in their work on moral imagination and positive deviancy (Arnold & Hartman, 2003, 2005), MNEs are often in the best position to know about what needs to be done to improve labor conditions, and often have the power to make positive and creative changes. Experimentation with voluntary codes of conduct will provide a means for the market for labor in developing countries to itself develop, and will provide consumers with greater choices for ethically produced goods in the future. Caution needs to be taken, however, in both the methods and scope of change that MNEs seek to bring about. Requiring subcontractors to adhere to all local labor laws, for instance, could very well harm workers if the cost of that compliance is not shifted away from sweatshop workers themselves.⁶⁹ And any shift from voluntary codes to talk of industry-wide standards or, even more broadly, to global human rights to certain standards, risks crowding out businesses that fall short of those standards even if the benefits they provide to their workers are considerable.⁷⁰ MNEs may have the greatest power to do good, but they also have very close to the greatest power to harm.

The position of governments is much less clear. Governments have a reasonably good capacity to acquire knowledge of wrongdoing in sweatshops—at least in terms of general patterns of behavior. By utilizing their investigative powers, they can discover whether workers in a certain industry are routinely sexually abused, or intimidated, or paid as they should be. And host country governments probably have a significant moral responsibility with regard to the wrongful actions of sweatshops, insofar as they have a moral obligation to protect the welfare of their citizens. But do they have the capacity to intervene effectively?

This is a difficult question. We need to be especially careful in how we answer it when the wrongness with which we are concerned is the product of mutually beneficial exploitation. Even if, contrary to my arguments, the wages paid by sweatshops are wrongfully exploitative, this does not necessarily mean that governments should prohibit contracts that establish such wages by, for instance, legally mandating a minimum wage above the exploitative level. Whether they should do so depends on what the results of their interference would be. If, in the face of such a prohibition, sweatshops heaved a collective sigh and raised their wages to the government-mandated level, then the government action might be effective in preventing this form of wrongful exploitation.⁷¹ But if, instead, they shifted their operations to a lower-cost environment (to a country where exploitatively low wages are not legally prohibited, for instance), or if they shifted to an environment where they could obtain a higher quality of labor for the same price (as would no doubt occur if pressure was put to raise wages in the developing world to a point where the costs of employing such labor approached the cost of employing labor in the

United States), then governments would have failed in their attempt to benefit their population. They would have prohibited the exploitation of their workers, but only at the cost of making their workers worse off. Host-country governments thus have a strong but defeasible reason to refrain from banning sweatshops, or from engaging in economic regulation that has the effect of preventing workers and sweatshops from freely agreeing to mutually beneficial labor contracts.⁷²

The case is much the same for foreign governments to which sweatshop-produced goods are exported as it is for host country governments, except that there may be even a greater case for non-intervention with the former. Governments in the developed world to which sweatshop-produced goods are exported are often pressured to reduce such imports in order to protect domestic jobs. But as I noted above,⁷³ there exists a plausible moral case to be made in favor of outsourcing, since protectionist policies in the developed world tend to benefit those who, by global standards, are already extremely well off, at the expense of those who are badly off. Such governments are also often in a poor position to gain knowledge of the particular details of the sweatshop problem, or to effectively craft a response, thus making the worry of unintended harm to workers even more serious than it may be with host country governments.⁷⁴

Neither this paper, nor any purely philosophical paper, can hope to resolve the debate over what to do about sweatshops by itself. What I hope to have done instead is to show more clearly the sorts of moral issues that are at stake, and to show what kinds of questions remain to be answered before final resolution of the debate can occur. I have argued that considerations of exploitation and the allegedly non-autonomous nature of workers' consent to sweatshop labor do not give us reason, in general, to suppose that workers are being treated wrongly by sweatshops. And I have argued that even in those cases where we conclude that sweatshops *are* treating their workers wrongly, there is still good reason for governments and consumers to refrain from interfering in the conditions of sweatshop labor by means of increased legal/economic regulation or consumer boycotts. The Argument does not provide an unquestionable moral defense of sweatshops in all circumstances, but it does provide a hurdle which any proposed government action will have to surmount. Because workers' consent to sweatshop labor gives us *prima facie* reason to suppose that that labor benefits workers, governments need to show either that this *prima facie* belief is defeated by further evidence in some specific case *and* that their proposed regulation will benefit workers in the way they suppose, or at least (if the *prima facie* belief is not defeated) that their proposed regulation will benefit workers *more* than they benefit from the labor itself. If our concern is to respect workers, then we must respect their freedom to enter into even some contracts which we find morally objectionable, at least so long as their choices exhibit the morally transformative characteristics discussed in section 2 of this paper.

Notes

This paper benefited tremendously from suggestions made at the 2006 Arizona Current Research Workshop, and the author owes an especially large debt of gratitude to David Schmitz and Debbie Jackson for organizing the event, to Randy Kendrick and the Institute for Humane Studies for funding it, and to Alan Wertheimer and Norman Bowie for their prepared comments. Additional thanks are due to Benjamin Powell, Mark LeBar, Daniel Russell, Jason Brennan, H. E. Baber, and Kevin Timpe, and to the editor and anonymous reviewers at *Business Ethics Quarterly*.

