

terests of women. Far from constituting a disqualifying bias, feminist commitment is a defense against one very common and damaging form of bias. Impartiality is not undermined by feminism; instead, feminist commitment helps to safeguard impartiality.

Of course, feminists are not the only ones charged with teaching sedition. Socrates was only the first in a distinguished line accused of corrupting the youth. Not all philosophy teachers face exactly the same dilemmas as do feminists. The western philosophical tradition in practice has tended to reinforce male dominance rather than to undermine it; for instance, it has valued public over private life, reason over emotion, and has emphasized the

meeting of minds rather than of whole persons. Nevertheless, in my opinion, philosophy itself is intrinsically subversive to a hierarchical, authoritarian, and male dominant society. For this reason all teachers of philosophy confront at least some version of the feminist dilemma.

—Alison M. Jaggar

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Workers, Owners, and Factory Closings

In *The Fight Against Shutdowns*, Staughton Lynd writes: "Workers in Youngstown and elsewhere are beginning to ask: Why is the company allowed to make a shutdown decision unilaterally? Since the decision affects my life so much, why can't I have a voice in the decision? . . . The communities in which shutdowns occur are starting to ask the same questions."

The thrust of these questions is moral, not practical. Lynd is asking why companies *ought* to be allowed to exclude workers and communities from shutdown decisions, and he is suggesting that the latter have a *right* — a moral right, which ought perhaps to be made a legal right — to participate in these decisions.

From some perspectives, these questions seem to answer themselves. The free market defender may say: it is the company that owns the factory, makes the investments, and takes the risks; in accepting jobs, workers freely consent to certain ground rules. Thus, the firm has the right to move whenever it chooses. The committed democrat, on the other hand, may insist that a person ought to have some say in matters that crucially affect his or her life. A shutdown decision touches deeply the lives of workers, their families, and their communities; so they ought to have a say in what happens to the factory on which their livelihood depends.

These are polar views, framed in the strongest terms — in terms of rights, moral "musts." But there are positions short of the poles which, though expressing some of the same underlying concerns, do not state the issues as inescapable moral imperatives. Defenders of *laissez-faire* may think not that firms have a natural or God-given *right* to make shutdown decisions unilaterally, only that our kind of economic system is preferable and that for it to work, firms must completely control investment deci-

sions. Similarly, advocates of workers' participation in company decisions may think not that they have a *right* to participate, but simply that the possibly disastrous consequences of plant closings make a moral claim on our concern.

How can we adjudicate between these conflicting points of view? Suppose we begin with the view that challenges the status quo, in which workers have no voice in shutdown decisions. What reasons are there for thinking that the status quo is not as it should be, that workers and communities ought to have some say in decisions about whether a plant stays or goes?

At least two basic kinds of argument support worker participation. One focuses on the idea that although in our legal system factories belong to stockholders, workers may acquire a kind of moral property right, a moral claim to some control over their workplaces. The other emphasizes that, through their relations over time with workers, firms have incurred obligations to them that preclude unilateral shutdown decisions.

The first view rests on the labor theory of property, originally developed by John Locke. The germ of the theory is that property rights are acquired by "mixing one's labor" with, and thereby adding value to, external objects. To make this view workable requires many qualifications, but its essential core is persuasive: having worked on an object and transformed it into a socially valuable commodity gives one *some* claim to the fruits of one's labor.

The second argument for workers' rights to a say in shutdown decisions expresses the idea that when a company has dug deep over generations into people's lives, perhaps affecting a whole community, it incurs obligations to those people and that community. Although the com-

pany may have entered freely, it is no longer at liberty simply to withdraw from relationships that have developed over years or even generations.

These are mere sketches of arguments, and I shall not flesh them out here. For some, no elaborate argument is necessary; for others, none will be convincing. Here I shall assume that, at least in the abstract, these views seem persuasive: it seems plausible that workers have some moral claim to the factories in which they labor, and that companies have incurred obligations to these workers and communities that they are not free simply to renounce.

