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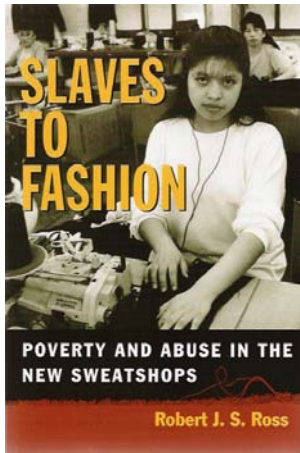
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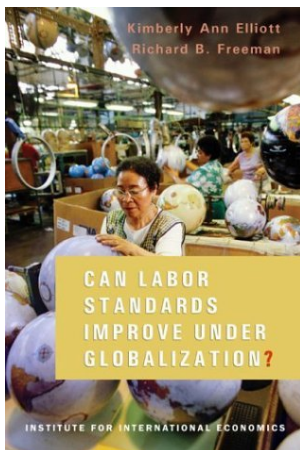
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Are Workers Rights Human Rights and Would It Matter If They Were?

By Richard McIntyre



Slaves to Fashion: Poverty and Abuse in the New Sweatshops by J.S. Ross. Ann Arbor: University of Michigan Press, 2004. 396pp.

Can Labor Standards Improve Under Globalization? by Kimberly Ann Elliott and Richard B. Freeman. Washington: Institute for International Economics, 2003. 175pp.

In the summer of 1997, Nguyen Thi Thu Phuong died making Nike sneakers in a factory in North Vietnam. She was struck by a piece of shrapnel that flew out of a machine that a co-worker was fixing, and died instantly. Nike's response to this and similar incidents at the time was "we don't make shoes" (Larimer, 1998). This was technically true, as Nike's business strategy from its beginnings has involved outsourcing all manufacturing to subcontractors in Asia. Chief executive Phil Knight devised this total outsourcing strategy while he was at Stanford Business School in the early 1960s. Initially Knight subcontracted with firms in South Korea, then under military dictatorship, and Taiwan, at the time a one party state; but by the early 1990s, most production had shifted to lower cost countries such as Vietnam and Indonesia.

Nike's move to Indonesia coincided with a period of labor unrest there, but Nike officials insisted that labor conditions in sub-contractor plants was not their concern. Even where legal violations occurred, Nike's general manager for Jakarta operations said, "I don't know that I need to know" (Spar and Burns, 2000).

Media attention to factory conditions in developing countries grew in the 1990s, and exploded in 1996 after the National Labor Committee revealed that the clothing line endorsed by media celebrity

Kathy Lee Gifford was made by child workers in Hinduras. In 1997, the popular comic strip *Doonesbury* ran a week's worth of strips satirizing conditions in plants run by Nike sub-contractors in Vietnam.

Following Congressional hearings, President Clinton convened the Apparel Industry Partnership, which was meant to be a meeting ground for the companies and their critics. This led to the creation of the Fair Labor Association (FLA) in 1998. Nike joined the Partnership, and was a charter member of the Association in November 1998, as it began to move from denial to engagement.

The FLA was troubled from the start: the major labor unions and faith-based groups refused to sign the charter because of its weak monitoring provisions and its failure to ban production in countries where freedom of association and collective bargaining were illegal. Several of the companies walked away because they refused to allow human rights groups to participate in monitoring. Student organizations saw the FLA largely as a tool of the companies and formed their own competing monitoring organization, the Workers' Rights Consortium (WRC), a group that was initially anathema to the corporations because it demanded complete disclosure of corporate sub-contracting networks.

Seven years later Nike voluntarily disclosed information on the nearly 800 factories that produce Nike Brand shoes, clothes, and apparel. This move was part of a comprehensive corporate responsibility report covering both labor and environmental conditions in its subcontracting network. Veteran sweatshop activist Charles Kernaghan of the National Labor Committee called the disclosure "a significant step that will blow away the myth that companies can't release their factory names because it's proprietary information. If Nike can do it, Wal-Mart can do it" (Bernstein, 2005).