1. Definitions of ‘sweatshop’ vary. Arnold and Hartman (2006) define a sweatshop as “any workplace in which workers are typically subject to two or more of the following conditions: income for a 48 hour workweek less than the overall poverty rate for that country; systematic forced overtime; systematic health and safety risks due to negligence or the willful disregard of employee welfare; coercion; systematic deception that places workers at risk; and underpayment of earnings.” Similarly, the U.S. General Accounting Office defines a sweatshop as a business that “regularly violates both wage or child labor and safety or health laws” (U.S. General Accounting Office, 1988). Both of these definitions have merit insofar as they detail the specific kinds of offenses for which sweatshops are generally criticized. But both are, I think, parasitic on a more fundamental *moral* judgment—that a sweatshop is a business that is doing something *wrong*. The boundaries of this moral judgment are fuzzy—sometimes it might take two types of offense to qualify as a sweatshop, sometimes fewer or more. But when we label something a sweatshop, I believe we are making at least a *prima facie* moral judgment about that entity—that it is behaving in a way that it ought not to behave. See Zwolinski, 2006. The drawback of this approach is that it runs the risk of skirting the substantive debate over the morality of sweatshops by definition. To avoid this, I propose that we define them as industries which violate labor standards (either host country legal standards or standards defined by international norms) in some of the ways described above in a way which makes their actions *prima facie* wrong. Low wages and psychological coercion appear to be wrongful business practices, but our definition of sweatshop should be open to the possibility that they will be proven not to be so, at least in some cases. For purposes of this essay, I will be interested exclusively in sweatshops in the developing world, and will draw a distinction between sweatshops—which tend to be legally recognized, above-ground businesses, even if some of their specific practices may be illegal or immoral—and the informal sector of the economy, where many of the same practices which occur in sweatshops may occur, but in which enterprises lack the official legal standing that sweatshops have. There are moral debates to be had over the treatment of workers in the informal sector, but the debate over sweatshops has tended to view this sector as an *alternative* to sweatshop labor, and one which does not share the direct connection to questions regarding the responsibilities of MNEs (multi-national enterprises). I therefore limit my discussion in this paper to sweatshops as an aspect of the formal economy.

2. See, for instance, Arnold & Hartman, 2005: 208, 210, where the authors characterize the *laissez-faire* defense of sweatshops as based on consequentialist moral considerations alone. However, while the authors are correct that most of the extant defenses of sweatshops are based on consequentialist moral reasoning, they are surely incorrect in asserting that the *form* of consequentialism at work is necessarily preference-maximizing utilitarianism. A moral theory is consequentialist if it holds that consequences are all that matter in the moral evaluation of an action. But consequentialist theories differ regarding *which* consequences matter and *how* they matter. Rather than seeking to maximize the satisfaction of preferences, for instance, a consequentialist theory might try to maximize the non-violation of rights. See Nozick, 1974: 28, for instance. Or, rather than maximizing some aggregate such as preferences or non-rights violations, a consequentialist theory might weigh the interests of some groups more heavily than others, as do the various forms of prioritarian consequentialist theories. See, for example, Parfit, 1998 and Nagel, 1997. I take pains to clarify this distinction now because while the argument in this paper

will draw partly on consequentialist considerations, the sort of consequentialism on which it will draw will not be the kind of preference utilitarianism targeted by Arnold and Hartman. See section 3.

3. See Wertheimer, 1996: 28 for a thorough discussion. Briefly, the moral weight of a consideration is the way in which that consideration alters the goodness or badness of a relationship or state of affairs. The moral force of a consideration, on the other hand, is the way in which that consideration affects the reasons agents have for acting one way or another with respect to it.

4. For a clearer statement of the sorts of interference my argument seeks to criticize, see section 4, and the concluding section of this paper.

5. See Rawls, 1993: 4–11.

6. For more on the transformative power of consent, see Wertheimer, 2003.

7. Characterizations of autonomy vary greatly. Some hold that the autonomy of a desire, belief, or action depends on its relation to other mental states, such as beliefs or higher-order desires. See, for instance, Watson, 1975 and Frankfurt, 1988. Such accounts can be referred to as *coherentist* since, for them, the autonomy of a particular action or mental state is based upon its coherence with other mental states of the agent. A different approach to autonomy makes the autonomy of an action or mental state depend upon its *origin*. Fischer and Ravizza, for instance, hold that actions are autonomous if they are the product of a “reasons-responsive” mechanism (Fischer & Ravizza, 1998). Another division could be drawn between what have been called ‘procedural’ vs. ‘substantive’ accounts of autonomy—the difference between the two being that the former holds that autonomy can be assessed independently of the content of an agent’s beliefs and desires, by looking at the process by which those beliefs and desires are formed, while the latter does not. (See, for a discussion of this distinction, Mackenzie & Stoljar, 2000.) For the purposes of this paper, I wish to remain neutral among these competing conceptions of autonomy. I have attempted to base my argument on the general *concept* of autonomy—that of freedom and self-governance in thought and action—and not on any particular (and controversial) conception. Specifically, the arguments I put forward in section 5.a. are intended to show that failures of autonomy do not undermine the main argument of this paper and should hold regardless of whether one holds a coherentist, originalist, procedural or substantive conception of autonomy.

8. Within limits, of course. If my neighbor’s religious practices lead him to be a danger to himself, there may come a point where my interference with those practices becomes justified. The point is not that autonomy is an insuperable barrier to interference, merely that it is a barrier.

9. I will discuss the implications of the non-fully autonomous nature of sweatshop workers’ choices in section 5.a.

10. This is, I take it, much of what underlies many arguments for freedom of religion. For an elaboration of this point, and an argument to the effect that there is nothing special about religion *per se* that entitles the practice of it to freedom from interference, see Nickel, 2005.

11. On the consequentialist side, there are benefits inherent in a system of open market competition and in allowing individuals robust freedom of speech. These benefits might be said to outweigh the harms caused by those who lose their jobs due to market pressure, or those who lose business due to public protests. Deontologically, we might say that individuals have a *right* to free speech or to compete fairly in the market place, but they do not have the right to utilize the coercive apparatus of the state to legally prohibit contracts of which they disapprove. The latter would be a violation of workers’ autonomy, but the former would not.

12. Few anti-sweatshop activists actually propose prohibiting sweatshop labor outright. But many propose various forms of regulation (punitive tariffs on sweatshop-made goods, prohibitively expensive regulation of sweatshops, etc.) that are likely to have the consequence of prohibiting workers from entering into mutually beneficial contracts for sweatshop labor. See section 4 of

this paper for a more detailed discussion of how the argument of this paper bears on these less (or less obviously) coercive anti-sweatshop proposals.

