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4.2.4 – Republicanism at Work: Strategies for Supporting Resistance to Domination in the Workplace

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Abstract Work, as organized in contemporary workplaces and situated in social and political structures, poses a threat to freedom that has been under-appreciated in political theory, especially liberal political theory. The recent revival of republicanism offers an intriguing alternative—can republicanism do any better, with respect to work and freedom? An examination of the workplace through a republican lens does a better job of helping us make sense of the way work threatens freedom—by exposing us to the threat of domination—and it can generate at least three plausible proposals that might render resistance to domination in the workplace more successful: enhanced exit, workplace constitutionalism, and workplace democracy. But this is here where republican political theory leaves us. In order to adjudicate between these strategies, as well as identify positive goals to accompany the avoidance of domination, we must turn to democratic theory, and pay closer attention to how workers, as a distinct subset of the population, pursue the project of enhancing and protecting freedom in the workplace. This examination makes clear that a missing concept in neorepublican theory is resistance—workers seeking non-domination through their own initiatives. Once this modification is made, the relative importance of workplace democracy for securing non-domination becomes clearer.

Keywords Domination, Freedom, Resistance, Work, Workplace Democracy

1. Introduction: Freedom, Work and Resistance

How can freedom in the realm of work and the workplace be secured? This question is an important one, given the central and dominant role work plays in the lives of so many people. It has not attracted a great deal of sustained focus in liberal political theory. When liberals have turned to economic matters, they have tended to focus primarily on questions of distribution, rather than the workplace itself. But the workplace today is a place any practical philosophy of freedom must address. This is particularly true in light of the shift toward greater 'flexibility', which has done more to benefit employers than employees and has eroded the potential for collective power to be exercised by employees, thus increasing the experience of uncertainty or 'precarity' amongst the workforce.ⁱ In short, there are ample reasons to focus our attention on the problem of freedom at work—what it concretely demands, how it can best be secured, and how threats to it can best be kept at bay. The liberal political tradition is most often associated with robust defenses of freedom, but has little to say about freedom at work. Liberalism, broadly conceived, remains committed to the separation of public and private realms, with the latter being treated as a realm beyond politics. Substantive issues regarding the nature and character of work are largely treated as a question of the private, not public realm; concerns regarding work's meaning and structure are but another "preference in the market."ⁱⁱ

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While liberalism seems to offer little help to guide us here, the republican tradition provides a promising alternative. The ongoing republican revival in political theory, particularly as formulated by Philip Pettit, is premised on an alternative conception of freedom—freedom as non-domination, as opposed to the more traditional freedom as non-interference.ⁱⁱⁱ Domination is defined as a capacity to interfere arbitrarily—a power over another that isn't designed to track their interests. This means that sometimes freedom is threatened without any actual interference at all, but also that some acts of interference—those made to track the interests of the interferee—are no threat to freedom. Domination takes a variety of forms, but the two primary types are important for us here. Freedom can be threatened both by *imperium* (state domination) or *dominium* (domination at the hands of non-state actors, including employers). A republican theory of freedom in the workplace, then, would need to first identify what kinds of configurations of power and authority would constitute domination in the workplace, and then devise a strategy for how to prevent it. This paper will work within the republican tradition on both of these fronts, and at the same time consider the limits of the focus on freedom as non-domination for promoting freedom in the workplace. Drawing on recent republican work on freedom and the workplace, I identify three plausible avenues to pursue non-domination at work, and contemplate what they might offer—alone and together—and how republican theory might direct us to think about choosing between them. I conclude that attention to that last question requires us to move beyond non-domination as the sole value to promote freedom in the workplace. When we pay attention to what workers want, it becomes clear the pursuit of freedom requires admitting other values. A strong candidate for an additional important value for workplace freedom, in light of an empirical examination of what workers want, is non-alienation. While republicanism does more to help us make sense of freedom in the workplace than liberalism, it must transcend its monistic focus on non-domination to realize its full potential in that regard.

2. The workplace as a Problem for Republican Freedom

Pettit hopes to show that recasting freedom as non-domination is a conceptually radical move that advances our understanding of freedom in a direction liberals, committed to a conception of freedom as non-interference, are unable or unwilling to go.^{iv} As noted above, Pettit's democratic theory is motivated above all by a desire to construct a system in which domination—understood as potential or actual arbitrary interference—is prevented or at least minimized. Pettit is aware that domination can come from the state (*imperium*) but it can also come from a variety of other private or semi-private sources (*dominium*). The harm caused by domination isn't determined by the source—domination by other private actors can inhibit our freedom just as much as domination by the state.^v It's important to note here that these two forms of domination look somewhat different, as they rely on slightly different conceptions of arbitrariness.^{vi} When an individual, or non-state actor, dominates another, it is because they are in a position of power over another person (or persons), and their capacity to exercise that power is arbitrary with respect to that person's interests. The state's role in protecting us from private domination primarily revolves around the equal protection of the 'basic liberties' and access to the necessary resources to resist domination.^{vii} The marker of a person free of private domination, Pettit tells us, is someone who can pass what he has recently called the 'eyeball test': "They can look others in the eye without reason for the fear or deference that a power of interference might inspire."^{viii} Securing freedom in the workplace would enable employees to be able to pass the eyeball test with respect to their employers and supervisors. Public domination, on the other hand, is secured by correct democratic procedure: we are said to be protected from it when the structure of the state forces it to track the avowable interests of the citizenry. This is said to be the case when the people have an equal say in the authorial function of the state (generating laws) and the editorial, contestatory function of challenging them when they fail to track their interests properly. This ensures that the manner in which the state might choose to limit the threat of domination in the workplace is not itself an arbitrary act of domination over the citizenry as a whole. Whether domination's source is the state or non-state actors is important in assessing the impact of domination or

