

Is there an Objection to Workplace Hierarchy?

In a book in progress,¹ I consider a number of political-philosophical commonplaces, at least in the liberal democratic tradition. Negatively, I observe that we cannot fully explain these commonplaces by appealing to what I call “interests in improvement”—that we be provisioned with the means to lead a fulfilling life—or “rights against invasion”—that others not transgress our person, property, or choices. Positively, I conjecture that these commonplaces—which include the ideas that the state must be justified or legitimated, that public officials should not be corrupt and should treat like cases alike, that discrimination is wrong, that the state must be democratic—must be explained instead by what I call “claims against inferiority”—claims that we not be set beneath another natural person in a social hierarchy.

In this paper, I suggest that among these commonplaces are that workers have objections to, roughly, being bossed, in certain ways, in the workplace. Negatively, I observe that these objections cannot be explained by interests in improvement or rights against invasion. Positively, I conjecture that they are explained by claims against inferiority.

Interests in improvement

I begin by defining terms. Any given individual, Indy, has interests in being better situated to lead a fulfilling life, by, say, being given access to clean drinking water, an education, and protection from violent harm. Indy’s *interests in improvement* can support the conclusion that Indy has an *improvement claim* on potential benefactor, Benny, to act so as to better situate Indy to lead a fulfilling life. This is to say that Benny would wrong Indy by not acting to lead a fulfilling life: that Indy would have an *improvement complaint* against Benny. “Improvement” is meant broadly. Improvement is relative not to how things were or are, but instead to how things could have been or could be. Not making Indy’s situation worse than it is counts as improving Indy’s situation, if Benny had the option of making it worse.

To say that Indy’s interest in improvement can support the conclusion that Indy has a claim on Benny to improve Indy’s situation is not necessarily to say that whenever Indy has an interest in an improvement that Benny might provide, Indy has a claim on Benny to provide it. First, there is the question of how the improvement to Indy’s situation compares against the burdens that Benny, who has his own life to live, would have to bear to provide it.

Second, there is the question of how the improvement to Indy compares with the improvements to others, such as Altra, that Benny might make, if he forwent the

¹ Not like I haven’t given you enough to read, but if you would like to see a current draft of the book, feel free to email me for a copy: kolodny@berkeley.edu.

improvement to Indy—as it were, the moral opportunity cost of improving things for Indy. Indy might lack a claim on Benny because improving Indy’s situation would have prevented Benny from improving Altra’s situation, in a way that trades off Altra’s interests in improvement at an unfairly low rate against Indy’s.

In this way, Indy’s claim to improvement on Benny will often be comparative, in the sense that whether Indy has such a claim depends on comparing the improvement to Indy with a foregone improvement to Altra, and on trading off their interests fairly. However, Indy’s interest in improvement, by contrast with his claim to improvement, is not an interest in something comparative, such as getting from Benny what Altra got from Benny, or not being worse off than Altra. Indy’s interest in improvement is simply an interest in Indy’s situation being better in absolute terms. What happens with Altra is neither here nor there.

I have described Indy’s improvement interests as interests in being better situated to lead a fulfilling life. Put in more general terms, however, Indy’s improvement interests support claims on others to a better “choice situation,” in which Indy’s *chances* of leading a fulfilling life, in one or another respect, depend in certain ways on *how Indy chooses*. What Indy typically has a claim on Benny to do is to provide Indy with a better choice situation.

One more piece of nomenclature. It can be helpful, at times, to view a certain agent (such as the state) as aiming at a certain state of affairs: namely, the state of affairs that is constituted by that agent’s fairly meeting the improvement claims of each person of some relevant group (such those within the state’s jurisdiction). I will use the phrase, “the public interest,” just as a compact expression for this aim: that is, a situation in which no one in the relevant group has an improvement complaint against the relevant agent.

Rights against invasion

We have been suggesting that Indy has interests in improvement, which can support claims on Benny that Benny improve Indy’s choice situation, when this would not be unfair to others or unduly burdensome. Indy also has claims—or here it seems more natural to say, “rights”—against invasion. Whereas Indy’s interests in improvement present themselves (or rather their satisfaction) to Benny as goals, Indy’s rights against invasion present themselves to Benny as constraints, even on the pursuit of such goals. Even if Benny could thereby improve the situation of Altra or even Indy himself, in a fair way—even if Benny could bring about a greater good—Benny may not invade Indy to do so.

At very least, Indy has rights on others that they not dispose of his body, at least absent certain conditions, such as Indy’s consent. Perhaps Indy also has rights that other agents not invade his external property (or at least such external property as is not itself a creature of social institutions).

Some, going further, may say that Indy also has rights that others not invade his choice situation, or “interfere with his choice,” even when this does not involve an invasion of his person or property. However, I doubt that there is a coherent notion of “interference in choice” that might support such a right. When pressed, Indy’s complaint that others have “interfered in his choice” collapses into one of two complaints. Either it collapses into an improvement complaint: namely, that others left Indy with a worse choice situation than he is entitled to from them. Or Indy’s complaint that others have “interfered in his choice” collapses into the complaint that they have invaded his person and property. In that case, it is explained by his rights against invasion of his person and property, not by a distinct right against invasion “of his choice.”

Claims against inferiority

Finally, Indy may have a *claim against inferiority*. This is a claim against standing in a *relation of inferiority* to another person: against being subordinated to another or set beneath them in a social hierarchy.

To begin, note three general characteristics about relations of inferiority. First, relations of inferiority involve ongoing relations. Merely episodic interactions don’t make for relations of inferiority. Second, relations of inferiority involve an unequal ranking. There is one party who can be identified as higher in the hierarchy, the other as lower. One is above, the other, below. Finally, relations of inferiority are relations between individual, natural persons. They are not relations between an individual, natural person and an artificial person, or collective, or force of nature.

The second point, that relations of inferiority involve unequal rankings, partly explains the third point, that they are not relations between individual natural persons and entities of an entirely different moral category, such as a force of nature, or a collective or artificial person. What would it even mean for you to have equal, inferior, or superior status with a collective or artificial agent, such as Indonesia, or the Roman Catholic Church, or Procter and Gamble? It seems a category mistake.²

What, more specifically, do relations of inferiority consist in? I suggest that Lowe’s standing in a relation of inferiority to High consists in one or several of the following three things. First, Lowe’s standing in a relation of inferiority to High can consist in an *asymmetry of power*: that High has greater power over Lowe than Lowe has over High. This power need not to be invade Lowe’s person or property (or choice, whatever that might mean). The power might be of another kind, such as to withhold goods from Lowe or to shape Lowe’s environment.

² This is not to deny that one may stand in a relation of inferiority to each of several individuals in virtue of the asymmetric power and authority that they each enjoy in virtue of their membership in a collective, as when a family collectively “owns” a slave.

Second, Lowe's standing in a relation of inferiority to High can consist in an *asymmetry of de facto authority*: greater ability to issue commands, as opposed to advice, that are generally, if not exceptionlessly, complied with. High can have either greater de facto authority *over* Lowe or greater de facto authority *than* Lowe with respect to others with whom they have relations. The authority is "de facto" in the sense that the commands need not create, or claim to create, or be believed to create, reasons, let alone moral reasons, for compliance. However, I will, for convenience, often drop the qualifier, "de facto," taking it to be implied.

Finally, Lowe's standing in a relation of inferiority to High can consist in a disparity of regard: High enjoys, whereas Lowe does not, certain kinds of favorable responses from members of their society, such as, among other things, respect, courtesy, a willingness to serve interests. While there is much more to be said about disparities of regard, I will set them aside for the purposes of this paper.

Improvement complaints about work conditions

Consider now some of the pro tanto objections, or potentially valid complaints, that workers can have to their working conditions. They may work too long. Their breaks may be too short or infrequent. The hours when they work may conflict with important non-work activities. The work itself may be boring, lonely, uncomfortable, draining, stultifying, or alienating. The work may run too great a risk of poor health, injury, or death. It's a long list, and entries have been inked for us since our fall from Eden.

True, in some cases, the wages that workers receive may compensate them for these otherwise objectionable working conditions. But their wages may not compensate them adequately. They may not be paid enough.

True, in some cases, it may mitigate a worker's objection to their working conditions that the worker chose, freely and knowingly, to take on the work in question, and can still, freely and knowingly, leave it. Others may say that they did their part by providing the worker with a good choice situation, from which the worker then made a choice. Consequently, the worker has no remaining complaint against others about what resulted from that choice. But in some cases, workers may not have chosen freely and knowingly, or they may not now be able to do so.

