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Chapter 5: The Importance of Independence II: Freedom and Integrity

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Chapter 5

The Importance of Independence II:

Freedom and Integrity

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We don't want any part of the establishment, we want to be free to raise our children in our religion, in our ways, to be able to hunt and fish and live in peace. We don't want power; we don't want to be congressmen, or bankers...we want to be ourselves.

- Grand Council of American Indians 1927¹

This chapter makes six first-best ethical arguments for respecting personal independence, arguing that individual consent is a constituent part of what makes most social interaction and economic interaction just. The final section responds to a potential criticism.

1. The self-evident value of voluntary interaction

The argument for ECSO freedom relies on the simple, (and I believe) widely acceptable premise that a person who pursues goals she has chosen is free, but a person who is forced by others to pursue someone else's goals is not. One reason for stressing ECSO freedom is that the absence of force is inherently or self-evidently good: people with equal moral worth should be free to interact with each other on a

voluntary basis. People are happier and cooperate better if they cooperate voluntarily. No one should force another to do something against her will. Perhaps in times of dire emergency or great need our concern for freedom might be overcome by some other important value, but not for our day-to-day economic interactions in an economy that devotes most of its effort to producing luxuries with a subjective value. Most of what we do is only worth doing because we choose to do it, but we create a situation in which many people have no power to say no to it. As a society, we usually don't tolerate overt force to promote some group's vision of desirable cooperation, except for self-defense against criminals or in cases of extreme emergency. Certainly, a society built on the forced participation of every individual is less free and less respectful of the worth of individuals than a society built on the voluntary cooperation of everyone.

Most of these claims are usually not controversial, but they become controversial in the context of a propertyless person who is being denied access to resources until she performs a service for the group that dominates resources. Indirect force (by resource domination) is an extremely powerful way to coerce individuals. Most of what I ask here is that we apply restrictions that we take for granted when applying direct force just as seriously when we apply indirect force. Support for mandatory participation seems to be premised on a belief that work is a duty people will shirk if given an opportunity to refuse to their own detriment and to the detriment of society as a whole, or that work is good for people, but people (or *some* people) are unable to see it. If people are incapable of knowing their own best interest, the desirability of freedom in any sense of the word is called into question—as is the desirability of democracy. It is strange to advocate freedom in all other areas but not

for the decision of what conditions make it worthwhile to join a cooperative project that requires 40 hours of service per week for 40 or 50 years.

Consider a more basic question: why is slavery wrong? Is the wrongness of slavery contingent on how humanely the slaves are treated? No, slavery is wrong because of what it is—forced labor. Slavery is wrong no matter what the master asks the slave to do, no matter whether the master allows the slave choices about which forced labor to perform, no matter whether the master treats the slave humanely, no matter how high the slave's living standard is in comparison to the master. If there is something deeply wrong with forced labor it should not matter what method of force is used: whether the method is interference with individuals' ability to breathe or with their ability to feed, clothe, or shelter themselves.

Imagine that the United States has a work obligation but meets every other standard for fair distribution of that obligation, fair distribution of its benefits, and fair input into group decision-making about what the obligation should be. Per capita GDP is higher in the United States than in the neighboring countries of Canada and Mexico. Therefore, participation in the U.S. joint project can produce greater returns to work than remaining outside. Suppose the United States captures Mexicans and Canadians who live within commuting distance of the border, and makes them compete as equals in the U.S. joint project. They have the same work obligation as every other American and the same share in the benefits of social cooperation; they have equal input into what the obligation will be and what goals the social project will pursue; and through participation they have access to a higher standard of living than before. They work a standard workday and can commute back across the border whenever they are not working. The one thing that they are not allowed to do is to refuse their work obligation and return to Mexico or Canada permanently before they

save up enough to retire. That one thing is enough to make them forced workers. I think most people would agree that Canadian and Mexican workers in such a position are profoundly unfree. They are unfree because they are not free of a project they might not want to participate in.