determining what to do about it. However, as a threat to freedom, the distinction is secondary to the concern that it is, as a matter of fact, dominating toward some person or group of people, which is always a threat to produce an unnecessary and illegitimate reduction in freedom. Pettit's democratic theory is constructed around the goal of balancing the twin threats of *imperium* and *dominium* by creating a state that is likely and capable of crafting policies and strategies that limit the likelihood of conditions of *dominium*, but with power checked (by contestatory procedures) so that it will not devolve into *imperium*.

But how does such a theory help us prevent domination in the workplace? Work's relationship to freedom is a tricky one, and manifests itself in different kinds of potential threats. On the one hand, having the opportunity and capacity to exchange one's labor for wages is an important exercise of freedom, one that has the potential to expand one's options in life considerably, and is in generally understood, at least in American political culture, as a central marker of a free person.^{ix} For all but a select wealthy few, if you don't work, you'll probably be dependent on others, and therefore potentially exposed to their arbitrary will to a significantly greater degree than otherwise. Work is the primary source of the provision of resources necessary to not be at the mercy of others, and to have no need to kowtow to them. On the other hand: work itself is a major source of unfreedom. Most workplaces allow very little freedom in a practical sense: very few people are fortunate enough to have much choice in or control over how they spend their working days. In a typical workplace, workers are interfered with regularly at work by people and rules not of their own design, and they have little or no say in the selection of those people and development of those rules. Furthermore, the contribution work makes to freedom also has the potential to make it a source of unfreedom since employees generally need jobs far more than their employer needs them. The lack of a robust exit option for many, if not most, employees is broadly understood by employers and management and increases the possible exposure to the arbitrary will of employers. This has led some to explore the possibility that work and freedom are irreconcilable, and freedom can be found only by moving beyond work, or at least that the requirement that virtually all people must work to obtain a subsistence level of material wealth is unjust.^x I will set radical critiques of work of these types aside for now and focus on the prospects for non-domination in a world where work remains, for better or for worse, a central and generally necessary feature of our society. In such a world, work presents a conundrum: it has the potential to contribute significantly to both our freedom and our unfreedom, "simultaneously valued for providing the means for self-realisation and disvalued for being burdensome and compulsory."^{xi} Is it possible to retain work's freedom-enhancing qualities, while downplaying, diminishing, or restricting its freedom-diminishing qualities? And is it possible to develop strategies that maximize the former and minimize the latter?

We might start by thinking negatively about avoiding the threat of domination—that is, having the necessary tools and capabilities to resist it. The concept of resistance gets very little attention in republican political thought, even as it lurks in the background.^{xii} When theorizing how we avoid domination, Pettit's preferred concept is 'insulation.'^{xiii} We are insulated from domination by laws and norms that protect us from exposure to the wills of others. In the cases of social relationships of unequal power, a category in which Pettit explicitly includes employer/employee, effective insulation requires active enforcement and monitoring of the more powerful actor, to avoid the problem that the law must be "triggered by the weaker party, and the act of triggering them can have costs of its own."^{xiv} Insulation from domination is not an agency concept; it's something society provides for us, rather than something we do. It functions well when designed and administered well. This is markedly different than the concept of resistance. Insulation mechanisms don't so much promote resistance as they remove the need for it in the first place. Particularly given republicanism's historic focus on the active citizen, as well the history of resistance as an important strategy for securing greater freedom in the workplace, republican theory should make room for an account of resistance as an important part of its theory of how nondomination is secured—not as a replacement for insulation but as a supplement to it. One way to describe the difference between freedom and slavery

is the capacity to resist the dominating efforts of others. For a slave, who personifies unfreedom, the capacity to effectively resist is virtually non-existent.^{xv} Conditions of freedom promote a relative ease of resistance to domination; indeed, a truly free person's status will deter most would-be resistors such that the available tools of resistance will rarely be necessary. Most of us, however, live somewhere in the middle: we have capacity and tools to resist efforts at domination, however imperfect, and we have some insulation, but not enough to protect us all of the time. In non-ideal conditions, with people freer than slaves but not fully free, both insulation and resistance are necessary. Since it is rare indeed for people to be so free as to have little need for the tools of resistance, the relative quality and quantity of such tools are an important topic for republican political thought.

Moreover, in a world full of hierarchical relationships, the workplace stands out as harboring some particular dangers that highlight the need for resistance and insulation. For many types of hierarchical relationships, domination is a threat when properly functioning, non-dominating hierarchical relationships go astray and become corrupted. A corrupted just hierarchical relationship is one in which the powerful party is abusing her power; extending it beyond the bounds of its recognized and legitimate purpose. Teachers and parents, for example, exercise power over students and children in the service of a particular goal, or goals, that are not arbitrary with respect to the interests of the subject. The student may not want to write this particular assigned paper, but the very identity of student suggests the purpose of the hierarchical relationship is learning and skill-building, which Pettit recognizes as non-dominating when functioning more or less as it should. But to what extent is the employer-employee relationship different than those discussed above? Many hierarchical relationships, such as parent-child, doctor-patient, teacher-student, priest-penitent, and so on, are at root developmental in character; the idea that the interests of the subject are central to the relationship is broadly accepted. Should the power be exercised in ways that advance the interests of the powerful actor at the expense of the subject of power, in most cases we would define that as corruption and potential domination. The employer-employee relationship is fundamentally different in this respect. While some employers take a developmental approach to some employees or otherwise concern themselves with their employees' well-being, this is a secondary concern; the employee is only hired because it is deemed to be in the interests of the employer to do so. Insofar as the employer-employee relationship has a core purpose, it is extractive rather than developmental, placing it closer to domination from the start.