These pro tanto objections, I suggest, are explained by interests in improvement. The worker objects that the worker's work could be improved in some way. It could be made to better serve the worker's interests. If this improvement would not cost others anything, would not disserve their interests, then there's nothing to be said against the improvement. The worker then has a valid complaint against whomever it might be who could improve the work. If instead improving the work would have costs for others, then the issue is whether the worker's work could be improved without unfairly imposing costs on others. The question is one of trading off, in some fair way, the interests of workers against others, who would bear the costs. The costs for others

might be more expensive, or poorer quality, goods and services for consumers, or lower returns on capital investments for investors. In evaluating which trade-offs would be fair, we of course face difficult questions about compensation, choice, risk, and incentives.

These pro tanto objections are also, as we might put it, “bossless”: that is, they don’t *require* that the worker has a boss. Of course, a worker can have a bossless objection even if they *do* have a boss. Moreover, they can have a bossless objection for which the boss is *responsible*. What makes these objections bossless is that, in principle, a worker without a boss could have the same objection.

Suppose, for example, that the bossed worker’s objection is that their working conditions are unsafe. This might be because a boss ordered the worker to work in those unsafe conditions, and the worker has no choice. If the worker refuses, they will be fired and forced, in order to survive, to work for another boss, who will similarly require them to work under equally unsafe conditions. However, a bossless worker might also be forced to work in similarly unsafe conditions. A bossless worker might be under competitive pressure from other bossless workers, to work under conditions that are unsafe in the same way. If any bossless worker takes greater precautions, she will be run out of business by the others. The bossless objection of the bossless workers, namely the objection to unsafe working conditions, is fundamentally the same as the bossless objection of the bossed workers to unsafe working conditions.

In fact, many of the objections that workers might raise about having a boss are, on closer inspection, bossless objections that might be raised even without a boss. Consider, for example, objections to having one’s every move scrutinized. It is no doubt irksome to have your boss peering over your shoulder. However, it can be part of your work that you are watched, even if you have no boss. Even if you are a self-employed mime, or hairdresser, or hot-rivet-tosser, your every move will be carefully watched by your audience, or client, or hot-rivet-catcher. That others keep an eye on you may just be an inescapable part of the relevant production process. Or consider restrictions on movement and bodily function. It can be unpleasant, to say the least, not to be free to put work down whenever nature calls. But there can be such restrictions without a boss. And all kinds of labor, such as painting a fresco, can be spoiled, or otherwise made more costly or less productive, unless the laborer can hold it in until an appropriate time.

Still, it might be said that there is an important difference between a bossless objection, say to unsafe conditions, where there is a boss and the analogous objection, to unsafe conditions, where there is no boss. In the former case, there is someone, namely the boss, to whom the objection is addressed, and who could respond to the objection: in particular, by no longer requiring the bossed worker to work the unsafe conditions. In the latter case, there is no agent who can similarly respond to the bossless worker’s objection about unsafe conditions, and so no agent to whom the objection is addressed.

But this is doubly mistaken. On the one hand, the state might be an agent who can respond to the bossless worker's objection to the unsafe conditions. The state might step in to require all bossless workers to follow safety standards, to check that they do, and to finance the purchase of the necessary safety equipment. On the other hand, the boss may face the same competitive pressures as the bossless workers. Either the boss orders the unsafe work, or he goes out of business. In that case, the bossless worker's objection seems better addressed to someone other than the boss: namely, to whomever who has the wherewithal to stabilize a system of improved safety standards.

Nepotistic Promotion and The Duty to Execute

Now, perhaps this—the adjudication of bossless improvement complaints—is where the political philosophy of the workplace begins and ends. Even so, much work as political philosophers of the workplace would be cut out for us. However, it would seem that workers can also have pro tanto objections that aren't explained as improvement complaints and that do require a boss.

Consider, first, *Nepotistic Promotion*. In the absence of any business justification, Boss passes over Employee for a promotion in order to give it to Boss's nephew, even though Employee would be far better in the new position. To be sure, Employee has a valid improvement complaint. Their situation would be improved by the promotion. And since they would do it better than Nephew, this would not be unfair to others, who benefit from the work being done well. Rising to a higher level of abstraction, we might say that Boss is disserving the public interest. The Boss is violating what we might call the *Duty to Execute*: a duty to take due care to make good decisions in the role of Boss, decisions to promote the public interest. There is a parallel here with state officials. If a state official, Grafton, takes a bribe to make a decision that disserves the public interest, it likewise violates the Duty to Execute.

The question, however, is why Boss or Grafton should have a Duty to Execute in the first place. One's first thought might be that everyone has a Duty to Improve: a duty to promote the public interest. The Duty to Execute is just a special case. When a sometime civilian finds herself, as it were, behind the wheel of a role like boss or state official, the way for her to fulfill her Duty to Improve is to make official decisions that serve the public interest.

But this can't be right. This is because a boss's or state official's Duty to Execute is more exacting than the civilian's Duty to Improve. As a civilian, even if I have some opportunity to serve the public interest, I might not have a duty to take it. This might be because the reason that I have to serve the public interest is outweighed by my personal reasons: such as my own interests, relationships, or projects, or those of people close to me. If promoting the public interest, by doing Great rather than Good, would mean some sacrifice to my own interests (say, a loss of income) or the interests of those close to me (say, my nephew's foundering on the job market, because I can't spend the

time to help him polish his resume), then, at least within certain bounds, I don't have a duty to do Great. Or, at very least, it would be controversially rigoristic to say that I have a duty to do Great.

By contrast, it doesn't seem even controversially rigoristic, it seems rather like common sense, that such personal reasons carry no (or far less) weight against a state official's Duty to Execute. Suppose Grafton is offered a bribe to make an official decision for Good over Great, to exercise the office in that way. If Grafton instead decides for Great over Good, then Grafton thereby sacrifices some income: namely, the bribe. But surely that doesn't release Grafton from the Duty to Execute. Likewise, if Boss were to forgo nepotism, then Boss would have to sacrifice the interests of Nephew. In both cases, the same things seem to be at stake on either side of the scales: the public interest, on the one hand, and personal reasons (e.g., income, avuncularity), on the other. So the Duty to Execute is not simply a special case of the Duty to Improve. It stands in need of further explanation.

Car Wash and The Duty to Exclude

Consider, next, *Car Wash*. In this case, Boss has sufficient business reason to fire Employee, but also sufficient reason to keep Employee on. As far as the public interest is concerned, the decision is underdetermined. So Boss would not wrong Employee by firing him outright. Why then Boss does wrong Employee by telling him, "Unless you wash my car, you're fired?" Why is this threat (or offer?) wrong?

In most cases, threats are wrong because they leave the choice situation of the threatened person worse than they are entitled to from the threatener. In other words, the threatened person has an improvement complaint against the threatener, for not improving their choice situation, by refraining from the threat. By hypothesis, however, Employee is not entitled from Boss to a choice situation in which Boss does not fire Employee outright. Indeed, the threat seems, if anything, to give Employee a *better* choice situation than Employee is entitled to from Boss. Now Employee has the option of keeping the job if he wants.

Note that the Duty to Execute similarly fails to cover all cases of state corruption. For example, Grafton might take a bribe to decide a manifestly underdetermined decision in a particular way. It looks like these decisions are wrong because of the *purposes* for which Boss and Grafton uses their offices. It does not wrong anyone to decide the underdetermined decision in either way. What does wrong someone is doing so *for a bribe or personal favor*. What is violated in these cases, we might say, is the *Duty to Exclude*: the duty that officials have, because they hold offices, to avoid using those offices for certain "improper" reasons.

To keep track of the contrast between the Duty to Execute and the Duty to Exclude, note that the Duty to Exclude is a matter of the official's subjective psychology, whereas the Duty to Execute is instead a matter of which decisions the objective situation permits

the official to make. Breaking a tie can't violate the Duty to Execute, since the objective situation permits both options. However, if the tie is broken for improper reasons, then it violates the Duty to Exclude, because it is broken for those reasons.