The sticking point is in the phrase "in the abstract." Moral questions are not altogether separable from practical ones. Indeed, much of the controversy about

trickles down. If companies are prevented from closing and seeking higher profits elsewhere, it is argued, in the long run the total pie will shrink, and everyone, workers included, will suffer.

Two claims are implicit here. First, permitting companies to move when they deem fit is *efficient*, that is, will produce more wealth overall. Second, this greater overall wealth will be *distributed* in a way that benefits workers. Each of these claims needs to be considered more carefully.

Does Management's Freedom to Move Increase Efficiency?

The idea that if owners, rather than workers, are legally entitled to make shutdown decisions the economy will be

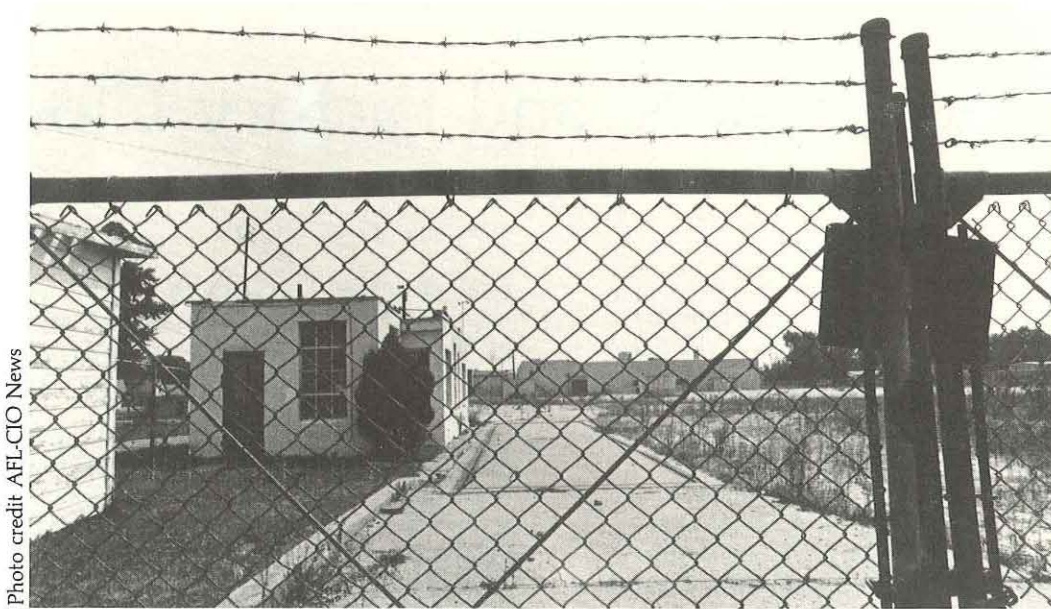


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Should workers have a say in decisions about plant shutdowns?

employee versus management claims in plant shutdowns rests precisely on disagreement about what would in fact happen if owners were not free to make such decisions unilaterally. To decide, then, whether the abstract moral arguments for worker participation are plausible when concrete, we need to know more about the consequences of such legal and institutional changes.

One important argument against the rights of workers or the duties of owners is that plants like those in the Youngstown area are no longer sufficiently profitable; so it is both natural and appropriate to abandon them for more profitable ventures.

"Not sufficiently profitable" may look like an easy cover for greed. But many economists argue that the tendency to seek higher profits, though it may be motivated only by self-interest, benefits others too. They say that the profit motive leads to the creation of more wealth, and in the long run, not only firms and corporations but also workers and the general population benefit. The wealth spreads, or

more efficient is refuted by a well-known theorem of economics. According to this theorem, if the two parties (in this case, owners and workers) are free to bargain with each other, and each is guided only by economic motives, the most efficient outcome will be reached no matter who possesses the legal entitlement. For whichever side stands to benefit most will simply buy out the other side's entitlement, if it doesn't possess the entitlement itself.