This appears to make the employer-employee relationship uniquely worrisome from an anti-domination perspective, and an empirical examination of the ways in which employees are vulnerable to domination would lend further support to this concern. Consider, for example, the right to not be overworked. This is an important right, as even under normal circumstances work takes up a significant portion of one's time. But laws designed to protect this right for many low wage employees are insufficient to prevent massive wage theft by employers, largely stolen by illegal demands for unpaid extra work from employees.^{xvi} For salaried workers, the pressure to work more hours often comes in more subtle forms, but can be just as effective, even as it violates no specific identifiable rule—the widespread assumption that their future career success depends on being perceived as a hard worker.^{xvii} The psychological dimensions of differences in workplace status can open the door to a variety of forms of abuse and domination, with inadequate insulation and limited available avenues of effective resistance.^{xviii}

What gives employers such power over employees, often above and beyond what is officially authorized and sanctioned? Economic reasons, of course, are central here: most people need their job a great deal, as losing it courts economic catastrophe. But it's more than that—because jobs are so central to our identity and life, they become central to our identity and routine, making the threat of a loss a significant one, for both economic and social/psychological reasons. Reciprocal need for a specific employee is rare indeed; in virtually all cases a change to the status quo employment arrangement is a greater threat to the well-being of a the employee than employer, given the ubiquity of involuntary

unemployment in capitalist economies—even in perfectly competitive markets.^{xix} The development of firm-specific human capital in employees is rational and efficient in economic terms, but it also raises the costs associated with exit, even for employees with generally marketable skills, thus rendering them vulnerable to potential domination.^{xx} Furthermore, because jobs tend to become central to people's lives, taking up a considerable proportion of their available time and energy, they become attached to them for a variety of reasons, above and beyond economic necessity. The psychological and economic dimensions of power in the workplace make the threat of domination particularly acute. Workplace domination should almost certainly be a central worry of republicans. Recently it has been, and three strategies have been suggested by republican theorists to address this threat. The next section introduces these strategies, and the final section offers an assessment of their capacity to do the job, and how they might be supplemented and evaluated.

3. Pursuing Freedom at Work: Three Republican Strategies

The first of these strategies is workplace constitutionalism (WC). Just as a constitutional order limits and empowers actors in a variety of ways, so too does workplace constitutionalism. Examples of workplace constitutional rules include minimum wage regulation, protection from various forms of discriminatory practices, rules regarding internships and overtime pay, and health and safety regulations, are all clear examples of workplace constitutionalism. The core idea, that a set of rules which have the force of law and are not locally alterable, even by employer-employee agreement, are capable of ordering and restraining power in workplaces such that a number of possible avenues for domination are stifled. Part of the logic of workplace constitutionalism is that a straightforward freedom of contract doesn't recognize the potential danger of domination in a negotiation between two parties of dramatically unequal power.^{xxi} Rules that establish floors—of wages, conditions, safety, and the like—presumably prevent the exploitation of desperate job-seekers, as well as establishing a general habit of non-dominating relations through attendant norms. This is the approach most obviously consistent with Pettit's conception of state power and its role in reducing domination: the state, through law, orders and limits the potential for *dominium* by constraining power relations.

That some version of WC is the primary way republicans should seek non-domination in the workplace is advocated by a number of republican theorists, including Richard Dagger and Nien-He Hsieh.^{xxii} Dagger follows Pettit in suggesting that the employer-employee relationship will be less likely to contribute to domination if 'at will' employment contracts are prohibited, as such an arrangement opens the door for domination of employees who are, for whatever reason, particularly attached to their present job.^{xxiii} WC does not require the significant forms of decision-making power associated with workplace democracy, but it may require some formalized consultation and contestation procedures to enhance rule enforcement. For Hsieh, such a regime "constrains the discretion of managerial decision-making and provides institutional guarantees for workers to be able to contest managerial directives" through "legal regulations that proscribe a range of interference that can be visited upon workers in the course of economically productive activity."^{xxiv} For advocates of WC, there is a range of discretion in which employer interference with employees is both reasonable and acceptable, and the effective promotion of non-domination involves identifying and codifying that range, using legal prohibitions to constrain interference that falls outside that range.