Favoritism and Duty to Treat Equally

Next, consider a case, which we can call *Favoritism*, inspired by González-Ricoy's (2020, 418) example of a boss's "favouritism in allocating overtime." Suppose Boss faces a decision, underdetermined on business grounds, whether to allocate up to four hours of overtime, which workers A and B, who in all relevant respects are the same, have reason to want. Suppose, first, that Boss decides that no overtime will be allocated to anyone. Now contrast this with a case in which Boss allocates two hours to A, but none to B. If the improvement interests of A and B were the only thing at issue, then what the Boss did in the second case would be *less* objectionable. At very least A's improvement interest was satisfied, even if B's wasn't. But if anything, the second case seems *more* objectionable. B seems to have a distinct complaint in the second case, a complaint with a comparative character. It arises only because, while B wasn't given the overtime, A was. Boss seems to violate a Duty to Treat Equally: If Boss provides a benefit to A, then Boss should provide the same benefit to B, unless there is some justifying difference between them. Likewise, state officials have the Duty to Treat Equally. A state official violates it when they provide a benefit—roads, schools, disaster relief—for one citizen that the official does not provide for another citizen, when there is no justifying difference between them.

These complaints, concerning violations of the Duties to Execute, to Exclude, and to Treat Equally, are hard to make sense of without a boss. Not only are these complaints not improvement complaints, they also seem not to be bossless.

An explanation in claims against inferiority

So why do these actions by bosses or state officials wrong the people they do? It may be tempting to answer that it is because they involve "arbitrary treatment." But, first, there isn't a prohibition on "arbitrary treatment" in general. Favoritism, for example, isn't wrong in general, not even among strangers. In general, if you do something supererogatory for one person, such as pick up one hitchhiker, you don't have to do it for everyone, even if there is no justifying difference. "Random acts of kindness" are permissible.³ Nor is it wrong, in general, to make decisions for personal reasons, even decisions that serve the public interest less well. Instead, complaints against favoritism arise principally in special contexts, such as that of a boss bossing employees, or a state official exercising their office.

Second, why should anyone care about arbitrary treatment? What's at stake? Perhaps the boss is being inconsistent in allocating overtime to A but not to B, when there's no

³ At least this is so where the differential treatment does not contribute to a widespread pattern of racist, sexist, etc. discrimination.

justifying difference between them. But that seems more of a criticism of the boss's rationality than a moral complaint.

Hence my conjecture, which brings in claims against inferiority. There is a *pro tanto* objection against standing in a relation of inferiority to another natural individual, which consists, in part, in being subjected to their superior power and authority. In particular, those who are subject to the decisions of state officials are subjected to the superior power and authority of those state officials. Likewise, workers are subjected to the superior power and authority to their bosses. So they have a *pro tanto* objection to this relation of inferiority. To be sure, this *pro tanto* objection may be answered, but only if certain further conditions obtain. Among these conditions are compliance with the Duties to Execute, to Exclude, and to Treat Equally.⁴

Note that bosses tend to have ongoing discretion to do some or all of the following with respect to a worker:

- (1) to issue directives at least about how, when, and where the worker is to work, including, importantly, setting ends for the worker to pursue;
- (2) to alter the worker's compensation (possibly, but not necessarily, as ways of enforcing directives);
- (3) to hire and fire the worker (again possibly, but not necessarily, as enforcement);
- (4) to promote, demote, reassign the worker (again possibly, by not necessarily, as enforcement);
- (5) to monitor and review the worker's performance, including as a reference for other employment (again possibly, but not necessarily, as enforcement);
- (6) to control the worker's conditions that are independent of specific directives, such as temperature, safety equipment, exposure to noise, the location of the workplace; and
- (7) to encroach on the worker's privacy (e.g., reading emails, requiring drug tests) or the worker's sphere of control over their own person and effects (e.g., hairstyle), when the worker is working, using the employer's property, or otherwise representing the employer.

This means, first and perhaps most significantly, that bosses have *de facto* authority over workers. Bosses, well, *boss* workers. The workplace is one of the few settings in modern society, outside of relations with the state itself, in which some adults give other adults, for most of their waking hours, orders that they are expected to obey. In fact, the *de facto* authority of the boss is in many ways more intensive and far-reaching than that

⁴ Accordingly, I find something misleading about this framing: "On an instrumentalist version, independence protects from arbitrary management. On a non-instrumentalist alternative, independence from alien authority is valuable as such" (González-Ricoy and Jeralt, forthcoming). As I understand things, the objection to "arbitrary management" derives from a more basic objection to "alien authority." In other words, the *pro tanto* objection to "alien authority" is met by conditions whose violations are what just we mean by "arbitrary management."

of the state itself.⁵ First, the boss's orders *assign workers ends*. Second, the boss's orders *significantly constrain* how, when, and where those ends are to be achieved.

By contrast, much of a liberal state's orders, its laws, don't assign ends to citizens or much constrain how, when, and where those ends are to be achieved. Rather, its laws are meant to facilitate the pursuit of the citizens' *own ends*, in a fair way, with the main constraints deriving from the need to fairly provide like opportunity to others. Consider, for instance, the orders that a dispatcher gives to drivers, which give them specific destinations and arrival times. Contrast that with the state's traffic regulations, which simply set up a framework which allows citizen motorists to drive safely and efficiently, in a way that is fair to all, to whatever destinations, at whatever times, those citizens have chosen for themselves (compare Anderson 2017 67). The law of contracts, likewise, leaves largely open what the content of those contracts are. The laws of incorporation leave largely open what the corporations are incorporated to do. The tax code leaves largely open how one goes about acquiring the funds that are to be sent to the treasury. Building codes (or at least sensible ones) leave largely open what structures are built and for which purposes. Bosses' orders are quite different; they assign ultimate ends to workers, and constrain to a significant extent how, when, and where those ends are to be achieved.

Second, the boss has superior, ongoing power over the worker. This superior power may be the source of superior authority, as when the boss's power to fire or otherwise discipline the worker induces the worker to obey the boss's commands. However, the boss can have superior power that operates independently, without supporting authority. That is, it may be power over the worker that is not deployed in order to get the worker to do anything. Examples are depriving the worker of safe or sanitary working conditions, or snooping on the worker's email, or firing them out of personal animosity.

Contrast one-off, quid-pro-quo, market exchange of goods or of services for which there is a sufficiently complete contract. In these cases, there aren't ongoing relations of asymmetric power and authority. While there may be asymmetries of *power* in such one-off, quid-pro-quo, market exchanges, these asymmetries tend to be episodic, rather than ongoing.⁶ On one market day, one seller bargains up the price of a commodity, whereas on another day, a buyer can haggle it down.

⁵ "Yet private governments impose a far more minute, exacting, and sweeping regulation of employees than democratic states do in any domain outside of the prisons and the military" (Anderson 2017, 63).

⁶ "A private firm... is different. Its relations with its customers are more like brief encounters" (Walzer 1983, 291–2). "But for all the dependence that the market may yield on the aggregate, the self-employed do not personally depend on any particular supplier or customer." (González-Ricoy and Queralt, forthcoming).

There aren't ongoing relations of asymmetric *authority*, or authority at all, in such one-off, quid-pro-quo market exchanges. Neither market participant submits to future direction by the other.⁷

This is an instance of a broader point, that in the wide genus of human interaction, one-off, quid-pro-quo, market exchange is a special and perhaps somewhat artificial species. Part of the function of such exchange is to *extinguish* further normative (or pseudo-normative) relations among the participants. Buyer and seller can go their separate ways, without further normative entanglements. Take Lewinsohn's (2020) insight that one-off, quid-pro-quo, market exchange (as opposed to, say, gift exchange) functions to preempt future obligations of gratitude.

Similarly, I am suggesting, one-off, quid-pro-quo, market exchange functions to preempt the future submission of one participant to the superior authority or ongoing superior power of the another. Seen in this light, the problem with the exchange of labor for a wage is not, as Julius 2013 argues, the strategic, quid-pro-quo character of the contractual exchange. It is that, because the quid the worker is contracted to supply is submission to authority, it becomes a relation of subordination.⁸

⁷ "Market exchanges between independent contractors may no doubt involve dependence and abuse, as when a single creditor uses its market power to set extortionate rates... But they do not involve authority-mediated dependence. For however powerful a creditor might be, it lacks authority to direct the self-employed contractor as to when and how to work" (González-Ricoy and Queralt, forthcoming).

