

## **“Dignity at Work”** Pablo Gilabert (Philosophy; Concordia University, Montreal)

Forthcoming in Hugh Collins, Gillian Lester, Virginia Mantouvlou, eds., *Philosophical Foundations of Labour Law* (Oxford: Oxford University Press).

### **1. Introduction**

Basic labor rights, such as rights to freely chosen rather than forced employment, to safe and rewarding working conditions, and to form and join unions, are gaining traction in current ethical, political, and legal debates about human rights and social justice. These debates arise partly in response to the increasingly fragile predicament of workers in contemporary capitalist societies (rich and poor alike). Global neoliberal capitalism has fostered policies that weaken the protection of labor rights by reducing governmental regulations of the labor market, by hampering unions and other forms of workers’ associational power, and by sustaining forms of production that are intensely harmful to workers. A dramatic showcase of these phenomena occurred in 2013 in Dakar, Bangladesh, when a building containing garment factories collapsed, killing over 1100 workers. Management knew that the building was unsafe, but cajoled workers to enter it through various threats. Significantly, garment workers’ ability to unionize was restricted at the time, and governmental protections were insufficient.<sup>1</sup> Sweatshop production in these factories was integrated to a global supply chain linking these workers with brands, retailers, and consumers around the world. This paper provides a philosophical exploration of the

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<sup>1</sup> Catherine Lu, “Worker Rights, Structured Vulnerabilities and Global Labor Justice” (ms.). Two years after these events, workers’ rights were reported to be routinely violated. An investigation says that “[w]orkers report violations including physical assault, verbal abuse—sometimes of a sexual nature—forced overtime, denial of paid maternity leave, and failure to pay wages and bonuses on time or in full. Despite recent labor law reforms, many workers who try to form unions to address such abuses face threats, intimidation, dismissal, and sometimes physical assault at the hands of factory management or hired third parties.” Mitu Datta, a garment factory worker in Chittagong describes an attack on his wife and him outside the factory as follows: “Four people were holding me and beating me on the legs with bars and two people were beating her with iron bars. She was beaten on her head and on her back. Her arms were severely injured and bleeding. Bones of one of her fingers were broken. She had to get 14 stitches on her head. When they were beating up Mira, they were saying ‘You want to do unions activities? Then we will shower you with blood.’” Human Rights Watch, “Bangladesh: 2 Years After Rana Plaza, Workers Denied Rights” (April 22, 2015). See <https://www.hrw.org/news/2015/04/22/bangladesh-2-years-after-rana-plaza-workers-denied-rights>.

nature and grounds of basic labor rights of the kind patently violated in Dakar. It also explores more expansive (or maximal) rights of workers to have real options to engage in work that avoids or minimizes alienation, exploitation, and domination.

The main philosophical goal of this paper is to provide a defense of labor rights based on the idea of human dignity. Human dignity is widely considered to be central to human rights and labor law. Surprisingly, however, the content of this idea and its precise implications for labor rights remain unclear and underexplored. This paper fills these gaps. I offer an interpretation of the idea of human dignity, and explain how it helps provide a compelling account of labor rights.

According to the *dignitarian approach*, as I articulate it here, we have reason to organize social life in such a way that we respond appropriately to the valuable features of human beings that give rise to their dignity. That dignity is a deontic status in accordance to which people are owed certain forms of respect and concern. The relevant forms of respect and concern are stated by various norms, including human rights and requirements of social justice. These dignitarian norms can be articulated as specifying an *ideal of solidaristic empowerment* according to which we should support everyone's pursuit of a decent and flourishing life by affirming both negative duties not to destroy or block their valuable human capacities and positive duties to protect and facilitate their development and exercise. Labor rights, both basic and maximal, can be seen as norms that provide an appropriate specification of the dignitarian ideal of solidaristic empowerment in the domain of working practices.

In a recent paper, I identified three sets of labor rights and showed how they support five important human interests.<sup>2</sup> I also suggested that these interests and rights link up to the ideal of human dignity. However, that connection was not fully worked out. In this new paper I explore

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<sup>2</sup> Pablo Gilibert, "Human Labor Rights and Human Dignity," *Philosophy and Social Criticism* 42 (2016), 171-199. I use "support" as an umbrella term comprising the standard triad of respect, protection, and fulfillment. Also, I use "labor" and "work" interchangeably.

that connection in a systematic fashion by developing the claim that there is a significant connection between catering for workers' important human interests and responding appropriately to their human dignity. Furthermore, this paper focuses not only on basic rights that are relevant for a minimally good or decent life, but also on more expansive rights to access the conditions of a flourishing life. So my exploration of labor rights potentially goes beyond what are often regarded as human rights.

## **2. Basic labor rights and human dignity**

### **2.1. Basic labor rights and human interests**

What are labor rights? It is not easy to give a canonical statement of them. There are several reasons for this. First, labor rights can be moral, legal, and/or political. We should not assume, for example, that the best way to articulate them is always through legal codes. Although legal implementation is often crucial,<sup>3</sup> sometimes it is infeasible or undesirable.<sup>4</sup> Second, rights can be stated at different levels of abstraction. It is helpful to distinguish between more general and core normative ideas and more specific requirements that implement those ideas in certain social and historical contexts. The boundaries here are not precise. For example, should the normative ideas presuppose the existence of a modern industrialized economy, and if so, should we assume that it

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<sup>3</sup> One reason for this is that corporations are unlikely to comply with self-imposed, non-legally binding regulations protecting workers. Richard Locke, *The Promise and Limits of Private Power. Promoting Labor Standards in the Global Economy* (Cambridge: Cambridge University Press, 2013). Philip Alston reports that the International Organization of Employers has opposed moving beyond voluntary codes of conduct or introducing independent monitoring of labor standards. "Labor Rights as Human Rights: The Not So Happy State of the Art," *Labour Rights as Human Rights*, ed. P. Alston (Oxford: Oxford University Press, 2005), 1-24, at 22. See further Simon Deakin, "The Contribution of Labour Law to Economic and Human Development," in *The Idea of Labour Law*, ed. G. Davidov and B. Langille (Oxford: Oxford University Press, 2011), 156-75.

<sup>4</sup> On these difficulties and on the significance of mechanisms different from legal codes, see chapters 15-18 of *The Idea of Labour Law* ed. Davidov and Langille. On the historical and geographical diversity of labor law see Henry Arthurs, "Labour Law After Labour," in *The Idea of Labour Law*, 13-29; and Alain Supiot, *Le droit du travail*, 5<sup>th</sup>. Ed. (Paris: Presses Universitaires de France, 2011).

is a capitalist one? Even within capitalism, there are important differences between the organization of production that existed around the middle of the 20<sup>th</sup> century and the forms that capitalism displays today (with, for example, intense financialization and globalization, growing inequality of income and wealth, labor contracts and jobs that are becoming increasingly precarious, and decision-making structures and career paths within firms that are more complex and flexible).<sup>5</sup> Finally, a third complication concerns the ambitiousness of the normative ideals about how to arrange labor conditions. For example, we could focus on human rights understood as the most urgent and basic requirements of decent labor, or we could focus on more ambitious and less urgent requirements of social justice about opportunities for flourishing at work.

In this paper, I will focus on philosophical issues about the normativity of labor rights. I will, however, pay attention to the significance of my theoretical arguments for legal and political contexts. I understand labor rights as primarily moral requirements which hold independently of their effective legal or political recognition and implementation, but recognize that such a recognition and implementation is often, in modern contexts, a key part of what they require. To further narrow the scope of my discussion, I will concentrate on formulations of rights that are either relevant within a contemporary capitalist economy or can be seen as prompting discussion about social change pointing beyond capitalism. Finally, I will focus on both basic and non-basic labor rights. I start in this section with the former, turning to maximal labor rights in section 3.