The second strategy, advocated most forcefully by Robert Taylor, takes inspiration from Pettit's initial formulation of republican freedom as a kind of 'antipower'.^{xxv} Enhanced exit (EE) seeks to promote workplace freedom through a strategy of the destruction of power in the workplace in the hands of both employers and employees. Power can't be destroyed directly, EE advocates argue, through rules that prohibit its illicit exercise for at least two reasons. First, because the functional authority of management to control what the workers do and to make a number of

other basic decisions is fundamental to the very nature of a firm; and second, because such rules are inclined to create power that can be worked around or exploited in unexpected and unintended ways. All potential forms of workplace power must be destroyed indirectly, by changes in the environment in which it takes place. The economy must be governed in a way that prohibits monopolistic and monopsonistic power from developing in labor markets, so no employer or group of employees has the power to dictate their terms in an employment contract. Taylor follows other republicans in endorsing a proposal for universal basic income (UBI) as part of this strategy.^{xxxvi} This tool would obviously lessen the need for a job to survive, thus reducing the likelihood of someone remaining in an abusive and dominating situation out of necessity. Along with a UBI, a “Nordic” style welfare state “which combines flexible labor markets (including ease of hiring and firing), free trade, and bracing competition with high levels of social support in the form of generous welfare benefits and job training” would further protect workers from finding themselves stuck in a job in which they are dominated.^{xxxvii} The rules that would govern Taylor’s labor markets would discourage union power, which could be a means to enhance employee power over employers; instead, the welfare state benefits would reduce employer power since the threat of job loss would be less frightening to employees in such an environment. This could, Taylor hopes, promote more stability, as employees (and employers) might both be inclined to make reasonable concessions, since neither side has the capacity to manipulate such negotiations with some non-market-based advantage. With no such power to fall back on—with power itself effectively destroyed in the context of the work relationship—there would be little capacity for a workplace relationship to slip into domination. At its best, this strategy would effectively remove the threat of abusive power by making the conditions of employment fundamentally voluntaristic: employers have little effective power over employees because workers can walk away, and vice-versa. Non-domination, presumably, will emerge from non-coercion, and non-coercion requires neither the employer nor employee needs to remain in that relationship.

The third and final strategy, workplace democracy (WD), follows what Joshua Cohen influentially labelled the ‘parallel case’ with respect to the firm and the state. Just as it is through democratic control that renders the idea of a non-dominating state conceivable, so too would democratic control of the firm make the idea of non-domination in the workplace feasible.^{xxxviii} Alex Gourevitch draws our attention to an important and generally overlooked part of the republican tradition—the “labor republicans” of the late 19th century labor movement, who articulated a case for the need to “transform control over productive assets and work activity”^{xxxix} in order to achieve non-domination. Drawing on earlier workplace democracy advocates,^{xxx} republicans have good reason to argue compelling reasons to support participatory power in institutions whenever feasible, as this sort of power is a necessary check on potential domination. No set of rules can anticipate the various changes and shifts that might provide new opportunities for domination. Furthermore, there is some evidence that labor-managed firms have a relatively countercyclical character, performing better during recessions,^{xxxi} and in general exhibiting greater stability due in part to a more stable workforce.^{xxxii} These outcomes would seem to potentially contribute to republican goals, as people are more likely to be secure and free from domination (and less vulnerable to forces that might vitiate their resistance to domination) if they are able to remain in the same position for an extended period,^{xxxiii} offering another potential benefit of pursuing non-domination via WD.

4. Choosing a Republican Strategy

As I’ve already observed, Pettit himself has little to say directly about which strategy to pursue. This is, in part, because he tends to focus on the more theoretical structure of republican theory, treating the details as a matter of practical application of his work.^{xxxiv} Some of his comments seem to support WC measures, and he’s expressed some sympathy for EE, although he suggests that Taylor’s argument would be of greater use under “more ideal circumstances.”^{xxxv}

Pettit's general focus on statist solutions to problems of domination places him perhaps most comfortably in the WC camp. But I will argue in this section that looking for an incomplete economic theory to figure out the proper republican strategy for the pursuit of freedom in the workplace is a strategic error. It is rather through his democratic theory that we might find guidance, although we'll need to make some modifications there. There are many areas of policy in which Pettit's political theory provides little guidance in specific policy questions. One response to such a conundrum might be to simply try all of them, hoping that together they can tame the threat of workplace domination. There are, of course, some fruitful ways to combine these three strategies.^{xxxvi} But they are also, in other cases, in clear tension with each other, and times may arise when we must choose one over the other.^{xxxvii} In the broadest, most general sense, virtually everyone would support some WC rules—it is difficult to imagine, for example, anyone protesting rules that prohibited torture as a form of workplace discipline. But if WC is the central strategy by which we promote non-domination, those rules will necessarily become ever more complex and specific, attempting to deal with a wide variety of potential threats to freedom. This may have the effect of reducing the potential room for WD decision-making, by overly constraining the scope of choices and options a group of workers may have in organizing their own firm. WC may place restrictions on hiring and firing that work against the goal of EE, and WD is likely to lead to more development of firm-specific skills and knowledge as well as attachments and employment protections that also work against EE, and so on. Insofar as these strategies are likely to conflict with each other, republican theory needs to identify a way to help guide that choice. So while all of these strategies may have something to contribute, their use is potentially limited by the deployment of the other two in a number of concrete ways.