The FLA and the WRC have cooperated successfully on several campaigns and a significant group of trade unions left the AFL-CIO partly for the express purpose of organizing Wal-Mart. It would seem, then, that this upsurge has led to some important, concrete changes. At the same time, the student movement, so vibrant in the late 1990s, seems exhausted in some places, and the end of the Multi Fiber Agreement, the treaty that served as a quota system for international textile trade, has led to a flood of imports from China, nearly the lowest of the low standard producers (Kaufman and Chekdel 2004).



We might now pause to ask ourselves how general and significant the problem of the new sweatshops is, and how effective the institutional change following from the activism of the late 1990s is likely to be in combating them. In doing so, we might also try to discern whether sweatshops are primarily a human rights problem or an economic problem, and whether that separation can even be sustained.

Journalistic descriptions of the new sweatshops paint a picture as severe as anything in Marx or Dickens. In *No Logo* (2000) Naomi Klein described a world in which not just jobs are fleeing to the poorest countries but in which the very nature of the employment relationship was changed as the Nike model became generalized. Employers competed with each other to see who could lay off the most workers and most vociferously deny responsibility for labor conditions. Firms like Nike and Levi's became bargain hunters in the global labor mall

Klein documents the worldwide explosion of “free trade zones” in which nearly 30 million workers work under essentially lawless conditions.¹ The stories documented by Klein and by Robert Ross, in his more academically grounded but mostly popularly written book, *Slaves to Fashion*, have a certain mesmerizing sameness to them: young women engaged in low skilled, tedious work for Hong Kong, Taiwanese, or Korean sub-contractors, with military style, abusive management, and below-subsistence wages. Management’s only goal seems to be to extract the maximum amount of work from each worker in every hour and the maximum number of working hours per day.

The presence of free trade zones tends to drive down conditions in the rest of the country. Migrants, not natives of the local community, are hired and younger workers are preferred for their naïveté. Ross captures the social landscape produced by the free market, global labor exchange clearly in his report on a field visit to Guangdong province in China:

[N]otorious for high accident rates and its bleak landscape of foreign owned factories and dormitories...the absence of a normal community life for the workers was striking. With long workweeks and few days off, the workers had little leisure time, even if there were facilities for gathering or for informal recreation. Separated by outside walls with guards at the gates, the workers could leave when they were off from work, but within quite long distances of these compounds there was literally nothing but more factories (Ross: 110).

It is the journalist, Klein, who provides the more telling generalization: “The transience woven into the fabric of free trade zones is an extreme manifestation of the corporate divestment of the world of work which is taking place at all levels of industry” (Klein, 2000: 229).

Ross does a careful job of providing a precise definition of a sweatshop, and presents some reasonable quantitative measures of the extent of sweatshop production in a single, important industry. Klein and other journalists do a better job of showing the extent to which the violation of basic rights on the job has become standard practice both within the United States and in the new global production networks. This is not just a job flight story, then, but a flight from jobs and the moral obligations accompanying them, as these were understood in the period from the 1940s through 1980.

Ross argues that in the apparel industry, this tendency is produced mainly by globalization and the concentration of power in the hands of the large retail trades. His book is especially adept at for dispelling the notion that sweatshops are primarily a developing country problem, or that the existence of sweatshops in the U.S. is due to the large numbers of immigrants in the last 20 years. He begins his book by giving a precise definition of a sweatshop, and then a clear and informed estimate that there were about a quarter of a million sweatshop workers in the U.S. in 2000.

Ross adopts the Government Accountability Office definition of a sweatshop: “a business that regularly violates wage or child labor laws and safety and health laws” (26). Though it excludes many people working under poor conditions at low pay, this definition is the most useful for research, as it is the basis for most data gathering and it has the virtue of defining a group of workers who are “super-exploited,” i.e., who in practice are not afforded the social protection of labor and health laws that became part of the social and historical element in the value of labor power in the 20th century.

¹ According to Bales (2000), this is roughly equal to the number of people working under conditions of slavery and involuntary servitude.