One could respond that there is a crucial difference between forcing a foreigner to work—even as an equal—and forcing someone born in this society to work. The foreigner is not part of our circle of mutual obligation, but the native or the willing immigrant is. This argument is fair, but it is a *justification* for unfreedom not an explanation that the American in this situation is any freer than a Canadian or a Mexican in this situation. In relation to contribution to the collective project, they experience the same unfreedom. Americans are born into the society rather than abducted, but with no access to resources until they have fulfilled a work obligation to a joint project, they are as unfree to refuse someone else's project as they would be if they were born somewhere else and forcibly brought in. If we can recognize that a Canadian forced to serve the American economic system is profoundly unfree, we should recognize that an American forced to serve the American economic system (or a Canadian forced to serve the Canadian economic system) is also unfree. If we recognize the level of unfreedom involved in effectively forced service, we should look at other methods to encourage participation. But as long as the self-evident value of ECSO freedom is not uncontroversial, an appeal to its self-evident value is less than decisive.

2. Why the trade model is appropriate for most economic interaction

The mutual obligation model and the trade model represent different views of the reasons for economic cooperation, two different ways of asking the question: why should I work? Why do I go into my job every day? Under the trade model, I should work if and when my employer makes it worth my while. The employer would not hire me unless I benefit her; I, therefore, should not work for her unless she benefits me. Under the mutual obligation model, I should work because I have an obligation to society, and people should pay me well because they have an obligation to me. I will not dismiss the idea that mutual obligations exist,² but I will argue that the mutual obligation model is a poor ideal for the whole of or even for most of society's economic interaction. There are things that we are obliged to do for each other, but little of our economic activity is devoted to such things.

The trade model of cooperation is appropriate because work serves wants. Work is only worthwhile if it produces something that is good for you or for someone else. Work is only worth doing if it produces something *someone* wants. Work must be in someone's self-interest or it is worthless. Suppose Gilligan is alone on an island; he may work as much or as little as he wants. He has no ethical obligations to do anything in particular. He may work on important things or on trivial things. How much time should he spend working and how much at leisure? As much as he wants. He should expend effort if, and only if, in his best judgment that expenditure of effort will make him best off in the long run. Similarly, if Gilligan is on an island with one million people who are like-minded and like-situated in every way, their thought process is the same. They should do what, in their best judgment, makes them better

off. They should expend effort only when it makes them better off. Some of those wants are trivial, some of them are important, but as long as they do what they all want to do, they ought to be allowed to do it. The trade model replicates this situation at the individual level. If it is good for society that individual A does x , and if they can find a way to make it in A's interest to do x , then everyone is better off. If they can put A in the position where she can't say no to x , they can make her worse off than she would be on her own. Only disagreement about the value of interaction can justify departure from voluntary interaction, but force causes problems of its own, and the trade model has advantages even when objectives differ. There is value in people with differing minds coming to agreement, rather than one party forcing the other to do things their way.

There is a belief among egalitarians that the desire to base human interaction on voluntary agreement rather than mutual obligation is somehow conservative—something that primarily benefits the wealthy lord who wants to ignore a starving peasant. But JPA does not appeal to the mutual obligation model to derive the wealthy lord's responsibility to pay taxes to help the starving peasant. It appeals to the trade model. The lord owes the peasant because the lord imposes duties on the peasant by claiming ownership of natural resources. By establishing a voluntary-participation economy, and letting the disadvantaged choose the trade model or the voluntarism model, society ensures that every participant is a willing participant, protecting the disadvantaged from the most significant injustices. Throughout history, the effective power to refuse participation in someone else's project has usually been what the oppressed—the Medieval serf, the Victorian proletarian, or the Soviet worker—lacked most. A mandatory-participation economy is for the disadvantaged. It does not

give them everything they want, but it asks nothing from them unless they give it willingly.