Basic labor rights target support for decent work. Important examples are the labor human rights enshrined in Articles 23-24 of the Universal Declaration of Human Rights and in Articles

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<sup>5</sup> On the distinction between abstract and specific rights, see Pablo Gilibert, “Humanist and Political Perspectives on Human Rights,” *Political Theory* 39 (2011), 439-67. Another debatable issue concerns the very definition of work. I use here a fairly ecumenical definition according to which work is an intentional activity of production of goods or services that can satisfy needs or desires. I defend this definition and explore in more detail the issue of the relation between more abstract and more specific labor human rights in “Human Labor Rights and Human Dignity.” For difficulties regarding the specificity of these rights see Hugh Collins, “Theories of Rights as Justification of Labour Law,” *The Idea of Labour Law*, ed. G. Davidov and B. Langille, 137-55, at 143-4.

6-9 of the International Covenant on Economic, Social and Cultural Rights. Three types of such rights are the following:

- (a) Rights regarding access to work (including, e.g., opportunities for employment, free choice of employment, non-discrimination in hiring, and some security in holding jobs)
- (b) Rights regarding decent conditions at work (e.g., adequate remuneration, equal pay for equal work, safe and healthy conditions, rest and holidays)
- (c) Rights to form and join unions (and to strike).

These rights are practically salient around the world. The catastrophe in Dakar mentioned above involves problems regarding all three. Massive unemployment in Europe and worldwide human trafficking for sexual exploitation engage (a). Current campaigns in the USA and Canada to increase the minimum wage link up to (b). And, everywhere, labor activists are trying to explore new ways to organize workers in precarious and flexible positions as well as maintain, regain or expand their base in large corporations.

Labor rights can be given a first defense by showing that their fulfillment supports people in the satisfaction of important human interests. We can deploy this justificatory strategy by addressing three questions. The first is “Why is work valuable?” Answering this question helps us defend rights of type (a). The significance of access to work is revealed once we identify important human interests in certain goods which work can deliver. The following seems to me a plausible list:<sup>6</sup>

**I1** *Consumption goods*: Consumption goods and services securing (at least) subsistence.

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<sup>6</sup> Gilibert, “Labor Human Rights and Human Dignity,” 178-80 (including references). See also *The Right to Work*, ed. Virginia Mantouvalou (Oxford: Hart, 2015). The Supreme Court of Canada affirmed that employment gives workers “a means of financial support and, as importantly, a contributory role in society,” as well as a sense of “identity, self-worth, and emotional well-being.” *Reference Re Public Service Employee Relations Act (Alta)*, [1987] 1 SCR 313 at para 91, Dickson CJC dissenting; affirmed *Health Services and Support –Facilities Subsector Bargaining Assn v British Columbia*, 2007 SCC 27, [2007] 2 SCR 39. Arthurs, “Labor Law after Labour,” 20.

**I2** *Self-development*: Development and exercise of productive abilities.

**I3** *Socializing*: Socialization with other persons in shared activities.

**I4** *Contribution*: Contribution to the wellbeing of others by helping produce goods and services that satisfy their needs or desires.

**I5** *Self-esteem and self-respect*: Sustaining one's self-esteem and self-respect.

The goods tracked by I1 are obviously crucial. Without access to subsistence goods we cannot survive, and carrying out most of our plans involves using consumption goods of various sorts. The goods tracked by I5 are also crucial, as we can hardly pursue any project without taking ourselves to be worthy of the well-being it might bring about. I5 relates to the other interests in complex ways. Its satisfaction is partly a function of the satisfaction of the other interests, as we often develop a sense of self-esteem and self-respect as a result of succeeding in tasks delivering the goods tracked by I1-I4, and, in reverse, when we have self-esteem and self-respect we develop greater willpower to engage in the activities and relationships that cater for those interests.

Interests I2-I4 also strike me as quite important. Part of their importance consists in their instrumental significance for achieving I5. But they have independent significance as well. We can affect our surrounding environment through productive activities that engage our imagination, creativity, perseverance, and other physical, emotional, and intellectual skills. Developing and exercising such capacities involves achievements which are often important sources of satisfaction for us. We are also social creatures for whom relationships with others are central to our well-being. One reason some jobs are undesirable is that they involve intense isolation, or toxic interpersonal relationships (including harassment, cut-throat competition,

backbiting, and so on).<sup>7</sup> Finally, concern for others also surfaces if we consider the importance that our productive activities generate goods that meet their needs or desires. Sometimes we choose a job precisely because it offers a significant opportunity to use our capacities to increase the well-being of others besides our own. Doctors in public health care facilities provide a telling example.<sup>8</sup>

It could be objected that work is not necessary for satisfying I1-I5. But in most contemporary societies not enough of what I1-I5 track is likely to be accessible for most people independently of work. Even great transformations (such as a universal basic income) would likely involve a society in which work catering for these interests still occurs. This would happen through formal employment that gives workers better conditions (including greater satisfaction of I1-I5 than is currently available) or through care work at home or in the community (or other working activities falling outside the standard labor market). Work plays a crucial role in accessing the five sets of goods mentioned which cannot be fully substituted by other mechanisms at reasonable cost for most people in (at least) contemporary circumstances.<sup>9</sup>

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<sup>7</sup> On the predicament of workers in precarious jobs, see Gabriel Thompson, “The Workers Who Bring You Black Friday,” *The Nation*, 26 November 2013. On the harsh conditions for workers in large factories in China, see Charles Duhigg and David Barboza, “In China, Human Costs are Built into an Ipad,” *New York Times*, 25 January 2012. Psychological harm is experienced not only by blue collar workers in sweatshops, but also by white-collar workers in organizations imposing a toxic social environment. E.g., Amazon uses the “Anytime Feedback Tool, ... [a] widget in the company directory that allows employees to send praise or criticism about colleagues to management. (While bosses know who sends the comments, their identities are not typically shared with the subjects of the remarks.) Because team members are ranked, and those at the bottom eliminated every year, it is in everyone’s interest to outperform everyone else.” This generates “a river of intrigue and scheming.” Jodi Kanto and David Streitfeld, “Inside Amazon: Wrestling Big Ideas in a Bruising Workplace,” *New York Times*, 15 August 2015.

<sup>8</sup> Dr. Mastracci, who left a top US hospital to work in a public hospital in the UK, explains her motives as follows. “I wanted to work in the NHS because it is a publicly funded and provided healthcare system. To me, access to health care is a fundamental human right. Everyone in the world should have access to it. ... I have a great deal of respect for the NHS and the way it delivers care to every member of society—all walks of life. ... [H]ere I have treated everyone from homeless people to celebrities. I like the fact that the NHS has guiding principles and values—almost a moral compass—and is a fair system, where treatment is on the basis of need, not ability to pay.” “I love this system because there is a general feeling of caring. Other places may have nicely appointed rooms and a great deal of resources, but here that kind of compassion is integral to the success of health care.” Tara Mastracci, “Why I left the US to work in the NHS: compassion is part of the job.” *The Guardian*, 10 February 2016.

<sup>9</sup> Gilibert, “Labor Human Rights and Human Dignity,” 183-5.