Undocumented immigration *is* a condition of existence for the new American sweatshop. But, as Ross points out, large numbers of immigrants need not mean sweatshops, as the Puerto Rican wave of immigration to New York City in the 1950s demonstrated. It is globalization, with the accompanying decline in union power and in the State's inability (or unwillingness) to regulate labor markets that has encouraged the growth of sweatshops, and the concentrated power of the mass retailers that has called them into being. The existence of an easily exploitable pool of undocumented immigrants facilitates the growth of sweatshop conditions.

Sweatshop labor is not quantitatively dominant either in the world economy or in the United States. Yet one can argue that it is dominant as an historical tendency, to the extent that it imposes conditions on other forms of work, changing them in accordance with its own characteristics. The aspect of sweatshop labor that seems to give most direction to the present moment is what Klein calls the "corporate divestment of the world of work," or what alternatively we could call the growth in social distance between employer and employee.² This is both an economic problem, which shows up in the decline in real wages and growing income inequality in the U.S., and rising unemployment in the E.U., and a problem of moral philosophy: what do we owe to those with whom we are in a market relationship?



Ross argues that there is a vast gap between the way mainstream economics understands these problems and the way other social scientists and ordinary citizens do. This is certainly correct, and is largely because of the inability of mainstream economics to incorporate moral philosophical questions in any meaningful way, despite economics' descent from that older discipline. For instance, Paul Krugman and other sweatshop defenders put forward the "better than" argument: if people choose to work in sweatshops, then this must be better to them than the alternatives (Krugman, 1997). This standard economists' ruse can be picked apart almost too easily. As Ross demonstrates, the "better than" argument is a slippery slope: working in a sweatshop is better than picking through the trash heap which is better than prostitution which is better than bonded labor which is better than slavery which is better than death. So by Krugman's logic, two cheers for slavery?³

But there are important orthodox economists who do handle these issues with some subtlety. The most important of these is Dani Rodrik, and in many ways Freeman and Elliott's book can be seen as following in the line of Rodrik's work, especially his 1997 book Has Globalization Gone Too Far?⁴

Rodrik argued that increasing international economic integration reduces labor demand but also makes it more sensitive to price, or more elastic to use the standard jargon. So while there may be gains from trade, there are also losses, and we need to investigate both the size of each and who

² Social distance as the hegemonic tendency in contemporary employment relations is developed in McIntyre and Ramstad 2004. This concept flows from and is most consistent with the institutional tradition in labor economics. See also Greenhouse (2005) for journalistic evidence of the increasing normality of super-exploitation. The concept of historical tendency is more common in the Marxist tradition. See especially Hardt and Negri (2004): 140-153.

³ Mainstream economists rarely ask why these are the only relevant choices.

⁴ This book and Can Labor Standards Improve under Globalization?² were both published by the Institute for International Economics, a generally pro-free trade think tank.

bears them. But Rodrik explicitly introduces social considerations. Whereas the International Trade Organization proposed after World War II had an entire chapter devoted to labor conditions, the World Trade Organization (WTO) has nothing to say about conditions of production, with the sole exception of prison labor. If the “embedded liberalism” of the 1940s through the 1970s promised workers a rising standard of living and a social safety net in return for accepting the vagaries of the market, the neo-liberal thinking of the contemporary period abstracts from this: the social contract has been broken.

But the norms underlying that contract have not disappeared. For instance, Congressional supporters of the Child Labor Deterrence Act of 1996 mainly represented districts that would not benefit materially from its passage. “...the prevailing norm is that it is not acceptable to reduce the living standards of American workers by taking advantage of labor practices that are vastly below those enshrined in U.S. labor standards” (Rodrik 1997: 34). Since the 1930s, U.S. law has recognized that restrictions on free contract are reasonable in the case of unequal bargaining power: the 8-hour day, the minimum wage, and occupational health and safety are all premised on the principle of the “blocked exchange:” it is in society’s interest to prevent or block some voluntary exchanges when bargaining power is wildly unequal and especially where the weaker part is desperate.⁵ Thus globalization helps undermine 60 years of labor law and the social understanding that law represents.