13. “Morally suspect,” however, (and “immoral” just above), should be read in a *pro tanto* sense. Violating a worker’s autonomy is *a wrong*, and this means that it is *the wrong thing to do* if there are no competing considerations to the contrary. It is possible, however, that the wrong of violating sweatshop laborer’s autonomy might be less bad than the wrong any other course of action would impose, or that the benefits secured by wronging sweatshop laborers might be very great. In such cases, violating sweatshop workers’ autonomy is arguably not the wrong thing to do, but it is still a wrong nevertheless.

14. Unless, that is, B knows something about the conditions of B’s choice that we don’t know (such as that she *really* wants a ham and cheese sandwich even if her expressed preference is for a bowl of soup). An expression of choice can fail to be morally transformative in various circumstances, and I will discuss some of those circumstances later in this paper. The point here is that the presence of coercion, and hence the absence of full autonomy, is not by itself sufficient to render a choice morally nontransformative.

15. Unless, again, there is more to the story than I have indicated here. Having one’s preferences frustrated is not *always* bad for a person. And knowingly acting in a way likely to make someone worse off is not always wrong. But they are usually, or at least very often, so. This is enough for the purposes of my argument.

16. See, for instance, the quote from Doris Hajewski in section 5.b.

17. The two categories are not mutually exclusive. An autonomy-exercising choice can be preference-evincing, and vice-versa, but it need not be.

18. Many philosophers, myself included, find this severely constrained set of options objectionable. For the purposes of this paper, however, I am treating sweatshops as a somewhat isolated moral phenomenon. That is, I am asking what we should do about sweatshops, while holding most of the other conditions of the world (large inequalities of wealth among nations, severe poverty in the developing world, and a growing system of global capitalism) constant. I hold them constant not because I think they are good things, nor because I think that we ought to do nothing about them, but because this seems to me the only way to make any progress on an issue that is pressing and cannot wait for the resolution of these other problems. Poverty, inequality, and economic development all need to be addressed. My paper seeks to tell us what we should do about sweatshops in the meantime.

19. Note that while this argument relies on considerations that are consequentialist in nature, it does not necessarily rely on a classically utilitarian formulation of consequentialism. My own view, in fact, is that to the extent consequentialist considerations are relevant, they are probably more prioritarian in form than strictly aggregationalist. In other words, we have a duty to promote good consequences, but that duty is especially weighty with regards to the worst off. This makes the issue of sweatshops especially pressing. Minimum wage laws in a country like the United States might have some of the same unemployment effects as regulations on sweatshops in the developing world. But the people put out of work by regulations in the developing world are in a much worse position both antecedently and subsequent to regulation, and so our moral duty to protect them from harm is both more urgent, and more significant relative to other moral obligations that we might have.

20. The ways in which sweatshops treat their employees might be morally repugnant and absolutely impermissible. But this is not enough to establish that it is morally permissible for third parties to interfere.

21. This is, of course, an empirical claim. It is at least logically possible that sweatshops will respond to boycotts by ceasing to engage in immoral behavior without negatively affecting employment. My argument against boycotts proceeds on the assumption, which I cannot defend

here, that the outcome described in the main body of the paper is a significantly likely (though not certain) one.

22. Ian Maitland, for instance, argues in his seminal paper on sweatshops that “attempts to improve on market outcomes” with regard to sweatshop wages, such as boycotts or legal regulation, can yield “unforeseen tragic consequences” (Maitland, 1996: 604). Similarly, Powell (2006) argues that “many of the means chosen by [anti-sweatshop] activists will not promote the ends of more ethical treatment of workers.”

23. At the time of this writing, for instance, The National Labor Committee promotes on the main page of its website a bill pending in the U.S. Congress (S. 3485 and H. 5635) which would ban the import, export, or sale of sweatshop goods in the United States (National Labor Committee, 2006). See also in this vein, Bernstein, 2002, which discusses the launching of the Campaign for the Abolition of Sweatshops and Child Labor and quotes Georgetown law professor Robert Stumberg as noting that measures against sweatshops being considered include “bans on such imports, forced disclosure of factories where imported goods are made, and bans on government purchases of sweatshop goods.” Finally, see the statement of the organization “Scholars Against Sweatshops” (SASL, 2001). This 2001 document signed by over 350 economists and other academics, calls both for the adoption of codes of conduct by universities which would restrict the sorts of apparel companies with which they could do business, and for stricter legal and economic regulations in countries that host sweatshops. In response to those who worry that such restrictive measures might harm the very sweatshop workers they seek to benefit, the authors reassure us “the *aim* of the anti-sweatshop movement is obviously not to induce negative *unintended* consequences such as higher overall unemployment in developing countries” (SASL, 2001: 3, emphasis added). For obvious reasons, this seems to miss the point.

24. Again, these are empirical speculations which, though reasonably supported by economic theory, cannot be defended in this paper. If these assumptions turn out to be false, then the consequentialist case against the legal regulation of sweatshops is significantly weakened, though one could still argue that the regulations impermissibly interfere in workers’ freedom to enter into what they believe to be mutually beneficial contractual arrangements.

25. See, for instance, the references in note 23. Additionally, Hartman et al. claim that “because market transactions cannot be relied upon as a basis of avoiding rights violations, the protection of rights must come from the imposition of governmental controls or an effective realignment of consumer choice criteria” (Hartman, Shaw, & Stevenson, 2003: 214). Along similar lines, Jan Murray claims that while many anti-sweatshop academics have begun to focus on voluntary corporate self-regulation, it would be “counterproductive to suggest that firms can be seen as the *sole* implementers of the core labor standards, so from both a theoretical and practical perspective it is necessary to see corporate efforts as part of a regulatory continuum” involving both legal regulation, industry-wide standards, and self-regulation by individual firms (Murray, 2003: 38, emphasis added).