The second question is “What are the features that work should have if it is to be valuable in the ways mentioned?” By answering this question, we provide an account of the importance of rights of type (b). They support access to work that delivers on interests I1-I5. Decent work would thus provide adequate remuneration, be devoid of harassment, furnish opportunities for advancement and development of skills, etc. Some interest other than I1-I5 will also be relevant. Thus, to justify limitations on working hours and vacations (with pay if needed to afford them), we can also invoke important interests to be able to participate in the political and cultural life of one’s society, and to cultivate personal relationships such as family and friendship.<sup>10</sup>

The third question is “What do workers need to ensure that their labor conditions will be decent?” Answering this question helps us defend labor rights of type (c). Social science and historical experience support the claim that workers are far less secure in the enjoyment of their rights of type (a) and (b) if they do not boost their bargaining power in their negotiations with employers and their capacity to affect the broader political process of society. Unionization rights, and other associational and political rights, increase workers’ clout. This is an extremely important instrumental argument to accept rights (c). Unless they have rare and highly demanded skills, isolated individual workers are very vulnerable in the labor market, and have much less power than capitalists to influence the political processes leading to economic legislation that affects them. In addition, it is intrinsically significant that workers be able to shape the social process structuring their working conditions as active agents who are protagonists in their own life stories rather than mere recipients of more powerful agents’ designs (however benevolent they turn out to be).

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<sup>10</sup> We should also acknowledge the good of free, discretionary time—which could be invested in or out of work. See Julie Rose, *Free Time* (Princeton: Princeton University Press, 2016).



Workers need to be able to act collectively. Some workers might complain that they should not be obliged to join a union, or pay fees to support it. An issue here is whether the liberty of these workers is unduly limited. One response is that there is no limitation because there is no liberty to choose whether to support a union. Another response is that there is a limitation, but that the liberty limited is not important. Yet another response is that although an important liberty is limited, the limitation is all things considered justified because it is necessary for, or strongly contributory to, the protection of workers' rights (including other liberties, or their freedom overall). It is worth exploring each of these possible responses. I find the last to be the most promising. Normative considerations often make conflicting demands in practice. In contemporary societies, honoring an individual liberty not to associate is in tension with the fulfillment of workers' right to access just working conditions. Given deep structural inequalities with capitalists and standard collective action problems and free-riding, workers' rights can realistically be enjoyed in a reliable way only if collective agents like unions are set up and sustained to defend them.<sup>11</sup>

## **2.2. Labor rights, human dignity, and solidaristic empowerment**

Although illuminating and appealing as far as it goes, reference to human interests is not enough to provide a robust defense of labor rights. We need more to claim that the agents who can affect workers' access to the goods catering for those interests owe them support in gaining and maintaining this access. There is a logical gap between interests and rights. Moving from the former to the latter seems to involve a categorial leap from the evaluative to the deontic. To bridge this gap, we need to mobilize a notion that makes contact with both ends of the gap. It

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<sup>11</sup> The rights to strike and collective negotiation can be seen as "individual rights whose exercise is collective." Supiot, *Le Droit du Travail*, 82-3, 95. Importantly, workers also need to defend their rights vis-a-vis the state (either as an employer or when it fails to regulate the economy in supportive ways).

must, like rights, be deontic (which here I understand as regarding what people ought morally to do); and it must, like interests, be evaluative (which here I understand as regarding what people have reason to appreciate, or to want as contributory to their well-being). I will argue that the important idea of human dignity provides a bridging notion of the kind we need.

The idea of human dignity already features prominently in human rights discourse, both as a general basis for human rights and in the articulation of specific rights. For example, the Preamble of the Universal Declaration refers to the “inherent dignity ... of all the members of the human family” and expresses “faith ... in the dignity and worth of the human person”, while its Article 1 asserts that “[a]ll human beings are born free and equal in dignity and rights” and that they “are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.” The Preambles to both Covenants (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) assert that human rights “derive from the inherent dignity of the human person.” The Universal Declaration also articulates specific rights on dignitarian terms. Thus, its Article 22 presents “economic, social and cultural rights [which include labor rights] as indispensable for [persons’] dignity and the free development of [their] personality.”

I have developed elsewhere an account of the content and significance of the idea of human dignity.<sup>12</sup> Let me briefly mention some points of this account that are relevant for the purposes of this paper, and then proceed to explain how they help us to link interests and rights, both generally and in the case of labor rights.

I start by presenting five conceptual components of human dignity. The first three are *status-dignity*, *condition-dignity*, and *dignitarian norms*. Status-dignity is a normative status that people

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<sup>12</sup> Pablo Gilibert, “Human Rights, Human Dignity, and Power.” *Philosophical Foundations of Human Rights*, eds. R. Cruft, M. Liao, and M. Renzo (Oxford: Oxford University Press, 2015) 196-213; *Human Dignity and Human Rights* (book in progress).

have in accordance to which certain forms of respect and concern are owed to them. The specific forms of concern and respect are specified by the dignitarian norms, of which human rights are a paradigmatic example. Status-dignity is to be distinguished from condition-dignity, which marks states of affairs in which dignitarian norms are fulfilled. The distinction is important if we are to avoid contradiction. It is sometimes said that because they have human dignity, people may not be enslaved. It is also said that when they are enslaved, people's dignity is destroyed. Some critics use examples like this to charge dignitarian talk of incoherence.<sup>13</sup> But the alleged incoherence dissolves if we use the distinction between status- and condition-dignity. Slaves' status-dignity is independent of whether it is recognized or honored by any convention or practice. As a moral status it remains all along. It is because of that that slaves are morally entitled to resist oppression, and slave-owners are required to give it up. What slaves lack is condition-dignity, the situation in which dignitarian norms prohibiting slavery are recognized and honored, which is precisely what the work of justice must bring about.

A fourth dignitarian notion is *the basis of dignity*, which is used to refer to the valuable features in virtue of which human individuals are justifiably said to have status-dignity (independently of their class, race, nationality and other conventional or normatively irrelevant, or less relevant, features). Prominent in an account of the basis of human dignity are the human beings' valuable capacities, such as their reason, conscience, and the ability to act in a spirit of solidarity (paraphrasing form Article 1 of the Universal Declaration). Finally, the *circumstances of dignity* concern the domain of situations in which the fulfillment of dignitarian norms is both necessary—in the sense of morally called for—and possible—in the sense of feasible to fulfill. Typical ingredients of the circumstances of dignity are certain problematic and hopeful features of people in certain contexts. On the one hand, they include certain difficulties and

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<sup>13</sup> Steven Pinker "The Stupidity of Dignity," *The New Republic* (28 May 2008).

vulnerabilities springing from material scarcity, physical and psychological frailties, and certain troublesome tendencies (such as greed, or insufficient readiness to help). On the other hand, they also include noble features (such as the valuable human capacities forming the basis of dignity) and prospects for their feasible deployment to solve social conflicts and deficiencies regarding the enactment of dignitarian concern and respect. Dignitarian norms articulate how people should deal with the circumstances of dignity in various situations. The latter are thus significant for articulating the former as both feasible and normatively desirable.

I also propose that we develop a substantive articulation of the idea of human dignity in terms of the ideal of solidaristic empowerment:

**Solidaristic Empowerment:** We should support people in their pursuit of a decent and flourishing life by fulfilling both negative duties not to destroy or block their valuable human capacities and positive duties to protect and facilitate their development and exercise.<sup>14</sup>

To act in a “spirit of brotherhood” (Universal Declaration, Article 1) towards those who have status-dignity, we should respond to the significance of what gives rise to that dignity. Whether the valuable human capacities in the basis of dignity are maintained, developed, or exercised by their holders partly depends on whether other people treat them in respectful and helpful ways or in harmful or neglectful ways. Solidaristic empowerment calls for readiness to support the human development of other people.