Whether trade intervention is the right policy to deter such practices is another question, but Rodrik points out that it may be. The legitimacy of trade rests partly on its compatibility with domestic norms. European integration shows both that shared norms make integration easier and that deep integration makes differing norms harder to maintain.

Freeman and Elliott’s work is in a similar vein. They argue that one cannot analyze policy without taking social norms into account. However, rather than providing a warning to orthodox economists that globalization might be undermining the conditions of its own existence (Rodrik’s point), their goal is to convince fellow economists that trade and labor standards are complementary rather than competing methods for improving social well being. Their method is corny, and clearly directed towards economists. “The demand for labor standards” is attributed to consumers who have consistently shown in survey and game theoretic research the willingness to pay higher prices for the benefit of others. The supply of standards” flows from firms who find it profitable to raise standards given pressures exerted on them by “vigilantes and verifiers”—in other words, the FLA, the Workers’ Rights Consortium (WRC), the National Labor Committee and similar groups. The market for labor standards is imperfect, they argue, because of information problems: information regarding working conditions is costly to obtain and requires cooperation from companies, activist groups, and third-party, non-governmental organizations.

Non-economists may find this all a little silly, but it does serve the purpose of translating the problem into familiar economists’ language. They also do a good job in distinguishing between the different kinds of activist groups and argue that competition among these groups improves the “market for standards.” As important, they demonstrate the absence of sweatshop workers

⁵ We might also note that the Wagner Act did not just declare government neutrality with regard to freedom of association and collective bargaining, but committed the government to actively encouraging such practices. The history of Congress’s unwillingness to ratify ILO conventions on these issues is covered in McIntyre and Bodah (2005).

themselves from these debates. I will argue below that this is the most important and difficult issue on the labor standards agenda, and the most important contribution made by the WRC.

Critics of incorporating labor standards in trade agreements or giving teeth to International Labor Organization (ILO) conventions have used this absence to argue that developing country workers don't want labor standards as it will reduce their employment chances.⁶ It is certainly true that many political leaders in poor countries say both that they don't want standards and that such standards are a form of Northern protectionism impinging on their sovereignty. That such leaders have already given up so much of their countries' sovereignty to the IMF and other international organizations apparently is irrelevant: sovereignty can be given up except in so far as it might benefit poor working people (French 2002).

But do poor country workers object to standards? The best evidence available indicates the answer is "not really." Drawing on a variety of survey evidence, Griffin, Nyland and O'Rourke (2002) find that Northern and Southern workers are not significantly different in their attitudes towards standards (which were overwhelmingly positive), towards the most effective multilateral enforcement mechanism (a link between the ILO and the WTO) and towards a variety of specific enforcement and compliance mechanisms such as strengthening the ILO system, removal of preferential tariffs, and denial of market access. In one of the three surveys they studied, Southern workers were significantly more likely to see incorporation of core labor standards into trade agreement as a form of protectionism.

But the labor standards-as-protectionism argument is a red herring. The main reason for promoting a social clause in trade agreements is not North-South but South-South competition. The small gains achieved by some workers in Mexico are now threatened by competition from China. As Ross argues, "...the ferocious competition of the last few years and the coming decades is between developing countries" (299).⁷



The last chapters of both books are disappointing. Ross lays out what he calls three pillars of decent work: workers and their unions; middle class reformers as both a political force and as representative of consumers; and government regulation. For rebuilding union strength, he rounds up the usual suspects—card check elections, first contract arbitration, elimination of captive audience meetings, greater international solidarity—but doesn't tell us how to get these things. For shifting government priorities he notes appropriately that unless and until trade laws are administered as if labor rights were central to the human rights mission, government action will be lacking. But how do we encourage such thinking? With consumers he encourages close monitoring of the forthcoming sweat-free labeling of the FLA and buying more expensive clothes in the hopes that this will allow retailers and contractors to pay more for their production.

