

Economic Rights

CONCEPTUAL, MEASUREMENT,
AND POLICY ISSUES

Edited by

Shareen Hertel

University of Connecticut

Lance Minkler

University of Connecticut

CAMBRIDGE
UNIVERSITY PRESS

2007

6 Benchmarking the Right to Work

PHILIP HARVEY

INTRODUCTION

The prevailing view among progressive as well as conservative economists in the United States today is that unemployment cannot be driven much below the 4 to 6 percent range – well above the 2 percent level that progressive economists in the 1940s considered achievable (Clark et al. 1949: 14).

This is an uncomfortable reminder that in an earlier era progressives had higher hopes concerning the possibilities for eliminating involuntary unemployment than they do today. In the 1940s progressives thought they could guarantee the availability of enough good jobs to provide decent work for all job seekers, thereby moving from a world of perennial job shortages to one of sustained “full employment” in which the “right to work” would be secured. Today, few progressive economists (and fewer still of those who have the ear of progressive policy makers) think that goal is achievable. Instead, they implicitly or explicitly accept the view that job shortages are either inevitable in a market economy or cannot be eliminated except by making unacceptable sacrifices in job quality, and that public policy accordingly should aim to ameliorate the bad effects of those shortages rather than eliminate them.

Why does this matter? It matters because the achievement of full and decent employment was the foundation on which the vision that has guided progressive reform efforts for the past 60 years was built in the 1940s and for which a satisfactory substitute has yet to be found.¹ Believing it possible to provide decent work for all job seekers, 1940s progressives envisioned a society that not only guaranteed its members the traditional freedoms of classical liberalism, but also the positive rights necessary to turn formal freedom into real freedom, formal equality into real equality, and formal democracy into real democracy.

¹ The most ambitious attempt to find a replacement for full employment as a foundation for the progressive reform agenda consists of proposals to provide all members of society with an unconditional basic income guarantee as a way of eliminating poverty and promoting individual freedom (Van Parijs, 1995; Standing, 2002). Unfortunately, I do not believe that such a guarantee would provide a satisfactory substitute for securing the right to work, as that right is conventionally defined (Harvey, 2003, 2005).

Nowhere was this vision more clearly expressed than in Franklin D. Roosevelt's 1944 State of the Union Message in which he expressly noted the inadequacy of the political rights guaranteed by the U.S. Constitution to secure all of the human rights proclaimed in the U.S. Declaration of Independence (Roosevelt, 1944).

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

As our nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. “Necessitous men are not free men.” People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

The first item in Roosevelt's proposed economic bill of rights was “[t]he right to a useful and remunerative job in the industries or shops or farms or mines of the nation.”

Nor can Roosevelt's speech be dismissed as a rhetorical nod to concededly unachievable goals. New Deal economic and social planners had been busy since the earliest days of the Roosevelt administration developing and, when they could, implementing strategies for securing all of the rights Roosevelt enumerated – including in particular the right to a decent job. For them, the President's “Second Bill of Rights” was not pie in the sky. It was the New Deal reform agenda expressed in the rights based language that increasingly was being used at the time to describe its aims (Harvey, 1989; Forbath, 1999).

Four years later the progressive vision Roosevelt articulated was given more authoritative expression in the economic and social provisions of the Universal Declaration of Human Rights.² Once again the right to work was listed first among the economic and social rights enumerated in the text, and for the next three decades

² Nothing could be further from the truth than to think of the Universal Declaration (G.A. Res. 217A, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948)) as a foreign document alien to American values. It is more properly viewed as an international affirmation of the New Deal's guiding philosophy, which was first articulated in the planning documents that presaged Roosevelt's 1944 State of the Union Message (see Committee on Economic Security, 1935; National Resources Planning Board, 1943). This vision was further refined in the influential 1945 Statement of Essential Human Rights authored by an international committee of experts working under the auspices of the American Law Institute (see American Law Institute, 1945). The Universal Declaration itself, of course, was drafted by a committee chaired by Eleanor Roosevelt, the American President's widow and tribune of New Deal values within his administration (Glendon, 2001).

progressive reform agendas in developed market societies were informed by the hopeful presumption that full employment was achievable.

Then something happened to shake the confidence of progressives in the achievability of this vision. At the risk of oversimplifying a complicated historical turning point, I will suggest that it was the stagflation crises of the 1970s that effected this change by causing progressives to lose confidence in their own ability to achieve full employment. In the mid 1970s the full employment foundation of the progressive reform agenda seemed to crack under the weight it was carrying, and progressives found themselves not only on the defensive, not only scrambling to protect the social welfare programs and institutions they had devoted their lives to building, but without a clear vision of how to move forward in achieving their long term policy objectives.

In this paper I assess the fate of the 1940s era full-employment/right-to-work policy goal in the wake of the stagflation crises of the 1970s. I argue that progressives have responded to their loss of faith in full employment by concentrating instead on securing those aspects of the right to work that appear not to require the achievement of full employment while modifying their view of full employment itself to reflect their new, more modest expectations.

Believing that this abandonment of the full-employment/right-to-work policy goal is both unnecessary and pernicious in its effects on efforts to secure economic and social rights in general, I propose a conceptual clarification of the right to work that distinguishes its different dimensions. Having distinguished the separate dimensions of the right to work, I underscore the importance of securing all aspects of the right and assess how progress in securing each aspect can be measured. In that regard I applaud recent efforts by the International Labor Organization to define and promote the realization of the qualitative and distributive aspects of the right to work, and I also applaud the growing attention progressives have paid to expanding what I term the scope of the right. I am critical, though, of the trend to discount or ignore the importance of securing the quantitative aspect of the right to work – the dimension traditionally associated with the achievement of full employment. To provide a conceptual counterweight to that trend I conclude the chapter with a technical definition of full employment which is consistent with the goal of securing the quantitative aspect of the right to work. This definition is suitable for practical use in measuring and monitoring compliance with the obligations of the United Nations and its member states to “promote . . . full employment (UN Charter, art. 55), and the broader duty of governments, international organizations and non-governmental actors to secure “universal and effective recognition and observance” of the right to work.³ It is my hope that this definition will encourage progressives to think more carefully about what is needed to secure all aspects of the right to work and to devote more attention to the task of monitoring and assessing the performance of public policies in achieving that goal.

³ Because the Universal Declaration is not a treaty, most (but not all) international lawyers take the view that it does not impose legally binding obligations on nation states. A less frequently noted consequence of its non-treaty status, though, is that it was intended to describe the rights-based obligations not only of nation states, but also of individuals and non-state institutional actors in society. The Declaration’s preamble, quoted below, makes this clear. Hence, it is just as appropriate to query whether the actions of non-state actors honor the rights recognized in the Universal Declaration as it is to address the same query to the actions of nation states.

THE FULL-EMPLOYMENT/RIGHT-TO-WORK POLITICAL AGENDA

The Universal Declaration of Human Rights occupies a special place in international law. Adopted by the General Assembly of the United Nations in December 1947 by a vote of 48 to 0,⁴ the document was intended to establish

a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. (Universal Declaration of Human Rights, Preamble)

As noted above, the “common standard of achievement” recognized in the Universal Declaration encompasses not only the so-called negative rights associated with classical liberal political theory but also a set of positive rights associated with social democratic theory. Among the latter, the right to work occupies a particularly important position because of the role it plays in supporting efforts to secure other economic and social rights. This contributory function stems in part from the breadth of the right to work itself⁵ and in part from its effect on both the level of unmet social needs in a society and the level of resources available to meet those needs. Because of this dual effect (reducing unmet needs while simultaneously increasing societal resources), a society that is successful in securing the right to work is likely to have an easy time securing the full range of economic and social rights recognized in the Universal Declaration (e.g., the right to adequate food, decent housing, adequate health care, a good education, income security for persons who are unable to be self-supporting, and so forth). On the other hand, a society that fails to secure the right to work (as most do) is likely to find it very difficult to secure other economic and social rights as well. In this respect the right to work occupies a position among economic and social rights that is analogous to that occupied by freedom of speech among civil and political rights.

That being the case, one would expect advocates of economic and social rights in general to attach special importance to securing the right to work. Indeed, one

⁴ Eight countries abstained on the final vote. They were Byelorussia, Czechoslovakia, Poland, Saudi Arabia, South Africa, the Soviet Union, the Ukraine, and Yugoslavia.

⁵ As it is defined in the Universal Declaration, the right to work itself encompasses a broad set of entitlements constitutive of economic and social rights in general. First, it is a right actually to be employed in a paying job, not just to compete on terms of equality for scarce jobs. Second, the jobs made available to secure the right must provide “just and favorable conditions of work” and pay wages sufficient to support “an existence worthy of human dignity.” Third, the jobs also must be freely chosen rather than assigned. In other words, job seekers must be afforded a reasonable selection of employment opportunities and the right to refuse employment. Fourth, the right includes an entitlement to “equal pay for equal work,” which implies a lack of invidious discrimination among different population groups and also as between persons doing similar work in different occupations or for different employers in the same occupation. Finally, the right includes the right of workers to “form and join trade unions for the protection of [their] interests,” thereby ensuring that workers will have the opportunity to share in the governance of their workplaces. (Universal Declaration of Human Rights, Article 23) For a more extended discussion of the right, *see* Harvey (2002).

would expect it to be at the top of virtually all progressive reform agendas. Yet this is decidedly not the case today. While politicians of all stripes promote a myriad of policy proposals by citing their putatively positive effect on job growth, there is virtually no organized political support and very little public advocacy for the claim that governments have a duty to adopt policies guaranteeing all job seekers access to decent jobs. That claim, so succinctly expressed in the Universal Declaration, has virtually disappeared from public discourse.

