

INTERVIEW

## **US workplace: Where Despots Rule**

Saturday 29 July 2017, by [ANDERSON Elizabeth S.](#), [BURGHGRAVE Chase](#) (Date first published: 29 June 2017).

**The American workplace is marked more by hierarchy and domination than democracy and freedom.**

In the workplace, workers can be surveilled by their employer, compelled to work long hours, and even denied bathroom breaks (a stricture that in one recent instance forced employees to wear diapers at work). In most parts of the US, employers can legally terminate employees for being “too attractive,” for having the wrong political affiliations, and for choosing a particular sexual partner. When American workers go to work, they enter a world marked more by unaccountable hierarchy than democracy and freedom.

Yet despite the presence of this vast realm of domination, contemporary economists and political theorists are largely silent about the social relations of work. At most, they offer up apologetics about voluntary contracts, obscuring the reality of extreme inequality.

Elizabeth S. Anderson aims to change that. In her new book, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about it)*, Anderson — a philosophy and women's studies professor at the University of Michigan — argues that workplaces are a form of private government, and very often a form of dictatorship.

While Anderson stops short of calling for the complete democratization of the workplace — instead advocating a system of “co-determination” that would allow employees to participate in shop-floor decisions — her work is indispensable to understanding the historic roots, intellectually and economically, of the modern workplace.

Socialist activist Chase Burghgrave recently caught up with Anderson to talk about democracy, the tyranny of work, and the lessons that workers can draw from her new book.

**Chase Burghgrave: “Private government” is an interesting concept, and not one I think most people are familiar with. What is “private government”?**

Elizabeth S. Anderson: The history of democracy is the history of movements to make government a public thing; that is, to make it the business of the governed — transparent to them, attentive to their interests, accountable to the public.

Private government is rule by authorities who tell the governed that the rules to which they are subject are none of their business, that they aren't entitled to know about how their government operates, that they have no standing to insist that their interests be taken into account in how they are governed, that their rulers are not accountable to them.

By US law, the default constitution of the workplace is a private government, rather than a public one. Managers run a government that is kept private from the workers they govern.

**Most academics and public figures that write and talk about economic inequality focus on inequality in terms of wealth and income. You do not focus on that. Rather, you focus on the inequality of power between employers and employees within the workplace. Why did you focus on this form of economic inequality for your book?**

Distributive justice is an important concern. But it is far from the only concern of egalitarians.

Being humiliated, harassed, and abused by managers, subject to dangerous work conditions, being penalized for off-duty conduct that has nothing to do with on-the-job responsibilities, being pressured to support management's political causes — such assaults on the dignity, safety, and autonomy of workers are of concern to egalitarians over and above issues of pay and benefits.

Fundamentally, egalitarians care about eliminating oppressive social hierarchy, including relations of domination and subordination under which subordinates can be arbitrarily subject to humiliating and oppressive conditions, and arbitrary restraints on their freedom.

**You describe the authority of employers as like that of dictators, capable of micromanaging employees' actions at the workplace as well as reprimanding them for their off-hour activities. Many conservatives and libertarians would probably take issue with workplaces being described in this way, citing the employee's agreement to the employment contract as evidence of no wrongdoing on the part of the employer. Why should we see authority in the workplace as a form of governance and not as a contractual agreement between equals?**

First, let's be clear that there is no contradiction between entering a relationship by means of a contractual agreement and the form of that contract being one that establishes a relation of domination and subordination between the parties.

For centuries, marriage contracts worked like that. The man and the woman signed the marriage contract by mutual consent, but the contract specified that the man would have near-total authority over his wife. Until the late nineteenth century, upon marriage the woman lost her rights to own property and sign contracts in her own name, to work outside the home without her husband's permission, even to leave her husband's home without his permission. Until the late twentieth century, he was legally entitled to rape her.