According to Solidaristic Empowerment, the appropriate response to the dignity of human beings involves not only negative duties of respect (to avoid harm), but also positive duties of concern (to protect and aid). The valuable capacities in the basis of dignity that ground the former also ground the latter. If the fact that a person is capable of self-determination gives you reason

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<sup>14</sup> I do not claim that every requirement of respect or concern for dignity must be construed in terms of solidaristic empowerment.

not to dominate them, doesn't it also give you reason to protect them when others try to dominate them? If a person's capacities to pursue a life including love, friendship, knowledge, productive work, etc. gives you reason not to block their pursuit of those goods, don't they also give you reason to make such pursuit more likely to succeed? (Notice that I am not saying that negative and positive duties have equal weight, but that both feature in the appropriate responses to what is valuable in people).

Of course, although solidaristic empowerment is a universalist ideal involving, in principle, everyone (both as givers and receivers of human solidarity), the precise duties and rights that would specify this general normative project depend on looking at various contexts. We will have to identify specific duties for individuals, corporations, states, international organizations, and so on. In each case, we would consider the interests of everyone affected, and articulate requirements that are feasible to fulfill at reasonable costs to all the agents involved (including both duty-bearers and right-holders). The task is to develop the feasible social arrangements that would provide the most reasonable implementation of the ideal in the relevant contexts.

When we seek to answer the question "Why do people have rights?" it is illuminating to refer to people's dignity, and to the valuable capacities that give rise to it. But when we do so, we can also find a link to the important interests that people have. As it turns out, people have important interests in being able to develop, maintain, and exercise those capacities. To articulate this line of argument involving a link between capacities, dignity, interests, and rights, I propose the following principle:

**Bridge Principle:** When human individuals have dignity, they have the deontic status of being owed (reasonable and feasible) support by every agent who can affect the fulfillment of their interests in being able to develop, maintain, and exercise the human capacities that

give rise to that dignity. The features in the basis of dignity simultaneously ground status-dignity, certain interests, and the rights to support regarding those interests.<sup>15</sup>

The Bridge Principle links certain important interests with rights via dignity. The thoughts crystallized in this principle can be reconstructed in terms of a sequence linking the following points:

- Recognizing and fulfilling rights (generally)
- Responding appropriately to people's dignity (as status-dignity)
- Supporting people's valuable capacities at the basis of their dignity
- Supporting people's interests in maintaining, developing, and exercising these capacities
- Recognizing and fulfilling specific rights that support these interests and capacities in various relevant contexts (i.e. some dignitarian norms the fulfillment of which constitutes condition-dignity in certain circumstances of dignity)

The general stance we adopt when we recognize and fulfill rights can be explained by saying that it constitutes an appropriate response to people's status-dignity. That response can be articulated in terms of the task of supporting the valuable capacities in virtue of which people have status-dignity. Such support, in turn, can be enacted by catering for the interests people have in maintaining, developing, and exercising these capacities. Such obligatory support can finally be articulated in terms of specific rights and duties in various contexts. Those requirements specify the general stance mentioned at the outset; they are dignitarian norms the fulfillment of which would give people the condition-dignity their status-dignity calls for.

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<sup>15</sup> Notice that this principle does not claim that no entitlement can be justified unless it is based on the interests regarding the support for the capacities grounding the dignity of the entitlement's bearer. There may be other sources of entitlement. My focus here is to explain how justifications of entitlements that invoke interests could succeed. This caveat also applies to the Schema of Justification.

Now, by deploying the Bridge Principle, we can provide the additional argument needed for a robust case for labor rights. We can do so by linking interests I1-I5 (and other relevant interests) to the important human capacities that ground people's status-dignity. The strictures of the proposed dignitarian justification of rights can be stated, in their most general form, through the following Schema of Justification:

**Schema of Justification:** Rights are justified if, and to the extent that, their fulfillment (through certain institutions and practices) is either necessary for, or strongly contributes to, the feasible and reasonable support for certain important human interests regarding the existence, development, and exercise of certain valuable human capacities—the ones grounding human dignity.

Specifically, the robust defense of labor rights requires identifying the institutions and practices, the human interests, and the human capacities stated in this schema as they concern the life of workers. It involves showing that labor rights are indeed dignitarian norms, i.e., that their fulfillment is either necessary for, or strongly contributory to, the feasible and reasonable support for important human interests linked to the valuable human capacities of workers.

It is beyond the scope of this paper to provide a detailed demonstration of how each putative labor right is justified. But I do want to give the reader a sense of why the proposed explanatory strategy is worthwhile. The appeal to human dignity and solidaristic empowerment are fruitful for the defense of labor rights (as well as other rights) in at least four important ways. The first concerns the deontic strengthening of the justification of rights in terms of human interests. By drawing on dignity, we can more easily move from interests to rights, from the good to the obligatory. The key idea is that since the interests I1-I5 are linked to human capacities that give rise to status-dignity, responding to status-dignity as solidaristic empowerment requires would call for taking steps to support the interests people have regarding the maintenance, development,

and exercise of their capacities. The satisfaction of I1 is evidently linked to all the capacity-related interests, as subsistence and access to consumption goods is a precondition for engaging in most projects that fulfill those interests. Significantly, the dignitarian strategy would boost the case for rights supporting I2-I4. Amongst the most important human capacities are the capacities for creative production in cooperation with others, and to act to further the wellbeing of others. Arranging work in ways that cater for I2-I4 would support people's interests in developing and exercising those capacities. I5, in turn, is dependent in part on people's capacity for self-appraisal on prudential and moral grounds. Since some of these appraisals target people's working activities, when labor rights are fulfilled, people's capacity for self-appraisal is to that extent positively engaged. These points boost the case for rights of type (a) and (b). I will say something about (c) at the end of this section.

Of course, much more should be said to articulate the palette of specific labor rights in various social contexts. But the comments just made should be enough to give the reader a sense of how the deontic boosting of the interests-based arguments would proceed. If we do not support the satisfaction of certain important human interests (when we can do so at reasonable cost) it is not just those interests that are set back. We are also failing to enact proper respect and concern for the persons who have those interests. The interests are linked to the capacities that give rise to our duty to enact respect and concern for these persons to begin with. We cannot enact respect and concern and neglect the interests.

Second, human dignity helps us account for the universality of some rights. This is so because human dignity is a universal status that all human beings possess independently of their position within any conventional social framework. When we construe labor rights in terms of the support for important human capacities, we avoid a parochial focus limited to the "near and dear." Every human being who works or can work becomes salient and deserves our ethical,



political, and sometimes legal attention. In the current context of economic globalization, the dignitarian approach helps us adopt an appropriately universalist perspective.<sup>16</sup> We can thus illuminate our duties towards all vulnerable workers, including sweatshop workers in distant lands and migrant workers on our shores (who are often deprived of some standard protections granted to natives).

Third, the dignitarian approach helps us develop further our defense of certain specific rights. Thus, when we see how important self-determination is for human dignity, we also see why it is so important that work be freely chosen rather than forced. Similarly, we understand more clearly why unionization and other associational rights are significant. If workers are to be dynamic agents rather than mere beneficiaries of the largesse of the state, they need to be able to participate as active shapers in the social process leading to more just labor conditions for them. Finally, the fact that human dignity is a status that is equally held by all human persons also helps criticize discrimination. The common idea of equal pay for equal work can thus gain further support.