What accounts for the sparse attention given to the right to work in progressive reform proposals today, a status that is strikingly different from its centrality to the progressive reform agenda in the 1940s? I believe the key to understanding this change lies in the changing attitudes of progressive economists towards full employment as an economic policy goal.

Although the achievement of full employment is not identical to the goal of securing the right to work (Harvey, 1999), the two objectives were viewed as virtually synonymous in the 1940s. As explained above, the idea that access to work should be viewed as a fundamental right had been percolating within the Roosevelt administration for some time before it found expression in the President's 1944 State of the Union Message. At the same time, progressive economists were embracing the Keynesian notion that full employment could be achieved by macroeconomic manipulation of the aggregate level of demand in market societies. Popularly understood as the elimination of involuntary unemployment, the achievement of "full employment" was commonly perceived as the economist's answer to the question of how the right to work could be secured.

This understanding of the meaning of full employment was less clear in the economics literature. The term "full employment" had been used by economists since the early 1920s to describe the policy goal of providing work on a continuous basis to a country's entire labor force (Hobson, 1922: 6-7, 40; Commons, 1923: 642, 644), but it was not until the 1940s that this usage became widespread and the term assumed something approaching iconic status in public policy discourse. For economists, though, the term's meaning was never that clearly defined or understood, and a certain fuzziness surrounded its use by professional economists despite (or perhaps because of) its popularity and positive connotations (Rees, 1957). Despite this endemic vagueness in the precise meaning of the term, progressive economists continued to conceive of full employment as a macroeconomic condition in which involuntary unemployment was eliminated by the achievement of high enough levels of aggregate demand to provide paid employment for everyone who wanted it; and as long as a substantial group of economists thought that goal was achievable, advocacy of the right to work continued to be associated with the full employment policies promoted by these economists. We see that association in the Employment Policy Convention adopted by the International Labor Organization (ILO) in 1964 (International Labor Organization, 1964: Art. 1, ¶¶ 1 & 2), and in the right to work provision of the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966: Art. 6). Thus, to the extent the goal of securing the right to work was still being promoted in the 1960s,⁶ the achievability of that objective was perceived to

⁶ In the United States, the commitment of human rights advocates to economic and social human rights was so attenuated during the 1950s that right wing opponents of the right to work were able to

depend on the viability of the full employment strategies Keynesian economists had been advocating since the 1940s.

Given this history, it is hardly surprising that when both popular and expert faith in Keynesian economics collapsed in the stagflation debacle of the 1970s, advocacy of the full employment/right to work policy goal was profoundly effected. The prevailing view among progressive as well as conservative economists since then has been that unemployment rates cannot be driven much below the 4-6 percent range without triggering an unacceptable increase in the rate of inflation – well above the 2 percent level that progressive economists in the 1940s equated with full employment (Clark et al., 1949: 14). The result of this loss of faith in the achievability of full employment (in the 1940s sense of the term) has been that progressives, and particularly progressive economists, have become hesitant to advocate either full employment or the goal of securing the right to work as public policy goals.

Full employment has largely disappeared from the progressive political agenda while the term itself is increasingly used by progressives in the same way it is used by conservatives. That is, the “full employment” designation is used to refer to the lowest level of unemployment it is considered prudent for the government of a market society to try to maintain. In a murky nod to the more robust conception of full employment that an earlier generation of progressive economists embraced, progressive economists today prefer to say that the economy is “close to” full employment rather than “at” full employment when they believe unemployment rates have fallen about as low as it would be prudent to drive them; but other than that, the only difference between conservatives and progressives in their usage of the term is that progressives tend to believe the sustainable level of unemployment is somewhat lower than conservatives think it is. In the United States, for example, conservative economists seem to feel comfortable using the term when unemployment rates fall to the 5-6 percent range, whereas progressive economists don’t start using the term until unemployment rates fall to the 4 percent level (and even then typically with the “close to” qualifier noted above) (*see, e.g.*, Bernstein and Baker, 2003).

As regards the right to work, progressives have either stopped talking about it or have sought to redefine the right in ways that de-emphasize the importance of full employment as a means of securing it. For most progressives this has involved an increased emphasis on what I will define below as the distributive and qualitative aspects of the right to work (a strong commitment to equal employment opportunity and the achievement of decent wages, benefits and working conditions for all workers) and a decreased emphasis on what I shall define below as the quantitative aspect of the right to work (ensuring the availability of enough jobs to provide paid employment for everyone who wants it). These progressives seem to hope that the achievement of equal employment opportunity will ensure that no one need wait too long for a job, thereby obviating the need to provide enough jobs to employ all job seekers simultaneously.

appropriate the term for their own use, adopting it as the rallying cry of an employer-funded anti-union campaign that is still active today. Since then, several generations of American progressives have grown up thinking that the right to work is a right wing, anti-union slogan. *See* National Right to Work Committee, at <http://www.nrtwc.org/>.

For a smaller number of progressives, the advocacy of decent work and equal employment opportunity has been combined with a commitment to providing increased societal support for non-market work in the form of an unconditional income guarantee. For these “Basic Income” advocates, the traditional conception of the right to work is dismissed as improperly focusing on paid employment rather than the full range of creative activities in which people can and do engage both inside and outside the market. Viewed from this perspective, a better way to guarantee the right to work would be to guarantee people a livelihood free of the obligation to seek and accept paid employment (Standing, 2002).

Because of these tendencies, progressives are no longer identified – either in their own eyes or the eyes of the public – as advocates of the right to work proclaimed in the Universal Declaration. And given the cornerstone role that right plays in the Universal Declaration, progressives may feel constrained in their embrace of the entire document.

This tendency has been most noticeable in the advocacy work of organizations like the ILO whose support for the 1940s conception of full employment and the right to work was particularly pronounced in the pre-1970s period. The enduring attraction of the right to work goal can be seen in the ILO’s current promotion of “decent work for all,” (Somavia, 2000), but it is significant that a new term has been adopted to replace the right to work as a policy goal. More significantly, the organization’s efforts to define decent work and formulate policy recommendations for securing it illustrate how profoundly progressive economists have been affected by their loss of faith in the achievability of full employment.

When the ILO undertook to formulate an employment strategy capable of achieving “decent work for all,” the strategy it embraced virtually ignored the quantitative aspect of the decent work vision (the “for all” part of the “decent work for all” goal) in favor of a forceful advocacy of a wide range of rights *at work* (the “decent work” part of the goal) (International Labor Organization, 2002). In truth, the employment strategy promoted in the ILO’s *Global Employment Agenda* does not aim to achieve full employment – at least not in the 1940s sense of the term – nor to secure the right to work.⁷ Fairly stated, the goal promoted in the document is merely to ensure that all paid employment is “decent” and to reduce involuntary unemployment to the minimum level consistent with price stability while promoting increases in labor productivity to create “more room for growth oriented demand policies” (ibid.: 4).

The same tendency can be seen in subsequent efforts by the ILO to define benchmarks for measuring progress in achieving the organization’s “decent work” policy goal. A recent issue of the *International Labour Review* was devoted to this subject (International Labor Organization, 2003). The articles published in the

⁷ The *right to work* is never mentioned in the document – a startling omission given its prominence in the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the ILO’s own Employment Policy Convention No. 122. “Full employment” is mentioned only five times in the ILO’s *Global Employment Agenda*, (International Labor Organization, 2002: 4, 45, 85 & 89) and only once in a context that suggests its original connotation (ibid.: 45). Significantly, that reference notes that the World Summit for Social Development endorsed the full employment goal articulated in Convention 122, but it doesn’t make clear whether the ILO itself still views the goal as achievable. Based on the evidence of this document, it would be reasonable to conclude that it does not.

issue, most of them authored by members of the ILO's technical staff, propose a panoply of indicators, but what is most striking about these indicators is their focus on the quality of paid employment and the degree to which equal employment opportunity has been achieved as opposed to the task of assessing how close an economy has come to achieving full employment and/or securing the right to work.

If even the ILO has lost faith in the full employment/right to work policy vision, maybe it is time to accept the vision's demise. Maybe the *sub silentio* amendment of the Universal Declaration to which progressives have acceded – striking out its recognition of the right to work in the 1940s sense of the term – should be acknowledged. Maybe it's time to admit that the only right to work progressives think is achievable is one that strives to guarantee decent work for all wage laborers, equal employment opportunity for all job seekers, and 4 percent unemployment – whether or not that qualifies as full employment in the original sense of the term.