⁶ As Ross notes, these critics do not attribute the same thinking to workers in sweatshops in the United States.

⁷ Of course labor standards can be used for protectionism but it does not follow that they are protectionist by definition. For instance, the ILO has historically taken account of the specific level of development of countries when addressing the enforcement of labor standards.

Freeman and Elliott place even more hope on consumers. Even having read the game theoretic and survey evidence presented in Can Labor Standards Improve Under Globalization?—that consumers will pay more for sweat free products—most of my students are dubious. People answering surveys or playing games generally want to appear virtuous, but when they actually get to the mall they may be ruled by fashion, whim or what they had for lunch instead.

In any case, placing hope in the consumer is an outgrowth of the old economist's trope of consumer sovereignty, as if it is the little consumer in the end who is really directing Wal-Mart.⁸ Freeman and Elliott's recommendations for running more effective activist campaigns are a little better, although some are platitudes such as making the ILO website more user friendly. Others may seem ridiculous to those in the field. For example, asking organizations that have a staff that can be counted on, at most, two hands and is run on a shoestring budget to broaden the targets of their campaigns smacks of cloistered fantasy.

It is likely that practitioners will be able to find their own way in defining the strategies of their organizations. Instead of moving immediately to policy solutions, academics may be able to make a different kind of contribution. Strategies to encourage the workers themselves to participate, to create a greater desire for worker rights, and sorting out the slippery slope problem mentioned above are areas where labor relations scholars, critical sociologists, and political economists and philosophers could make a real contribution.

Space constraints allow me merely to indicate what these contributions might be. Ross and others have criticized the Workers' Rights Consortium for trying to deal with the sweatshop problem one factory at a time. While the WRC approach is unlikely to reverse the historical tendency towards super-exploitation *on its own*, it does make a unique contribution. More so than the other "verifier" or "vigilante" groups, the WRC is concerned with building local organizing capacity. While this is not explicitly part of their mission, and WRC staff is reluctant to talk about it, WRC investigations are clearly oriented toward increasing the capability of working people themselves to monitor and report on working conditions.

The resurgence of the "labor problem" in the U.S. in the late 1990s surprised many commentators (French 2002). More broadly, the social science consensus that labor movements are in severe and general crisis may be misleading, once we move our gaze away from the U.S. and a few other rich countries. In important recent books, Beverly Silver (2003) and Jefferson Cowie (1999) have argued that while deindustrialization and management opposition have created such a crisis in the U.S., working classes have also been created and strengthened in favored new investment sites such as South Korea, Brazil, Mexico, and South Africa. Journalistic evidence exists that a tide of protest and dissent is now rising in China (French 2005). While one cannot take seriously the structural argument of the Communist Manifesto that through capital accumulation the capitalist class creates its own gravediggers, it is in fact the case that simultaneous industrialization and de-industrialization provokes organizing in new industrial centers, as well as by those trying to defend the hard won gains of the past. The trick is to document the existence of a community of fate

⁸ See DeMartino (2001) for a penetrating critique of this idea.

between the geographically dispersed and racially and economically diverse groups of workers, something that the WRC has begun to do.⁹

That the WRC represents colleges and universities also puts them in a unique position. Certainly universities have become more like corporations, especially as public funding has dwindled. And certainly the identity politics of the 1980s and 1990s, for whatever positive outcomes it might have led to, distracted a whole generation of students and faculty from the problems of exploitation and super-exploitation. But as Klein writes, university campuses “with their residences, libraries, green spaces, and common standards of open and respectful discourse[,] play a crucial, if now largely symbolic role: they are the place left where young people can see a genuine public life being lived” (Klein 2000: 101).