Pettit's theory seems to offer little guidance in prioritizing amongst strategies for workplace non-domination, let alone for choosing auxiliary freedom-enhancing goals for the workplace. But this lack of guidance can be resolved by looking elsewhere in his theory. Instead of trying to derive an economic theory from the neo-republican model, we should look to republicanism's democratic theory. A legitimate republican democratic state, Pettit tells us, must track the avowed interests of the state in two ways. First, it should seek to do so through its authorial, legislative function; when that fails by producing 'false positives,' democracy's second, contestatory dimension should revise the original action. Both of democracy's dimensions, authorial and contestatory/editorial, must track the common avowable interests of the citizenry. The success of these mechanisms in controlling and forcing the state's actions to track that interest explain why the state can ever be non-dominating with respect to the citizenry. So, in light of Pettit's democratic theory, the question of what strategy to pursue or what complementary values to seek in the workplace takes on a different character—we should ask what sort of priority and strategy the workers themselves want.^{xxxviii}

With this approach in mind, what might we say about our three contenders? What do workers want? A comprehensive or definitive answer to that question is beyond the scope of this paper, but a preliminary assessment is at least possible. In the early 1970s, in the midst of the process of deindustrialization, the Department of Health, Education and Welfare conducted a major study on the state of working America today.^{xxxix} This study was in part a response to the growing unrest known in the popular media at the time as the 'blue collar blues'—workers frustrated not merely with wages, hours, or more traditional labor concerns, but with their lack of control over a variety of the details of the work itself. An impetus for this report, and a symbol of the politics of the moment, was the labor unrest and eventual strike at the Lordstown, Ohio Chevy plant in 1972. Management was eager to launch a new assembly line model in this plant that was 40 percent faster than workers were accustomed to, but more mechanized and less labor intensive. For years prior to the strike, labor strife had been simmering here, but the unusually young and racially diverse workforce had a different set of "surprisingly non-economistic" complaints and issues than GM management were used to dealing with: "in a majority of cases the fundamental grievance was the petty despotism of the workplace incarnated in the capricious power of the foreman and the inhuman processes of mechanized production lines."^{xl} Ironically, the three-week strike won a number of major concessions for the union, but they were virtually all concessions

of the traditional sort, relating to hours, pensions, benefits, and pay.^{xli} However, the new kind of complaints at least briefly got the attention of the US government, as work dissatisfaction and alienation became a significant concern. The Department of Health, Education and Welfare study found significant evidence that the complaints of Lordstown were hardly unique:

What the workers most want, as more than 100 studies in the past 20 years show, is to become masters of their immediate environments and to feel that their work and they themselves are important—the twin ingredients of self-esteem. Workers recognize that some of the dirty jobs can be transformed only into merely tolerable, but the most oppressive features of work are felt to be avoidable: constant supervision and coercion, lack of variety, monotony, meaningless tasks, and isolation. An increasing number of workers want more autonomy in tackling their tasks, greater opportunity for increasing their skills, rewards that are directly connected to the intrinsic aspects of work, and greater participation in the design of work and the formulation of their tasks.^{xliii}

The political agenda set forth in the study never gained much traction, and the ensuing acceleration of de-industrialization the wake of the 1973 oil crisis made the demands associated with it seem inconsequential as the disappearance of the jobs themselves accelerated. Nevertheless, the concern remained—an economist at the time proposed that the practical limit worker alienation placed on the capacity to increase efficiency by increasing the division of labor was a law of economics, expressible as a formal model.^{xliiii}

If the brief appearance of issues of worker dissatisfaction and alienation didn't remain on the political agenda for long, it's not because the problem went away. One of the most thorough surveys of American workers suggests a significant unmet desire for greater control on the part of workers:

American workers want more of a say/influence/representation/participation/voice (call it what you will) at the workplace than they now have...because they think it will improve the quality of their working lives....Workers want more cooperative relations with management....and believe that management resistance is the primary reason they do not have the desired level of influence on their workplace.^{xliv}

Workers were more likely to give an essential or very high ranking to the importance of respect from their employers than they were for a living wage or job security.^{xlv} Follow-up research suggests similar conclusions across the Anglosphere countries.^{xlvi} The research emphasizes that no single strategy for voice and representation, such as unions or particular workplace democracy schemes or constitutional rules, is likely to be broadly sufficient for meeting the demand for voice, and that satisfying employee demand for voice calls for greater flexibility and innovation in institutional structures to deliver it.^{xlvii} Furthermore, the more empowerment workers experience, the more enthusiastic they become about acquiring more; few things increase the popularity of workplace democracy than its experience.^{xlviii}

5. Conclusion

The examination of what workers want should help orient and guide our thinking about republican theory of freedom at work. It points us in a few clear directions: first, that WD must have a particularly prominent place in our approach to non-domination in the workplace; and second, that meaningfulness and/or non-alienation should be significant public policy goals; and finally, that measures that enhance WD are likely to enhance the latter goals as well, by virtue of changing one's relationship to the workplace. These findings should not be surprising for republicans. To be a free person in a republican polity is an outcome Pettit has long associated with one's recognized social status. As you will recall, the free person is one who can pass what Pettit calls the 'eyeball test': "they can look others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status, objective and subjective, of being equal, in this regard, with the best."^{xlix} Workplace freedom, in republican terms, requires creating conditions for employees to be

able to pass the eyeball test with respect to their employers. It might be the case that even if enhanced exit or constitutional rules frustrated the capacity of management to dominate workers in a variety of ways, there might still remain a sufficiently large gap between the degree of autonomy and power of workers and owners or management might make it unlikely for the employee to pass the eyeball test in the specific context of the workplace. While the worst forms of domination may be best prevented by exit or strongly enforced external rules, the kind of social equality often associated with republican political thought requires more than that, and democracy can help provide it.ⁱ Fabian Schuppert has considered the demands of social equality in making the argument for non-alienation as a theoretical supplement to non-domination extensively; the examination here arrives at a similar conclusion through a different route.ⁱⁱ