Before countenancing such a step, though, it is important to note just how much the loss of faith in the goal of securing the right to work as it was conceived in the 1940s depends on a loss of faith in just one strategy for achieving that goal – the simple Keynesian strategy of boosting aggregate demand until the labor market clears. Perhaps the problem lies not in the goal but in the too easy acceptance by progressives of this strategy and their failure to commit themselves to the task of fashioning an alternative strategy for securing all aspects of the right to work. The lack of scholarly literature addressing the topic of how to secure the right to work – the policy goal that comprised the *raison d'être* for progressive interest in full employment in the first place – speaks volumes in this regard.

Before conceding that the right to work as it is defined in the Universal Declaration is beyond our reach, I believe progressives should feel a duty to explore – systematically and thoroughly – whether alternative strategies exist that could secure the right. After all, claims that access to work should be viewed as a human right were asserted long before the publication of Keynes' *General Theory*, and other strategies for achieving full employment or its functional equivalent have been advocated both before and since progressive economists embraced the Keynesian prescription for achieving that goal. Indeed, within the New Deal Administration of Franklin Roosevelt, where the policy goal of securing the right to work reached its fullest development in the 1930s and early 1940s, the strategy originally advocated for achieving that goal was decidedly un-Keynesian. It assumed that private sector demand could never be relied upon to provide paid employment for everyone who needed it, even at the top of the business cycle, and that direct government job creation was therefore essential to provide "employment assurance" for all job seekers (Committee on Economic Security, 1935: 23-30; National Resources Planning Board, 1943: pt. 3, pp. 226-88). Before writing off the right to work recognized in the Universal Declaration, this and other possible strategies for securing that right deserve a focused and complete assessment.

It is not the purpose of this paper to undertake such an assessment, though I have contributed elsewhere to that task (Harvey, 1989, 1995a, 1995b, 1999, 2000a, 2000b, 2002). The more limited goal of this paper is to address the question of how full employment and the right to work should be defined for benchmarking purposes. In other words, the question I hope to help answer is how full employment and the various entitlements comprising the right to work should be

measured for purposes of assessing the relative capacity of different strategies to achieve full employment (or its functional equivalent) and secure the right to work.

THE FOUR DIMENSIONS OF THE RIGHT TO WORK

As noted above, the right to work recognized in the Universal Declaration is a multi-dimensional entitlement. For purposes of assessing alternative strategies for securing the right I believe it is useful to group those dimensions under four headings. The first three refer to what I call the quantitative, qualitative, and distributive aspects of the right, while the fourth refers to its scope.

The Quantitative Aspect of the Right to Work. The quantitative aspect of the right to work is intended to protect the right of job seekers actually to be employed in freely chosen jobs, not simply to compete on terms of equality for scarce employment opportunities. Securing the right accordingly requires that the number of jobs available in an economy exceed the number of persons wanting paid employment,⁸ that those jobs be of a type suited to the skills of the labor force, and that no barriers exist which would prevent job seekers from filling those jobs. This condition is what the term full employment was understood to mean when it first gained popular currency in the 1940s.⁹

The Qualitative Aspect of the Right to Work. The qualitative aspect of the right to work includes those factors which determine whether a particular job qualifies as “decent work” in the sense in which the ILO uses the term. These factors define the terms and conditions of a particular job – including such things as pay, fringe benefits, hours of work, working conditions, workplace governance, employment security, and so forth. For the right to work to be secured, it is not enough that the number of jobs available in an economy exceed the number of job seekers. Those jobs must provide “decent work.” This means that a particular job must satisfy certain minimum standards to be counted as securing a particular individual’s right to work. Moreover, since securing the right to work is itself instrumental to the broader goal of ensuring all members of society the opportunity to freely develop their personhood,¹⁰ the employment opportunities a

⁸ It might be theoretically possible to secure the right to work in an economy with fewer jobs than job seekers, but it would require the achievement of a set of conditions that probably would be harder to achieve than full employment. For a more extended discussion of this point, see Harvey (2002: 437-67).

⁹ The clearest statement of this conception of full employment is the one popularized by William Beveridge (1944: 18).

It means having always more vacant jobs than unemployed men, not slightly fewer jobs. It means that the jobs are at fair wages, of such a kind, and so located that the unemployed men can reasonably be expected to take them; it means, by consequence, that the normal lag between losing one job and finding another will be very short.

¹⁰ The economic and social provisions of the Universal Declaration are contained in Articles 22-28. All of these rights are designed to promote the “full development of the human personality,” a phrase that appears in slightly different form in three of the Declaration’s articles (Articles 22, 26 and 29), and whose spirit pervades the entire document. As one commentator has noted, “the right to ‘the full development of the human personality’ was seen by most delegates to the committee that drafted the

society provides to secure the right to work must also be of sufficient variety and type to fulfill that role. Accordingly, the qualitative features employment opportunities must possess to satisfy the right to work depend on the developmental needs of a population as well certain absolute quality requirements.

The Distributive Aspect of the Right to Work. Just as the operational content of the right to work reflects the Universal Declaration's overarching commitment to the free development of the human personality, so too does it reflect the Declaration's equally strong commitment to the equal worth and equal rights of all persons.¹¹ This means that the achievement of equal employment opportunity and equal conditions of employment for all persons – regardless of such differentiating characteristics as their race, gender, religion, national origin, political opinion, social class, or other analogous status – is also essential to secure the right to work. This, in my view, is the proper object of policies designed to overcome or eliminate what I referred to above as *structural* barriers to employment.

The Scope of the Right to Work. When the Universal Declaration was drafted it is safe to assume that the principles embodied in the right to work were generally viewed as applying only to wage employment. In other words, the right to work was originally conceived as a right to a paying job. Nevertheless, the language defining the right to work in the Declaration does not limit its scope to wage employment, and since a large proportion of the world's population work in capacities other than that of a wage laborer, the question naturally arises as to whether and how the right applies to non-wage employment – whether of a hunter/gatherer, a subsistence farmer, an independent producer of agricultural or other commodities, or one of the many categories of unpaid family care or volunteer community service workers on which even fully developed market economies depend for their survival.

It is not the purpose of this paper to try to answer these questions, but I have argued elsewhere that the boundaries of the right to work and the mechanisms appropriate for securing the right for non-wage workers should be considered in conjunction with other economic and social rights recognized in the Universal Declaration (Harvey 2003: 23-27).

The Universal Declaration adopts what can be described as a two-legged strategy for ensuring that all persons enjoy an adequate standard of living. One leg of this strategy consists of the right to work. The other leg consists of the right to income support for persons who are not able to be self-supporting. The two legs of the strategy are intended to provide income security for all persons, but the entitlements

Universal Declaration as a way of summarizing all the social, economic, and cultural right in the Declaration.” (Morsink, 1999: 212). The role played by the economic and social provisions of the document in achieving this overarching goal is to ensure that all members of society are guaranteed access to the resources, opportunities and services they need to fully develop and express their own personhood within communities that accept the collective burdens of mutual support and respect.

¹¹ This commitment is most clearly expressed in Articles 1 and 2 of the Declaration.

comprising the two legs do not apply to separate people so much as they do separate circumstances which may apply serially or simultaneously to the same individuals (Harvey, 1989, 2003, 2005).

Since the Universal Declaration recognizes that all members of society are entitled to a decent standard of living, deciding whether the right to work should be viewed as applying to particular categories of non-market or non-waged work involves not so much an inquiry into whether the activity is worthy of societal support, but how that support should be provided, the level of support to which persons engaged in the activity should be deemed entitled, and the nature and extent to which all of the corollary entitlements associated with the right to work should apply to persons engaged in the activity. Justice may dictate that persons engaged in a particular activity be compensated, but not necessarily in the form of a wage. The level of compensation to which they are entitled may vary widely, just as it does for people engaged in different types of wage labor. Concerns over working conditions may need to be addressed, but not necessarily by means of the same mechanisms used to regulate the working conditions of wage laborers. As the right to work is extended to categories of work other than wage labor, the mechanisms for securing the right will also extend beyond those associated with wage labor. There is no simple formula for addressing these issues. It is *terra nova* for human rights advocates, and substantial theoretical and empirical work is needed before the landscape is adequately mapped. The task should be welcomed, though, as an important undertaking in the continued development of human rights standards.

One contribution to this effort that I think is helpful but flawed consists of proposals to guarantee all members of society an unconditional basic income (BI) irrespective of their participation in the labor force. Advocates of the BI idea argue that if such a guarantee were pegged at a sufficiently high level, it would eliminate poverty in one fell swoop (thereby guaranteeing the right to a decent standard of living recognized in the Universal Declaration) and also guarantee an adequate or possibly superior form of the right to work by subsidizing everyone's ability to engage in personally fulfilling, self-directed activities outside the labor market (Van Parijs, 1995; Standing, 2002; Rey, 2004; Noguera and Raventos, 2005).

I have argued elsewhere that a BI guarantee in the form favored by most advocates of the idea (a universal grant paid individually and without conditions to all members of society) should be thought of as an expensive but otherwise desirable means of partially securing the right to income support, but that it would fail to provide an adequate substitute for the right to work. This is true, I maintain, whether the right to work is thought of as including only wage labor or as including various forms of non-waged labor as well (Harvey, 2003, 2005). Because of its cost, I do not think this type of BI guarantee is either feasible or desirable, but I suggest a less expensive form of the idea could provide an attractive substitute for means-tested public assistance programs (Harvey, 2005: 52-55).