⁸ It is illuminating here to revisit Cohen's definition of slave, serf, and proletarian as "subordinate producers." Cohen recognizes that it is not sufficient for one's being a proletarian, or presumably having the complaints typical of being a proletarian, that one owns all of one's labor but none of the means of production (1978 69). That might be true of a well-paid, intuitively non-proletarian, bossless architect who rents the necessary equipment for each project. A further necessary condition is that one is a "subordinate" with a "superior." Cohen takes this to mean (i) that one produces for others who do not produce for one, (ii) "within the production process [one is] commonly subject to the authority of the superior, who is not subject to [one's] authority," and (iii) that one "tends to be poorer than" the superior. But what bears most or all of the weight of the term "subordinate" is (ii) the subjection to authority within the production process. After all, regarding (i), teachers produce lessons for pupils who do not produce for them, without being their subordinates. (And as Cohen writes: "To the extent that there is reciprocity [i.e., that (i) does not hold], there is some justice in the subordination, but not a lack of subordination" (70).) And, regarding (iii), a poorer person of a past century need not be subordinate to a richer person of this century (although the poorer person might have improvement complaints if their poverty was the result of excessive saving whose fruits were enjoyed by the people of this century). Even when the poorer person works for the richer person, and even when the poorer person has a complaint about their poverty, this is typically a bossless, improvement complaint. It would seem that the proletarian's complaints factor into (A)

From Impersonal Justification and Least Discretion to the Duties to Execute, Exclude, and Treat Equally

The underlying thought, to spell it out more fully, is that there are certain “correctives” that keep our subjection to superior power and authority from being the subjection to the superior power and authority of *another natural individual*, and so from being relations of inferiority to that natural individual.

There are two correctives that are associated with the idea of *office*, which in turn explain the Duties to Execute, Exclude, and Treat Equally. First, there is *Impersonal Justification*: that asymmetries of power and authority are offices justified by impersonal reasons. Second, there is *Least Discretion*: that officials occupying those offices exercise no more discretion than serves those impersonal reasons.

The first corrective, *Impersonal Justification*, is that the relevant asymmetry of power of Offe over Indy constitutes an impersonally justified office. To say that the asymmetry constitutes an *office* is, for our purposes, just to say that it consists in Offe’s making certain decisions, by certain processes, which have certain implications for Indy. And to say that an office is *impersonally justified* is to say that its existence and operation serves impersonal reasons, against the relevant background, at least as well as any alternative, and better than any alternative not marked by a similar asymmetry.

By “impersonal reasons,” I mean, to a first approximation, reasons that are not personal: not grounded in the agent’s interests, projects, or relationships as such. What is being ruled out is that it could justify my asymmetric power or authority over you that the asymmetry would serve my interests, projects, or relationships, as opposed merely to someone’s interests, projects, or relationships. The pronoun, “my,” as it were, can add no weight to the justification.

To be sure, personal reasons are universalizable. If I have reason to promote my own projects specially, then everyone has similar reason to promote their own projects specially. But, even so, the reason I have to promote my project, because it is mine, is different from the reason I have to promote someone’s project, simply because it is someone’s. The latter sort of reason does not recommend my favoring my project over other people’s projects. For my project is no more and no less someone’s project than is someone else’s project.

To be sure, my personal reasons, where the pronoun, “my,” does add weight, are genuine reasons. More than that, they are reasons that can justify my acting in ways to which someone would otherwise have a complaint. For example, you might have no complaint about my passing up some opportunity to help your child, because my child

bossless, improvement complaints to the effect that they could receive a higher share of the social product without unfairness to others and (B) bossed, inferiority complaints to the effect that they are subjected to the authority of another.

needs my attention instead. What Impersonal Justification requires is that personal reasons of this kind have no bearing on whether my asymmetric power or authority over you is justified. It can't justify my asymmetric power or authority over you that it would mean that my child gets attention, as opposed merely to some child's getting attention. If my asymmetric power or authority over you is justified, the case must be made in terms of impersonal reasons.

The principal impersonal reasons, I assume, are reasons to promote the public interest: to improve the situation of everyone, as far as is possible compatibly with fairness to others.

The second, and closely related, corrective, Least Discretion, is that the official should exercise only so much discretion in decisions about how to use the office as serves the impersonal reasons that justify it. If the official could serve the impersonal reasons no less well without such and such discretion, then the official should not exercise it.

Why do Impersonal Justification and Least Discretion correct asymmetries of power and authority? The basic idea is that jointly they effect a separation of the office from the natural individual who occupies it. This distinction between office and occupant, as has long been noted, is particularly pronounced in the modern Western conception of the state (Weber 1956). As Ripstein (2009, 192) puts it:

An official is permitted only to act for the purposes defined by [a] mandate. The concept of an official role thus introduces a distinction between the mandate created by the office and the private purposes of the officeholder.

To the extent possible, the superior power and authority of the office is not that of the natural person who occupies it. Thus, you are not, or less, subject to him, the person occupying the office, and rather, or more, subject to the office alone. To be sure, you are subjected to the asymmetric power and authority of the office itself. However, whatever the office is, it is not another natural person. It is not the sort of entity to which relations of inferiority (or superiority or equality) are possible.

Why is this? Insofar as Impersonal Justification is satisfied, the office, in the first place, serves reasons, as opposed to the arbitrary whims of the occupant or particularized considerations such as that she is Lady Gaga. Moreover, the office serves only impersonal reasons, as opposed to the personal reasons of the occupant (or anyone else) such as that she is my daughter. And insofar as Least Discretion is satisfied, the official's decision-making is limited to the service of those impersonal reasons.

Impersonal Justification would seem to explain the Duty to Execute. Impersonal Justification requires that, where there are asymmetries of power and authority, they must be impersonally justified offices. Again, the thought is that in order to keep one's exposure to the superior power and authority of the office from being one's subordination to the natural person who occupies it, a distinction between office and occupant must be effected. From Impersonal Justification, the Duty to Execute follows.

Grafton's personal reasons cannot justify his using an office in a way that otherwise comes at the expense of the public interest. For an office that operated in this way would not serve impersonal reasons as well as an alternative office in which Grafton's use of the office was not sensitive to personal reasons. It would not maintain the requisite separation of office from occupant.

Where the corrective of Impersonal Justification explained the Duty to Execute, the corrective of Least Discretion explains the Duty to Exclude: the duty to exclude what we described, with deliberate vagueness, as "improper reasons." Least Discretion is, like Impersonal Justification, a corrective to asymmetries of power and authority. So as to keep the exposure to the office from being subordination to its occupant, Least Discretion requires that Grafton exercise only so much discretion in decisions about how to use the relevant office that Grafton presently occupies as serves the impersonal reasons that justify that office. If Grafton could serve the impersonal reasons that justify the office just as well without this discretion, then Grafton should not exercise it.

In violating the Duty to Exclude, in deciding from an improper reason, Grafton is exercising just such discretion, is violating Least Discretion. At least this is so if we understand an improper reason as a reason such that Grafton could serve the impersonal reasons that justify the office just as well without being sensitive to it, even if sensitivity to improper reasons, in any given case, might not mean that Grafton served the impersonal reasons any worse. Insofar as Grafton does not exclude improper reasons, insofar as Grafton is sensitive to them, Grafton violates Least Discretion. Grafton exercises excess discretion, discretion beyond what Grafton needs in order to serve the impersonal reasons that justify the office. The paradigm cases of corruption, such as bribery or nepotism, consist in failing to exclude reasons of personal gain, or of the gain of one's nephews. These reasons are improper. Grafton doesn't need to be sensitive to them to serve the impersonal reasons that justify the office.

Note that the Duty to Treat Equally differs from the Duty to Exclude. To be sure, Offe might decide to benefit Dee, or not to benefit Dum, although there is no justifying difference between them, for a reason that does not serve the impersonal reasons that justify the office. Perhaps Dee is Offe's nephew, or perhaps Dum refused to pay Offe a bribe. In that case, in violating the Duty to Treat Equally, Offe would be violating the Duty to Exclude. But consider the following possibility. If Offe were to follow decision-making process, *A*, which conforms to the Duty to Exclude, Offe might decide to grant Dee an exemption. However, if Offe were to follow a different (or perhaps even the same) decision-making process, *B*, which also conforms to the Duty to Exclude, Offe might decide to deny Dee an exemption. In other words, Dee's case might be underdetermined, such that Offe could reach either decision without violating the Duty to Exclude. Now imagine that Dee's case is in fact like this. Then Offe might grant the exemption to Dee, but not to Dum, conforming all the while to the Duty to Exclude. So not all violations of the Duty to Treat Equally are violations of the Duty to Exclude. We need some other explanation of the Duty to Treat Equally.