The last chapter mentioned that social contract theorists, egalitarians, and right-libertarians all refer to the trade model to justify the economic system. If we view the economy as a “cooperative venture for mutual benefit,”³ we indicate that the trade model is appropriate. Suppose A, B, and C live in autarky, producing by their own efforts.⁴ Suppose it is possible for them to create a more complex economy such as capitalism, welfare capitalism, or market socialism. As long as it is a project for mutual gain, what does it mean for this interaction to be fair, right, or just either in its terms or in its goals, other than that it was freely chosen by free individuals? A, B, and C should move to the new system and endorse its rules, if A, B, and C *want* to move to the new system. If the justification for any system over any other possible system is mutual benefit as the individuals see it themselves, individual agreement must be part of the justification for that system.

3. Agreement as a constituent part of just interaction

Whether the trade model, the pure voluntarism model, or the mutual obligation model is appropriate in any particular situation, this section argues that consent of participants is a constituent part of what makes interaction just. One contributing factor toward making it just for A and B to do x is that both A and B agree to do x . I will not argue that consent makes up the whole of what makes cooperation just, but I will argue that it is an inherently important factor, because people are moral agents with the ability to make choices. The freedom to make choices can be overridden in certain situations, but its intrinsic importance does not go away. Reasonable people are likely to disagree about the goals, methods, and terms of any joint project. One of

the things that make a joint project worth doing is that those who choose to participate in it come to some basic agreement to do so.

The alternative to agreement being a reason why doing x is just would be to say that people choose to do things for reasons, and agreement has only instrumentally important to fulfilling those reasons. Is it the fact of agreement that makes the interaction worthwhile or is it the reasons for the agreement that make the interaction worthwhile? People choose x because x is worthwhile for some reason; x is not merely worthwhile because someone chose it. If so, agreement seems to drop out of the equation. One could argue on this basis that if society can determine the just principles for contribution and reward, it does not need to give individuals the power to refuse or even that it would be wrong for them to refuse. Many egalitarian philosophers downplay the role of agreement in a justice economic, arguing that a fair or just obligation is determined by abstract principles largely independent of the literal agreement of the participants.⁵

There are situations in which consent is obviously central to just interaction. Chapter 2 gave sex as example. People choose to have sex with each other for reasons, but the fact that they choose to have sex is an essential component of what makes it worth doing. No amount of objective evidence for the mutual benefit of sex makes it right for a person, or a governmental authority, to force A to have sex with B against A's will, or to mandate a list of sexual partners (B, C, D, etc.), one of which A must choose, even if A would rather not have sex with any of them.

Consent is less important in other situations, such as Peter Singer's example of a drowning child. A passerby is the only person close enough to save the child, and he can do so with minimal effort.⁶ Most people, except for self-ownership extremists, agree that it is just for the passerby to save the child whether or not she agrees to do

so, and that it is unjust for the passerby to refuse. One justification could be that the passerby's consent has no value, but a more compelling justification is that whatever harm the passerby suffers from the brief and insignificant loss of freedom is extremely small compared to the harm the child experiences from death. The value of consent is not gone; it is overridden by extraordinary circumstances.

These examples show that there are situations in which consent is and is not essential for just interaction, but it is the first example that generalizes for most of the situations we find ourselves in. Most of the decisions we make from the most trivial to some of the most important require consent to be just. Should you and I play cards together? Should we vacation together? Should we start a business together? Should we get married? Should we have children together? None of these activities are worth doing unless we both agree to do them. The same is true for market transactions. Suppose you are walking through the market place. A vendor sells trinkets at "the just price" for trinkets, and therefore, she says you must trade your labor for one. You don't want it. She calls a police officer, who carefully considers the evidence that the vendor's price is just and asks your reasons for refusal so that she can evaluate them for acceptability. You insist your reasons are not relevant; you don't need to subject them to evaluation. The mere fact that you do not want the trinket is sufficient.