26. See Arnold & Hartman, 2006: sect. IV A for a discussion of this phenomenon with specific examples.

27. See, for instance, Arnold & Bowie, 2003: sect. III, which does not explicitly call for governments to increase their enforcement of existing laws, but does call for MNEs to ensure that their contractors are complying with those laws regardless of enforcement.

28. See, for instance, Arnold & Hartman, 2003; and Arnold, Hartman, & Wokutch, 2003.

29. Such industry-wide standards are often preferred by anti-sweatshop academics for a variety of reasons having to do with compliance and cost-sharing. See, generally, Arnold et al. 2003; and, specifically, Arnold & Hartman, 2006: 696.

30. See Powell, 2006: sect. iv. His point, as I take it, is based on the logic of incentives rather than an inductive survey of empirical data.

31. See Arnold et al. 2003: 4; and Arnold & Bowie, 2003.
32. Arnold et al. 2003: chap. 4; but see also Arnold & Bowie, 2003, especially sections I and II.
33. See Dworkin, 1997.
34. See, however, Powell, 2006, especially section iv, for a discussion of the economic pressures and unintended harms which voluntary codes of conduct can create. The Argument's objection to voluntary self-regulation is premised on the belief that such regulation will negatively affect sweatshop employees. However, the criticism of Arnold's work which immediately follows does not, as it is based instead upon an internal tension in Arnold's account.
35. See section 5.c of this paper for a defense of this claim in the context of my discussion of the possibility of mutually beneficial exploitation.
36. At least not in the short term. An anonymous reviewer has suggested that MNEs might, by disengaging from immoral economies, spur positive change in the longer-term, in much the way that Western disengagement from South Africa helped bring to an end the system of apartheid. If this were true, it would constitute an important reason for MNEs to refrain from doing business with immoral sweatshops. But 1) it would not necessarily constitute an overriding reason, as one would have to balance the short term harms caused by disengagement with the long term benefits, and it is not obvious that the latter would always trump, and 2) this position would probably only be effective if undertaken by a broad coalition of MNEs, and hence the question remains concerning what individual firms should do now, in the absence of such a coalitional option. Thus while the challenge presented is an important one, it does not detract from the interest of The Argument as presented, and is hence not one that I will further consider in this paper.
37. Sometimes the advocates of voluntary reform write as though this could be assumed. Bowie and Arnold, for instance, write that "our contention is that it is economically feasible for MNEs to voluntarily raise wages in factories in developing economies without causing increases in unemployment. MNEs may choose to raise wages while maintaining existing employment levels. Increased labor costs that are not offset by greater productivity may be passed on to consumers, or, if necessary, absorbed through internal cost cutting measures such as reductions in executive compensation" (Arnold & Bowie, 2003: 239). For a thorough economic critique of this assumption, see Powell, 2006, especially section iii. As a point of mere logic, however, the fact that some MNEs have managed to raise benefits without (visibly) reducing employment is hardly a good indicator that employment will not be reduced if *all* MNEs are placed under a moral obligation to raise benefits.
38. The arguments throughout this section draw heavily for inspiration on Janet Radcliffe Richard's presentation of the moral case for legalizing human kidney sales in her "Nephrarious Goings On: Kidney Sales and Moral Arguments" (Radcliffe Richards, 1996).
39. In keeping with my general approach in this paper, I frame my argument here so as to remain neutral between controversial competing conceptions of 'coercion.' The difficulties with defining this concept can be seen by looking at the account given by Arnold and Bowie (2003: 228–31), who attempt to define coercion as instances where the coercer has "a desire about the will of his or her victim" and "an effective desire to compel his or her victim to act in a manner that makes efficacious the coercer's other-regarding desire." They hold that coercion of this sort occurs in sweatshops as a means of securing production quotas, and that it is "incompatible with respect for persons because the coercers treat their victims as mere tools." The problem with this account has to do with the key term 'compel.' Intuitively, there are some ways of getting people to do what we want (making our other-regarding desire about their will efficacious) that are non-coercive and permissible, and others that are coercive and impermissible. Getting you to housesit for me by offering you free rent for a month is (in the normal case) non-coercive and permissible, while getting you to do it by threatening you with a weapon is not. Do our intuitions about which cases are coercive and impermissible match up with our intuitions about cases where

the victim is ‘compelled’? Sometimes, but not always. The use of a weapon to persuade you to take the housesitting job is clearly a case of compulsion, and clearly a case of impermissible coercion. So far, so good. But in an earlier article (Arnold, 2001), Arnold notes that one of the forms of compulsion that can contribute to a coercive act is what he calls “rational compulsion,” defined as “when an agent is forced to choose between two actions, one of which is plainly superior” (Arnold, 2001: 56). Here we face a dilemma. If the notion of compulsion with which we are working is broad enough to encompass *this* kind of activity, then actions which are clearly non-objectionable from a moral standpoint will count as coercive. If I were to walk up to you on the street and offer you to *either* take the \$100 I am offering you, no strings attached, *or* to not do so, I have forced you to choose between two actions, one of which is plainly superior, but I am certainly guilty of no moral offense. We can still call my act coercive if we wish, but we will have to give up the idea (which Arnold embraces) that coercion is, as a conceptual matter, *prima facie* harmful (Arnold, 2001: 54). The other horn of the dilemma is to admit that the proper notion of compulsion to employ in a definition of coercion is not broad enough to encompass cases of rational compulsion like this. But if we rule out rational compulsion then, on Arnold’s account, this leaves us with only psychological compulsion and physical compulsion—the latter occurring when the compeller forcefully moves the compelled’s body, the former occurring when the compeller creates in the compelled an “irresistible desire” to act in a certain way (Arnold, 2001: 55). The problem with this approach is that neither seems relevant to the sort of alleged coercion at work in the debate over sweatshops. Physical coercion is too rare and too uncontroversially bad to be an issue for any real moral debate, and psychological coercion, relying as it does upon the very questionable idea of ‘irresistible desires’ (see Morse, 2000: 1054–63) is likely nonexistent or extremely rare. So either we define coercion broadly, in which case not all coercion is bad, or we define it narrowly, in which case sweatshops are, at least in the normal case, non-coercive. In either case, Arnold’s attempt to rely on an empirically defined notion of coercion (i.e., one not defined in terms of other moral concepts) appears to be unsuccessful. My own view is that failures such as this demonstrate why a moralized conception of coercion (of the sort defended by Wertheimer [2006] or Nozick [1969]) is desirable, but the validity of The Argument does not hinge upon this claim. The important point, for the purposes of The Argument, is that the presence of coercion—whatever precise form it takes—does not license third-party interference in the conditions of sweatshop labor.