Even if, by violating the Duty to Treat Equally, Offe does not violate the Duty to Exclude, we suggest, Offe still violates the broader principle of Least Discretion from which the Duty to Exclude derives. Offe, exercising discretion, has granted an exemption to Dee. Holding that fixed, why shouldn't Offe simply apply to Dum whatever judgment was reached in Dee's case? Why should Offe have the further discretion to deny Dum an exemption, assuming that there is no justifying difference between Dee and Dum? This seems like unjustified, excess discretion, which does not serve impersonal reasons. So Offe's unequal treatment violates Least Discretion. To be sure, we're not denying that a decision-making process that leaves Offe with discretion may serve impersonal reasons. The point of offices is largely to reap the benefits of Offe's exercise of judgment about particular cases. But once it is settled that, exercising that judgment, Offe has reached a certain decision in Dee's case, nothing is lost if Offe henceforth applies the same judgment to every case that in all relevant respects, as Offe acknowledges, is the same as Dee's. (Moreover, it seems that some things are gained. Offe doesn't have to rethink the case. And Dum now knows what the decision in his case will be.)

In sum, the Duty to Treat Equally, like the Duty to Exclude, a special case of Least Discretion. Equal treatment curbs what would otherwise be the excess discretion of officials. Notice that, at first glance, the Duty to Treat Equally might appear to be concerned with maintaining horizontal equality among the various people *subject* to the office. But this appearance is misleading. Insofar as the Duty to Treat Equally is explained by Least Discretion, it is concerned, instead, with avoiding a *vertical* relation of superiority of the natural person who occupies the office over anyone subject to it.

Applying Impersonal Justification and Least Discretion to the workplace

In order to apply Impersonal Justification and Least Discretion to the workplace, however, we need some view of how the structure of offices in which the firm consists serves, against the background of other social institutions, impersonal reasons. Why should there be an office of boss, and to what reasons is it properly sensitive?

The answer, I assume, lies in the economic theory of the firm, pioneered by Coase (1937) and developed by later economists such as Williamson (1973, 2010). The basic idea is that the high costs of market transactions make it inefficient to organize certain processes of production by market transactions among autonomous buyers and sellers of the relevant factors of production, including labor. Organizing those processes instead under the hierarchical direction of a boss—which is what, for Coase at least, defines the firm—lowers those transaction costs. The resulting improvements in efficiency stand to benefit everyone.

Why might hierarchy offer lower costs than the market? For one thing, as Coase observes, even under conditions of certainty, there are the costs to negotiating complete labor contracts. Under uncertainty, there is the difficulty that such contracts cannot foresee all of the contingencies that might require, in the interests of efficiency, a change

in what the worker does. The problem is solved, Coase suggests, by an incomplete contract to submit to the direction of a boss.

For this series of contracts is substituted one.... The contract is one whereby the factor, for a certain remuneration... agrees to obey the directions of an entrepreneur *within certain limits*... The details of what the supplier is expected to do is not stated in the contract, but is decided later by the purchaser. When the direction of resources (within the limits of the contract) becomes dependent on the buyer in this way, that relationship which I term a "firm" may be obtained (Coase 1937, 391–2).

In other words, the boss is, in effect, the creature of incomplete contracts: an office established to specify the contractual terms left unspecified, for the purpose of efficient production.

Williamson's later developments emphasized the further effects of incomplete contracts when there is asset specificity, in which suppliers of factors of production make investments in assets, including human capital, that "cannot be redeployed to alternative uses and users without loss of productive value" (2010, 680). The selective investment in specific assets, in turn, transforms a situation with a large number of suppliers, and so competitive bidding, into a situation with only a small number of suppliers, and so something like monopoly power. This in turn creates openings for costly, opportunistic renegotiation of contracts. And the prospect of such changes disincentivizes investment in specific assets in the first place. A boss is thus needed to coordinate and resolve such intrafirm disputes.

For other theorists, the principal role of the boss is to monitor workers' productivity and compensate them, or dismiss them, accordingly. For Alchian and Demsetz (1972), this need for such monitoring becomes particularly acute with nonseparable, "team" production, which makes individual contributions harder to identify.⁹ This encourages shirking, which lowers productivity.¹⁰ Alchian and Demsetz's solution, roughly, is a single boss who contracts with and monitors each of the workers independently and so is able to renegotiate the contract with each worker independently, in light of that worker's monitored performance.¹¹ Bowles and Gintis (1993, 79) also emphasize the

⁹ Even where production is separable, however, evaluating and incentivizing productivity may be better done by a boss, Williamson observes, simply because it is easier to evaluate and incentivize productivity from on-the-job performance than at the hiring stage itself (Williamson 1973 322).

¹⁰ Note that this might be a problem from the point of the view of the workers themselves. They may be caught in a low-effort, low-productivity, and so low-wage equilibrium, when they would each prefer a higher-effort, higher-wage equilibrium.

¹¹ Alchian and Demsetz argue that this is not a hierarchical arrangement, as opposed to a continual renegotiation of labor contracts within a market. But it is hard to see how, in practice, a hierarchical arrangement would be avoided, as Anderson (2017 55) observes. (Her subsequent criticism that Alchian and Demsetz somehow overlook

cost or difficulty of external enforcement of labor contracts by courts (which might be a problem even if the contracts themselves were complete). In place of the discipline of external enforcement of contracts, there is submission to the discretionary discipline of boss, who can change compensation or fire.

If the office of boss is justified in some or all of these ways, then it makes sense that the boss would have some or all of the discretionary capacities that we attributed to bosses earlier: to direct them, to fire them for cause, and so forth. And, to a first approximation, the relevant impersonal reasons would be those that favor efficient production by the firm itself.

However, this does not mean that *any* decision by a boss that favors efficient production *by the firm*, and is made for that reason, would be serve the reasons that justify the office. For the more fundamental question is whether the decision contributes to efficient production *overall*. That is, the more fundamental question is whether this contributes to the public interest: fairly meeting the claims to improvement of all. In evaluating this, we need to take into account, among other things, the possibility that workers bear unfair costs for a given increase in the firm's narrow productivity. For example, it may not be fair to ask a worker to risk life and limb simply to get slightly cheaper fish to market.

A boss will clearly violate the Duty to Execute, and so Impersonal Justification, if the boss's exercise of power or authority that has no impersonal justification, in terms of efficient production, to begin with. This explains Nepotistic Promotion. Boss's personal reasons to look out for Nephew may be valid in themselves. But they can have no weight in justifying Boss's exercise of the superior power and authority of his office.

However, there may also be violations of the Duty to Execute where the boss's exercise of power or authority has a pro tanto justification in terms of efficient production *by the firm*, but where it is nevertheless not fair to the interests of workers, and so does not serve efficiency *overall*: that is, the public interest. For example, the boss may prioritize, to an indefensible degree, the firm's productivity over worker safety. However, these latter violations of the Duty to Execute, where there is a business justification, may be harder to establish than violations where there is no business justification, since the further determination needs to be made of whether, even with the business justification, the decision is unfair to workers.

A boss violates Least Discretion insofar as the manager exercises excess discretion: discretion that the boss could serve the goal of efficient production just as well without. A boss might exercise excess discretion by violating the Duty to Exclude—by exercising the superior power and authority *for a reason* that doesn't serve efficient production, even though *there is in fact* a sufficient impersonal justification, in terms of efficient

the theory of the firm (56), though, seems unfair. It would seem that they are simply offering a theory of firm different from Coase's.)

production, for that exercise. This is what happens in Car Wash. Whether or not Employee washes Boss's car is not, in the main run of cases, a reason that serves the impersonal reasons that justify the asymmetric power and authority of the Boss over Employee. Employee's doing personal services for Boss does not serve efficient production in the way that justifies the firm.

A boss might also exercise excess discretion by violating the Duty to Treat Equally: that is, by deciding in one way a case that the boss judges to be relevantly similar to a case that the boss has decided in another way. Although the objective power or authority exercised in each instance has impersonal justification, it is not exercised consistently across instances and so not in accord with Least Discretion. This is what happens in Favoritism.

Contrast with republicanism

I now turn to a question that readers of a republican persuasion have likely been itching to ask: How does this account differ from republicanism, of the sort espoused by prominently by Philip Pettit (1997, 2012, 2014)? Aren't violations of correctives such as Impersonal Justification and Least Discretion just instances of *interference in choice by an arbitrary, alien will*? And so isn't the underlying objection not to relations of inferiority, but instead to *domination*, as republicans understand it?¹² (If you aren't a republican, feel free to skip to the next section!)