A market does not generate an abstract "just price," only an agreed price. If the potential buyer and seller do not agree on a price, the offers are not wrong; the deal is wrong. I do not commit an injustice if I offer to buy a wealthy man's house for one dollar. I merely get turned down. He does not commit an injustice to me if he says he won't sell his house unless he receives 100 times the market value of the house. He merely gets turned down. Most market transactions (with initially just property rights

and in the absences of fraud, coercion, externalities, etc.) have this character in which consent is all there is to justice.

Choice is important in all these examples because basic respect for other people involves recognizing their freedom to make their own choices. Even if the importance of consent might be overridden in an emergency, modern economies are more like the trinket seller than the drowning child. Most people intuitively respect the need for consent to justify almost all activities. The mandatory-participation economy creates one enormous exception to that respect: all people are obliged to contribute to a social project up to 40 hours a week, 50 weeks a year, 40 years of their lives whether or not they consent to the goals, methods, and terms of the project. This point of view is surprising when most of our economic activity is directed toward frivolous and often contradictory activities that can only hope to be justified on the basis that people choose to do them. We cannot simultaneously justify each particular economic activity by supposed consent and justify forced lifetime participation in the economy as a whole by a supposed emergency. Even most of those parts of our economy that are dedicated to fulfilling vital needs are not usually pressing emergencies like the story of the drowning child. Opportunities exist to use trade or voluntarism to fulfill the need.

Even ideas such as fairness and mutual benefit often flow from people's beliefs about what is fair and mutually beneficial. When people play games together, fairness is the adherence to mutually agreed rules. The rules of pool vary from country to country and region to region. There is no-objectively correct way to play pool; an unfair pool player breaks the rules agreed by the other players. It is not unfair or wrong for a person to refuse to play anything but German-rules pool in the United States, as long as she doesn't mislead or force anyone to play with her. One necessary

condition for making the rules of pool just is that both players are willing to play by those rules. To ensure that the rules of interaction have this feature for all individuals, we have to cede the power to refuse to all individuals.

It is ridiculous to suppose that this element has no application to an ordinary worker's decision to participate in economic interaction. But without independence, without the power to say no, the ordinary worker is subject to someone else's conception of desirable employment both in its goals and its terms. The most important injustices throughout history have not been that the powerful took a disproportionate share of wealth, but that the powerful took away the freedom of others and forced them to serve the powerful on terms chosen by the powerful. Carole Pateman quotes G. D. H. Cole as recognizing this point in 1919, writing "the wrong reply was usually given when people tried to answer the question of what was wrong with the capitalist organization of production, 'they would answer poverty [or inequality], when they ought to answer slavery.'"⁷ The same problem exists with any method of organizing production that forces individuals to participate.

4. Integrity

One might respond that sometimes people's conceptions about the desirable terms and goals are wrong, and in those cases one might justify holding a person to a compulsory obligation. I address this position by referring to Ronald Dworkin's argument for the importance of an individual's integrity as an ethical agent. According to Dworkin, life cannot be good just because the person thinks it is; she could be mistaken about what is good, but it cannot be in her own interest to lead a life she despises. Ethical integrity is achieved when a person lives life according to

her own convictions, and it is worth respecting even if some of her convictions are based on mistaken beliefs.⁸

Dworkin makes a distinction between experiential interests and critical interests. The first is the kind of interest we have in experiences for their own sake. There are many different experiences we might enjoy, but it is not necessarily a mistake to prefer one to another. The second is the deeper sort of interest we have about what makes life good that it would be a mistake not to value. For example, it would be a mistake to go through life without valuing friendship.⁹ One could argue that participation in a social project is a critical interest; people need to care about and contribute to each other's welfare by sharing in social production. Suppose with good democratic institutions we can make our project fair and mutually beneficial enough that there are no great reasons to object, so that all objections are likely to reflect weakness of will or gaming the system. That is, people refuse to contribute because they are seeking the instantaneous pleasure of idleness; they seek an experience interest at the expense of their long-term critical interests.