By appealing to a rather fundamental idea like dignity, we increase the depth and range of our reasoning about labor rights. This generates a fourth benefit of the dignitarian strategy, which is that it can help us overcome a perceived crisis of labor law as too narrowly focused on conditions of bargaining between employers and employees in hierarchically organized and integrated large firms. Dignity arguably underpins much of the territory of social justice. It allows us to understand the normativity of labor rights, further articulate the duties correlative to them, and see how they relate to other important rights. Thus, human work, and the dignity-relevant capacities and interests involved in it, should be treated in their full range of incarnations. We can

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<sup>16</sup> I would add this dignitarian dimension to the account of global justice given in Pablo Gilabert, *From Global Poverty to Global Equality. A Philosophical Exploration* (Oxford: Oxford University Press, 2012).

render visible and address normatively, and legally when appropriate, not only power relations within standard capitalist firms, but also in the household where care work that secures social reproduction is performed, and in the more diffuse and flexible arrangements that proliferate in the current economic landscape (including occasional and precarious jobs, subcontracting, and so on). Furthermore, the focus on solidaristic empowerment allows us to address the full panoply of protections that a right deserves, often through linkage with other rights. Thus, associational rights boosting workers' bargaining power to secure better working conditions should include more than the traditional rights to unionization and strike (although these certainly remain crucial). They also include broader political rights to partake in political parties, local and regional governance entities, and various national and international social movements that address intersectional concerns regarding class, gender, race, ethnicity, and nationality. Besides the shaping of contractual terms, support for workers might require structural changes of property relations and cultural perceptions of what counts as work (so as to valorize care work, for example). We can also explore personal empowerment supporting workers' human capacities to engage in meaningful productive activities, and more generally to live a decent or flourishing life. An example of this would be a renewed attention to education, and a view of its contents as preparing people to develop their multifarious human capacities.<sup>17</sup>

I conclude this section by emphasizing the significance of the strengthening of specific labor rights provided by an account of human dignity when it comes to the rights to unionization and

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<sup>17</sup> The idea of human dignity can (if properly developed) provide the deeper and more fruitful form of normativity that some labor lawyers (like Langille in "Labour Law's Theory of Justice") say we need to face changing conditions of labor in our contemporary world. The perceived crisis concerns the weakening of the "basic pillars that supported labour law and enabled it to flourish after the Second World War—the nation state, the vertically integrated firm, the standard employment relationship, the male breadwinner and female housewife gender contract, industrial unions, and social democracy." Judy Fudge, "Labour as a 'Fictive Commodity': Radically Reconceptualizing Labour Law," in *The Idea of Labour Law*, 120-36, at 120. If we adopt the deep and broad dignitarian perspective, we can illuminate what is normatively significant in work that, e.g., proceeds in a globalized economy, is not framed by a contract of employment, is affected by institutional background conditions outside contract-setting, can be politically supported by novel organizations and movements, and might even flourish in new social structures that are not capitalist.

other forms of associational power for workers. Understood as requiring solidaristic empowerment, dignity clearly links with the importance to workers of being able to stand tall in their negotiations with various agents that might significantly affect their labor conditions. When they are given chances to be protagonists in the shaping of their working conditions, workers' capacities for practical judgment are given proper recognition. Furthermore, their ability to defend their rights in an inegalitarian economy would be enhanced. There seems to be a correlation between unionization and reduction of income inequality. Both have been in decline in many countries after the aggressive anti-union policies imposed by the neoliberal push that began in the 1980s. An ideological view gained traction according to which "corporations are a natural feature of market economies, while unions are an alien intrusion".<sup>18</sup> But both are social constructions. They can and should be shaped on the basis of sound normative considerations that track workers' empowerment. We should counter anti-union policies and the legal rules that shape corporations in ways that unjustly disadvantage workers.

Unions are only part of what workers need to boost their associational power and dignitarian standing in a capitalist society. Erik Wright has helpfully identified three sites or institutional contexts in which workers and capitalists may struggle and sometimes reach compromises, and he associates with each a specific form of associational power which workers would benefit from having and utilizing.<sup>19</sup> First, workers face capitalists within the sphere of exchange, notably in the labor market, to negotiate the terms of the labor contract (stating, for example, workers' salary). They also encounter each other in the sphere of production, where many issues not codified in the

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<sup>18</sup> John Quiggin, "Predistribution: Wages and Unions." (*Crooked Timber* Blog, 28 April 2016). <http://crookedtimber.org/2016/04/28/predistribution-wages-and-unions-extract-from-economics-in-two-lessons/#more-38423>. Corporations (and their power structure) are social and legal constructs that impose conditions on the bargaining between workers and employers at the point of the labor contract. Elizabeth Anderson, "Equality and Freedom in the Workplace: Recovering Republican Insights," *Social Philosophy & Policy* 31 (2015), 48-69.

<sup>19</sup> Erik Wright, "Working Class Power, Capitalist Class Interests, and Class Compromise," in his *Understanding Class* (London: Verso, 2015), 185-230.

labor contract arise regarding the control of production (such as the pace of work, the introduction of labor-saving technology, technical division of labor, and decision-making about daily workplace activities). Finally, workers, like capitalists, seek to influence governmental decisions that affect the overall shape of the economy and their specific standing within the two previous spheres. Policies regarding minimum wages, taxation and benefits, unemployment insurance, and funding for training, are examples. Key forms of workers' associational power corresponding to these three spheres are unions, works councils, and political parties.

Wright also helpfully distinguishes between structural and associational power. The former is the relative power that agents have in virtue of their class position within a class system. Workers have some power as owners of their labor force. They may not be put to work without their formal consent. Capitalists in turn have power as owners and controllers of the means of production. Capitalists can bargain with significant clout with workers. Since workers lack means of subsistence they must seek employment with capitalists, who normally want to limit labor costs like wages in order to maximize profit or merely to stay afloat in the face of competition.<sup>20</sup> On the other hand, both workers and capitalists can form associations to increase their relative power. In the case of workers, the generation of associational power is very important given that their structural power as individuals is comparatively weak. Through unions, works councils, and political parties, workers can act collectively and elicit far more convenient arrangements in their conflicts and negotiations with capitalists. Short of overthrowing the capitalist class system altogether, workers' best hope for increasing their autonomy and well-being lies in developing strong collective agencies. Such collective agencies also enable them to pursue more ambitious trajectories of transformation leading to a postcapitalist society.

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<sup>20</sup> These facts underpin the structural domination of workers in a capitalist society. For how we can make sense of structural domination without ascribing agency to structures, see Alex Gourevitch, "Labor Republicanism and the Transformation of Work," *Political Theory* 41 (2013), 591-617, at 603-7.

The relation between increase in unionization and other forms of workers' associational power and the interests of capitalists is complex. On the one hand, there is an obvious conflict, as increasingly powerful workers are able to limit capitalists' decision-making power over the organization of production, wages, hiring and firing, and other decisive features of the economic process. On the other hand, as Erik Wright has also argued, if the associational power of workers grows beyond a certain point, it might actually function in a way that benefits capitalists. Collective workers' associations can solve a collective action problem for capitalists, ensuring that they all pay their workers decent wages that boost consumption and with it capitalists' profits. Furthermore, workers' associations may discipline workers by limiting protests and disruptions, thus generating a predictable and stable environment for capitalists' investment and profit.<sup>21</sup>

### **3. Developing the dignitarian account**

#### **3.1. Basic and maximal labor rights**

Contributing to the well-being of others through work is something people find important. “[S]urveys on ‘happiness’ seem to suggest that absence of opportunities to make oneself useful correlates strongly with a strong feeling of unhappiness.”<sup>22</sup> But the endorsement of the idea of social contribution can unfortunately be used ideologically, to manipulate people into accepting jobs which do not fulfill their labor rights. “Not every kind of work is better than being idle, and

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<sup>21</sup> Wright also notes that if the associational power of workers along the three dimensions extends toward the limit of democratic socialism (in which workers are able to control the deployment of means of production), then the synergy between the interests of capitalists and the expansion of workers' power ends (Ibid., 218ff.).