An initial difficulty for republicanism is how to understand "arbitrary" so it can capture the relevant, intuitive objections to what happens in the workplace. Neither of Pettit's definitions of "arbitrary" fits the bill. In his earlier work, Pettit defined a will that is "arbitrary" with respect to someone as a will that was not forced to track that person's interests and ideas (1997). This may be the understanding that Hsieh adopts, when he defines arbitrary interference in the workplace as interference that gives "little or no justification... in terms of the worker's interests" (2005 123). But this understanding of "arbitrary" seems to make even the most appropriate bossing count as arbitrary (Anderson 2019 200). After all, insofar as any justification is given for the things that bosses typically boss in the workplace, that justification rarely cites the interests of the worker. The interests to be served are instead those of the client or firm. The package needs to be delivered, the report needs to be filed, the patient needs a new IV, and so forth. If the question is what is in the interests of the worker, the answer, presumably, would be not to have to work at all. As his bumper sticker tells us, the worker would rather be fishing.¹³ In later work, Pettit defines a will that is "arbitrary" with respect to

¹² This is perhaps Anderson's main objection to the "private government" of the firm: that it is "a state of republican unfreedom, of subjection to the arbitrary will of another" (2017 64). See also Anderson (2019), Hsieh (2005), López-Guerra (2008), González-Ricoy (2020).

¹³ What Hsieh has in mind, I take it, is the second sort of violation of the Duty to Execute, where the boss's exercise of power or authority has a business justification, but where it is nevertheless *not fair to* the interests of workers.

someone as a will that they do not control (2012 58). But this understanding of “arbitrary” again risks counting even the most appropriate bossing as arbitrary, except possibly under workplace democracy (and, as we will go on to suggest, not even then). To make sense of the relevant, intuitive objections to what happens in the workplace, I suspect, “arbitrary” must be understood along the lines of Impersonal Justification and Least Discretion (Anderson 2019 201). An arbitrary exercise of power or authority is an exercise that does not serve the impersonal reasons that justify that power or authority.

Even if a republican were to take on this conception of “arbitrary,” however, there would still remain deeper differences between the republican’s analysis in terms of domination and our analysis in terms of relations of inferiority. On the account that I am proposing, the basic objection is to a relation of inferiority to another natural individual, consisting in asymmetries in power, authority, and regard. According to republicanism, by contrast, the objection is to domination: exposure to interference in choice by an arbitrary, alien will.

On the one hand, domination is narrower than relations of inferiority. Domination consists only in the power to interfere in choice. By contrast, relations of inferiority consist in asymmetries of power of other kinds, and well as in asymmetries of authority (and disparities of regard). Note that while republicans would want to count Boss’s exploitative offer in Car Wash as intuitively a case of domination, the official definition of domination struggles to capture the case, precisely because it limits the relevant power to “interference in choice” (Anderson 2019 199). Does Boss have the power to “interfere in the choice” of Employee? As I suggested earlier, the only tenable sense of “Boss’s interfering in Employee’s choice” (so long as Boss is not invading Employee’s person or property) is Boss’s leaving Employee with a worse choice situation than Employee is entitled to from Boss. But, in Car Wash, Boss leaves Employee with, if anything, a better choice situation. So, it would not count as interference, and so, there would not be, by the official definition, domination.

On the other hand, domination is broader than relations of inferiority, since it is present whenever an individual is exposed to an alien, arbitrary or unilateral will’s power of interference. This contrasts with relations of inferiority in two main ways. First, domination is Will-Universal. Second, domination is Possibilist.

To say that domination is *Will-Universal* is to say that there is no restriction on the sort of will that can dominate. In particular, the will need not be that of a *superior individual*. It might instead be the will of an equal or inferior individual. Or it might be the will of a collective or artificial person, with which comparisons of equality or inferiority make little sense. By contrast, inferiority is not Will-Universal. A natural individual can stand in a relation of inferiority only to another superior natural individual.

The fact that domination is, whereas inferiority is not, Will-Universal makes it harder to escape domination than it is to escape inferiority. First, whereas one might escape

relations of inferiority by being subject to the asymmetric power and authority of an office, as opposed to a natural individual, one cannot escape domination by the artificial will of the office itself. Second, whereas one might escape relations of inferiority by having equal influence with other natural individuals over a collective will, one cannot thereby escape domination by the collective will itself.

Second, domination is *Possibilist*: it suffices for domination that the arbitrary, alien will can interfere. Once the will can interfere, you are dominated, no matter how the alien will might be disposed to restrain itself. This is so even if you can predict that the alien will will not, in fact, interfere. Since the only thing that holds them back is their arbitrary will, you are dominated by them (Pettit 1997, 24–25; 2012, ch. 1.4). Inferiority is not, in the same sense, *Possibilist*. To be sure, my having asymmetric power over you consists not only in what I actually do to you, but what I could do to you: that much follows from what power is. However, my asymmetric power over you can be kept from constituting an objectionable relation of inferiority of you to me, I have suggested, in virtue of what happens in the actual world, regardless of what happens in merely possible worlds. My superior power may be, in fact, exercised in accordance with Impersonal Justification and Least Discretion.

When one re-reads republican discussions with the idea of relations of inferiority in mind, one finds that relations of inferiority often fit those discussions at least as well as, if not better than, domination as officially defined. For one thing, Pettit's general descriptions of non-domination frequently are just descriptions of the absence of relations of inferiority: "The idea that citizens could enjoy this equal standing in their society, and not have to hang on the benevolence of their betters, became the signature theme in the long and powerful tradition of republican thought" (2012, 2, see also 11).

Consider, next, the rhetoric that is used to characterize the objectionable relation: "domination," "mastery," "servitude," "subjection," "despotism." As a matter of etymology and common usage, these don't mean "being exposed to another will." They mean something more specific, which involves subordination to another person. That is, we understand what "domination," "mastery," "despotism," and so forth, are, in the first instance, by reference to recognized forms of social hierarchy.

Now consider the paradigms that are used to elicit concern about being under the power of another. These are not cases of merely being exposed to the power of another will, but instead of being subordinated to a superior individual in an established social structure. Witness Pettit's (1997, viii, 5, 57; 2012, 1, 2, 7) examples: the priest and the seminarian, the creditor and the debtor, the clerk and the welfare dependent, the manager and the worker, the teacher and the pupil, the warden and the inmate.¹⁴

¹⁴ It is telling, I think, that discussions of workplace domination often focus on the relation of one individual to *another individual*. "[T]he arbitrary interference under consideration is interference that is visited by the decision of *one individual on another*

To be sure, one might chafe at being under the power not of another individual, but instead of a group of individuals. But this should be understood in one of two ways. Either it expresses a concern about sentient interference, which we will consider later, or it is a concern about the superior power and authority of certain individuals that is constituted by their greater influence as individuals over what the group does.

Next, Pettit's (2012, 8, 82) test of non-domination — that one can “walk tall amongst others and look any in the eye,” “not have to bow or scrape, toady or kowtow, fawn or flatter” — is not obviously a test of immunity to the power of others, but instead a test of equal standing with others. Think of boxers eyeing one another before a bout.

Finally, there is the curious fact that Pettit (2012, 2014) holds that democracy can free citizens from domination. But why should this be, so long as domination is Will-Universal? Imagine a state that is perfectly democratic, and that is externally compelled to be democratic, by the people's will. Why isn't one then just dominated by that collective, democratic will? What democracy might offer is not being subordinated to any other natural *individual*. There is no other individual who has greater influence over the collective, democratic will than you have. But democracy cannot offer that you are not exposed to *the collective, democratic will itself*.

In sum, it often seems that what republicans describe as domination—exposure to an alien will—is more aptly analyzed in terms of a relation of inferiority—subordination to another natural individual within a social hierarchy. Why then don't republicans describe domination as simply a relation of inferiority to another natural individual? Why do they describe it as exposure to an alien will, subscribing to Will-Universality?

It is, I believe, because republicans have confused the concern about relations of inferiority a quite different set of concerns, with different sources, about *sentient interference in choice*. Since, again, I think that a will's “interference in your choice” must be understood either as that will's leaving your choice situation worse than you are entitled to from that will, or that will's invasion of your person or property, the complaint about such interference is either an improvement complaint or an invasion complaint. These concerns about sentient interference, I agree, are Will-Universal. Even if we cannot be inferior to collective or artificial wills, they can still interfere with us, in ways to which we can object.

While these concerns about sentient interference are Will-Universal, they are not, I believe, Possibilist. What matters is whether, as you can predict of the actual world, your rights will not be invaded and whether, as you can predict of the actual world, your choice situation is not made worse than you are entitled to. Indeed, as I will

individual within the context of an institutionally sanctioned decision-making procedure” (Hsieh 2005, 125, my emphasis).

explain later, the idea that our concerns about sentient interference are Possibilist results from confusing these concerns with the concern about inferiority.