I have argued for skepticism about the belief that in such a conflict the majority is necessarily right and the individual wrong, but suppose the majority actually is right. It is against the individual's critical interest to refuse participation. They have a weakness of will and regret awaits them if they are allowed to make that mistake.¹⁰ Under these conditions, is there any reason to allow the individual to make this critical error? Integrity is one reason. We must consider another person's beliefs as data. By forcing them to go against their beliefs, we might be making them lead a life that is better in the abstract, but as long as their beliefs are unchanged, we are making them lead a life that for them is worse. As Dworkin puts it,

If we give priority to ethical integrity, we make the merger of life and conviction a parameter of ethical success, and we stipulate that a life that never achieves that kind of integrity cannot be critically better for someone to lead than a life that does.¹¹

A person might be making an error by choosing a certain life, and we might therefore want to persuade her to lead a better life, so that she can achieve ethical integrity at a higher level, but if we force her to lead what we believe to be a better life, we force her to lead a life that, for her, is worse.¹² We give her a life that is better in some ways at the expense of denying her integrity.

The priority of ethical integrity, as I employ it, does not prohibit encouraging people to make what we believe are better choices, but that we should do so with respect to their status as free individuals. We may encourage, persuade, and reward them for living a better life, but we cannot force them to lead a life that is not of their choosing. The protection of ECSO freedom does not in any way imply that people who refuse to take part in a joint project should share equally in its output, only that those who refuse to contribute to the project cannot be left in such a thoroughly bad state that they are effectively forced to contribute. This leaves great room to encourage people to make what we believe to be the right choices without violating their integrity. If we resort to force instead of persuasion, we harm mistaken dissenters as the people they are. We give them reason to feel less like a free contributor to a mutually beneficial social project and more like the forced servant of the powerful people in society.

5. Integrity, freedom, and the goals of the joint project

It is widely accepted that the government cannot force an individual to attend a church or tax her to support an organization promoting a particular conception of a good life. But if we deny the voluntarily unemployed access to a sufficient amount of resources, we put them in the position in which they must serve the goals of whatever employer comes along. Work serves wants, and in a market economy an employer can hire others to work for any goal the employer chooses. The worker serves these goals, whatever they may be. After she earns some money, she can begin to pursue her own goals. Social interaction in the market allows people to pursue many different goals, but a work obligation forces the propertyless to pursue goals they may not approve of. To someone who is willing to further those goals for that price, this is not a heavy burden, but to someone who objects to the goals she's asked to promote and who would rather have resources to work for her own goals, forced participation is a long, difficult sentence to fulfill.

To see the importance of this argument, imagine a society called Patriarchy in which the democratic ruling coalition enforces its belief that the good life requires a male breadwinner and female caregiver. It enforces that belief by forcing women into the position in which they must find and keep a husband or face financial destitution. This might not be hard to imagine. Men have important reasons to desire a wife, but they can go on unmarried without facing the thoroughly bad alternative of propertylessness. Suppose society tried to solve any abuses that follow from the dependence of women by regulating marriage. They create a form of unemployment insurance for unmarried women provided that women remained ready, willing, and able to marry as soon as a marriage partner became available. Certainly, any such set of laws make women unfree. Women who do not share this vision of the good life

would be made extremely unfree by these rules, but even women who do share this vision would be made unfree by laws that do not let them when and whether to begin pursuing their vision. As laws that threaten women who refuse marriage with destitution make women unfree in their marriage interactions, laws that threaten workers who refuse employment with destitution make workers unfree in their labor market interactions.