To unpack the first conclusion a little more: the centrality of WD makes even more sense when we return to the issue of resistance, and the underappreciated role of resistance in republican theory. The space that resistance might occupy in Pettit's theory is occupied by his conception of insulation. Insulation, usually through norms, laws, and resources, gives us the assurances of protection from interference we need to act as a free person. It is outside of us; a product of our own making but social and political provision. It gives us the capacity to shape our lives in the manner fully free people do. Resistance can be understood as an effort to provide our own substitute for insulation when insulation against a particular relationship of domination doesn't exist. The empirical evidence about what workers want—and how they go about trying to get it—paints a picture of people who found themselves under an arbitrary power, and who crafted their own set of responses and strategies to achieve greater freedom under that condition. Resistance, in a sense, is a way in which less than fully free people engage in the practice of freedom. In the workplace—and in the modern world in general—that defines most of us for whom full and complete republican freedom will likely always remain out of reach. Pursuing freedom via resistance often leads us beyond the pursuit of just non-domination. The search for meaning and control promotes conditions of non-domination but goes beyond it as well to include non-alienation. The core insight of republicanism's democratic theory—that power must be made to track the interests of those under it—helps us see how a theory that started out about primarily non-domination might come to promote a secondary value as well. When viewed through this lens, it becomes clearer that whatever role WC and EE might play in securing freedom at work, it should probably be secondary to WD. They are both strategies more clearly associated with insulation; providing legal protection against (WC) or a capacity to walk away from (EE) a dominating work environment. But neither are focused on providing tools to change the nature of one's work environment to make it one's own.

How do these policy options promote, enhance, or otherwise make possible resistance? WC offers a single and simple path for resistance—resistance through the threat of state intervention; an invocation of their legal insulation. If the relevant WC rules fail to adequately prevent a particular kind of domination, or if the relevant authorities are unable or unwilling to provide assistance, as is all too often the case, there is little empowerment available to resisters of domination under WC (as is so often the case with wage theft among low wage workers, for example). Under EE, resistance to domination can take place through exit itself, and is also presumably empowered by making the threat of exit sufficiently credible to dissuade would-be dominators. But can the mechanisms of EE successfully make exit a sufficiently credible threat in all cases? As noted earlier, for a variety of reasons that EE can't address, encompassing not just economic but also social, psychological, and identity-based reasons, people are often tied to particular firms and jobs. The path of resistance offered by EE may be ineffective or unattractive in these cases. Under WD, broadly conceived, the resistance strategies can be developed and chosen by the workers themselves. The scope of the threat of domination at work is sufficiently broad and deep as to make the narrowing of resistance strategies necessitated by the strategies of WC and EE troubling, even if it were not the case that workers themselves seem to have a preference for WD. WD also uniquely provides a mechanism to force the tracking of avowed interests beyond mere non-domination, such as non-alienation. The capacity to collectively choose a path of resistance to domination, as well as the range of possible paths the WD model offers, are important reasons why this path

must be part of a republican account of workplace freedom.

This is just the beginning of a republican account of freedom at work. Available models of WD contain a great deal of variation, and the different forms of WD may provide a variety of potential implications for worker empowerment.ⁱⁱⁱ These forms may interact in a variety of ways with different efforts to advance freedom as non-domination via WC and EE provisions. While evaluating and assessing the strengths and weaknesses of different specific models of republican approaches to workplace freedom are beyond the scope of this paper, attention to the kind of efforts and demands workers engage in, and the kind of powers they attempt to build and secure for themselves, is a crucial and heretofore largely missing feature of the theorizing the struggle for freedom at work.

Notes

ⁱ On the issue and problem of precarity see James Chamberlain, "Bending Over Backwards: Flexibility, Freedom and Domination in Contemporary Work," *Constellations* vol. 22, no. 1 (2015), pp. 94-108; Mika Lavaque-Manty, "Finding Theoretical Concepts in the Real World: The Case of the Precariat," in B. de Bruin and C. Zurn, editors, *New Waves in Political Philosophy*. London: Palgrave MacMillan, 2009; Guy Standing, "The Case of the Precariat: From Denizens to Citizens?" *Polity* vol. 44, no. 4 (2012), pp. 588-608.

ⁱⁱ Ruth Yeoman, "Conceptualizing Meaningful Work as a Fundamental Human Need," *Journal of Business Ethics* vol. 125, no. 2 (2014).

ⁱⁱⁱ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

^{iv} *Ibid.*, pp. 130-140.

^v However, Pettit has recently argued that concern about *imperium* ought to be lexically prior to concern about *dominium* as a general matter. See *On The People's Term: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), pp. 24-25; "Justice, Social and Political," in D. Sobel, P. Vallentyne, and S. Wall, editors, *Oxford Studies in Political Philosophy*. Oxford: Oxford University Press, 2015, pp. 9-36.

^{vi} The structural and epistemic differences between *imperium* and *dominium* have rarely been considered at any length by republican theorists. A welcome exception can be found in Andreas Busen, "Non-domination, Non-normativity, and Neo-republican Politics," *Critical Review of International Social and Political Philosophy* vol. 18, no. 4 (2015), pp. 407-423. I discuss these issues further, highlighting some additional tensions between *imperium* prevention and *dominium* prevention, in "Implementing Freedom as Non-domination: Democracy and the Role of the State," *Polity*, advance online publication, doi:10.1057/pol.2015.18 (2015).

^{vii} Pettit, *On The People's Terms*, pp. 92-107.

^{viii} *Ibid.*, p. 84.

^{ix} Judith Shklar identifies working as one half of the traditional markers of free person in American political culture, alongside voting. See Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1998).