The law of marriage, defined by the state, set these as the default terms of the marriage contract, and set up the husband as the dictator over his wife. It was possible for the two parties to sign a prenuptial agreement that altered these default terms. But such agreements were rare, because the husband hardly ever had an interest in reducing his power over his wife. When the state has dealt men all the cards, why would they agree to give any of them to their wives?

The case of the employer-employee relation is similar. The state has determined the default terms of the employment relation through employment law. These establish a regime of "employment at will": the employer can fire the employee for any or no reason, with very few exceptions, mostly having to do with discrimination. This grants bosses almost complete authority over workers, not only on the job but off duty as well.

Since the state has already put its thumbs very heavily on the scales in favor of employers, it is absurd to suppose that the employment contract is a product of negotiation between equals. Very few employees get a chance to negotiate at all.

While it is technically possible for the worker to negotiate better terms, in practice employers reject

negotiation over the scope of employer authority out of hand, except for employees at the very top of the worker hierarchy and those represented by labor unions. Since they, like nineteenth-century husbands, have been dealt all the authority cards by default, why would they negotiate to give any of them to their employees?

**You write about a time, roughly between the mid-eighteenth century and the American Civil War, when it made sense to talk about the free market as being part of a left political project. Adam Smith, Thomas Paine, and Abraham Lincoln all thought the market could be a liberating way of organizing society. Why did they think that, and what were their moral motivations for supporting the free market?**

Smith, Paine, and Lincoln all recognized that subjection to an employer was not good for workers. Wage workers couldn't keep all the fruits of their labor, had to bow and scrape before their bosses, and had to work under stultifying conditions, under the authority of an oppressive boss. They were not really free.

Early free-market thinkers thought that breaking up monopolies in land and manufacturing, abolishing all forms of involuntary servitude (not only slavery, but indentured service, debt peonage, and apprenticeship), and, in the US case, giving away land, would enable wage laborers to acquire enough capital to become self-employed.

They thought that large employers existed only because the state was propping them up by rigging the rules of the game in their favor. Open up markets to competition, and the most efficient producer — the self-employed proprietor — would run the lazy, stupid aristocrats and scheming large manufacturers out of business. This is a story of worker liberation! That's why they supported it.

Still, we should keep in mind that this promised liberation was very partial. In the US, it was bought at the terrible expense of Native Americans, who were ethnically cleansed from the lands given away to white workers in the Homestead Act and other state actions. Everywhere it failed to address the fact that men retained total control over the labor of their wives, via the marriage contract.

**You write that after the Industrial Revolution, the free-market ideology associated with liberalism was no longer tenable. How did the Industrial Revolution change capitalism such that the market could no longer be a liberating way to organize society?**

The Smith-Paine-Lincoln ideology was based on the assumption that the incentive effects of being able to keep 100 percent of the fruits of one's labor outweighed economies of scale. That's why the self-employed worker would be more efficient than the large-scale employer holding authority over many workers, and triumph in a truly free market.

This assumption, plausible in the eighteenth century, was falsified by the technological innovations that brought about the Industrial Revolution. The factory system, with huge concentrations of capital worked by many hands, was vastly more efficient than the small craft shop, and drove the craftsmen out of business. Railroads bankrupted horse-drawn coaches that could be operated by a sole proprietor. And so forth, across virtually all economic sectors.

Ultimately, this meant that the vast majority of workers must be wage laborers for life. Rates of self-employment have declined steadily since the Industrial Revolution.

**The exploitation and arbitrary authority within workplaces used to be a well-known and commonly discussed form of private governance. You can read either Dickens or Sinclair and get a good sense of the horrible working conditions of their eras, and of course Marx**

**developed an entire economic theory to try and understand how capitalism had become what it had. Why have we forgotten that the workplace is a form of government and a site of arbitrary authority?**

In Europe, the main vehicles for transmitting knowledge of workers' lives were various socialist movements and parties, and the labor movement. Labor unions and socialist parties in Europe keep this knowledge alive today.

But socialism was a comparatively marginal movement in the US. And labor unions are nearly destroyed. Journalists and state officeholders barely speak to labor union leaders and labor activists anymore. This has led to a lot of lost knowledge in the US.