40. See Radcliffe Richards, 1996: 382.

41. Radcliffe Richards’s claim, of course, is an empirical one. Hence, while my first response to the argument from ignorance is simply a logical point about what does not follow from the fact of workers’ ignorance, my second response depends on the accuracy of these empirical speculations.

42. To a certain degree, the problem can even be addressed simply by the passage of time. Sweatshop workers are not passive vessels waiting to be filled with knowledge by forces external to them. They are active agents who will seek out knowledge, especially when the knowledge concerns their vital interests such as physical safety or the economic well-being. The longer that sweatshops operate in a country, then, the more knowledge workers will come to have about what they are like, simply by virtue of their own experience and the shared experience of their fellow countrymen. A good demonstration of this point can be seen in the business/economic literature on reputation. For a set of readings discussing how non-fully rational agents can and do go about acquiring information necessary to make good decisions in the economic and other realms, see Daniel Klein’s collection, *Reputation*, especially Sally Engle Merry’s essay on “Rethinking Gossip and Scandal” (Klein, 1997; Merry, 1997).

43. This is the essence of the charge that sweatshops are part of a more general ‘race to the bottom,’ wherein countries compete with each other to attract MNEs by lowering legal regulations that protect workers, the environment, and consumers from the harmful actions of those

MNEs. I will have little to say in this paper about these potentially deleterious long-term effects of sweatshops, except to say that 1) to the extent that they exist, they are a deleterious effect not only of sweatshops, but of the system of global capitalism more generally, and 2) they must be weighed against the potentially beneficial long-term effects of sweatshops, such as increased economic development and wealth, about which I will have equally little to say in this paper. My argument in this paper is confined to the relatively near-term effects of sweatshops.

44. See <http://www.nlcnet.org/campaigns/archive/elsalvador/0401/summary.shtml>.

45. John Miller cites 2000 report by the International Labor Organization which details ways in which many major sweatshop-hosting countries (e.g., China, Indonesia, Thailand, and Malaysia) fail to protect the rights of workers to unionize. See Miller, 2003: n. 4.

46. This does not mean that sweatshops definitely do not make workers better off in such conditions. It means only that The Argument fails to provide definitive evidence that they *are* made better off. It means we need to look elsewhere for evidence.

47. See, for instance, Feinberg, 1984.

48. On this point, see Wertheimer 1996: chap. 1.

49. This is essentially the approach taken by Chris Meyers (2004: 320). Meyers argues that *A*'s act toward *B* can be exploitative even if it benefits *B*, if it involves *A*'s unfairly taking advantage of *B*, *A*'s benefiting from *B*'s misfortune, and *A*'s benefiting disproportionately relative to *A*'s contribution.

50. Chris Meyers denies that his account can be characterized in this way (2004: 326–27). On his account, the wrong of exploitation derives not from a failure to benefit the exploitee enough, but from the taking advantage of their desperate situation and from benefiting disproportionately from their contribution. I agree that failure to benefit enough is not the *only* condition necessary for an act to be exploitative. But insofar as Meyers's account relies on the notion of "disproportionate benefit," he seems committed to saying that *part* of what is wrong with exploitation is that it fails to benefit the exploitee enough. After all, it is presumably not merely *A*'s benefiting a lot from his interaction with *B* to which Meyers objects, but the fact that *A* does not share enough of that benefit with *B*—i.e., that *A* does not benefit *B* enough.

51. Wertheimer's account of exploitation has been criticized in several forums, but one criticism which might be thought to be particularly relevant to this essay is that brought by Denis G. Arnold (Arnold, 2003). Arnold criticizes Wertheimer's account for defining exploitation in the moralized sense of taking special unfair advantage of someone relative to the baseline of a hypothetical competitive market price. My own sketch of an account, like Wertheimer's, is a moralized account, but it is unlike Wertheimer's in that the moral criterion by which exploitation is to be discerned is not to be understood in terms of deviation from competitive market price, but in terms of violations of the agent's rights. Thus, Arnold's criticisms of Wertheimer's account, focusing as they do exclusively on his choice of the competitive market price as a baseline, and not on the moralized nature of the account, do not bear on my account nor on the use to which I put it in this argument. My response to Ruth Sample's criticisms of Wertheimer (which, unlike Arnold's, do apply to my account as well) is contained later in the main body of this section.

52. Wertheimer himself does not characterize the *Caledonia* case as one involving the violation of rights, and has indicated to me that he does not believe that cases of wrongful exploitation necessarily involve the violation or threatened violation of rights. Unfair treatment or the threat thereof, for instance, would be sufficient on Wertheimer's view, to constitute exploitation. My own view is that rights-violation or the threat of rights-violation is necessary to a proper understanding of exploitation, on the common usage of the term. Wertheimer thinks this "raises the bar unnecessarily high." Since, however, we agree that the wrongness of an action (even one involving a rights violation) is not sufficient evidence for saying that it all-things-considered ought

to be prohibited, I am not sure that much turns on this disagreement. See Wertheimer, 2005: 11, 17–18.