^x Recent radical theories looking beyond work include Kathi Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*. (Durham, NC: Duke University Press, 2010), Andre Gorz, *Reclaiming Work: Beyond the Wage-Based Society*. (London: Polity, 1999) and Ruth Levitas, "Against Work: A Critical Incursion into Social Policy," *Critical Social Policy* vol. 21, no. 4 (2003), pp. 449-465. For arguments that tying a de facto work requirement to one's share of a society's wealth is unjust see Phillipe Van Parijs,

"Why Surfers Should be Fed: A Liberal Defense of Unconditional Basic Income," *Philosophy and Public Affairs* vol. 20, no. 2 (1991), pp. 101-131 and Julie Maskivker, *Self-Realization and Justice: A Liberal-Perfectionist Defense of the Right to Freedom from Employment*. (New York: Routledge, 2011).

^{xi} Ruth Yeoman, "Conceptualizing Meaningful Work," p. 235.

^{xii} Pettit in particular has little to say about resistance. In early writings he dismisses 'individual resistance' against domination as a plausible alternative to state-centric means of securing nondomination (*Republicanism*, p. 94). In his more recent writings he sees value in resistance to unjust laws, through civil disobedience (*On The People's Terms*, p. 138). In general, though, he seems to wish to channel resistance into formal channels of contestation.

^{xiii} Pettit discusses insulation in *On the People's Terms*, pp. 114-122 and *Just Freedom: A Moral Compass for a Complex World* (New York: W.W. Norton, 2014), pp. 89-98.

^{xiv} *On The People's Terms*, p. 115.

^{xv} But not entirely absent. I explore how the various resistance strategies of slaves demonstrates a blind spot in Pettit's conception of freedom in "Slavery and Freedom in Theory and Practice," (unpublished manuscript, to be presented at the Association for Political Theory conference, Boulder, CO, October 2015).

^{xvi} Kim Bobo, *Wage Theft in America: Why Millions of Working Americans are not Getting Paid—And What We Can Do About It*. (New York: The New Press, 2009).

^{xvii} Lonnie Golden, "A Brief History of Long Work Time and Contemporary Sources of Overwork," *Journal of Business Ethics* vol. 82, no. 2 (2009), pp. 217-227 and Ofer Sharone, "Engineering Overwork: Bell Curve Management at a High Tech Firm," in C.F. Epstein and A.L. Kalleberg, editors, *Fighting For Time: Shifting Boundaries of Work and Social Life*. New York: Russell Sage, 2004.

^{xviii} Penny Dick and Sara Nadin, "Exploiting the Exploited: The Psychological Contract, Workplace Domination and Symbolic Violence," *Culture and Organization* vol. 17, no. 4 (2011), pp. 293-311.

^{xix} Joseph Stiglitz and Carl Shapiro, "Unemployment as a Worker Discipline Device," *American Economic Review* vol. 74, no. 4 (1984), pp. 433-444.

^{xx} Raghuram Rajan and Luigi Zingales, "Power in a Theory of the Firm," *Quarterly Journal of Economics* vol. 113, no. 3 (1998), pp. 387-432.

^{xxi} This is by no means the only possible justification for the kind of rules that comprise WC. It might also be justified on the grounds that the widespread presence of very poorly paid or frequently injured workers is an outcome contrary to the public good, imposing unreasonable costs on the rest of the society. My interpretation of the republican case for workplace constitutionalism focuses on the power dynamic between employer and employee.

^{xxii} Richard Dagger, "Neo-republicanism and the civic economy," *Politics Philosophy Economics* vol. 5, no. 2 (2006), pp. 151-173; Nien-he Hsieh, "Rawlsian Justice and Workplace Republicanism," *Social Theory and Practice* vol. 31, no. 1 (2005), pp. 115-142 and "Justice in Production," *Journal of Political Philosophy* vol. 16, no. 1 (2008), pp. 72-100.

^{xxiii} Dagger, "Neo-republicanism," p. 162; Pettit, *Republicanism*, pp. 141-142.

^{xxiv} Hsieh, "Rawlsian Justice," pp. 116 and 135.

^{xxv} Robert Taylor, "Market Freedom as Antipower," *American Political Science*

Review vol. 107, no. 3 (2013), pp. 593-602, taking inspiration from Phillip Pettit, "Freedom as Antipower," *Ethics* vol. 106, no. 3 (1996), pp. 576-604.

^{xxvi} Frank Lovett, "Domination and Distributive Justice," *Journal of Politics* vol. 71, no. 3 (2009), pp. 817-830 and Pettit, "A Republican Right to Basic Income," *Basic Income Studies* vol. 2, no. 2 (2007), pp. 1-8.

^{xxvii} Taylor, "Market Freedom," p. 594.

^{xxviii} Joshua Cohen, "The Economic Basis of Deliberative Democracy," *Social Philosophy and Policy* vol. 6, no. 2 (1989), pp. 25-50.

^{xxix} Alex Gourevitch, "Labor Republicanism and the Transformation of Work," *Political Theory* vol. 41, no. 4 (2013), p. 593.

^{xxx} See, for example, Rodert Dahl, *A Preface to Economic Democracy*. (Berkeley, CA: University of California Press, 1985), Ronald Mason, *Participatory and Workplace Democracy: A Theoretical Development in Critique of Liberalism* (Carbondale, Ill: Southern Illinois University Press, 1982); Carole Pateman, *Participation and Democratic Theory*. (Cambridge: Cambridge University Press, 1970) and David Schweickart, "Should Rawls Be a Socialist? A Comparison of his Ideal Capitalism with Worker Controlled Socialism," *Social Theory and Practice* vol. 5, no. 1 (1979), pp. 1-27.

