

ARE BOSSES DICTATORS?

By Joshua Rothman September 12, 2017



A book posits that widespread oppression at work is a failure of America's political system.

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In 2011, the *Morning Call* of Allentown, Pennsylvania, published an exposé about the working conditions at a local Amazon warehouse. That summer, temperatures inside the warehouse had risen above a hundred degrees; managers, citing concerns about theft, had refused to open the doors for ventilation, instead stationing ambulances outside so that employees could be hospitalized if they collapsed. Job applicants, desperate for work, lined up to replace the fallen.

Stories like this are surprisingly common, Elizabeth Anderson writes, in “Private Government: How Employers Rule Our Lives (And Why We Don’t Talk About It)”; in fact, they characterize life for millions of Americans. Anderson reports that audits by the Department of Labor have found “sweatshop-like conditions” in ninety-three per cent of the garment

factories in Southern California. In many poultry plants, employees are denied bathroom breaks and must wear adult diapers. Forty-one per cent of workers have unpredictable schedules, with employers summoning and dismissing them at will; ninety per cent of restaurant workers say that they have been sexually harassed; millions of employees are subject to drug screening without cause. According to some studies of wage theft, as much as fifty billion dollars is stolen from workers every year by employers who simply refuse to pay. After the *Morning Call* article, Amazon spent fifty-two million dollars to install air-conditioning in its warehouses, but, strictly speaking, nothing about that overheated warehouse (or those hyper-efficient poultry plants) is illegal. In general, workers are seen as consenting adults who have entered into mutually satisfying agreements with their employers. Because employees can quit at any time, bosses are free to treat them more or less however they want.

In “Private Government,” Anderson explores a striking American contradiction. On the one hand, we are a freedom-obsessed society, wary of government intrusion into our private lives; on the other, we allow ourselves to be tyrannized by our bosses, who enjoy broad powers of micromanagement and coercion. Anderson believes that many American workers are constrained by rules that would be “unconstitutional for democratic states to impose on citizens who are not convicts or in the military.” She estimates that more than half are “subject to dictatorship at work.” In “Private Government,” she asks whether this might be a failure of our political system—a betrayal of America’s democratic promise.

Anderson, a philosopher at the University of Michigan and one of the foremost philosophers of egalitarianism, puts today’s exploitative bosses in a broader context. She explains that, whether you’re a C.E.O., a mayor, or the head of a campus commune, there are two ways of being in charge. If you exercise “public government,” you allow the people you rule to have a say in how they are governed; if you wield “private government,” the rules are not up for debate. In public government, decision-making is everybody’s business—the government “belongs” to everyone, like a public park. In private government, it belongs to the governor, as his or her private

possession. When parents say that their rules exist “because I say so,” they are exercising private government over their children. By contrast, our democracy is a public government, in which citizens have a say over the content of their laws.

For most of history, Anderson writes, almost all government was private. The state was a private government: the decision-making process belonged to the king. In addition, private government was wielded by husbands over wives, guilds over artisans, masters over apprentices, and churches over the faithful. (A woman’s property became her husband’s once they married, for example.) In Anderson’s view, Adam Smith, Thomas Paine, and other eighteenth-century advocates of the free market were really enemies of private government. They owed many of their ideas to the Levellers, seventeenth-century English activists who rebelled against the master-and-servant hierarchies surrounding them. In early modern England, for example, guilds “operated their own court system, under which they routinely tried, fined, and jailed” members who sold goods at prices or times other than those allowed by the guild. The economy was dominated by state-granted monopolies over printing, preaching, foreign trade, and other activities. “Anti-enticement” laws prevented employers from offering jobs to other people’s employees; many workers were trapped in their jobs as indentured servants or apprentices. In this context, the free market wasn’t just efficient but egalitarian. It promised to usher in a new age of “masterless men”—self-employed farmers, traders, and tradesmen who answered to no one.