MEASURING PROGRESS IN SECURING THE RIGHT TO WORK

Unless policy discussions of the right to work expressly address each of the four dimensions of the right identified above, there is a good chance that important

aspects of the right will be neglected or, worse, sacrificed for the sake of securing other aspects of the right. This is a serious danger because some policy regimes may create trade-offs between the different dimensions. Each of the four dimensions of the right to work I have identified are important, and success in securing one of the dimensions cannot compensate, in my view, for a failure to secure the other dimensions – any more than a nation's success in guaranteeing civil and political rights can compensate for a failure to secure economic, social and cultural rights (or vice versa). Anyone who believes that tradeoffs among the four dimensions of the right to work are acceptable or unavoidable should be called upon to acknowledge and justify those tradeoffs. This also means that data measuring the degree to which the right to work has been secured in a particular society should be multi-dimensional. It should provide us with information concerning the society's success or progress in securing each aspect of the right to work.

These purposes would be best served by data sets in which aggregate measures were built upon individualized data, so we could ascertain how many or what proportion of the members of a particular society either enjoyed or did not enjoy particular aspects of the right to work based on information about the status of each member of the society in that regard. That way we could use the same data set to answer questions about the degree of protection afforded the right to work in a society, to identify those persons in the society whose individual right to work had not been fully secured along one or more of the dimensions identified above, and to allow conclusions to be drawn concerning the differential effects of strategies to secure the right to work on different population groups.

The next best thing would be sample data that permitted the same aggregate conclusions to be drawn while establishing standards for judging in individual cases whether a particular aspect of the right to work was or was not secured for a particular individual. Such data could show what proportion of job seekers (in both the overall population and subgroups of the population) lacked paid employment entirely and what proportion had paid employment that did not satisfy various standards of decency, while also providing standards that interested parties could use in judging the adequacy of particular jobs and whether the right to work of particular individuals had been secured. Comparative statistics for members of different population groups could show whether the members of those groups likely did or did not enjoy equal employment opportunity, and surveys of persons who worked outside the wage-labor market could establish the degree to which such workers did or did not enjoy the entitlements comprising the right to work.

Finally, in the absence of customized data sets such as these, measures of varying degrees of usefulness can be constructed from data collected for other purposes. Reliance on such data is necessary, but in using it to assess a nation's performance in securing the right to work or in identifying individuals and groups who suffer rights deficits in this area it is particularly important to keep the different dimensions of the right clearly in mind. Otherwise, differences in the quantity or quality of available data may result in certain aspects of the right being ignored. The amount or quality of data available for measuring different aspects of the right to work bears no necessary relationship to the relative importance of the different aspects of the right being measured.

Measuring the Quality of Work: Of the four dimensions of the right to work identified above, the qualitative dimension is inherently the most difficult to

measure. Because the terms and conditions of employment that fall under this heading are so varied, the task of defining minimum standards of acceptability and measuring the degree to which those standards are met is particularly challenging. It requires a variety of statistical measures and, for summary purposes, the development of indexes involving combinations of disparate measures – always a difficult undertaking. The ILO's efforts to define and measure the characteristics of decent work are extremely useful in this regard (International Labor Organization, 2003).

Measuring the Distribution of Employment Opportunities: Measuring national performance in securing the distributional aspects of the right to work is conceptually easier because the policy goal is clear – ensuring equal access to employment opportunities for all persons. Also, a great deal of research has been undertaken in various countries measuring differences in labor market outcomes for the members of disadvantaged population groups. This means that substantial amounts of data already exist addressing this aspect of the right to work, and the methodological problems associated with collecting and interpreting such data have been extensively discussed in the scholarly literature.

Measuring Efforts to Secure the Right to Work for Non-Waged Labor: Most policy debate concerning the applicability of the right to work to non-waged labor is conceptual at first. To what extent are the entitlements embodied in the right to work applicable to non-wage workers? To the extent these entitlements extend to particular categories of non-wage workers, policies are needed to secure the entitlements in question. Often these policies will be different from those adopted to secure various aspects of the right to work for wage laborers (Harvey, 2003: 23-27). To properly assess the success of policy initiatives in this area, as well as the need for them in the first place, data is needed concerning the number of persons engaged in particular forms of non-waged work, the conditions under which they labor, the degree to which they are constrained from seeking and accepting other forms of work, the benefits they and society derive from their work, what, if any, indirect compensation they receive for their work, and so forth.

Measuring the Availability of Work: Assessing a society's performance in ensuring the adequate availability of paid employment is also conceptually straightforward. Are there enough suitable jobs in the economy to provide paid employment for everyone who wants it,¹² and is the economy free of structural barriers that might prevent certain categories of job seekers from filling available jobs. Unfortunately, the data available for addressing these questions is not well suited to the task. Countries count both the employed and the unemployed in exquisite detail. Accordingly, we know a great deal about the level and rate of unemployment in different countries, their labor force participation rate, and their employment to population ratio. We also have similar data for different population groups within particular countries. But none of those figures tells us whether there are enough jobs available in a nation's economy for everyone who wants paid employment. To answer that question we need to develop new statistical measures

¹² Prohibitions against child labor are consistent with this goal, provided they are adopted and enforced for the purpose of protecting the rights of children as set forth in documents like the United Nations Convention on the Rights of the Child, entered into force Sept. 2, 1990, 1577 U.N.T.S. 3.

that are better suited to the task, and since little research has been devoted to this task, the need for further work in this area is particularly pronounced.

Composite Indexes: Where a desired goal consists of multiple sub-goals that lack a common measure it is both tempting and useful to try to construct composite indexes for measuring progress in achieving the overall goal by assigning weights to whatever measures exist for gauging progress in achieving the sub goals. The problem with such indexes, though, is that they necessarily suggest that trade-offs between goals are acceptable when they may not be. For example, suppose we wanted to create an overall “health index” comprised of all the measurements of system function upon which doctors rely. We might include measurements of heart function, lung function, kidney function and so forth. Now consider two people. One has middling health across the board. The other has excellent health in all respects except one – their heart doesn’t work at all. The second person might have an overall health index that is higher than the first, yet live a short miserable life compared to the first.

The same problem necessarily arises in efforts to measure a society’s overall success in securing the right to work. A failure to secure particular components of the right may have devastating effects on those who suffer the deficit, notwithstanding the fact that the society’s overall performance in securing the right may appear strong based on its success in securing other aspects of the right.

I do not think this problem argues against the creation of composite indexes for measuring either overall health or overall success in securing the right to work, but it means they must be interpreted with care. It also means that efforts to define minimum performance levels for securing each of the different elements of a composite entitlement may be just as important, or even more important, than creating a composite index for measuring overall performance levels in securing the entitlement as a whole.

When assessing alternative policies for securing the right to work it is particularly important that we not regard success in securing some of the right’s constitutive elements as compensating for a failure to secure other elements. Neither a secure right to a substandard job nor the provision of decent work for employed workers while other job seekers are denied employment is acceptable. The success of policies to secure the right to work cannot be properly assessed without considering all aspects of the right, because they all are important.

DEFINING AND MEASURING FULL EMPLOYMENT IN A MANNER CONSISTENT WITH THE RIGHT TO WORK

As noted above, our capacity to measure national performance in securing the qualitative and distributional aspects of the right to work has advanced substantially in recent decades, but we still are relying on substantially the same measures of success in securing the quantitative dimension of the right to work that were available in the 1940s – that is, the economy’s unemployment rate. To be sure, unemployment statistics themselves have been steadily refined over the years, and much more data has become available concerning the unemployed, but for purposes of judging whether or not there are enough jobs available to achieve full employment, we know little more than we did in the 1940s.

In the balance of this paper I will suggest a means of monitoring labor market conditions that focuses on the question of whether there are enough jobs available to achieve full employment, and if not, how many more jobs are needed. First, though, we need to explore the relationship between job vacancies, structural barriers to the achievement of full employment and unemployment.

Achieving full employment does not require that the unemployment rate in an economy be reduced to zero. Indeed, based on standard definitions of unemployment, it is impossible for unemployment to be totally eliminated. The reason is that jobless individuals will be classified as unemployed when they first enter the labor force looking for work and when they have left one job and are looking for another even if they face a surfeit of employment opportunities. It takes time for job seekers and employers with job vacancies to find one another and complete a hiring even when there is no shortage of jobs, and during that period job seekers who are not currently employed will be counted as unemployed. For this reason a "frictional unemployment floor" exists in all market economies below which unemployment rates cannot fall even if full employment is achieved and the right to work is secured.

Historical experience suggests that the frictional unemployment floor in developed market economies probably lies in the 1% to 2% range, since that is the minimum level to which unemployment rates appear to fall in such economies. Assuming jobs are genuinely plentiful at such times and that virtually all job seekers are able to find suitable work with little difficulty, the level of unemployment that remains can be presumed to result from frictional factors alone. The actual frictional unemployment floor in an economy could be higher or lower than this, depending on the efficiency of its job matching institutions and its labor turnover rate,¹³ but the 1% to 2% range probably constitutes a reasonable baseline estimate.