One should not essentialize the political effects of students and student-based groups. Ross does a good job of distinguishing between the turn of the 21st century student activists and those of the 1960s. While expressing sympathy—and sometimes identification with—a socialist vision, the members of United Students Against Sweatshops that Ross interviewed preferred to identify themselves as anti-corporate, finding the word “socialism” to be too much of an historical burden. Though less inclined to see the labor movement as “part of the problem” than their 1960s forerunners, their politics are so closely linked to local and communitarian concerns and to identity politics that socialism—the traditional politics of the left wing of the labor movement—really does not capture their consciousness. “If the socialists of the 1960s were sociology students with economic ideas, this decade’s radicals are international studies students with vegetarian anarchist culture” (Ross: 261-62).

But political consciousness does not necessarily explain the actual effects of USAS and the WRC either. However anarchist the more radical students may be in spirit, the result of their work is to allow some progress on the more traditional goals of the labor movement. The WRC and USAS are in no way a global challenge to “corporate capitalism.” They do challenge the dictatorship of the global factory, but they do so as reformers, not revolutionaries. As one sympathetic critic puts it, “The proximate goal of the WRC is thus to involve corporate universities in negotiations with corporate behemoths such as Nike and Reebok, so that the billions of dollars worth of consumer goods marketed by these corporate behemoths in our consumer society can be produced under marginally less exploitive labor conditions” (Isaac: 6-7).

The WRC is not a mass movement, nor are its constituent organizations. Were the WRC to achieve its goals, mass production and consumption of overpriced, branded products would still exist, as would the corporate exploiters that sell them. Sweatshop conditions might be lessened, but exploitation (if not super-exploitation) would still exist. In other words, not only is this not revolutionary, is not even revolutionary reform.

It *is* a small effort to develop a moral response to human indignity. It is a partial response to a global problem and it can, in some times and places, concretely improve the material living standards, solidarity and freedom of some of the most exploited people on the planet. In doing so, because of its unique base in the radical students of the millennium generation, the WRC and USAS

⁹ We might also mention here activities like Jobs with Justice Kentucky-Sonora Workers Exchange, which built solidarity between unemployed American workers and Mexican workers who had “taken” their jobs.

may encourage both capacity to act in the poor countries and a greater desire for justice in the United States.



Generating that desire might be easier if academic analysts of global labor problems were more attentive to the moral and philosophical elements of those problems. Freeman and Elliott (and more especially Rodrik) stand out amongst economists in at least being willing to think about these questions, but their training makes them amateurs. Ross is not so professionally handicapped, but the philosophical issues are not his focus either.

Labor relations scholars are just beginning to deal with these issues. In Workers Rights as Human Rights, editor James Gross gathers together a variety of viewpoints on the current U.S. and international labor rights situation. But while Gross titles his lead chapter “A Long Overdue Beginning: The Promotion and Protection of Workers Rights as Human Rights,” he provides no theoretical argument as to why “workers’ rights” should be considered human rights. Lance Compa, the author of the Human Rights Watch report on labor rights in the United States, provides a chapter that summarizes that report, in which the human rights-“workers’ rights” connection is everywhere asserted but never explained. On the last page of his article he writes,

[S]o long as worker organizing, collective bargaining, and the right to strike are seen only as economic disputes involving the exercise of power in pursuit of higher wages for employees or higher profits for employers, change in U.S. labor law and practice is unlikely. Reformulating these activities as human rights that must be respected under international law can begin a process of change” (Compa 2003: 52).

Just so. But merely reasserting the core labor rights of the ILO (freedom of association and right to bargain collectively, freedom from discrimination, freedom from forced labor, freedom from child labor) as basic human rights is not going to accomplish this goal. Another chapter in the Gross book demonstrates why. Emily Spieler (2003) writes a detailed and compelling case for occupational health and safety as a core right. Why are these other “rights” raised to the level of the core while this one is not?¹⁰

The promulgation of the core rights in 1998 was meant to simplify a dizzying array of ILO conventions.¹¹ These four core rights, or pillars, were designed to incorporate liberal, Christian socialist and social democratic concerns so as to appeal to the most interested parties. It was thought that rights that were based on already highly ratified conventions, enabling of other rights (thus

¹⁰ The only author who addresses these issues on a philosophical basis in this book is the industrial relations scholar Roy Adams who argues in his chapter titled: “Voice for All: Why the Right to Refrain from Collective Bargaining is No Right at All,” that workers do not have the right *not* to be represented, in the same way that they do not have the right to sell their physical being.