Meanwhile, libertarians and the politicians associated with them, such as those in the House Freedom Caucus, blindly repeat ideas from Smith, Paine, and Lincoln, not recognizing that they thought markets would liberate workers precisely by liberating them from the oppressive authority of employers. They continue to advance Paine's and Lincoln's promise of self-employment to any enterprising worker, but without being willing to give away the capital needed to realize that promise.

By contrast, Paine and Lincoln were rooted enough in reality to recognize that self-employment for the typical worker would be impossible if the state did not figure out ways to distribute capital to workers.

Now Republicans use free-market rhetoric to support self-employment scams, such as multilevel marketing pyramid schemes. You might be surprised how much GOP funding comes from billionaires who made their fortunes on multilevel marketing, which offers false promises to the vast majority of participants that they can be self-employed.

What started out as a liberating ideology with some grounding in empirical reality has degenerated into a pipe dream marketed by hucksters with the aim of draining the meager assets of their rubes.

**You don't focus on many specific policy prescriptions in the book, but you do outline a few things that you think could be done to make the workplace more egalitarian and humane. What do you think is worth pursuing to make working in the United States less oppressive?**

First, there are some easy fixes that could be achieved within the terms of current law, or with some modifications of current law.

Chief among these would be rigorous enforcement of existing labor laws, abolition of mandatory arbitration over violations of wages and hours regulations, and abolition of bans on class action suits by groups of workers over unfair treatment by their employer. Rigorous enforcement especially needs to include protecting the free speech and association rights of workers to complain about working conditions and to organize labor unions at the workplace.

In addition, non-compete agreements need to be banned. These prevent workers from taking their human capital with them when they quit or are fired. If workers can't exit without abandoning the use of their skills, their already weak bargaining power within the firm is destroyed.

Immigrant workers, too, need the freedom to quit. Without that freedom, they are grievously exploited. Interns, who do work of economic value to their employers, should have the same rights to pay and other legal rights as any other employee. So-called independent contractors are often functionally employees, and should have the same rights as employees. Temps should enjoy the same pay, benefits, conditions, and rights as regular employees of the firm.

Second and more ambitiously, the rules of workplace governance need to be changed to give workers a permanent institutionalized voice at work, whether or not they belong to a labor union.

This is the system that prevails among larger employers in many rich European countries. It requires that workers be consulted about how the work process is organized. In such systems of “co-determination,” workers have a real say in how they are governed, and the work process is jointly determined by workers and managers.

Labor unions engage in collective bargaining over wages and benefits, but the conditions on the shop floor are managed by co-determination. This means that workers are entitled to a real say in how they are governed even if they have not elected a labor union to represent them exclusively in collective bargaining.

**For activists and labor organizers, what do you hope is the takeaway from your book? How do you hope the book shapes the kinds of conversations and decisions activists will engage in their own work?**

The main thing I want to do is to change the way we talk and think about wage labor, to give workers a way to articulate their grievances over the arbitrary and oppressive ways they are treated by their employers that can resonate with Americans’ ideas of freedom.

We are used to rhetoric that casts “government” as a threat to our liberties. By making it clear that the workplace is a form of government (that the state is not the only government that rules us), we can make clear how the authority that employers have over workers threatens their dignity and autonomy. By naming that government as “private” — that is, as kept private from the workers, as something employers claim is none of the workers’ business — we can make more vivid the fact that workers are laboring under arbitrary, unaccountable dictatorships.

The government of the workplace needs to be made a public thing to the governed, to the workers themselves — something that is very much their business, in which they have standing to demand that their interests be taken into account, that their voices be heard.

---

**P.S.**

\* Jacobin. 06.29.2017:

<https://jacobinmag.com/2017/06/private-government-interview-elizabeth-anderson>

\* Elizabeth S. Anderson is the Arthur F. Thurnau Professor and John Dewey Distinguished University Professor of Philosophy and Women’s Studies at the University of Michigan.