Unemployment in excess of this frictional floor may be attributable either to a shortage of jobs in the economy or to the existence of "structural" impediments to the job search and hiring process which prevent vacant jobs from being filled. The role of job shortages as a potential cause of unemployment is straightforward. If there aren't enough jobs to go around, the unavoidable result is that a certain number of job seekers will suffer unemployment as a result of the economy's job shortage. The role of "structural" barriers in causing unemployment is a bit trickier, since they can prevent individual workers from being hired (thus "causing" their unemployment) without necessarily preventing job vacancies from remaining unfilled (thus causing the level of unemployment to increase). Understanding this distinction is important in my view.

Without attempting a precise definition of the term, I shall use the "structural" designation to refer to any and all barriers to employment that prevent certain categories of job seekers from being hired to fill available jobs. These barriers

¹³ The labor turnover rate will have an important effect on an economy's frictional unemployment floor, even if it does not result in any net change in the total number of jobs in an economy. All other things remaining equal, the higher the labor turnover rate, the greater the number of workers who will be between jobs looking for work at any moment in time and the greater the number of job vacancies they will encounter. For the sake of simplicity I shall ignore this factor in the balance of my analysis, noting only that it needs to be taken into consideration when estimating the actual frictional unemployment floor in a particular economy.

include mismatches between the skills employers are demanding and the skills job seekers offer, geographic mismatches between the location of available jobs and available pools of unemployed job seekers, employment discrimination based on characteristics such as race or gender, and the unavailability of services like child care that particular categories of job seekers need in order to accept available jobs. These factors are familiar because they have been the target of significant programmatic efforts to combat unemployment in developed market economies in recent decades.

The point I think needs to be emphasized is that structural factors will not increase the level of unemployment in an economy unless, in addition to interfering with the ability of particular job seekers to find work, they also prevent employers from filling job vacancies as quickly as they otherwise would. If structural barriers do not interfere with the ability of employers to fill job vacancies, the structural factors will affect the distribution of unemployment (who is unemployed) but not its level (how many people are unemployed). This distinction is illustrated by the following “parable” which also underscores the importance of the distinction for policy planning and assessment purposes (Harvey, 2000a: 683).

Dog Island

There once was an island with a population of 100 dogs. Every day a plane flew overhead and dropped 95 bones onto the island. It was a dog paradise, except for the fact that every day 5 dogs went hungry. Hearing about the problem, a group of social scientists was sent to assess the situation and recommend remedies.

The social scientists ran a series of regressions and determined that bonelessness in the dog population was associated with lower levels of bone-seeking effort and that boneless dogs also lacked important skills in fighting for bones. As a remedy for the problem, some of the social scientists proposed that boneless dogs needed a good kick in the side to get them moving, while others proposed that boneless dogs be provided special training in bone-fighting skills.

A bitter controversy ensued over which of these two strategies ought to be pursued. Over time, both strategies were tried, and both reported limited success in helping individual dogs overcome their bonelessness—but despite this success, the bonelessness problem on the island never lessened in the aggregate. Every day, there were still five dogs who went hungry.

Structural factors always affect the distribution of unemployment. They constitute an ever-present disadvantage for those individuals and groups that suffer from them. But they are unlikely to affect the level of unemployment in an economy as long as the economy also suffers from a sizable job gap. The reason is that the existence of surplus labor supplies makes it easy for employers to fill their job vacancies even if significant numbers of workers are prevented by structural factors from competing for those vacancies. In contrast, if there is no job shortage, structural barriers that prevent unemployed job seekers from being hired will also cause jobs to go unfilled, affecting both the level and the distribution of unemployment.¹⁴

¹⁴ The question of whether structural factors were causing aggregate unemployment rates to rise, in addition to causing increased unemployment among economically isolated population groups, was the

Unemployment rates alone do not tell us whether the unemployment being measured is attributable to frictional factors, structural factors, or a job shortage. When unemployment rates remain above the frictional unemployment floor in an economy, we know that one or both of the latter two factors must be responsible, but we can't tell which one. We can learn more by comparing unemployment data and job vacancy data. If there are fewer job vacancies than there are unemployed job seekers, we know the economy is suffering from a job shortage. Moreover, the larger the job shortage, the less likely it will be that structural factors are also causing additional unemployment (as opposed to merely influencing its distribution among population groups).

In addition, the relationship between changes in the unemployment rate and the job vacancy rate can tell us whether the fluctuations are being caused by structural factors or a change in the size of the economy's job gap. This is because additional unemployment caused by a job shortage tends to depress the job vacancy rate (since it increases the number of job seekers competing for available jobs, thereby making it easier for employers to fill job vacancies), whereas additional unemployment caused by structural factors would tend to cause the job vacancy rate to rise (since the additional unemployment would be attributable to a lengthening in the amount of time it took employers to fill their job vacancies). The former (inverse) relationship between the unemployment and job vacancy rate is the basis of the so-called Beveridge curve which shows the tendency for unemployment rates and job vacancy rates to move in opposite directions. The latter relationship would be shown by an upward rather than a downward sloping Beveridge curve.

An understanding of these relationships makes it possible to draw reasonably robust conclusions from unemployment and job vacancy data concerning the adequacy of an economy's performance in securing the quantitative dimension of the right to work. The most important question to be answered in this regard is whether there are enough jobs available in the economy to achieve full employment if structural barriers affecting the employability of disadvantaged population groups were removed. That question can be answered by comparing the number of job vacancies in the economy to the number of unemployed job seekers, a relationship that can be expressed as follows.

$$G = U - V \quad (\text{The Economy's Job Gap})(1)$$

Where

G = the economy's aggregate job gap,

U = the aggregate level of unemployment in the economy, and

V = the aggregate number of job vacancies in the economy

The simplicity of Equation (1) abstracts from a series of classification problems with respect to the measurement of both unemployment (U) and job vacancies (V).

subject of a vigorous debate among economists in the late 1950s. Keynesian economists disputed the claim that increases in the aggregate level of unemployment were being caused by structuralist factors as opposed to changed macroeconomic conditions, and their view became the prevailing one in the 1960s (Mucciaroni, 1990: 32-42; Sundquist, 1968: 57-110).

For example, both U and V ideally should be converted to full-time equivalent figures, since the ratio of part to full time job vacancies may not equal the ratio of part to full time job seekers. Also, the equation glosses over the problem of properly classifying involuntary part-time workers (persons who are employed in part-time jobs but who want full-time jobs) and discouraged workers (persons who say they want paid employment but are not actively seeking it because of discouragement over their prospects of finding suitable work). With respect to the value of V , the equation glosses over such questions as whether to count vacancies announced in anticipation of future separations that do not yet exist (Farm 2005). Nevertheless, Equation (1) shows how an economy's job gap can be measured using unemployment and job vacancy data.

If an economy's job gap (G) is positive, we know that the economy has not achieved full employment and that its failure to do so is caused, at least in part, by its failure to provide enough jobs to employ everyone who wants to work. Moreover, the larger the value of G , the less likely it is that structural barriers are causing any of that unemployment, however important they may be in determining who suffers its burdens.

In the United States job vacancy data suitable for the purposes I am describing has been collected only intermittently. Nevertheless, the surveys that have been conducted paint a consistent portrait of U.S. labor markets, showing that in periods of relative prosperity as well as during recessions, the number of job seekers generally exceeds – and usually by a wide margin – the number of job vacancies employers are seeking to fill.¹⁵