6. Integrity, freedom, and the fairness of the joint project

Anything as pervasive and complex as an economic system incorporates values not only about the good but also about the right. The terms of interaction reflect beliefs about what it means to be fair to other participants. Rawls argues for pluralism from the belief that reasonable people will disagree about what it means to live a good life,¹³ but he hopes that reasonable people can reach an overlapping consensus about what is reasonably fair and proposes several rules for fair distribution of the benefits of social cooperation. An overlapping consensus can justify the social regulations necessary to ensure fair labor standards while still holding every individual to a mandatory participation obligation.¹⁴ Nozick pointedly and simply responds that to say Rawls's theory of justice is reasonable is "hardly a convincing reply to anyone to whom it doesn't seem reasonable."¹⁵ Other authors have pointed out the asymmetry of Rawls's claim. If we can expect reasonable people to disagree about the content of a good life, we might also expect reasonable people to disagree about fairness, rights, and justice.¹⁶

Reasonable people do seem to disagree about the fairness of an economic system. Some people believe that a person who correctly guesses which number will come up on a roulette wheel should get a large cash prize, as long as she bets on that

guess beforehand. Other people believe this would be fair if the roulette wheel were not designed to give the house a small edge. Others believe all gambling is wrong. Some people believe that if two people work together they should divide whatever they produce equally or according to their effort, average product, marginal product, virtue, or need. One popular belief is that it is fair for a person to keep whatever she can get by trading with property owners. Some people believe that the terms are just if and when both sides freely agree to them.

A system that protects ECSO freedom works within the value systems of its participants who have differing beliefs about justice. It allows them to combine in any way they believe is fair, and if they do not find social cooperation fair, it allows them to live without actively supporting the system of social cooperation. They can use this leverage to negotiate a way of cooperation that is more acceptable to them, and if they don't get it, they don't have to participate. Therefore, with ECSO freedom protected, all participants participate willingly.

Without the power to refuse cooperation, an individual controls no aspects of cooperation. As Fabienne Peter argues, consent to take one job in the market does not imply consent to the market as a whole if there is no other alternative.¹⁷ Others choose the goals, the terms, and the range of choices. The individual has as much choice as they allow her to have. Such a system can seek consensus through the political process, but the pressing political question in our world is what to do in the *absence* of true consensus. A system that asks for voluntary cooperation offers its citizens the opportunity to share its values without forcing those values on them. A system that gives every citizen unconditional control over some amount of external assets gives each citizen a sphere of control over her life and interactions. Within the sphere an individual controls, her values prevail unless she chooses to compromise to combine

hers with someone else. Hopefully, people will find ways to work together that are good for both, but by not allowing society to force its values on individuals, society forces itself to find a way to make sure that all cooperation is consistent with the values of the people involved in cooperation and to respect those who do not fit in.

One could reply that some of those individuals will simply have bad values. Some people have racist, sexist, or otherwise destructive values. Is it really so important to give people with such values the power to refuse cooperation with a non-racist, non-sexist system? My first response to this question is another question: what feature of destructive value systems is most worthy of our objection? It is the use of force. One of the justifications for our system ought to be its avoidance of force. Sex again provides a good example: it cannot be just without consent, even if a person withholds consent for bad reasons. Suppose A refuses to have sex with B only because B refuses to join a hate group. No amount of objective evidence that sex is mutually beneficial or that A's refusal is badly motivated makes it right for B to force A to have sex. The minimal level of decency with which B can treat A requires him to free her from force sex and respect her autonomy over her reasons even if her reasons are bad. As a democratic society with a just economic system, there must be some level of decency that we must have for those who do not share our desire to be a part of it.

The best way to handle people with destructive value systems is not to force them to follow other values, but to keep them out of positions of power where they can force their values on others. If a person's bad values lead her to go out and murder, steal, and oppress others, self-defense requires her to be stopped. But if a person's bad values—no matter how hateful and destructive—lead her to stay home and tend her own garden, self-defense does not require her to be stopped. Remember

that people who refuse receive only a social minimum. They pay a price for their nonparticipation in that they will have to make do with access to fewer external assets than participants.