¹¹ The ILO is not the only organization attempting to frame the discourse on worker rights, but its discursive role (if not its powers of enforcement) have become influential as opposed to say the rights laid out in The International Covenant on Economic, Social and Cultural Rights, a U.N. Treaty which, significantly, the U.S. has not signed. The Declaration of Core Labor Standards was not meant to replace existing ILO conventions such as those on safety and health but in practice has done so in the broader discussion.

collective bargaining might get you a better minimum wage and health and safety but not the other way around) and appealing to these core constituencies would garner more support.¹²

And this is exactly what has happened. The spread of this language of core labor rights in the years following has been remarkable, even when only lip service is being paid. But note that these conditions have been designated as rights on a purely conventional and political basis. Perhaps labor rights theorists believe that by designating something as a human right they are resting on a firmly established body of theory and research.

Alas. In the early 1990s, Etienne Balibar pointed out that we hear so little about the politics of the rights of man because such a conversation would be embarrassing. Since the middle of the 20th century, “rights” as universal values and unconditional necessities have moved into the center of political discourse, but there has been very little questioning of the conditions for the formation of such rights, their forms, or their objectives.

Rights tend to function then as a foundation, self-evident and not worthy of deep investigation. The Marxist critique of rights as the basis for politics is well known. Marxists have consistently argued that civic rights cannot be fully attained without economic and social rights. In other words, political democracy can only be had when the rights of property are limited.

Capitalism creates the fantasy of a society in which individuals are free from any essential dependence on others, in which society appears to be nothing more than “a collection of Robinson Crusoes,” as Milton Friedman put it. While a discourse of the rights of man is mostly consistent with such a vision, the right of the citizen to be involved in organizing the economic life of the community is not. Thus a politics of rights is contradictory and should be understood to have complex social effects. It is precisely in this sense that the student anti-sweatshop movement has the potential to open up something beyond the moderate (or “reformist”) reforms discussed by Isaac.

For something to be proclaimed as a “right” it must be seen as natural and unconditional—yet rights have a history. They are proclaimed at particular points in history for particular reasons. The post-World War II revival of “rights talk” paid little attention to worker rights as human rights, and most labor organizations were unwilling to assert their agenda in such language. In the U.S. this began to change in the 1990s, largely driven by the anti-sweatshop movement. But as we have seen, this has not been accompanied by much reflection on how rights are constituted.

Why do certain claims for (labor) rights become accepted at certain times and with what effects? In the U.S., labor policy is contradictory in the following sense: domestically, workers have few “rights” and these are limited to a narrowly defined set of individual rights. Internationally though, the U.S. government and important corporations often need to project an image of freedom and progress, and supporting certain labor rights is part of this image. The definition of those rights changes given the shifting nature of U.S. foreign policy. This contradiction at times creates the space for challenging and broadening the definition of rights both domestically and internationally.¹³

¹² Based on author’s interview with Steve Pursey, office of the Director General, ILO, Nov. 2002.

¹³ Nelson Lichtenstein (2003) has argued that the development of a labor relations regime in the United States based on individual rights and “rights consciousness” beginning in the 1960s has in fact displaced the more collectively oriented New Deal regime, to the detriment of working people and their organizations. A full consideration of this provocative argument is beyond our scope here.

Can the anti-sweatshop movement, in concert with other elements of the alter-mondialist/global justice movement, play on this contradiction to advance workers' collective power in free trade zones and in the United States? The fog of war may now obscure this question. But holding aside a debacle of nuclear proportions, international economic integration is likely to continue, and this question will not go away. In answering such a question, Freeman and Elliott's book at least gets economists in the game. Ross provides a detailed and expert analysis of a particularly important industry, and combines the best aspects of academic carefulness and popular appeal. It remains to be seen whether the analysis of labor rights discourse can produce a moral philosophy adequate to the task.