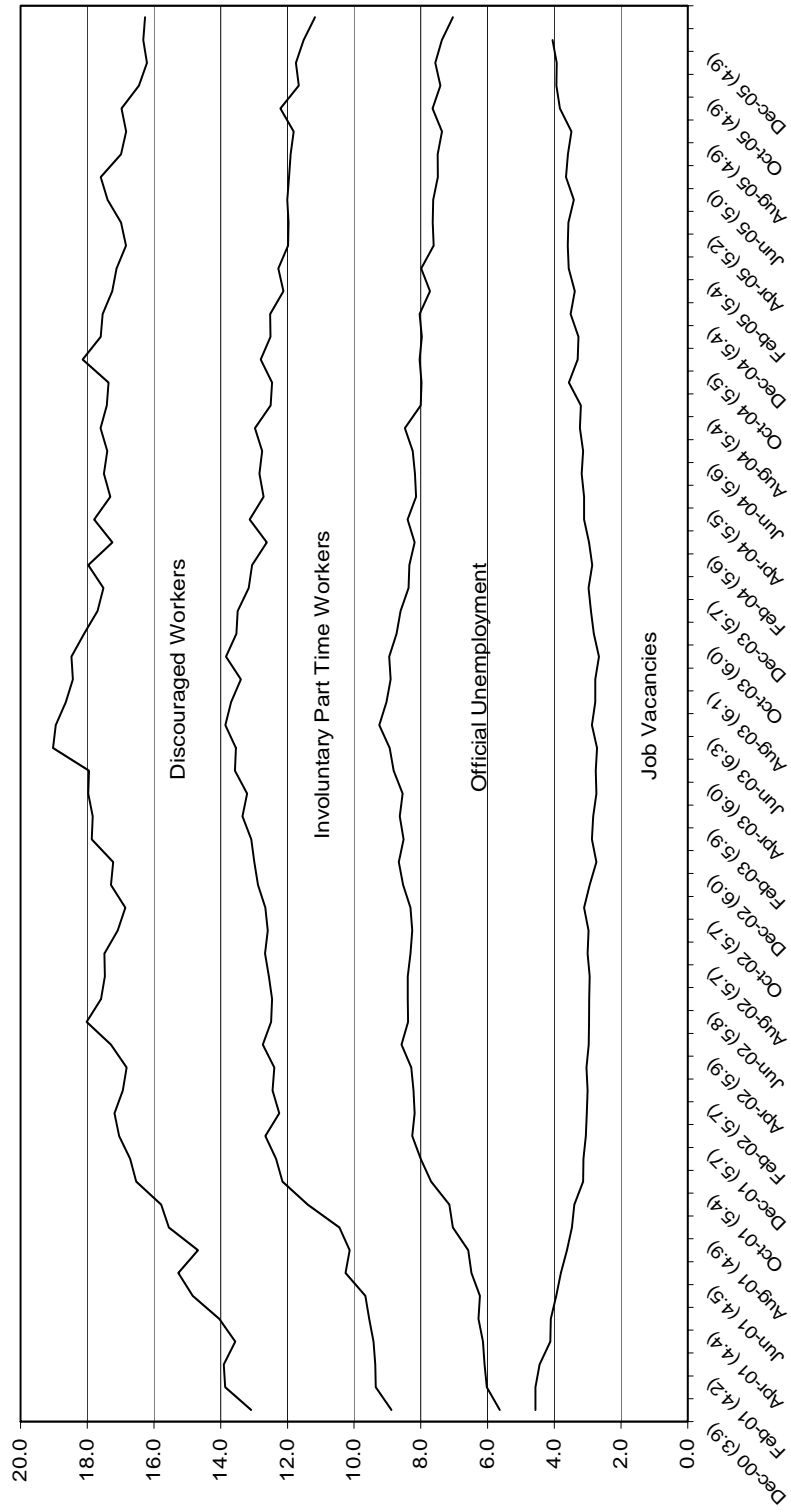
Figure 6.1 shows job vacancy and unemployment data for the United States from December 2000 through November 2005. The bottom line of the Figure shows the number of job vacancies in the economy as reported by the United States Bureau of Labor Statistics (BLS) based on the agency's Job Openings and Labor Turnover Survey (JOLTS).¹⁶ The other three lines in the figure show how many officially unemployed individuals, involuntary part-time workers and discouraged workers there were in the United States at the same time.¹⁷

¹⁵ See Abraham (1983: 722) (estimating that "there were roughly 2.5 unemployed persons for every vacant job [in the United States] during the middle 1960s, an average of close to 4.0 unemployed persons per vacant job during the early 1970s, and an average of 5.0 or more unemployed persons for every vacant job during the latter part of the 1970s."); Holzer (1989: 48, Table 3.8) (reporting a study of 28 cities which found 4.7 officially unemployed individuals for every available job in 1980 and 8.4 in 1982); Holzer (1996: 10, 143-44) (reporting a survey of four large cities which found job vacancy rates averaging 2.7 percent compared to unemployment rates ranging from 5 percent to 11 percent between 1992 and 1994. Employment and Training Institute (1993 - present) (estimating job vacancy rates and number of persons seeking work and/or expected to work in the Milwaukee area).

¹⁶ For a description of the survey, see Clark and Hyson (2001).

¹⁷ Involuntary part-time workers are persons who are working part time not by choice but because their hours have been cut or because they could not find full-time jobs. Discouraged workers are persons who report themselves as wanting a job but are not actively seeking one for a variety of reasons, including illness, disability, family responsibilities, school enrollment, the belief that there are no jobs available, or that employers will not hire them because of their age, race, or other factors. All of these individuals can be described as "discouraged workers" in the sense that circumstances have discouraged them from seeking the paid employment they say they want. This broad definition of "discouragement" is more consistent with the goal of securing the right to work than more narrow definitions that limit the discouraged worker" category to persons who are not seeking work because they think no jobs are available or that employers will not hire them. It does not mean, though, that all of these persons actually would elect to go to work if suitable jobs were available for them.

Figure 1
 U.S. Job Vacancies and Unemployment: Dec. 2000 - Dec. 2005
 (in millions, except unemployment rate in parentheses)



Source: Author's Calculations From BLS Data

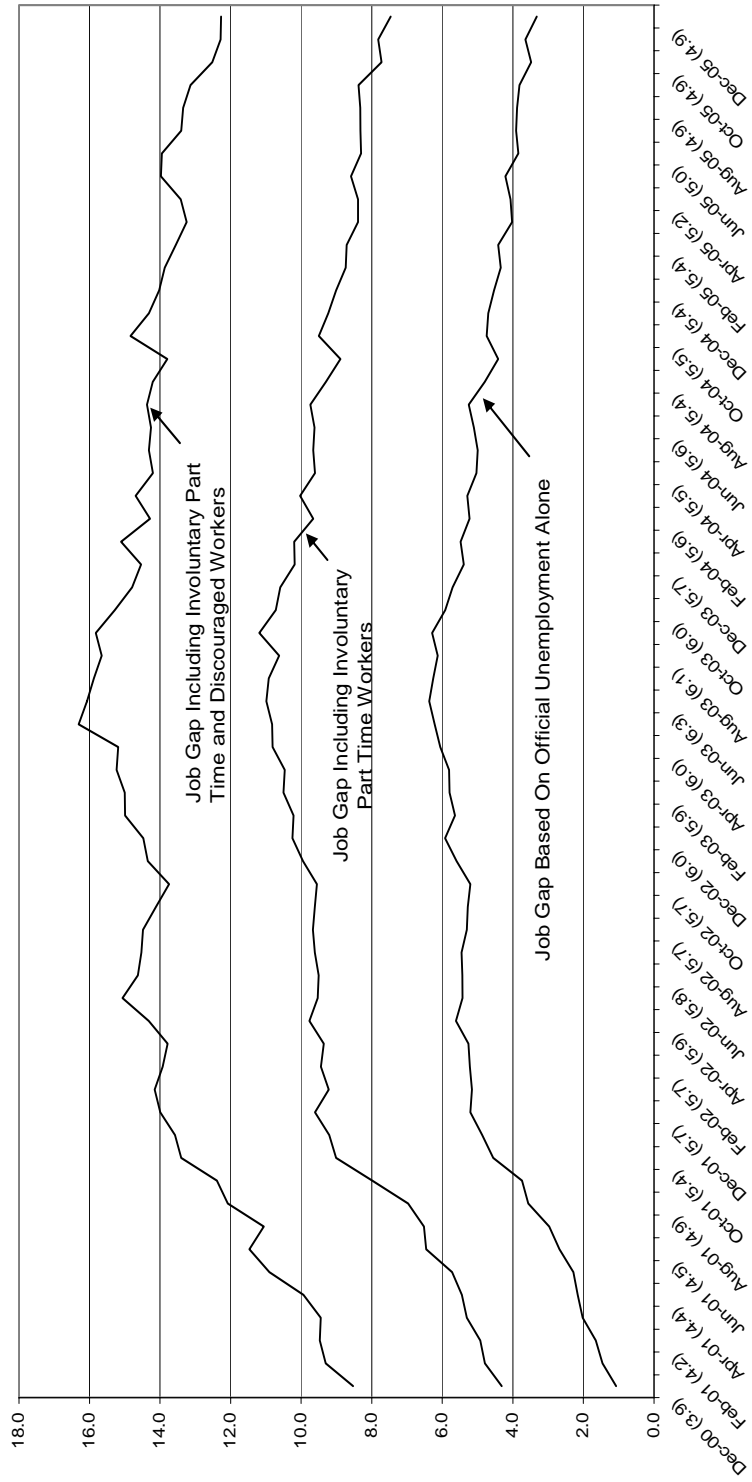
The size of the economy's job gap (G) is shown by the distance between the bottom line in 6.1 (job vacancies) and whichever of the upper three lines one considers the better measure of unemployment. Figure 6.2 shows the United States job gap based on each of these three measures of unemployment.

In December 2000, for example, when the economy's unemployment rate was 3.9% and even progressive economists thought the economy was "at or near full employment" (Bernstein and Baker, 2003), there were only 4.6 million job vacancies in the economy compared to 5.6 million officially unemployed workers, 3.2 million involuntary part-time workers, and 4.2 million "discouraged" workers. Using the narrowest of these measures of unemployment, the U.S. economy had a job gap of 1.1 million jobs. Using the broadest measure of unemployment, the economy had a job gap of 8.5 million jobs. By May 2003, when the official unemployment rate stood at 6.1% (still close to what many conservative economists define as full employment), the job gap had grown to 6.2 million jobs based on the narrowest measure of unemployment and 16.3 million jobs if we include involuntary part-time and discouraged workers as also needing jobs.