Apart from the confusion of distinct concerns, a further reason to reject republicanism is that domination is unavoidable. Will-Universality and Possibilism close off all avenues of escape. Even if the state could free us from domination by other individuals, why wouldn't it just expose us to domination by the state itself? At times, Pettit seems to suggest that democratic state might free us from domination. But, as we noted earlier, democracy exposes us, as individuals, to the democratic will and so to domination by it, if not by any other individual. At other times, Pettit seems to suggest that the state simply cannot interfere with us as individuals, because, if it tried, some checking power would emerge to prevent it from doing so. But this raises the question of why we aren't then dominated by this checking power. In any event, if the question is whether we are exposed to the possibility of interference by sentient wills, then the answer seems that we inescapably are. Certainly, if *every* other will—not simply every other individual citizen of your state, but every other will, corporate or artificial—were to will to interfere with you, you would be interfered with. There is no chance of any checking power on everyone else ganging up on you, for every possible checking power has, by hypothesis, joined the gang.

To be sure, we do have valid concerns about sentient interference, whether by natural individuals or by collective or artificial agents. We have valid concerns that, as we can predict, our rights against invasion are respected and that, as we can predict, others do not leave our choice situations worse than we are entitled to from them. However, if we understand these concerns as subscribing to Possibilism, as concerns about being so much as exposed to the possibility of sentient interference, even if we know that the interference will never in fact transpire, then the evil becomes unavoidable.

Why, then, do republicans understand the concerns about sentient interference in Possibilist terms? It comes, I think, from confusing concerns about sentient interference with concerns about being placed in a relation of inferiority to another natural individual.

First, relations of inferiority consist in asymmetries of power and authority. My having asymmetric power and authority over you is a matter of more than simply what I actually do to you, but also of what I can do to you. That much follows from what power and authority are. However, my asymmetric power and authority over you can be kept from constituting an *objectionable* relation of inferiority of you to me solely in virtue of what happens in the actual world. If my power and authority are, in fact, exercised in accordance with Impersonal Justification and Least Discretion, I suggest, then that suffices. Here, republicanism makes a mistake in two steps. Step one is to confuse the concern about sentient interference with the concern about inferiority. Step two is to assume that objectionable inferiority consists in the asymmetry of power and

authority itself, rather than in asymmetry that is not actually regulated by Impersonal Justification and Least Discretion.

Second, when we consider the corrective of Least Discretion, or rather the special case of the Duty to Exclude, we find another theory of error for Possibilism. The problem is that republicans misidentify the active ingredient in the examples they use to stimulate anxiety about domination. The standard examples of domination are, first, examples of being subordinated to an individual who wields superior power and authority over us. Second, they are examples in which the dominator is said to refrain from invading you only because it's his "whim" (Pettit 1997, 57; Anderson 2017, 46; González-Ricoy 2020, 418), "mood" (Pettit 1997, 5), "caprice" (Pettit 2012 120), "pleasure" (1997 54), personal "liking" (1997 24), "grace and favour" (1997 33), because you have "ingratiated" yourself (1997 69) or "keep them happy" (1997 88) or "sweet" (Lovett and Pettit 2019 XX). This is what gets our blood boiling, and makes us feel that we are unfree, under the thumb of a dominator.

But what is it that gets our blood boiling? Republicans conclude that the significance of phrases such as "only because it pleases him" is that it implies that there is some counterfactual world in which he doesn't treat you well: namely, a world in which it doesn't please him. They take this to support Possibilism: that what's objectionable is mere counterfactual exposure to interference. The Duty to Exclude suggests a different way of interpreting the significance of "because it pleases him." That it pleases him is not a reason that serves any impersonal reasons that might plausibly justify his power. So, if he uses that power because it pleases him, then he's violating the Duty to Exclude. That—what's happening right here, in the actual world, not what might have happened in some counterfactual world—is the basis of your objection. In other words, the examples that are supposed to fuel Possibilism are explained by the Duty to Exclude.

Is the firm parallel to the state?

We have been pursuing a kind of "parallel-case argument," of the form: because the firm is relevantly like to the state, the firm must meet some condition required of the state. In particular, we have been arguing, in effect, that because bosses are relevantly like state officials, bosses must meet the conditions of Impersonal Justification and Least Discretion that apply to state officials. As R.H. Tawney observed: "the man who employs, governs, to the extent of the number of men employed. He has jurisdiction over them. He occupies what is really a public office" (1912, compare also McMahon 2009).

No less often, however, parallel-case arguments are deployed in support of workplace democracy. I turn now to these arguments, as well as to a problem with parallel-case arguments that we have so far suppressed.

Doubt about the parallel case argument: Enforcement

The starting point of a parallel-case argument, I take it, is the thought that those who are subject to the state have a pro tanto objection to it. This objection calls for the state to be somehow “legitimated” or “justified.” The state must, with respect to those subject to it, satisfy a “legitimizing condition,” such as consent or “public justification.” Since workers in the firm have a like pro tanto objection to the firm, the firm must likewise satisfy this legitimating condition.¹⁵

What, then, is the pro tanto objection to the state? What calls for its justification or legitimation? If one reviews the literature on justifying or legitimating the state, the standard answer is that the objection has to do with violent force, or the threat of violent force, or coercion—although it is never entirely clear what the notoriously supple term, “coercion,” is supposed to cover, if it is to mean something other than force or the threat of force. In any event, the guiding image is usually that of the state or its officers laying hands on someone and imprisoning them, or threatening to do so, for refusing to comply with the state’s directives. The state *Enforces* its directives, with a capital “E.”

But if *this* is the objection to the state, then one might well doubt that the firm is relevantly like the state. The firm doesn’t use force or threaten force. Whether the firm “coerces,” granted, depends on what “coercion” means. But it is clear that the firm doesn’t imprison or threaten imprisonment. The firm does not Enforce its directives, with a capital “E.” So if Enforcement is what calls for the state to be justified or legitimated, then parallel-case arguments do not get off the ground. This casts doubt in

¹⁵ McMahan (2009) argues that the “authority exercised by corporate executives is just as problematic, from the standpoint of political philosophy, as the authority of governments.” It is “subordinating authority”: “a relationship marked by the issuing of directives to people who are normally prepared to comply with them” (2). It is not clear, however, why subordinating authority is “problematic,” either in the case of the state or the firm. At any rate, it is not clear, from his discussion, that those subject to “subordinating authority” have any objection to it. McMahan posits that subordinating authority is not “legitimate” if it is only “directive power,” backed by coercive sanctions; it is legitimate only if those to whom the directives are issued have sufficient reason, independent of directive power, to comply (3). But it is unclear what he means by “illegitimate.” Is to call subordinating authority “illegitimate” simply to say that those subject to subordinating authority lack sufficient reason, independent of directive power, to comply? That would make McMahan’s posit a tautology: those subject to subordinating authority have sufficient reason, independent of directive power, to comply only if they sufficient reason, independent of directive power, to comply. Or is McMahan suggesting that the illegitimacy of subordinating authority is a *further* consequence of lacking sufficient reason to comply, absent directive power? If so, is the further consequence of illegitimacy that those subject to subordinating authority have an objection to it? What if a state or firm just grants that its subordinating authority is only directive power? Would the people have any complaint? The traditional answer would be that they have a complaint about Enforcement. The alternative answer, which I’m suggesting, is that they would have a complaint about relations of inferiority.

particular on our parallel-case argument that bosses must satisfy Impersonal Justification and Least Discretion, let alone on a parallel-case argument for workplace democracy.

Note that this point undercuts a common fallback from the firm-*state* parallel case argument, which might be called the “firm-*municipality* parallel case argument.” While it is granted that the firm differs from the national state, this fallback argument maintains that the firm nevertheless does not differ from a municipality. Thus, so long as democracy is required at the level of the municipality, it is likewise required of the firm. While the worker may be able to exit the firm, in a way that the worker cannot exit the (national) state, it is said, the worker is similarly able to exit the municipality.¹⁶ Or while the firm differs from the state in being regulated by it, and subject to it as a higher court of appeal, it is said, the municipality likewise differs from the state in being regulated by it and subject to it as a higher court of appeal.¹⁷ But if the objection to the state is to its Enforcement, then the firm-municipality parallel-case argument may fare no better than the firm-state parallel-case argument. For, arguably, municipalities, such as have local police departments, courts, and criminal statutes, are involved in Enforcement. So, perhaps, one should no more expect that what goes for the municipality should go for the firm than one should expect that what goes for the state should go for the firm.