53. Thus, unlike Meyers (2004: 321), I do not think that we can analyze the unfairness of exploitation without an appeal to rights. A full theory of exploitation, then, would require a full theory of rights, which I obviously cannot hope to provide here. I have thus crafted The Argument in such a way as to remain as neutral as possible between competing conceptions of rights.

54. Whether the absence of unusually high profit margins would constitute evidence *against* the exploitation thesis depends on the precise content of the correct theory of just wages/profits. Even if profits in sweatshop-employing MNEs are not any higher than profits in any other industry, it might still be the case that sweatshop wages are exploitative, if we define an exploitative wage/profit relationship in terms independent of and more demanding than market competitiveness.

55. My purpose in doing so is not to dismiss the importance of these empirical questions. Indeed, as I note in section 3, the soundness of The Argument cannot be fully assessed without settling precisely these sorts of questions. As a philosopher, however, I can do no more here than report the most recent relevant data and analyses provided by others better suited to that task.

56. This argument seems to presuppose that there is considerable slack in the market for international labor. I have not seen any evidence to indicate that this is actually the case, and it strikes me as a rather implausible claim when made about the market for such labor *generally*. See Powell, 2006 for a more thorough examination of this issue. Nevertheless, I am interested in seeing what follows morally, if the claim turns out to be true.

57. Actually, individual persons are probably the wrong comparison class. After all, for all we know, the individual persons who compose the MNEs under consideration do quite a bit, qua individuals, to help relieve poverty in the Third World. Perhaps they send a substantial portion of the dividend checks they receive from their stock holdings in the firm to OXFAM.

58. At least, they do not provide the immediate benefit of wages to workers in the developing world. See, however, note 43 for some complications.

59. A least, those which we are considering in the context of arguments regarding mutually beneficial exploitation do.

60. The argument above is, of course, a kind of incoherence argument, and as such it leaves its target with an option regarding how to respond. One might respond, as I am inclined to do, by denying that sweatshops are acting wrongly in failing to pay higher wages to their workers. Or one might respond that *everyone else* is acting wrongly by not benefiting workers in the developing world at all. Actually, I'm inclined to believe that there is something to this latter response as well. My point here is merely that it seems wrong to say that sweatshops are acting *especially* wrongly by failing to provide their workers with a (greater) benefit. If there is a moral duty to aid the world's poor, it is one which binds all of us, not just MNEs and the sweatshops with which they contract.

61. See Wertheimer, 2005.

62. Although their discussion is not specifically directed at questions of exploitation or the interaction principle, Arnold and Bowie (2003: 226–27) make an argument for the special duties of MNEs toward workers in their supply chains which is the kind of argument that, if successful, would support something like the interaction principle on pragmatic grounds. As part of their argument for the claim that MNEs have moral obligations to workers in their supply chain, they claim that “individuals have unique duties as a result of their unique circumstances,” and that MNEs’ “power to render assistance” is therefore an important consideration in determining their moral duty to do so.

63. See Unger, 1996: chap. 1.

64. Thanks to Alan Wertheimer for pointing out the following to me in Wertheimer, 2005.

65. See, for instance, O'Neill, 1986: 44: "To use someone as a *mere means* is to involve them in a scheme of action to which they could not in principle consent. Kant does not say that there is anything wrong about using someone as a means. Evidently we have to do so in any cooperative scheme of action." The *locus classicus* for this interpretation is to be found in Kant's illustration of the wrongness of making a false promise, in the context of his discussion of the Formula of Humanity. The reason it is wrong to deceive others with a false promise, Kant argues, is that "he whom I want to use for my purposes by such a promise cannot possibly agree to my way of behaving toward him, and so himself contain the end of his action" (AK 4:430). In other words, there is nothing wrong with me using a bank teller to obtain money from my account, for the bank teller freely participates in this activity (he contains the end of his action), and the fact that he enters into the transaction consensually is a sign of this fact. So long as my interaction with him is contingent upon this consent, I treat him as a means but not as a *mere means*—I treat him also as an end in himself. For a more thorough discussion of this idea than this paper can enter into, see O'Neill, 1985.

66. Someone who offered to rescue me from drowning by letting me into his boat, but only on the condition that I allowed him to beat me severely, would probably be violating my rights. But if his offer were the only one around, and these were the only terms on which he was willing to make it, I would strongly prefer that others not prohibit me from accepting it. In this respect, there is less of a bright line between abusive working conditions and wages than has been argued by some (Arnold & Hartman, 2006), and than I myself was originally inclined to believe. I thank an anonymous reviewer and Benjamin Powell (Powell, 2006) for making this point clear to me. See Powell 2006: sect. ii, for what I believe is the correct response to this issue.

67. The consideration that workers in the developing world typically benefit more from a given wage than do workers in a developed country like the U.S. could serve, it seems to me, as the basis of either a prioritarian argument for outsourcing, or even a straightforwardly utilitarian one, once considerations of the diminishing marginal utility of wealth are taken into account. On prioritarianism, see note 2 of this paper. On the connection between diminishing marginal utility and the transfer of wealth to the poor, see Brandt, 1979.

68. See Arnold & Hartman, 2003, 2005 and the essays in part two of Arnold et al., 2003 for a discussion of the ways in which many sweatshops can be improved, and specific examples of how the exercise of 'moral imagination' can be used to improve conditions in certain circumstances.