It is not necessarily the government's job to differentiate such a person from someone (such as a contemplative monk) who does the same thing for what we judge to be good reasons. We can try to encourage that person to adopt better values, but forcing her into a cooperative project that she despises is not the best thing for her or for social justice. A society that protects everyone's independence gives people the least possible power to impose their values on others, and hence the best protection against destructive values. This strategy might not make people with destructive value systems see the light and the value of a pluralistic society, but it would make them much less dangerous should they get into a position of power.

7. Why don't more people feel unfree?

If everyone who is forced by propertylessness to seek employment is unfree, many people in modern society are unfree. Why don't more people feel unfree? It would appear to be evidence against my claim that ECSO freedom captures what it means to be a free person, if so many people can be unfree in those terms without feeling unfree. I offer two replies to that argument: the type of unfreedom described here does not press on everyone, and those on whom it does press may not voice their complaints in these terms.

The lack of ECSO freedom presses significantly only on those who have undesirable options that they would refuse if only they had the power, but many people have good jobs that free them from material deprivation and that they would do even if they had the power to refuse. People in this position do not often feel the

need for the power to refuse. Employment does not make a person unfree, forced or involuntary employment makes a person unfree. Cohen argues that being forced to do something does not necessarily entail doing it involuntarily.¹⁸ For example, when I walk down the street, I have no desire to break every window I pass. I freely and voluntarily refrain from breaking windows. I know that if I were to try to break every window I pass, someone would force me to stop before I finished, but being forced to refrain from something I don't want to do anyway doesn't bother me. It's barely noticeable. My compliance is both forced and voluntary.

The unfreedom faced by people who currently have acceptable jobs is hard to envision: am I vulnerable to losing my job in an economic downturn? Has my limited economic power reduced my leverage to demand better terms? Would the power to refuse increase my options of how I can live my life? These are not pressing day-to-day concerns for people in this group.

If everyone in society were permanently in the position in which they had no desire to refuse the available options, a basic income guarantee could exist without anyone choosing to live off it, which would be a very desirable outcome. If such an outcome is possible, the power to say no may not be essential for making everyone feel the benefits of ECSO freedom, but it is still important to protect that power. Denying people the power to say no on the grounds that we know that they will say yes is suspicious to say the least. We would be rightly suspicious of a society that had no mechanism to report rape on the grounds that men in that country did not commit rape. Even if I chose to say yes to such-and-such action I still have the right to control my actions, and therefore, the power to say no should still be protected. In other words, even if it were a fact that everyone would say yes given the opportunity to say no, no one has the right to put another in the position in which they must say yes.

Protecting the power to say no is at worst superfluous, and eliminating that protection has enormous potential dangers against the most vulnerable. If there is any uncertainty at all, diligent protection is needed to ensure that the conditions we believe hold actually do hold and will continue to hold.

There are people who would refuse the options available if they had the power: the poor, the disadvantaged, dissenters who object to what they must do to comply with society's conditions; and those who do comply and still live in deprivation. Although the lack of ECSO freedom presses heavily on this group, they are likely to voice their complaint in other terms. Most of those who are hard pressed economically are too busy struggling to survive to think much about the issue of liberty or even to complain about their situation. People tend to accept the world around them. It's uncertain how often medieval serfs dwelt on their extreme lack of freedom rather than simply acquiescing to the inevitable, but their acquiescence did not make them free. Modern disadvantaged people have few personal targets to single out for complaint but merely an insensitive system that gives them the message that their position is their fault. When they do complain, some voice it in terms of freedom, but there are many other equally legitimate ways to voice a complaint about one's poverty.

People who live in poverty are regularly accused of laziness, and in response it might be prudent for them to direct their complaints toward working conditions and pay rather than toward the fact that they are forced to work. Independence gives a person the power to refuse a bad offer, but the hope is not that it ends there—with a large number of bad offers on the table and a large number of people refusing them. The power of independence is the power to refuse offers unless and until an acceptable offer arrives, and hopefully, if there are large numbers of refusals, offers

will improve. Poor people who complain are not necessarily thinking about how they would enjoy the freedom from a mandatory work obligation, but about the enjoyable terms of cooperation they could have if they could command them.