References

- Adams, Roy J., 2003. "Voice for All: Why the Right to Refrain from Collective Bargaining is No Right at All," in James Gross, ed., Workers Rights as Human Rights, Ithaca: Cornell University Press.
- Bales, Jeffrey, 2000. Disposable People: New Slavery in the Global Economy, Berkeley: University of California Press.
- Bernstein, Aaron, "Nike Names Names," 2005. *Business Week*, April 13.
- Compa, Lance, 2003. "Workers Freedom of Association in the United States: The Gap Between Ideals and Practice," in James Gross, ed., Workers Rights as Human Rights, Ithaca: Cornell University Press.
- Cowie, Jefferson, 1999. Capital Moves: RCA's Seventy Year Quest for Cheap Labor, New York: The New Press.
- DeMartino, George, 2001. "Enslaved to Fashion: Companies, Consumers and the Campaign for Workers Rights in the Global Economy," *Human Rights & Human Welfare*, vol 1:2, April, pp.29-37
- French, Howard, 2005. "Anger in China over threat to the environment," *New York Times*, July 19, p.A3.
- French, John D. 2002. "From the Suites to the Streets of Seattle: The Unexpected Reemergence of the Labor Question, 1994-99," *Labor History*, vol.43:3, pp.285-314.
- Greenhouse, Steven, 2005. "Among Janitors, Labor Violations go with job," *New York Times*, July 13, p.A1.
- Griffin, Gerard, Chris Myland and Anne O'Rourke, 2002. "Trade Unions and the Social Clause: A North-South Union Divide," Working Paper #81, National Key Centre in Industrial Relations, Monash University, available at http://www.buseco.monash.edu.au/depts/mgt/research/working_papers/nkcir_working_papers/nkcir_workingpaper_81.pdf

- Gross, James, ed., 2003. Workers Rights as Human Rights, Ithaca: Cornell University Press.
- Hardt, Michael and Antonio Negri, 2004. Multitude: War and Democracy in the Age of Empire, New York: Penguin.
- Isaac, Jeffrey C. YEAR. “Thinking about the Anti-sweatshop Movement: A Modest Proposal,” <http://umass.edu/peri/pdfs/Isaac.pdf>
- Kaufman, Mathew, and Lisa Chekdel, 2004. “Beyond the UConn Logo: A Broken Promise,” *Hartford Courant*, Dec.12, p.A1
- Klein, Naomi 2000. No Logo, New York: Picador.
- Larimer, Tim, 1998. “Sneaker Gulag: Are Asian Workers Really Exploited?” *Time International*, May 11, 1998, 30-32.
- Lichtenstein, Nelson, 2003. State of the Union: A Century of American Labor, Princeton: Princeton University Press.
- McIntyre, Richard and Matthew Bodah, 2005. “The U.S. and ILO Conventions 87 and 98: The Right to Freedom of Association and Collective Bargaining,” in Richard Block, et al, eds., Justice on the Job: Perspectives on the Erosion of Collective Bargaining in the U.S. Kalamazoo: W.E. Upjohn Institute.
- McIntyre, Richard, and Yngve Ramstad, 2004. “Not Only Nike is Doing it: Sweating and the Contemporary labor Market,” in D. Champlin and J. Knoedler, *The Institutional Tradition in Labor Economics*, Armonk: M.E. Sharpe.
- Rodrik, Dani, 1997. Has Globalization Gone Too Far? Washington: Institute for International Economics.
- Silver, Beverly J., 2003. Forces of Labor: Workers Movements and Globalization since 1870, Cambridge: Cambridge University Press.
- Spar, Deborah and Jennifer Burns, *Hitting the Wall: Nike and International labor Practices*. Harvard Business School Case#9-700-047. Boston: Harvard Business School.
- Spieler, Emily, 2003. “Risks and Rights: The Case for Occupational Safety and Health as a Core Worker Right,” in James Gross, ed., Workers Rights as Human Rights, Ithaca: Cornell University Press.

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