69. See Powell, 2006, especially section iv, for a thorough explanation of this point.

70. See section 4 for an explanation of why I believe some of Arnold and Hartman's claims may be subject to criticism on these grounds. My disagreement with these authors, however, is not (contra Arnold & Hartman, 2006: 681–82) based on my disbelief that MNEs have any moral obligations to sweatshop workers. I agree, as I suspect do most defenders of sweatshops, that MNEs have *some* moral obligations to sweatshop employees. My disagreement turns upon the *content* of those obligations (Arnold and Hartman believe that MNEs have an obligation to ensure that sweatshop employees are paid a wage that allows them to avoid poverty [Arnold & Hartman, 2006: 692–93], while I do not), and on whether those moral obligations should be operationalized in such a way as to prohibit sweatshops from entering into mutually beneficial labor agreements with workers even if the terms of those agreements fall short of meeting the moral obligations MNEs have (see section four for a discussion of this issue).

71. Even still, sweatshops might respond to the increased cost of wages by decreasing their spending on other forms of benefit to workers—e.g., non-wage benefits, workplace safety, etc. If this were the result, the government prohibition on exploitatively low wages might succeed only in shifting the exploitation from wages to some other aspect of the employment relationship.

72. Whether a given economic regulation (increased minimum wages, increased mandatory safety standards, overtime regulation, etc.) will have the effect of preventing such mutually

beneficial contracts is an empirical question which cannot be adequately addressed here. The philosophical point is that governments have a strong moral reason to refrain from those sorts of regulation which have these effects, whatever they turn out to be. And, contrary to Arnold & Hartman, 2006: 694, the issue is not whether regulation (or voluntary improvement) of workplace standards will ‘inevitably’ lead to negative consequences. The issue is whether we have good reason to expect them to do so. If a substantial increase in the legal minimum wage tends to increase unemployment among sweatshop workers (but does not inevitably do so), and if we have no reason to suspect that matters are different in the particular case we are considering, then we have a strong moral reason not to enact that increase.

Incidentally, while Arnold and Bowie cite a popular economic study (Card & Krueger, 1995) to support their claim that increases in the minimum wage will not ‘inevitably’ lead to higher unemployment (Arnold & Bowie, 2003: 238–39), more recent studies of teenagers in the United States suggest that increases in the legal minimum wage do lead to a statistically significant increase in unemployment. See, for example, Neumark & Wascher, 1992, 1994, 1996; Williams & Mills, 2001. And while Arnold and Bowie are surely correct to point out that this data cannot be extrapolated to the developing world without careful study, it does suggest that advocates of higher minimum wage laws in those areas have at least some reason to fear that their actions will create unintended harm to workers.

73. See note 67.

74. For instance, in 1992, the United States congress was considering legislation known as the “Child Labor Deterrence Act.” The purpose of this act was to prevent child labor by preventing the importation into the United States of any goods made, in whole or in part, by children under the age of 15. The Act never received enough support to pass, but while it was being debated, employers in several countries where child labor was widespread took preemptive action in order to maintain their ability to export to the lucrative U.S. market. One of these employers was the garment industry in Bangladesh. According to UNICEF’s 1997 “State of the World’s Children” report, approximately 50,000 children were laid off in 1993 in anticipation of the bill’s passage. Most of these children had little education, and few other opportunities to acquire one or to obtain alternative legal employment. As a result, many of these children turned to street hustling, stone crushing, and prostitution—all of which, the report notes, are much more hazardous and exploitative than garment production (UNICEF, 1997: 60).

References

- ACIT. (2000). ACIT Letter to University Presidents. Available at <http://www.fordschool.umich.edu/rsie/acit/Documents/July29SweatshopLetter.pdf>.
- Aitken, B., Harrison, A., & Lipsey, R. 1996. Wages and foreign ownership: A comparative study of Mexico, Venezuela, and the United States. *Journal of International Economics*, 40: 345–71.
- Anderson, W. 1996. Kathie Lee’s children. *The Free Market*, 14. http://www.mises.org/freemarket_detail.asp?control=45&sortorder=articledate.
- Arnold, D. G. 2001. Coercion and moral responsibility. *American Philosophical Quarterly*, 38: 53–67.
- . 2003. Exploitation and the sweatshop quandry. *Business Ethics Quarterly*, 13: 243–56.
- Arnold, D. G., & Bowie, N. E. 2003. Sweatshops and respect for persons. *Business Ethics Quarterly*, 13: 221–42.

- Arnold, D. G., & Hartman, L. 2003. Moral imagination and the future of sweatshops. *Business and Society Review*, 108: 425–61.
- . 2005. Beyond sweatshops: Positive deviancy and global labour practices. *Business Ethics: A European Review*, 14: 206–22.
- . 2006. Worker rights and low wage industrialization: How to avoid sweatshops. *Human Rights Quarterly*, 28: 676–700.
- Arnold, D. G., Hartman, L., & Wokutch, R. E. 2003. *Rising above sweatshops: Innovative approaches to global labor challenges*. Westport, Conn.: Praeger.
- Bernstein, A. 2002. Remember sweatshops? *Business Week*, September 30. http://www.businessweek.com/magazine/content/02_39/c3801015.htm#B3801017.
- Brandt, R. 1979. *A theory of the good and the right*. Oxford: Oxford University Press.
- Buchanan, A. 1988. *Ethics, efficiency, and the market*. New York: Rowman and Littlefield.
- Card, D., & Krueger, A. B. 1995. *Myth and measurement: The new economics of the minimum wage*. Princeton, N.J.: Princeton University Press.
- Dworkin, R. 1997. *Taking Rights Seriously*. Cambridge, Mass.: Harvard University Press.
- Feinberg, J. 1984. *Harm to others*. Oxford: Oxford University Press.
- Fischer, J. M., & Ravizza, M. 1998. *Responsibility and control: A theory of moral responsibility*. Cambridge: Cambridge University Press.
- Frankfurt, H. 1988. Freedom of the will and the concept of a person. In H. Frankfurt (Ed.), *The Importance of What We Care About*. Cambridge: Cambridge University Press.
- Hajewski, D. 2000. The unsettling price of low-cost clothes. *Milwaukee Journal Sentinel*, December 29. <http://www2.jsonline.com/bym/news/dec00/jeans31122900.asp>.
- Hartman, L., Shaw, B., & Stevenson, R. 2003. Exploring the ethics and economics of global labor standards: A challenge to integrated social contract theory. *Business Ethics Quarterly*, 13: 193–220.
- Hurd, H. 1996. The moral magic of consent. *Legal Theory*, 2: 121–46.
- Kant, Immanuel. 1997. *Groundwork of the Metaphysics of Morals* (M. Gregor, Trans.). Cambridge: Cambridge University Press.
- Klein, D. 1997. *Reputation: Studies in the voluntary elicitation of good conduct*. Ann Arbor: University of Michigan Press.
- Kleinig, J. 2001. Consent. In L. Becker & C. Becker (Eds.), *Encyclopedia of Ethics* (2nd ed.). New York: Routledge.
- Kristof, N. D., & Wudunn, S. 2000. Two cheers for sweatshops. *The New York Times*, September 24. <http://www.nytimes.com/library/magazine/home/20000924mag-sweatshops.html>.
- Krugman, P. 1997. In praise of cheap labor. *Slate*, March 21. <http://www.slate.com/id/1918>.
- Mackenzie, C., & Stoljar, N. 2000. *Relational autonomy: Feminist perspectives on autonomy, agency, and the social self*. Oxford: Oxford University Press.