Take a simple example. Suppose a company will realize savings in labor costs of \$4 million a year if it moves a plant from Ohio to South Carolina. Suppose also that the Ohio workers will lose \$3 million, the difference between their present wages and their income, from other jobs or from unemployment compensation, if the plant moves. In this case, it is efficient for the factory to move; for efficiency is a matter of realizing the greatest net benefit overall. Now whoever is legally entitled to make the shutdown decision, the plant will move. Suppose the owners have the entitlement. It won't be in the workers' interests to pay

more than \$3 million to get the plant to stay, and it won't be in the owners' interests to accept less than \$4 million. No agreement will be reached, and the plant will move. Now suppose the workers possess the entitlement. Then it will be in the owners' interests to pay up to \$4 million to the workers to be allowed to move, and it will be in the workers' interests to accept something above \$3 million to allow the plant to move. Owners and workers will reach an agreement under which the plant moves — the efficient outcome.

Now imagine instead that the owners will realize savings of \$4 million if the plant relocates, but the workers will lose \$5 million. Then it is efficient for the plant to stay. Suppose the workers possess the entitlement. It won't be in the owners' interests to pay more than \$4 million to be permitted to move, and it won't be in the workers' interests to accept less than \$5 million. No agreement will be reached, and the plant will stay. What if the owners possess the entitlement? Then it will be in the workers' interests to pay up to \$5 million to prevent the plant from going, and it will be in the owners' interests to accept something above \$4 million. Owners and workers will come to an agreement under which the plant stays — again, the efficient outcome.

There is, then, no merit to the claim that allowing workers to have some control over shutdown decisions is bad for the economy because it is inefficient. The difference between the system in which owners are entitled to make these decisions and the system in which workers are is not a difference in the *total* amount of wealth produced, but in *who* gets the better economic deal. So, for example, in the first case, where owners will save \$4 million if the plant moves but workers will lose \$3 million, if the owners have the entitlement, they will move straightaway, saving \$4 million while the workers lose \$3 million; whereas if the workers have the entitlement, they will be able to bargain for a better deal. The question is not how much wealth, but in whose hands?

Does Management's Freedom to Move Benefit Workers?

If it is a question of improving the lot of already well-off owners as against much less well-off workers, many people will see no dilemma. But the issue is not so simple. When factories close down in the old industrial centers of the North and Northeast, they move to places that have traditionally been poorer: to the South, now fashionably called the Sunbelt, or to Third World countries whose standard of living is incomparably below that of the average American. The new factories create jobs for workers in these places and may greatly improve their standard of living. This fact seems to confront us with a discomfiting dilemma. We are now forced to weigh not the welfare of workers against that of owners, but rather the welfare of Youngstown workers against that of workers in South Carolina or Korea. And framed in these terms, it may seem there are good grounds for preferring South Carolinians or Koreans. For these people, especially those in the Third World, are generally much poorer than

workers in Ohio, even laid-off workers. Shouldn't we give more weight to the welfare of the worse off than the better off?

So the concern with Youngstown workers might appear to rest on a partial view; when we extend our vision beyond one town or one region, a different picture seems to emerge.

Or does it? Will workers worldwide be better off in the long run if plants are permitted to move when they choose, or not? We can begin by asking why it is that Ohio workers are better off now than their counterparts in the American South or the Third World. There seem to be several reasons. When the Northeast became industrialized in the nineteenth century, practical necessity dictated the location of factories: they were built close to the source of raw materials, or convenient to waterways or railroads. Labor was relatively scarce, so workers were in an advantageous bargaining position compared to most modern factory workers. In addition, it became clear that collectively they could exert a power they didn't possess as individuals. They formed unions and were able to extract concessions from the companies. Owners and managers were no longer able to say: take what we offer or leave it. They were forced to operate partly on workers' terms.

When Ohio workers have achieved a certain degree of power, companies undermine that power in the only way now available to them: by threatening not to "play the game" anymore. But this has consequences far beyond Ohio.