The size and persistency of the job gap shown in this data calls into question the widely held assumption that the neo-liberal policy regime adopted by the United States has at least succeeded in providing adequate numbers of jobs for its labor force, even if those jobs are not always adequately paid. The data also calls into question the widely held assumption that when unemployment rates fall to the 4% to 6% range, employment policy should concentrate on overcoming structural barriers to equal employment opportunity rather than trying to drive the unemployment rate lower. Given the size of the economy's job gap, these structuralist measures may simply cause increased churning in the low-wage sector of the labor market as job seekers who benefit from the policies replace otherwise similarly situated workers in available jobs. However important they may be in promoting equal employment opportunity, it seems unlikely that policies designed to overcome the structural barriers that beset disadvantaged population groups in the United States have any effect on the overall level of unemployment.

To the extent job vacancy data is available in other countries, economic and social human rights advocates should be able to measure the size of those countries' job gaps as well. If that monitoring activity were undertaken, I believe it would show that job shortages are endemic in market economies even at the top of the business cycle and irrespective of whether their labor markets are "flexible" or heavily regulated. While hardly good news, facing that fact would be extremely helpful in directing the attention of economists and policy makers throughout the world to the inherent shortcomings of policies to combat unemployment (both neo-liberal and social democratic) which focus on eliminating structural barriers to equal employment opportunity while tolerating persistently high job shortages. As in the United States, these policies may be important in securing the distributional aspect of the right to work, but they are no substitute for policies designed to secure the quantitative dimension of the right.

Figure 2
 U.S. Job Gap: Dec. 2000 - Dec. 2005
 (in millions, except unemployment rate in parentheses)



Source: Author's Calculations From BLS Data

The role of structural factors in causing unemployment also can be monitored by comparing movements in the economy's unemployment and job vacancy rates. As explained above, if structural factors are causing changes in the level of unemployment, the unemployment and job vacancy rates will tend to move in the same direction. If the unemployment and job vacancy rates move in the opposite direction, it suggests that changes in the level of unemployment are being caused by changes in the size of the economy's job gap, with structural factors affecting only the distribution of that unemployment.

The job vacancy rate (v) is the proportion of all jobs in the economy (vacant and occupied) that are vacant. This relationship can be expressed as follows.

$$v = V / (V + E) \quad (\text{The job vacancy rate}) \quad (2)$$

where E = the level of employment in an economy.

Figure 6.3 shows changes in the unemployment rate and job vacancy rate in the United States from December 2000 through November 2005. The fact that these two rates moved in opposite directions over this period suggests that changes in the level of joblessness were being caused by changes in job availability rather than changes in the severity of structural barriers to the achievement of full employment.

Only if the value of G in Equation 1 was negative and the value of v in Equation 2 was moving in the same direction as the economy's unemployment rate would it make sense for efforts to reduce the level of unemployment in an economy to concentrate on the elimination of structural barriers to equal employment opportunity. When the value of G is large relative to the level of unemployment, and job vacancy rates are moving in the opposite direction from unemployment rates, the most that can be expected from a structuralist strategy for combating unemployment is greater equality in its distribution.

Let me again emphasize that this does not mean structuralist measures are either unnecessary or a waste of time.¹⁸ To the contrary, they are essential to secure the distributional aspect of the right to work; but they should not be viewed as a strategy to secure the quantitative dimension of the right in the absence of clear evidence that structural barriers are affecting the level as well as the distribution of unemployment in the economy.

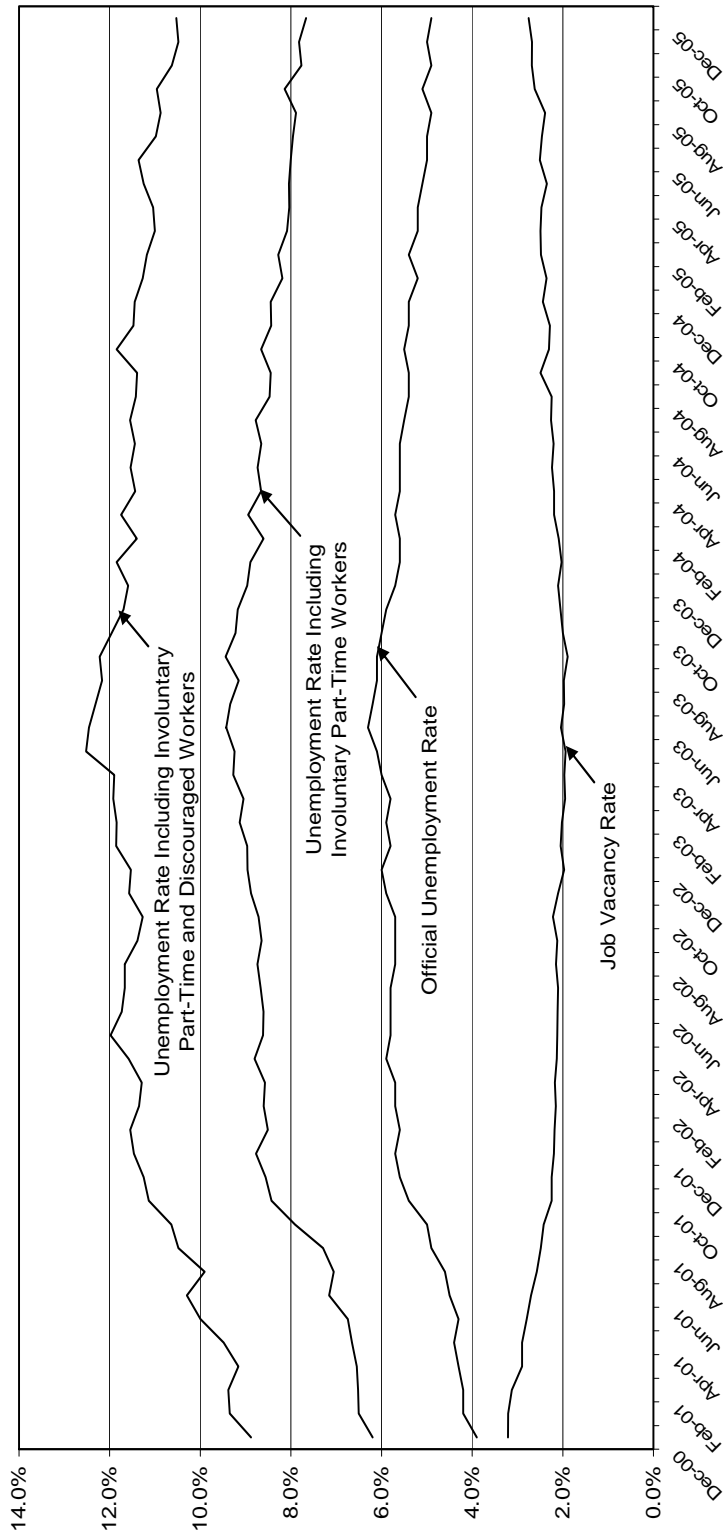
For full employment to be achieved, it is necessary to eliminate both an economy's job gap and any structural barriers that are causing job vacancies to remain unfilled. This means that the number of job vacancies must be greater than the number of unemployed job seekers in the economy and that all remaining unemployment must be attributable to unavoidable frictional factors. These conditions can be expressed as follows.

$$U = U_f < V \quad (\text{Full Employment}) \quad (3)$$

Where U_f = Unemployment attributable to unavoidable frictional factors.

¹⁸ I have noted elsewhere, though, that the existence of a large job gap in an economy tends to undermine the effectiveness of efforts to eliminate structural barriers to equal employment opportunity. The effectiveness of such efforts is likely to increase as unemployment rates decline (2000a: 750-758; 2002: 438-445).

Figure 3
U.S. Job Vacancy Rate and Unemployment Rate: Dec. 2000 - Dec. 2005



Source: Author's Calculations From BLS Data

This relationship also can be expressed in terms of the unemployment and job vacancy rate as follows.

$$u = u_f < v \quad \text{(Full Employment)(4)}$$

where

u = the economy's unemployment rate, and

u_f = the economy's unavoidable frictional unemployment rate

Accordingly, either Equation (3) or Equation (4) can be used to define full employment in a quantitative sense.

Notice that the aggregate level of unemployment (U) cannot be reduced to the level attributable to unavoidable frictional factors (U_f) unless there are more job vacancies (V) than job-seekers (U); and similarly, the unemployment rate (u) cannot be reduced to its frictional floor (u_f) unless the vacancy rate (v) exceeds the unemployment rate (u). Tracking job vacancies accordingly may seem superfluous to the task of measuring an economy's performance in achieving full employment. All we need to know is the economy's unemployment rate (u) and its frictional unemployment floor (u_f).

There are two reasons, though, why I believe the collection of job vacancy data is necessary as a practical matter. First, although a comparison of the actual unemployment rate in an economy (u) to the economy's presumed frictional unemployment floor (u_f) may tell us whether the economy has achieved full employment, it doesn't tell us the level of unemployment corresponding to the economy's frictional unemployment floor. I have argued that u_f falls in the 1% to 2% range, but other economists may argue that an economy's frictional unemployment floor is substantially higher than that, and if they're right, an unemployment rate of 4% may indeed be full employment.