In the years between the American and industrial revolutions, the growth of the free market succeeded in pushing back the borders of private government. Large numbers of white men became their own bosses, running small businesses or managing family farms outside the hierarchies of guilds or feudal allegiances. Later, though, with the rise of manufacturing and the corporation, the trend reversed. In 1776, when Smith published “The Wealth of Nations,” he began his book by envisioning a “pin factory” with just eight workers; Smith and his contemporaries could never have imagined that, in 1913, the Ford Motor

Company would hire fourteen thousand people to manufacture its Model T, or that it would police those employees with a quasi-governmental “Sociological Department” that performed unannounced inspections of their houses. (“Workers were eligible for Ford’s famous \$5 daily wage only if they kept their homes clean, ate diets deemed healthy, abstained from drinking, used the bathtub appropriately, did not take in boarders, avoided spending too much on foreign relatives, and were assimilated to American cultural norms,” Anderson writes.) The rise of large factories and corporations created a new environment in which private government could thrive.

Contemplating the return of private government, Anderson asks, “Why do we not recognize such a pervasive part of our social landscape for what it is?” She argues that we no longer think carefully about the distinction between “public” and “private.” We seem to have forgotten that private government exists; we believe, incorrectly, that “the state is the only form of government.” Because corporate tyranny takes place in the so-called private sphere, it seems to us like a niche problem for the labor movement, not a civic problem with broad implications for our society, on par with gerrymandering or the rise of the surveillance state. At the same time, we see the corporate world through an eighteenth-century lens. To large corporations, we lend the liberatory aura that, in Smith’s day, surrounded small businesses. This allows C.E.O.s to “think of themselves as libertarian individualists,” even though they are more like “dictators of little communist governments.”

Even worse, we think of workers the way Smith did—as empowered free agents who, if they don’t like a job, can simply walk away from it. In surveying the economics literature, Anderson finds that economists often cite workers’ ability to quit as proof that companies have no real power over their employees. “This is like saying that Mussolini was not a dictator, because Italians could emigrate,” she writes. It’s absurd, she argues, to imagine that “wherever individuals are free to exit a relationship, authority cannot exist within it.” Many employees, such as the developer at Uber who was subjected to sexual harassment, struggle to contest their treatment from

within obstructionist corporate bureaucracies; in an increasing number of industries, non-compete clauses—the modern version of anti-enticement laws—make changing jobs prohibitively difficult. Anderson points out that such agreements now exist for “jobs such as sandwich maker, pesticide sprayer, summer camp counselor, and hairstylist.” Anyway, for many workers, there is nowhere to emigrate *to*. Especially at the lower end of the income scale, bad working conditions are so pervasive that switching jobs just means trading one bad boss for another.

U ntil late August, Kenneth Storey was a visiting assistant professor of sociology at the University of Tampa. Then, on Sunday, August 27th, he wrote an insensitive tweet about the victims of Hurricane Harvey: “I dont believe in instant karma but this kinda feels like it for Texas. Hopefully this will help them realize the GOP doesnt care about them.” Storey deleted the tweet, but screenshots of it circulated on Twitter; a hashtag, #FireKenStorey, sprang up. Storey apologized, and explained that he’d been thinking about the Republican Party’s stance on climate change, but, two days after posting the tweet, he was fired. In an official statement, the university wrote that Storey’s tweet did not reflect its “community views or values.”

It’s sobering to contemplate the reach of private government. Anderson focusses mainly on the exercise of corporate power within the workplace, and for good reason—that’s where the most egregious abuses happen. But private government can also stretch to encompass our off-duty lives, shaping and proscribing our activities as “private” citizens. In a 2015 article, “A Chill Around the Water Cooler: First Amendment in the Workplace,” Jeannette Cox, a professor at the University of Dayton School of Law, rounds up many cases similar to Storey’s, including that of Lynne Gobbell, who, in 2004, lost her job at an insulation-manufacturing company after her boss, a supporter of George W. Bush, saw a John Kerry bumper sticker on her car. Polls show that most Americans believe that they enjoy First Amendment protections at work—“We repeat, and cherish, the aphorism: ‘I can say what I like. It’s a free country,’ ” Cox writes—but, in fact, the First Amendment only stops the government from interfering with our

speech; except in certain narrow circumstances, such as whistle-blowing, companies can punish us for what we say. Cox paraphrases Oliver Wendell Holmes, Jr., who explained that an employee “may have a constitutional right to talk politics, but he has no constitutional right to be employed.” Legal scholars say that this doctrine rests on the “right–privilege distinction.” Michael Italie, a sewing-machine operator, had the right to run for mayor of Miami, on the Socialist Workers Party ticket, in 2002. His campaign, however, cost him the privilege of a job at Goodwill, where he worked sewing military jackets. (According to Italie, his boss told him that his socialist views were a “disruptive force” at work.)