So the situation remained as long as there was no viable alternative to the factories staying where they were: companies could not set the terms of work unilaterally. But as technology developed the situation changed: the reasons keeping factories in the Northeast (like convenience to waterways) were less weighty, and the attractions of moving — primarily, cheap, unorganized labor elsewhere — became increasingly compelling. The companies could now avoid having to come to a mutually satisfactory agreement with their employees by moving, or threatening to move, if workers did not accept management's terms.

Now, it is obvious what the effects of shutdowns or relocations are on workers in threatened factories. But we are at the moment considering their effects on workers elsewhere — we are considering the claim that such workers, in greater need, may benefit by such actions. But the two issues are not separate. When Ohio workers have achieved a certain degree of power, companies undermine that power in the only way now available to them: by threatening not to "play the game" anymore. But this has consequences far beyond Ohio. It means undermining the hard-won strides labor has made over the years, and that affects not only the communities in which shutdowns occur, but workers elsewhere as well. For there will always

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be unorganized workers to act as a magnet for companies when their own employees get into a position to make unwelcome demands.

Thus, even though in the short run workers in South Carolina or Korea might benefit from Ohio plant closings — and might benefit from them more, economically, than Ohio workers are harmed — over time, corporate autonomy in shutdown decisions is a setback for labor, not an advance. This is even more obvious if we think not only in the narrowest economic terms: not simply in terms of dollars but also in terms of self-respect and the ability to determine important aspects of one's own life. What workers who would gain (in the short run) from plant closings would gain are jobs and money — nothing to sneeze at, to be sure. But what they would not gain, and what Ohio workers and ultimately all workers would lose, is the power to affect in any way a crucial aspect of their lives, their work, and livelihood. For they would be forever at the mercy of employers who can say: take it or leave it.

Conclusion

We began by mentioning two (not unrelated) kinds of arguments for the conclusion that workers ought to have a say in decisions about plant shutdowns and relocations. The first, rooted in the labor theory of property, supports the view that not only owners but workers may come to have property rights in their workplaces. The other argues that in view of relationships developed over years and even generations, companies come to have certain obligations to workers that are incompatible with abrupt withdrawal. We hope to have dispelled pragmatic objections to these arguments.

Our conclusion is that the company's ownership of the factory cannot settle the issue of its responsibility in plant closings. "It's mine" is no longer an argument-stopper. We can interpret this in either of two ways: (1) It may be yours, but that doesn't mean you can do with it whatever you please; (2) It may have been all yours once, but other people have now acquired rights in it, so it is no longer just yours to do with as you please. The first interpretation grants the original owner an exclusive property right, but asserts that it has been limited or qualified by his or her own actions; the second interpretation denies the original owner an exclusive property right.

The practical conclusion is the same in either case: companies should not be permitted to make decisions about plant closings and relocations unilaterally. This conclusion is supported by a variety of moral considerations, having to do with fairness, self-respect, autonomy, and the interests of workers in general over the long run. It is, in addition, a conclusion that seems to survive the harsh scrutiny of economics.

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Life-Support Decisions for Newborns

Baby Jane Doe is only the most recent, and certainly not the last, of the extraordinarily difficult and troubling cases about life-sustaining treatment for seriously handicapped newborns to gain the attention of the courts, the media, and ultimately the public. Baby Jane Doe was born with spina bifida, a condition in which the spinal column is exposed, commonly resulting in lack of bowel and bladder control, paralysis below the waist, and mental retardation. The degree of disability can vary widely. Her parents decided, together with their physician, not to provide maximally aggressive treatment which might have permit-

ted the infant to live to perhaps age 20 and without which she was likely to die by age two.

Public and government attention had been focused on this area nearly two years earlier in the so-called "Baby-Doe" case in Bloomington, Indiana, when an infant who suffered from Down's syndrome was allowed to starve to death after its parents refused to permit surgery to repair its esophagus. The Reagan administration, in an initially heavy-handed response to the very real problem, put hospitals on notice that withholding nutritional sustenance or medical or surgical treatment to correct a life-