^{xxxi} Virginie Perotin, "Entry Exit and the Business Cycle: Are Cooperatives Different?" *Journal of Comparative Economics* vol. 34 (2006), pp. 295-316.

^{xxxii} Gabriel Burdin, "Are Worker-Managed Firms More Likely to Fail than Conventional Enterprises? Evidence from Uruguay," *ILR Review* vol. 76, no. 1 (2014).

^{xxxiii} Pettit introduces the language of vitiating in his recent treatise on republican democracy, *On The People's Terms*. Our freedom can be threatened in two ways. Directly, by invasion, which takes away a specific option or choice the free person might have elected to pursue. Indirectly, vitiating hindrances are those that "deprive you of resources required for freedom in that choice, or that limit the use to which you can put your resources" (39) in a general way. In other words, if your choices are a series of heavy doors, an invasive hindrance reduces your freedom by locking one or more of them, whereas a vitiating hindrance saps your strength, making opening the door of your choice more difficult. This distinction is important for Pettit, but the bulk of his theory focuses on the problem of vitiating hindrances, which he argues are both necessary and sufficient for domination to have occurred (49-69). Closer attention to the concrete, specific ways workplace dynamics and conditions can psychologically, emotionally, and physically impact workers perhaps suggests renewed attention to the importance of organizing our institutions to avoid vitiating hindrances as well as invasive ones is an important and worthwhile project for republican theory.

^{xxxiv} One exception is his "report card" on the Zapatero administration in Spain, in which he gave an assessment of that administration's accomplishments from a republican perspective. The main workplace issue Pettit addressed here was growing prevalence of precarity and temporary workers, and the importance of making more jobs secure and permanent. See Philip Pettit and Jose Luis Marti, *A Political Philosophy for Public Life: Civic Republicanism in Zapatero's Spain* (Princeton, NJ: Princeton University Press, 2010).

^{xxxv} Pettit, *Just Freedom*, p. 218n44.

^{xxxvi} Inigo Gonzalez-Ricoy, "The Republican Case for Workplace Democracy," *Social Theory and Practice* vol. 40, no. 2 (2014), p. 253.

^{xxxvii} Inigo Gonzalez-Ricoy argues for combining WC and WD, but does not address the potential conflicts between them at any length. See *Ibid*.

^{xxxviii} I am taking some liberties with Pettit's approach here. He generally only considers the question of avowed interests as they apply to the citizenry as a whole. I believe this is a mistake—that groups within society may well have avowed interests that need to be tracked, independently of the citizenry as a whole. I argue this oversight can be tracked to Pettit's methodological nationalism in "Implementing Freedom as Non-domination."

^{xxxix} United States Department of Health, Education and Welfare, *Work in America: Report of a Special Task Force to the U.S. Department of Health, Education, and Welfare*. (Cambridge, MA: MIT Press, 1973).

^{xi} Mike Davis, *Prisoners of the American Dream: Politics and Economy in the History of the US Working Class*. (New York: Verso: 1999), p. 55; see also Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class*. (New York: The New Press, 2010), pp. 42-47.

^{xii} Cowie, *Stayin' Alive*, p. 45

^{xiii} *Work in America*, p. 13.

^{xiiii} Frank Jones, "The Division of Labor is Limited by Worker Alienation," *The American Economist* vol. 19, no. 2 (1975), pp. 18-20.

^{xlv} Richard Freeman and Joel Rogers, *What Workers Want* (updated edition) (Ithaca, NY: Cornell University Press, 2006), pp. 32-33.

^{xli} Freeman and Rogers, *What Workers Want*, p. 10.

^{xlii} Richard Freeman, Peter Boxall, and Peter Haynes, editors, *What Workers Say: Employee Voice in the Anglo-American Workplace*. (Ithaca, NY: Cornell University Press, 2007).

^{xliii} *Ibid*, pp. 23-24.

^{xliiii} Ed Collum, "Two Classes and One Vision? Workers' and Managers' Attitudes towards Workplace Democracy," *Work and Organizations* vol. 30, no. 1 (2003), pp. 62-96.

^{xliii} Pettit, *On The People's Terms*, p. 84.

ⁱ Fabian Schuppert, "Non-Domination, Non-Alienation, and Social Equality: Towards A Republican Understanding of Equality," *Critical Review of International Social and Political Philosophy* vol. 18, no. 4 (2015), pp. 440-455.

ⁱⁱ See *Ibid*, as well as his *Freedom, Recognition and Non-domination: Toward a Republican Theory of (Global) Justice* (Heidelberg: Springer-Dordrecht, 2014).

ⁱⁱⁱ For an excellent overview of the different models, along with an assessment of their economic viability, see Gregory Dow, *Governing the Firm: Worker's Control in Theory and Practice* (Cambridge: Cambridge University Press, 2003). Another useful discussion of different models' strengths and weaknesses can be found in a recent paper by Mark Kaswan, "Democratic Differences: How Type of Ownership Affects Workplace Democracy and Its Broader Social Effects," in Doug Kruse, editor, *Sharing Ownership, Profits, and Decision-Making in the 21st Century* (Bingley, UK: Emerald Group Publishing, 2013), pp. 261-294.

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