These firings trample on the division we imagine exists between the “private” and “public” spheres. We object that Ken Storey tweeted on *his* Twitter account; that Lynne Gobbell put that bumper sticker on *her* car; that, if Michael Italie wanted to be a socialist, it’s *his* “private” business. In fact, although that distinction justifies circumscribing the government’s interest in us, it has nothing to say about what our employers might find interesting. Sometimes, in fact, bosses are justified in caring about the private business of their employees. Earlier this summer, James Damore, a Google engineer, was fired for writing a misogynistic memo arguing that his company’s diversity initiatives were a misguided waste of time. When Google fired Damore, it did so in order to guarantee its female employees the right to a gender-equal workplace in which their biological fitness for their jobs was not up for debate; in Google’s judgment, such a guarantee outweighed both Damore’s right to free speech and the wider “chilling effect” his firing would have on conservative speech at Google. Damore happened to upload his memo to an internal e-mail list run by Google, but the argument for firing him has nothing to do with location of that e-mail list. Had he posted his memo to Medium, or shared it as a Facebook post, Google would have been equally justified in firing him. If Damore had been an independent contractor without co-workers—a “masterless” coder—his opinions wouldn’t have mattered as much. Then again, there aren’t many jobs for solitary coders.

Such cases highlight an ironic quirk of private government. Anderson argues that companies should be held to more democratic standards; workers should be given “a voice,” perhaps through a system of workers’ councils, to allow them to elect representatives who participate in executive decision-making. (Such “co-determination” systems have been tried, in Germany and elsewhere, and they have sometimes made workplaces better.) And yet, for many employees, having a voice is what gets them into trouble. Google and the University of Tampa are more “publicly governed” than most workplaces: university professors are encouraged to have opinions, and Google, which is famous for its open, “horizontal” corporate culture, provides many forums for employees to debate the direction of the company. Even so, for better and for worse, private government lurks in the shadows, ready to pounce on employees who cross the line.

If two people commit similar crimes, they should receive similar punishments—this is a fundamental principle of justice. By its very nature, though, private government is arbitrary. Presumably, many other people wrote tweets similar to Storey’s; because they weren’t college professors, however, they weren’t punished. There must be coders at firms other than Google who agree with James Damore, but their memos go unnoticed; many people besides Lynne Goddell had John Kerry bumper stickers, but they kept their jobs. When some companies police their employees’ speech more than others, some Americans end up having less freedom to participate in politics than their fellow-citizens do. This, of course, is just one of a number of ways in which pervasive private government is an affront to our sense of how America should—ideally—work.

In some cases, it’s easy to see how we might prune the vines of private government. Workers should never be subjected to widespread sexual harassment or denied access to a bathroom; labor laws could be extended and enforced to insure that those abuses don’t happen. In other cases, we might resist private government by rebalancing competing interests. In many European countries, for example, bosses cannot fire workers who aren’t materially harming their business. Those prohibitions come with costs—among other things, they encourage companies to hire temps—and

some countries, such as France, are starting to change their minds about them. Still, we might decide the trade-off is worth it.

And yet, some significant amount of private government is ineradicable—a non-negotiable part of life in a corporate age. Anderson shows that, in reality, the dream of a society of “masterless men” never had a chance—it was always going to be derailed by technology, which both demands and facilitates the close coördination of workers in vast companies. Anderson’s subtitle is “How Employers Rule Our Lives (And Why We Don’t Talk About It).” One reason we don’t talk about it is that we don’t want to acknowledge how much the rhetoric of American freedom outruns the constraints of private government. Corporate power was always going to win out over libertarian fantasy. This defeat is hard to admit.



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Video

Trump's Business of Corruption
Adam Davidson follows the money trail in one of the President's past deals all the way to Vladimir Putin.

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