Certainly all theories of a just economic system, from right-libertarianism to socialism, hope that they will be able to build a system that is sufficiently good that everyone will contribute willingly. The goal of a society that protects ECSO freedom is the same. The difference between a society that protects ECSO freedom and one that does not is where they put the burden if that goal is not achieved. If a system that does not protect personal independence is unable to achieve this goal, it forces the disadvantaged to contribute anyway. If a society that protects independence is unable to achieve this goal, it allows the disadvantaged to refuse to contribute. The first-best argument for the power to refuse is that there are many aspects of the social project that people can reasonably disagree about; we should expect disagreement; and we should not force people into a project they disagree with.

For many of the disadvantaged, the thing they would most want is the ability to command better terms from the rest of society. This brings the discussion of ECSO freedom to its instrumental role in protecting the vulnerable.

¹ StoneE-Producktions, "Quotes from Our Native Past," StoneE Producktions, <http://www.ilhawaii.net/~stony/quotes.html>.

² See Chapter 9.

³ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), p. 4.

⁴ As in Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 184.

⁵ Agreement is present in some way in nearly every theory of justice, but Chapter 8 argues that literal agreement is under-emphasized in Elizabeth S. Anderson, "What is the Point of Equality?," *Ethics* 109, no. 2 (1999); Nozick (1974); Rawls (1971); John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001); John Rawls, *Political Liberalism* (New York:

Columbia University Press, 2005); Stuart White, *The Civic Minimum* (Oxford: Oxford University Press, 2003). Agreement is more important in Brian Barry, *A Treatise on Social Justice, Volume 2: Justice as Impartiality* (Oxford: Clarendon Press, 1989); A. Gibbard, "Natural Property Rights," in *Left-Libertarianism and its Critics*, ed. P. Vallentyne and H. Steiner (Basingstoke: Palgrave, 2000); G. A. Cohen, *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995); John Christman, *The Myth of Property: Toward an Egalitarian Theory of Ownership* (New York: Oxford University Press, 1994); Michael Otsuka, *Libertarianism Without Inequality* (Oxford: Oxford University Press, 2003); Philip Pettit, *Republicanism: a theory of freedom and government* (Oxford: Clarendon Press, 1997); Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986). Van Parijs argues for maximizing the least advantaged individuals' freedom to do whatever they might want to do, but the agreement of the least advantaged individuals to the projects they end up participating in has little or nothing to do with the motivation for the theory, Philippe Van Parijs, *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1995).

⁶ Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no. 3 (1972).

⁷ C. Pateman, *The Sexual Contract* (Cambridge: Polity, 1988).; G. D. H. Cole, *Self-Government in Industry* (London: G, 1919), p. 34.

⁸ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), pp. 266-270.

⁹ R. Dworkin, *Life's Dominion* (New York: Vintage Books, 1993), pp. 201-202.

¹⁰ *Ibid.*, p. 223.

¹¹ Dworkin (2000), p. 270.

¹² *Ibid.*, pp. 270-272.

¹³ Rawls (2005), pp. 54-58.

¹⁴ Rawls (1971); Rawls (2001), p. 257.

¹⁵ Nozick (1974).

¹⁶ R. Plant, *Politics, Theology and History* (Cambridge: Cambridge University Press, 2001); S. Caney, "Liberal Legitimacy, Reasonable Disagreement and Justice," in *Pluralism and Liberal Neutrality*, ed. R. Bellamy and M. Hollis (Ilford: Frank Cass, 1999).

¹⁷ F. Peter (2004) "Choice, Consent, and the Legitimacy of Market Transactions" *Economics and Philosophy* 20 (1), 1-18.

¹⁸ G. A. Cohen, *History, Labour, and Freedom: Themes from Marx* (Oxford: Clarendon Press, 1988), 239-254.