- Maitland, I. 1996. The great non-debate over international sweatshops. In T. L. Beauchamp & N. E. Bowie (Eds.), *Ethical Theory and Business* (6th ed.): 593–605. Engelwood Cliffs, N.J.: Prentice Hall.
- Merry, S. E. 1997. Rethinking gossip and scandal. In Klein 1997: 47–74.
- Meyers, C. 2004. Wrongful beneficence: Exploitation and third world sweatshops. *Journal of Social Philosophy*, 35: 319–33.
- Miller, J. 2003. Why economists are wrong about sweatshops and the antisweatshop movement. *Challenge*, January/February: 93–122.
- Morse, S. J. 2000. Uncontrollable urges and irrational people. *Virginia Law Review*, 88: 1025–78.
- Murray, J. 2003. The global context: Multinational enterprises, labor standards, and regulation. In Arnold, Hartman, & Wokutch 2003: 27–48.
- Nagel, T. 1997. Equality and priority. *Ratio*, 10: 202–21.
- National Labor Committee. 2006. *Support grows for anti-sweatshop legislation*. Available at <http://www.nlcnet.org/live/article.php?id=120>. Accessed September 19, 2006.
- Neumark, D., & Wascher, W. 1992. Employment effects of minimum and subminimum wages: Panel data on state minimum wage laws. *Industrial and Labor Relations Review*, 46: 55–81.
- . 1994. Employment effects of minimum and subminimum wages: Reply to Card, Katz, and Krueger. *Industrial and Labor Relations Review*, 47: 497–512.
- . 1996. The effects of minimum wages on teenage employment and enrollment: Evidence from matched cps surveys. *Research in Labor Economics*, 15: 25–63.
- Nickel, J. 2005. Who needs freedom of religion? *Colorado Law Review*, 76: 909–33.
- Nozick, R. 1969. Coercion. In S. Morgenbesser (Ed.), *Philosophy, Science and Method*. New York: St. Martin's Press.
- . 1974. *Anarchy, state, and utopia*. New York: Basic Books.
- O'Neill, O. 1985. Between consenting adults. *Philosophy and Public Affairs*, 14: 252–77.
- . 1986. A simplified account of Kant's ethics. In J. E. White (Ed.), *Contemporary moral problems* (4th ed.). New York: West Publishing Company.
- Parfit, D. 1998. Equality and priority. In A. Mason (Ed.), *Ideals of Equality*. Oxford: Blackwell.
- Powell, B. 2006. In reply to sweatshop sophistries. *Human Rights Quarterly*, 28: 1031–42.
- Powell, B., & Skarbek, D. 2006. Sweatshops and third world living standards: Are the jobs worth the sweat? *Journal of Labor Research*, 27: 263–74.
- Radcliffe Richards, J. 1996. Nephriarious goings on: Kidney sales and moral arguments. *Journal of Medicine and Philosophy*, 21: 375–416.
- Rawls, J. 1971. *A theory of justice* (1st ed.). Cambridge, MA: Belknap Press.
- . 1993. *Political liberalism*. New York: Columbia University Press.
- Sample, R. 2003. *Exploitation: What it is and why it's wrong*. New York: Rowman and Littlefield.
- SASL. 2001. *Scholars Against Sweatshop Labor Statement*. Available at <http://www.peri.umass.edu/SASL-Statement.253.0.html>. Accessed September 12, 2006.

- U.S. General Accounting Office, H. R. D. 1988. *Sweatshops in the U.S.: Opinions on their extent and possible enforcement options*. Washington, D.C.
- Unger, P. 1996. *Living high and letting die*. New York: Oxford University Press.
- UNICEF. 1997. *State of the world's children 1997*. Oxford.
- Watson, G. 1975. Free agency. *Journal of Philosophy*, 72: 205–20.
- Wertheimer, A. 1996. *Exploitation*. Princeton, N.J.: Princeton University Press.
- _____. 2003. *Consent to sexual relations*. Cambridge: Cambridge University Press.
- _____. 2005. *Matt Zwolinski's "Choosing sweatshops": A commentary*. Unpublished manuscript, presented at the Arizona Current Research Workshop, January 2007, Tucson.
- _____. 2006. *Coercion*. Princeton, N.J.: Princeton University Press.
- Williams, N., & Mills, J. A. 2001. The minimum wage and teenage employment: Evidence from time series. *Applied Economics*, 33: 285–300.
- Zwolinski, M. 2006. Sweatshops. In J. Ciment (Ed.), *Social issues encyclopedia*. New York: M. E. Sharpe.