

# USA: Do Workers Lose Their Rights?

Monday 22 February 2010, by [HOLMSTROM Nancy](#) (Date first published: January 2010).

**Review: *Freedom in the Workplace?*. By Gertrude Ezorsky, Cornell University Press, 2007, 104 pages, (with appendix), \$13.95 paperback.**

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GERTRUDE EZORSKY'S *FREEDOM in the Workplace?* is a unique and highly useful book. Unique, because it combines sophisticated philosophical analysis with compelling examples from the lives of low-wage workers and an Appendix on 20<sup>th</sup> century U.S. labor law — all in a text of 77 easy-to-read pages! — and highly useful, because it refutes a central myth about capitalism.

The most important moral claim made in defense of capitalism is that it is the most free of all political economic systems, more free than pre-capitalist societies or any kind of socialism. (It is also said to be the most efficient, and therefore the best at delivering material well-being, but this is an empirical, not a moral claim).

After all, isn't free labor part of the definition of capitalism? And isn't political freedom associated with the rise of capitalism? As Orlando Patterson tells us, freedom is the supreme value in the modern world, so this is a very powerful ideological weapon.

A Professor Emerita of Philosophy from the City University of New York and lifelong socialist, Ezorsky is particularly well qualified to expose how fallacious is capitalism's claim to freedom. True, workers in capitalism are legally free, but that is not the end of the story.

Focusing on whether workers, particularly low-wage workers, are indeed free, both to accept or reject a job and whether they are free on the job, Ezorsky says, "what workers themselves believe about their own freedom and unfreedom may not be the whole truth of the matter, but it's often closer to the truth than the views held by many theorists." (3)

Actually I would say something slightly different, that while workers often feel unfree, their beliefs tend to be more confused on the matter given the power of capitalist ideology to individualize responsibility for success and failure in the brutally competitive capitalist system. Hence the importance of Ezorsky's book.

Freedom and Unfreedom

Working in the analytic philosophical tradition which has been dominant in the English-speaking world for the past century, Ezorsky is able to use its precise tools of analysis for (uncharacteristic) radical purposes. As she explains, one is never simply free or unfree. Just as we can be free to do one thing and not another, we can be free to do a particular thing in one respect and not in another.

More precisely, to say one is free is to say one is free from an obstacle preventing one from doing something; one is un-free to do something because an obstacle prevents one from doing it. Thus one can be free to do something with respect to one obstacle and un-free to do it with respect to another.

The obstacles may be physical or may involve persons in some significant way. So someone might be free to go into a particular restaurant because no physical obstacle prevents her from doing so, but un-free because it is a “whites only” restaurant in the segregated South and she is not white. The law, backed up by force, is the obstacle to her entering the restaurant. The civil rights movement removed this obstacle, thereby expanding the freedom of African Americans. The law then became an obstacle to the restaurant owner’s desire to exclude them.

Prior to the U.S. Supreme Court’s *Roe v. Wade* decision in 1973, which the women’s movement was crucial in securing, a woman was not free to get an abortion in any state where the law forbade it. After that she would be free with respect to the law, but might still be unfree to get an abortion if she were poor after the Hyde Amendment of 1977 denied the use of federal funds for an abortion. In this case, lack of money is the obstacle. [1]

Some philosophers have restrictive views about the kinds of obstacles that can limit someone’s freedom. One particularly narrow view is that someone is un-free only when another person physically restrains them from doing something, (some even say it must be intentional); others take a broader view and allow that if a person is threatened if she doesn’t do something, then she is coerced into doing it and hence is not free.

Both positions are narrower than the obstacle view of freedom presented above because they require that persons be causes of the lack of freedom. Hence, as Ezorsky explains, they cannot explain how a person becomes free to do something when some physical obstacle is removed. For example, “when they moved the car blocking her way, she was free to drive down the street;” this implies she was not free to drive before they moved it. So persons are not the only obstacles to freedom.

Other philosophers put moral restrictions on what counts as limiting someone’s freedom. Robert Nozick (the most influential “libertarian” of the 20<sup>th</sup> century) contends that other peoples’ actions which limit someone’s opportunities do not thereby limit his or her freedom so long as they had the moral right to act as they did. [2]

Nozick has a complicated analysis of the concept of coercion to try to make this plausible, but it runs into the same problem explaining how someone can become free when an obstacle is removed. For example, “When she got a higher-paying job, she was finally free to take a vacation,” implies that she was not free to take a vacation before that, whether or not the employer had a right to pay her so little.

Nozick would say that she had been unable to take a vacation, but not unfree. He seems driven to this very restrictive definition of freedom because to allow that the ordinary workings of capitalism limit people’s freedom would create a problem for his claim that capitalism is the morally best economic system because it is the most free. As G.A. Cohen [3] observes, this “moralized” concept of freedom would entail the absurd conclusion that “if a criminal’s imprisonment is morally justified, he is then not forced to be in prison.”

## **Offers You Can’t Refuse**

Contrary to many philosophers, certain kinds of proposals or offers can also prevent someone from acting freely. “Forcing offers” is Gertrude Ezorsky’s apt characterization of cases like that of an employer’s offer of a dangerous and low-paid job to someone whose only alternative is starvation for herself and her family. In such a case the worker could say “I had no choice; I was forced to take the job.” When all the choices are terrible, freedom of choice among them does not mean freedom overall.

Not only individuals, but social institutions, organized and maintained by people, may also limit

someone's freedom. This can be missed if we focus just on individuals. One woman may be prevented from taking a job she would like by the absence of childcare; another woman may stay in a dangerous, low-paid job she hates, even accepting worse conditions, because she needs the company's health insurance for her sick child.

Laws restricting abortion may leave a pregnant woman no choice but to have a child, while on the other hand, the absence of social supports like childcare or medical care may lead another pregnant woman to have an abortion because she feels she cannot afford to provide a good life for a child she would love to have.

In all these very real-life examples, people make rational choices, and hence are free to that very minimal degree, but are nonetheless forced to do what they do.

Some readers of ATC might find that Ezorsky's critique does not go far enough, because it would not apply to more humane versions of capitalism that remove the obvious obstacles to freedom she describes. But while her book is not an outright condemnation of capitalism as such, it is still extremely useful for this purpose.

For one thing, Ezorsky's analysis of the concept of freedom and unfreedom can be extended to the wage labor relationship as such. More generous social welfare supports would increase the freedom of workers to some degree, but they can never be so generous as to eliminate the fundamental lack of freedom for the majority on which capitalism rests. Workers are legally free but also free of the means of production and this obstacle means they must work for those who have them.

Secondly, those who posit the ideal of a humane capitalism have to show that it is realizable on a global basis today. Since this cannot be done we are back to the very un-ideal, really existing capitalism whose absurd claims to freedom Ezorsky refutes with such analytic and moral clarity.

**Nancy Holmstrom**

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## Footnotes

[1] John Rawls (the great liberal philosopher) is among those who deny that lack of money is a limitation on freedom, though he says it may affect the "worth" of someone's liberty. *A Theory of Justice* (Cambridge: Harvard University Press 1971), 204.

[2] Nozick *Anarchy, State and Utopia* (1974).

[3] Gerald A Cohen, recently deceased, was the founder of the Analytical Marxist school. Although he moved away from Marxism, he remained on the left.