<sup>22</sup> Claus Offe, “Basic Income and the Labor Contract,” *Analyse & Kritik* 1 (2009), 49-79, at 63.

not every kind of work dignifies the worker”.<sup>23</sup> To properly enact respect and concern towards workers’ dignity, work has to be at least decent. But, arguably, conditions of flourishing at work are also worth construing as rights, even if they are less urgent than the basic labor rights normally seen as parts of human rights doctrine (discussed briefly above). It would also be a form of ideology to brush aside calls for more than basic rights by saying that decent labor conditions are “enough.”

Let us make a distinction between basic and maximal labor rights. Whereas the former focus on workers’ access to a decent life, the latter go further by tracking workers’ access to a flourishing life. Both rights can be articulated in terms of human dignity and solidaristic empowerment. The humanist “spirit of brotherhood,” and the rights “indispensable to [people’s] dignity and the free development of [their] personality” mentioned in the Universal Declaration of Human Rights could embrace both. Whereas basic labor rights would require meeting thresholds of support for the human capacities of workers which are appropriately deemed as part of the minimum every society must grant its members, maximal labor rights would call for fuller responses to the dignity of people by supporting their full human development at work.

The distinction between basic and maximal rights is at once intuitive and obscure in its details,<sup>24</sup> and its development requires a separate discussion which I cannot provide here. One possibility is to say that basic justice tracks the conditions that must be in place for a social order to be legitimate. When those conditions are met, the members have reason to obey the order’s rules. But legitimacy is only a subset of what social justice requires. People may accept the authority of a social order while thinking that some of its rules are unjust and should be changed.

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<sup>23</sup> Guy Mundlak, “The Right to Work—The Value of Work,” *Exploring Social Rights*, eds. D. Barak-Erez and A. M. Gross (Oxford: Hart, 2007), 341-66, at 351. We should be vigilant against manipulation of reference to goods related to interests I1-I5 to discipline people into accepting undignified work.

<sup>24</sup> Stuart White, “Social Minimum,” *Stanford Encyclopedia of Philosophy* (2015).

Maximal justice could be seen as covering the further rules that the social order must generate if its structuring of the lives of its members is to be fully just besides legitimate. For example, basic justice might require that workers have access to freely chosen jobs that allow them to contribute to society, socialize in ways that are not humiliating, and meet their subsistence needs, while also having political rights to form workers' associations and more broadly act as citizens. They could then use these rights to seek changes in the organization of production that give them opportunities for more than decent work. While acknowledging that this distinction requires further exploration, I will focus in what follows on how the dignitarian approach might cover (part of) the territory of maximal justice regarding labor conditions.

### **3.2. Dignity versus domination, alienation, and exploitation**

Human dignity is a resonant moral and political idea. It is recognized as one of three core ideas behind labor law. The other two ideas are that the inequality in bargaining power between workers and their employers should be compensated for and that labor is not a mere commodity.<sup>25</sup> Interestingly, when developed through the substantive ideal of solidaristic empowerment, the dignitarian approach can capture the content, and explain the force of these additional ideas. It is because they have status-dignity and require condition-dignity that workers should have stronger bargaining power and their capacities and activities should not be regarded in exclusively instrumental ways. But human dignity, and the two additional ideas, in fact call for more than decent labor conditions, as such conditions do not dissolve capitalist relations of production which typically generate unequal bargaining power and commodification of labor. We need to explore maximal labor rights that give workers real opportunities to fully develop and exercise the capacities that give rise to their dignity.

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<sup>25</sup> Langille, "Labour Law's Theory of Justice," 104-7.

Injustices regarding work that involve avoidable failures to implement the ideal of solidaristic empowerment (and thus failure to enact proper respect and concern for workers' dignity) include domination, alienation, and exploitation. We can briefly state these unjust conditions as follows:

*Domination:* When workers are inappropriately subject to the will of others in the shaping of the terms on which they work (at the spheres of exchange, production, or in the broader political process).

*Alienation:* When workers' ability to develop and exercise their valuable capacities at work is unduly limited.

*Exploitation:* When the relative vulnerability of workers is unfairly taken advantage of by others for the latter's (or some third party's) benefit.

Although basic labor rights call for the elimination of the most egregious injustices regarding domination, alienation, and exploitation, maximal labor rights are meant to offer workers opportunities to avoid these conditions altogether (or to avoid them as much as it is reasonably feasible). Domination is overcome to the extent that workers are able to shape the terms on which they work. This turns on the extent to which they are empowered in the three spheres of exchange, production, and broader politics. The issue of domination is procedural, concerning how decision-making occurs in the organization of work.<sup>26</sup> The issue of alienation, in turn, concerns the meaningfulness of work. Meaningful work may itself include procedural dimensions (i.e. non-domination is arguably part of non-alienation), but goes further to capture the extent to which people's capacities for creative production, socialization, and social contribution are developed and exercised in working activities. The more workers can develop and exercise these

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<sup>26</sup> The experience of cooperatives illustrates this. Even though his salary is lower, a member of the cooperative Musicop in Spain declared that "we're better off today, because we are empowered." Another worker, member of the cooperative firm Viome in Greece, declared: "We don't want to hide it: above and beyond our own jobs and our families' futures, this is about equality, democracy, the whole employer-employee relationship," "We're working for each other. That's the difference." Guardian Reporters, "Workers find strength in unity." *The Guardian Weekly* 8-14 May 2015, pp. 1 and 12-15.



capacities, the more they can avoid alienation in work. Finally, the issue of exploitation combines procedural and outcome-oriented considerations about how asymmetrical power is exercised in productive processes. Exploitation is a use of asymmetric power in which the more powerful exploiting agents extract benefits from the less powerful exploited agents in wrongful ways. For reasons of space, in the remainder of this section I concentrate on clarifying this phenomenon. Some points relevant for alienation and domination will also be mentioned as I proceed. After all, the search for maximal justice at work should combine the three considerations.

In general, exploitation involves an exchange or transfer between two individuals or collective agents, in which one gets more than the other. This may occur in a one-off interaction or as part of a systematic pattern.<sup>27</sup> In the case of the exploitation of workers in capitalist societies, the idea often is that workers are exploited by their capitalist employers when the former benefit the latter more than the latter benefit the former; when, for example, the workers make through their work an economic contribution that carries more value than the value contained by the salary they receive from their employer. When used, as it often is, in a normatively loaded sense, the idea of exploitation is, in addition, assumed to code the exchange or transfer as (at least pro tanto) wrongful.<sup>28</sup> This is captured, for example, by the common view of exploitation as involving an unfair taking of advantage of someone by another. Of course, not all forms of unequal exchange or transfer are wrong, or unfair. Arguably, it is not wrong for disabled people who cannot work to receive support from those who can and do. Thus, a

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<sup>27</sup> Here I disagree with a view of exploitation as necessarily involving a systematic relationship between exploiter and exploited. See Nicholas Vrousalis, "Exploitation, Vulnerability, and Social Domination," *Philosophy & Public Affairs* 41 (2013), 131-157, at 138. We can imagine one-off interactions involving exploitation, as when A passes by B's island and gets B to repair A's ship (which takes strenuous work) by offering B, who is starving, some food (of which A has plenty).

<sup>28</sup> In what follows, I assume that the wrongness of exploitation holds pro tanto, so that it is possible that other normative considerations are stronger in some circumstances, and that we could have to conclude that, all things considered in those circumstances, exploitative acts may be carried out. Whether exploitation is wrong, and if so why, is one issue. What the relative weight of its condemnation is when it competes with other normative requirements, is a different question (which I am not addressing now).

normative account of exploitation must specify what are the additional conditions that make the exchange or transfer wrongful or unfair.