Comparing job vacancy rates in an economy to the economy's unemployment rate (as in Figure 6.2) or the level of job vacancies to the level of unemployment (as in Figure 6.1) provides a less easily disputed test (if not a completely dispositive one) of whether an economy really has achieved full employment. If such a comparison shows that there still are substantially more unemployed individuals than job vacancies in the economy, we can confidently conclude that full employment has not been achieved. Moreover, this method of measuring an economy's performance in securing the quantitative dimension of the right to work is both easily explained to and comprehended by the public. It doesn't take expertise in economics to understand that full employment has not been achieved when there are too few jobs to go around.

The second reason I believe the collection of job vacancy data is important is because the data also can help us evaluate claims that the only unemployment which remains in an economy is structural. When steps are taken to "slow down" an economy in which unemployment has fallen to the 4% to 5% level, few voices are raised in protest on the grounds that this will prevent the right to work from being secured. The assumption that any unemployment that remains at that level must be either frictional or structural is too readily accepted. Comparing job vacancy and unemployment data provides the best test of this assumption.

It may be uncomfortable for central bankers and other economic policy makers to admit that the policies they advocate and pursue rely on the involuntary unemployment of millions of people to control inflation; but if the data supports that conclusion, human rights advocates have no reason to let them off easy. Governments should be challenged to justify the economic policies they pursue in this regard with as much persistence and force as they are challenged to justify violations of civil and political rights committed for the purpose of enhancing national security.

CONCLUSION

Of the four dimensions of the right to work identified in this paper, it should be easiest to monitor the quantitative aspect, since the data needed to do so is relatively easy to collect compared to the data needed to monitor the other three dimensions. If that monitoring activity were undertaken, I believe it would confirm that job shortages are endemic in market economies even at the top of the business cycle, and that efforts to eliminate structural barriers to equal employment opportunity have little if any effect on the size of those job shortages. Although hardly good news, facing that fact would be extremely helpful in directing the attention of economists and policy makers to the inherent shortcomings of existing policies for combating unemployment.

It is past due time for progressive policy analysts and progressive policy makers to take up the challenge they have largely abandoned since the mid-1970s and devote their energies to the task of devising a strategy for securing the right to work that once again includes a commitment to ending job shortages in market economies.

Securing the right to work in all its dimensions is too important to the economic and social human rights enterprise to permit the discouragement which accompanied the collapse of progressive full employment policies in the 1970s to continue to cause human rights advocates to soft-peddle the importance of the full employment goal. Given the practical importance of full employment for the achievement of economic and social human rights in general, the development of policies capable of achieving full employment or its functional equivalent should be among the highest priorities of the human rights movement today. But that will not happen unless the importance of the quantitative dimension of the right to work is once again accorded the emphasis it deserves in discussions of economic and social human rights generally and the right to work in particular. To that end, any effort to monitor the performance of an economy in securing the right to work that does not accord prominent attention to the quantitative aspect of the right should be viewed as seriously deficient.

To encourage improved monitoring activities related to this task I have attempted to show how job vacancy data can be combined with unemployment data to provide a reasonably straightforward means of evaluating national efforts to achieve full employment. It is my hope that economic and social human rights advocates will come to see the importance of statistical series like the ones I describe, and that the commitment to and belief in full employment that animated progressive reform efforts in the immediate Post World War II era will once again assume its proper role in the advocacy of economic and social human rights.

REFERENCES

- Abraham, Katharine G. 1983. Structural/Frictional vs. Deficient Demand Unemployment: Some New Evidence. *American Economic Review* 73: 708- 24.
- American Law Institute. 1945. Statement of Essential Human Rights. Reprinted in American Law Institute. 1998. Seventy-Fifth Anniversary, 1923-1998.
- Bernstein, Jared, and Baker, Dean. 2003. *The Benefits of Full Employment: When Markets Work for People*. Washington D.C.: Economic Policy Institute.
- Beveridge, William. 1944. *Full Employment in A Free Society*. London: G. Allen & Unwin Ltd.
- Clark, Maurice. 1949. *National and International Measures for Full Employment*. Lake Success, N.Y.: United Nations.
- Committee on Economic Security. 1935. Report of the Committee on Economic Security, 15 January 1935. Reprinted in *The Report of the Committee on Economic Security of 1935 and Other Basic Documents Relating to the Development of the Social Security Act*. National Conference on Social Welfare (1985).
- Commons, John R. 1923. Hobson's 'Economics of Unemployment.' *American Economic Review* 13: 638-647.
- Employment & Training Institute. 1993 - present. Survey of Job Openings in the Milwaukee Metropolitan Area. Milwaukee, WI: University of Wisconsin-Milwaukee (bi-annual).
- Farm, Ante. 2003. Defining and Measuring Unmet Labour Demand, Swedish Institute for Social Research, Stockholm University and Statistics Sweden.
- Forbath, William. 1999. Caste, Class and Equal Citizenship. *Michigan Law Review*. 98: 1-91.
- Glendon, Mary Ann. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House.
- Harvey, Philip. 1989. *Securing the Right to Employment: Social Welfare Policy and the Unemployed in the United States*. Princeton, NJ: Princeton University Press.
- Harvey, Philip. 1995a. Paying for Full Employment: A Hard-Nosed Look at Finances. *Social Policy* 25: 21-30.
- Harvey, Philip. 1995b. Fashioning A Work-Based Strategy for Welfare Reform Based on International Human Rights Doctrine. *Journal of Public Health Policy* 16: 269-285.
- Harvey, Philip. 1999. Liberal Strategies for Combating Joblessness in the Twentieth Century. *Journal of Economic Issues*. 33: 497-503.
- Harvey, Philip. 2000a. Combating Joblessness: An Analysis of the Principal Strategies that Have Influenced the Development of American Employment and Social Welfare Law During the 20th Century. *Berkeley Journal of Employment and Labor Law* 21: 677-758.
- Harvey, Philip. 2000b. Direct Job Creation. In *Commitment to Full Employment: Macroeconomics and Social Policy in Memory of William Vickrey*, eds. Aaron Warner et al., 35-54. Armonk NY: M.E. Sharpe.
- Harvey, Philip. 2002. Human Rights and Economic Policy Discourse: Taking Economic and Social Human Rights Seriously. *Columbia Human Rights Law Review* 33: 363-471.
- Harvey, Philip. 2003. The Right to Work and Basic Income Guarantees: A Comparative Assessment, Paper presented at the Second Congress of the U.S. Basic

- Income Guarantee Network, New York City, Feb. 21-23, 2003. USBIG Discussion Paper No. 57 (available at <<http://www.usbig.net/>>).
- Harvey, Philip. 2005. Basic Income and the Right to Work: Competing or Complementary Goals. *Rutgers Journal of Law and Urban Policy* 2: 8-59.
- Hobson, John A. 1922. *The Economics of Unemployment*. New York: Macmillan.
- Holzer, Harry J. 1989. *Unemployment Vacancies and Local labor Markets*. Kalamazoo, Mich. : Upjohn Institute for Employment Research.
- Holzer, Harry J. 1996. *What Employers Want: Job Prospects for Less-educated Workers*. New York: Russel Sage Foundation.
- International Labour Organization. 1964. Employment Policy Convention (Convention 122).
- International Labour Organization. 2002. *Global Employment Agenda*. Geneva: International Labor Office. Available at <<http://www.ilo.org/public/english/employment/empframe/practice/download/gea.pdf>>.
- International Labour Organizastion. 2003. Special Issue: Measuring Decent Work. *International Labour Review* 142:109-271.
- Morsink, Johannes. 1999. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. Philadelphia: University of Pennsylvania Press.
- Mucciaroni, Gary. 1990. *The Political Failure of Employment Policy: 1945-1982*. Pittsburgh: University of Pittsburgh Press.
- National Resources Planning Board. 1943. *National Resources Development Report for 1943*, H.R. Doc. No. 78-128, pt. 3, *Security, Work and Relief Policies*.
- Noguera, Jose A. and Raventos, Daniel. 2002. Basic Income, Social Polarization and the Right to Work. In *Promoting Income Security as A right: Europe and North America*, ed. Guy Standing, 269-284. London: Anthem Press.
- Rees, Albert. 1957. The Meaning and Measurement of Full Employment. In *The Measurement and Behavior of Unemployment*, 13-49. National Bureau of Economic Research.
- Rey, José Luis. 2004. El Derecho Al Trabajo, ¿Forma De Exclusión Social? Las Rentas Mínimas De Integración Y La Propuesta Del Ingreso Básico. *Revista Icade* 62: 239-269.
- Roosevelt, Franklin D. 1944. Message to Congress on the State of the Union, 11 January 1944. Reprinted in *The Public Papers & Addresses of Franklin D. Roosevelt*, ed. Samuel Rosenman, 13: 32-42. New York: NY: Harper and Brothers, 1950.
- Somavia, Juan. 2000. Decent Work for All in A Global Economy. Address to the staff of the World Bank, 2 March 2000. Available at <<http://www.ilo.org/public/english/bureau/dgo/speeches/somavia/2000/worldbk.htm>>).
- Standing, Guy. 2002. *Beyond the New Paternalism: Basic Security as Equality*. London: Verso.
- Sundquist, James L. 1968. *Politics and Policy: The Eisenhower, Kennedy and Johnson Years*. Washington DC: The Brookings Institution.
- Van Parijs, Philippe. 1995. *Real Freedom for All*. New York: Oxford University Press.