To develop this normative account, it is important to pay attention to power. Typically, the exploiter has power over the exploited. A exploits B (in the normatively loaded sense—on which I focus from now on), when A extracts an unfair benefit from B by taking advantage of B's weaker power position. To further understand the possible relations between power and exploitation, let us consider some cases.

(a) *Wrongful advantage taking*: Exploiter drives a hard bargain on Exploited, getting Exploited to work in ways that involve unfair benefitting of Exploiter (or some third party selected by Exploiter—I presuppose this rider in future formulations) by Exploited. This is partly enabled by the fact that Exploited does not, while Exploiter does, have acceptable alternative options<sup>29</sup> to the scheme put forward by Exploiter. This scheme is avoidable, in that a scheme involving fair reciprocity (or some other morally appropriate norm), or less violation of it, is feasible (i.e., Exploiter could agree to it and thus render it accessible for Exploited).

The foregoing is the basic case. Notice that it is parasitic on some account of “appropriate” or “fair” shares. I do not focus here on the issue of what is the correct normative baseline, and what I go on to say is compatible with various accounts of fair or appropriate shares in the benefits of production.

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<sup>29</sup> The notion of “acceptable options” as understood here is inherently relational. Exploitation often in fact takes place when the alternatives open to Exploited are absolutely bad (e.g. involving destitution). But it is possible that exploitation occurs when the alternatives are tolerable or acceptable in an absolute sense but unacceptable in a comparative sense. What is key to exploitation is, first, that Exploited could not rationally choose to go for the alternatives to the scheme offered by Exploiter (at least within some space of reasons, such as those concerning income and wealth—I recognize that other reasons may weigh in and push in a different direction; e.g. Exploited may have reason to punish Exploiter for offering an exploitative deal, even if Exploited would be poorer as a result). A second key comparative feature of exploitation is that the alternatives to the exploitative scheme are worse for Exploited than they are for Exploiter.

More specific cases are developed by adding to (a) clauses about the causal and normative responsibilities of the relevant agents with respect to the circumstances involving asymmetry of power between them. Here are some examples:

(b.1) *Direct force and coercion*: Exploiter makes it the case that Exploited has no acceptable alternative option to the scheme put forward by Exploiter. Exploiter can do this by eliminating alternatives altogether—brute force—or by threats that make them unacceptable to choose—coercion. An instance is the relationship between a slave-owner and a slave in the Antebellum American South. Slave-traders had removed slaves from the territory in which alternative forms of life were available, and slave-owners threatened physical torment unless slaves worked as slave-owners demanded.

(b.2) *Indirect force and coercion*: Exploiter contributes to a complex causal process that eventually makes it the case that Exploited has no acceptable alternative to the scheme put forward by Exploiter. This case differs from (b.1) because Exploiter does not directly threaten Exploited with unacceptable scenarios, but has been involved in a process that has the result that Exploited does not have acceptable alternatives. A typical historical example is the “enclosures”: the concerted efforts by some people to make others lose access to their (privately, or commonly, accessible) land, and as a result come to lack acceptable alternatives to working as wage laborers under the former. Another example is when capitalists push governments to eliminate unemployment benefits and other income security programs that enable people to rationally choose not to work for them on the conditions the latter fancy.

(c) *Contra-solidaristic cooperation*: Exploiter could help Exploited at reasonable cost, but chooses instead to take advantage of the relative weakness of Exploited to drive a hard bargain which leads to a division of the fruits of cooperation that is disproportionately beneficial to Exploiter. This case differs from (b) because in it Exploiter is directly or

indirectly responsible for the fact that Exploited does not have acceptable alternatives through omission rather than through (actual or threatened) commission. Exploiter does not *deprive* Exploited of an otherwise available option, but fails to *provide* them with an otherwise non-available option. Exploiter could generate the latter provision directly or indirectly, for example by offering Exploited a better deal within the economic relationship, or by acting to help change background circumstances that make Exploited's bargaining power so weak. So we have again two sub-cases (c.1) and (c.2) paralleling the cases (b.1) and (b.2). An example of (c.1) arises if we compare employers who choose to offer low salaries or other benefits to their workers (as is common in sweatshops or in precarious jobs) and others who choose to offer better deals. An example of (c.2) arises when we compare capitalists donating some of their wealth to fund political parties with anti-union agendas and others who support political changes to strengthen the bargaining power of workers.

Marxist scholars sometimes say that exploitation occurs when workers are either coerced by their employers or forced by the circumstances to take up employment under the latter.<sup>30</sup> These scenarios are covered by the categorization introduced above. For example, (b.1) covers the case of the relation between slave-owners and slaves (which is directly coercive). The case of capitalist exploitation is covered by a combination of (b.2) and (c): capitalists may not directly force or coerce workers to work, but they shape the circumstances faced by workers so that they have no good alternative to working under capitalists, and they fail to offer better terms at the points of hire, a better treatment at work, or support the creation of a better social environment in which workers' power increases over time.

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<sup>30</sup> Jon Elster, *An Introduction to Karl Marx* (Cambridge: Cambridge University Press, 1986), 82-3. Karl Marx talks about workers in capitalism as voluntarily taking up employment under capitalists while also being subject to the "silent compulsion of economic relations." Marx, *Capital I* (London: Penguin, 1990), 899 (see also 382).

How does power operate in these cases, exactly? The social power of Exploiter over Exploited is a function of their different abilities to (i) access valuable objects for themselves, and (ii) make inaccessible or accessible those objects for the other. Often, these differences are largely the result of certain institutional structures. Thus, relations of production involve relations of effective power of people over productive resources (such as abilities to work and means of production—external natural resources and technology—used in work), and the inequalities in these powers go together with relations of subordination between people.<sup>31</sup> When A has greater control than B over certain desirable resources, A can bargain with B from a position of superiority and get B to work to benefit A disproportionately. The injustices involved here, if there are any, would concern at least those power relations. The injustices might either concern the very existence of asymmetry in social power or its exploitative use. Some views of exploitation emphasize the former, while others highlight the later.<sup>32</sup> These views can be combined. We can call for the reduction of power differentials, and for a use of whatever differentials remain in which those involved enact proper concern and respect for others. This is what the dignitarian ideal of solidaristic empowerment would require. When we take advantage of the relative weakness of others for egotistic purposes, we are failing to respond appropriately to their status as agents with valuable capacities which they could develop and exercise to flourish on their own terms.

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<sup>31</sup> Gerald Cohen, *Karl Marx's Theory of History: A Defense*, expanded ed. (Princeton, NJ: Princeton University Press, 2001), ch. 3. For how capitalist relations of production relate to power of capitalists over workers (the ability of the former to get the latter to work for them through their control of means of production) see Vrousalis, "Exploitation, Vulnerability, and Social Domination," 136-7.

<sup>32</sup> See, respectively, John Roemer, *Egalitarian Perspectives* (Cambridge: Cambridge University Press, 1986) and Vrousalis, "Exploitation, Vulnerability, and Social Domination." For an appealingly broad view, see Robert Goodin, "Exploiting a Person and Exploiting a Situation," *Modern Theories of Exploitation*, ed. A. Reeve (London: SAGE, 1987), 166-200.

I am presenting here exploitation as one case (among others) of wrongful use of asymmetric power, as involving an inappropriate instrumentalization of relatively vulnerable people to benefit others. On this account:

A exploits B when A instrumentalizes B in a wrongful way, by using A's superior power to get B to benefit A disproportionately (i.e. more than what fair reciprocity, or another relevant normative requirement, would require).<sup>33</sup>

I present this account as providing sufficient conditions for exploitation. I do not make the stronger claim that these conditions are also necessary. The statement of the account also leaves it open what standard of fair or rightful shares is to be used as baseline of comparison to identify wrongful treatment. Although other standards are of course possible, I endorse the Abilities/Needs Principle "From each according to their abilities, to each according to their needs". This principle is in line with the dignitarian approach and the ideal of solidaristic empowerment in that it calls for schemes of production in which people exercise their capacities in ways that foster both their own and other people's human development.<sup>34</sup>

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<sup>33</sup> In this account I focus on wrongful instrumentalization for self-advancement, but I do not deny that it is possible (even if it is atypical) that wrongful instrumentalization is undertaken for the sake of someone else, so that A exploits B for the sake of C. The account could accordingly be revised to refer to the benefiting of A *or some other person C*. I should also note that A, B, C, etc. can be either individuals or collectives.

<sup>34</sup> Pablo Gilabert, "The Socialist Principle 'From Each According To Their Abilities, To Each According To Their Needs'". *Journal of Social Philosophy* 46 (2015), 197-225. This account of fair reciprocity differs from other views. For example, it is different from the view that a worker is entitled to the totality of the value of what they produce. It also differs from the view that there is no exploitation, or wrongful unequal exchange, between two persons who are unequal in assets, have reached that inequality in a way that reflects their choices rather than their circumstances, and engage in an exchange in which the agent richer in assets offers a scheme to the poorer agent in which the former benefits from the work of the latter without doing as much in return.

### 3.3. The worry regarding neutrality

It could be objected that a demanding view of labor rights that calls for the accessibility of work without domination, alienation, or exploitation flouts the liberal requirement of neutrality with respect to conceptions of the good.<sup>35</sup> Six points are worth making in response.

First, some labor rights can partly be defended by saying that their fulfillment is either necessary for or (more plausibly) strongly contributory to a robust development of the autonomous moral or/and political agency which liberals praise.<sup>36</sup> Two typical linkage arguments are these. First, economic practices have a formative effect on people's political practices, so that domination in the former fosters dispositions that are at odds with autonomy in the latter. Second, concentration of power in the economy allows some individuals to use their greater economic power to tilt the political process in their favor (for example by funding lobbying agencies, by spending money on the campaigns of politicians that favor their interests, by promising jobs to officials when they leave office, and by signaling that they will disinvest in the country if governments make decisions they dislike). It is also important to note that the neutrality requirement has the normative force it has partly because it reflects a substantive moral

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<sup>35</sup> An important line of argument from John Rawls is that a theory of justice should not be based on a "thick" theory of the good featuring a detailed account of what life plans individuals should choose. See Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), sect. 68. An agreement on such a theory seems unlikely, is unnecessary, and should not be pursued. It is unlikely to arise because of the great diversity in individuals' circumstances, abilities, and interests. It is unnecessary because principles of justice can use a "thin" theory of the good which identifies some goods that are fairly general and abstract and necessary for pursuing more specific and diverse goods. Building a reasonable agreement on these goods seems feasible. Finally, we should not make justice depend on a thick conception of the good that applies to everyone because we would in fact benefit (through division of labor) from situations in which people pursue different plans of life and we should respect people's freedom to choose their specific plans of life. So long as these pursuits do not involve conflict with the principles of justice (which rely on the thin, not the thick theory of the good), justice is not undermined.

<sup>36</sup> Nien-he Hsieh, "Justice in Production," *Journal of Political Philosophy* 16 (2008), 72-100; Samuel Arnold, "The Difference Principle at Work," *Journal of Political Philosophy* 20 (2012), 94-118. These philosophers develop liberal egalitarian approaches to justice in production that eschew perfectionism. They also provide important discussions of the limits of Rawls's views on the topic, while also developing certain Rawlsian insights (e.g. Arnold argues that access to work involving authority, responsibility, and complexity is a social primary good falling under Rawls's difference principle). Rawls claimed, puzzlingly, both that "meaningful work in free association with others" is important and that its "definition" is not "a problem of justice" (*A Theory of Justice*, 257-8). Some liberals seem to avoid discussion of justice concerning work (partly) out of fear that this would involve perfectionist conceptions of justice based on thick conceptions of the good.

commitment to freedom, and explores what it requires in circumstances of great diversity of views about the good life. No normative position can be morally neutral all the way down.

Second, I articulate the more ambitious and controversial requirements regarding nonalienating, nonexploited, and nondominated work in terms of the generation of real options to engage in those kinds of work, not in terms of making work of that kind mandatory.

Third, no moral or political conception can be articulated in sufficient detail (i.e. make clear and determinate demands) without some potentially controversial commitments about the good. The liberties a principle of liberty would protect, or the opportunities a principle of equality of opportunity would foster, for example, cannot be identified or assessed without some sense of what goods would and should be rendered accessible through them.<sup>37</sup>

Fourth, since the controversy about maximal labor rights will persist no matter what framework is introduced (the status quo also being controversial, of course), we need a fair, and ongoing, way to process it. Now, the social implementations of labor rights as I see it would be authorized and monitored through a democratic political system that gives everyone real opportunities to participate in their evaluation and improvement over time. To this recognition we can add advocacy for a moral and political ethos of fallibilism, humility, and tolerance.

Fifth, work is somewhat special, in that any society that is not fully automated will to some extent and in some ways push its people to work. It is important that this pressure is accompanied with a real effort to make available forms of work that are justifiable to the people pushed to work. In such a justification, interests of the kind I mention in this paper will be relevant.

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<sup>37</sup> Hsieh mentions that “neutrality-based arguments” require that “citizens have a meaningful range of options from which to choose.” Nien-he Hsien, “Work,” in G. Gaus and F. D’Agostino eds., *Routledge Companion to Social and Political Philosophy* (New York: Routledge, 2012), 755-63, at p. 759. But how can we decide what subset of the set of all the feasible arrangements of options counts as “meaningful”? It is hard to do this if our normative framework imposes on itself complete evaluative lobotomy. It is better, I suggest, to be upfront about the evaluative importance of some candidates, while finding a way to introduce them as options rather than as unavoidable outcomes (and so reflecting as well reasonable concerns about personal and political liberty and pluralism).



Finally, and interestingly, by linking talk of human interests to talk of human dignity we can underwrite and strengthen the points made above. The Bridge Principle discussed in section 2.2 allows us to link workers' interests in accessing the object of their labor rights with capacities that give rise to their deontic status-dignity. The liberal concerns themselves reflect appreciation of agential capacities for autonomous judgment that are paramount in the basis of dignity. These capacities have great value and their exercise is crucial for the epistemic and legitimating process which, through political discourse and choice, should set the terms of labor practices. We can in fact identify a hierarchy within the normative space of dignity, with certain civil and political freedoms having priority over specific views of meaningful work.

#### **4. Conclusion**

Dignity at work involves the treatment of people in accordance to the ideal of solidaristic empowerment as it pertains to their life as workers. This ideal requires that we generate feasible and reasonable social schemes to support each other as we pursue the development and exercise of our valuable capacities to produce in personally and socially beneficial ways. The spectrum of dignitarian justice goes from basic rights to decent working conditions to maximal rights to flourish in working practices that are free from domination, alienation, and exploitation.<sup>38</sup>

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<sup>38</sup> For comments and conversations, I thank Arash Abizadeh, Samuel Arnold, Ian Campbell, Hugh Collins, Rahel Jaeggi, Roberto Gargarella, Anca Gheaus, Alex Gourevitch, Ben Laurence, Gillian Lester, Virginia Mantouvalou, Julio Montero, Katharina Nieswandt, Kristi Olson, Martin O'Neill, Will Roberts, Julie Rose, Lucas Stanczyk, Lea Ypi, and participants in colloquia at Bath University, Concordia University, the conference "Philosophy and Social Science" (Prague, 2016), Torcuato Di Tella University, University College London, and the University of Chicago.

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