Weaknesses of some parallel-case arguments

In the literature, parallel-case arguments tend to ignore this issue: that while the firm does not Enforce, the objection to the state, in the standard view of political philosophers, is specifically that the state does Enforce. While many parallel-case arguments acknowledge that the firm does not Enforce, they pass over in silence that, in the view of most political philosophers, the objection to the state, which calls for its legitimation or justification, is precisely that it Enforces.¹⁸

¹⁶ “Take a local government. A citizen who does not like a local ordinance is also ‘free’ to move to another community” (Dahl 1985, 114).

¹⁷ “I take it that the fact that citizens can elect public officials at the state level does not make the power exercised by public officials at the municipal level irrelevant, even if the latter have to exercise their power within the democratic limits imposed by the former, just as it does not make the case for municipal democracy irrelevant” (González-Ricoy 2014). It is unwarranted to conclude that “democracy at such levels, like municipalities or states in federations, is superfluous once democracy at the upper level is in place and a higher court of appeal exists” (González-Ricoy 2019 681).

¹⁸ Tawney (1912, 34–35): “the man who employs, governs, to the extent of the number of men employed. He has jurisdiction over them. He occupies what is really a public office. He has power, not of pit and gallows... but of overtime and short-time.” Dahl (1985, 113): “For example, do economic enterprises make decisions that are *binding* on workers in the same way that the government of the state makes decisions that citizens are compelled to obey? After all, laws made by the government of a state can be enforced by physical coercion, if need be.” Anderson (2017 38): the firm’s

Instead, some parallel-case arguments propose fairly weak sufficient conditions for people suitably involved in some social context to have a claim to democratic decision-making over it. To be sure, since the conditions are weak, they are plausibly satisfied by the firm. However, little attempt is made to explain why those weak conditions *should* suffice for a claim to democratic decision-making. And little heed is paid to the danger that those weak conditions overgeneralize, implying claims to democratic decision-making in contexts where it hardly seems required.

For example, Cohen (1989, 27) writes:

The most plausible parallel case argument proceeds as follows: the best justification for the requirement of democratic governance of the state is that a political society is a cooperative activity, governed by public rules, that is expected to operate for the mutual advantage of the members. Anyone who contributes to such an activity, who has the capacity to assess its rules, and who is subject to them has a right to participate in their determination. But economic organizations are cooperative activities governed by rules, and they are expected to operate for the advantage of each member.

Cohen offers no explanation of why cooperative activities in general should suffice to give the cooperators claims to democratic decision-making. And one worries about rampant overgeneralization. After all, any class that I teach, or any commercial passenger flight I take is a cooperative activity. But democratic decision-making scarcely seems required in those contexts.

Of course, Cohen cites further conditions on the cooperative activity: that there are public rules and that the cooperation is expected to operate for the advantage of each member. And if these conditions are supposed to be necessary, then that, in the abstract, might limit the generalization. But, on the one hand, it doesn't avoid the overgeneralizations cited earlier. Classes and flights are governed by public rules, and they are expected to operate for the advantage of each member. On the other hand, if these are supposed to be *necessary* conditions, then they seem to imply that there is no requirement to democratize lawless states, without public rules, or exploitative states, which make no claim to operate for the advantage of all.¹⁹

"sanctioning powers are limited. It cannot execute or imprison anyone for violating its orders."

¹⁹ Similar things might be said about Dahl (1985). His case for democracy rests on the satisfaction of two non-normative conditions: (1) that there are binding collective decisions for some association and (2) "With respect to all matters, all the adult members of the association (the citizens of a government) are roughly equally well qualified to decide which matters do or do not require binding collective decisions" (57–58). Dahl may think that these conditions suffice for a right to democracy, given the further normative assumptions (3) that "the good of each person is entitled to equal

Other defenses of the parallel-case arguments seem exclusively defensive. These defenses take for granted that there is some positive likeness between the firm and the state that, pending some showing of a relevant difference, would establish that democracy is required as much in the firm as in the state. They then rebut various alleged differences (Landemore and Ferreras 2016, Herzog ms.). But they don't address the difference that the state, but not the firm, Enforces, and they don't discuss what the positive likeness might support the parallel-case argument in the first place.

Other arguments for democracy in the workplace are not really parallel-case arguments at all, but instead instrumental arguments that democracy in the workplace would bring independent benefits or avoid independent harms, such as the avoidance of "arbitrary treatment"—or, as I would put it, compliance with Impersonal Justification and Least Discretion (Bowles and Gintis 1993 86–7, González-Ricoy 2014, Anderson 2019 203).

Reviving the parallel case argument

So, if the pro tanto objection to the state, what calls for it to be "justified" or "legitimated," is Enforcement, then it is not clear that there is a parallel objection to the firm. However, as I argue in the book, I do not believe that the objection to the state is Enforcement. On the one hand, we can imagine states that didn't Enforce that would still be intuitively objectionable. On the other hand, the state's Enforcement seems unobjectionable, even without a legitimating condition. The objection to the state, I argue, instead concerns the social hierarchy of the state itself: that is, that those who wield the power of the state hold asymmetric power and authority over those who are subject to it. To be sure, for contingent reasons, the state may need the ability to Enforce to wield the asymmetric power and authority that it wields. But even so, the objection to the state is not to the discrete acts of Enforcement itself, but instead to the relations of power and authority that they sustain.

consideration" and (4) that "in general, each adult person in the association is entitled to be the final judge of his or her own interests." On the other hand, it is not true in the case of the state that all adult members are equally well qualified, if this means that they have equally sound judgment. So (2) seems problematic as a necessary condition.

McMahon (2009) suggests that an exercise of authority that facilitates cooperation implies a right to democratic governance among the cooperators. He sees this as required by respect for their autonomy. "When the exercise of authority facilitates cooperation among people who are autonomous in the political sense, who have a right of self-direction, respect for their autonomy requires that they themselves generate collectively the directives on which they act" (92). "So there is a presumption on grounds of autonomy in favor of the democratic generation of managerial directives by employees. In its most extreme form, this would involve the election of managers by employees." In the book, I argue that appeals to autonomy are unlikely to justify democracy.

If this is the objection to the state, then it revives the parallel case argument. For the firm does involve ongoing asymmetric power, unlike one-off, quid-pro-quo market exchange.²⁰ And the firm involves asymmetric authority, unlike one-off, quid-pro-quo market exchange. Indeed, as we observed, the authority of the firm is in many ways more substantial than that of the state itself. In particular, the firm assigns ends, whereas the state merely facilitates their pursuit.

Moreover, if the objection to the state concerns its asymmetric power and authority, then there is an explanation of why democracy, in particular, would be a legitimating condition, meeting the objection to the state. In addition to the correctives of Impersonal Justification and Least Discretion, there is the corrective of Equal Influence, which is satisfied insofar as any individual who is subject to superior power and authority has as much opportunity as any other individual for informed, autonomous influence over decisions about how that power and authority are to be exercised or over the delegation of such decisions. The rationale is straightforward. If I have as much opportunity for informed, autonomous influence over the exercise of the power and authority as anyone else has, then there's no one to whom I can point and say, because he had greater influence, I, in being subjected to that power and authority, am subordinated to his superior power and authority. Granted, I have far lesser influence than the collective or artificial will, if any, that wields the superior power and authority. I have far lesser influence than the will of the People. But that collective or artificial will is not another natural person, with whom a question of equality arises. By contrast, it is far less clear why, if the objection is to Enforcement, rather than relations of inferiority, democracy should be thought to meet it.

If, then, the workplace presents the same objection as the state, of subjection to asymmetric power and authority, and if, then, the corrective of Equal Influence applies to the state, then we might similarly expect it to apply to the firm. We have at least the beginnings of a parallel-case argument for workplace democracy.²¹

²⁰ Because they do not require that the asymmetry of power be *ongoing*, and because they overlook the importance of the asymmetry of *authority*, Bowles and Gintis's argument for workplace democracy seems too quick. "Because the employment relationship involves the exercise of power, its governance should on democratic grounds be accountable to those most directly affected" (75). For they give instances of the same sort of power, namely "contingent renewal," which do not obviously require the same democratic rights: "a lender may offer a borrower a short-term loan with the promise of rolling over the loan contingent upon the borrower's prudent business behavior" (80). Should the borrower have democratic rights in whether the lender rolls over the loan? Presumably not. Arguably, this is because there isn't close supervision of the business behavior. The lender does not have authority over the borrower. The borrower largely sets their own ends.

²¹ Schuppert 2015 also suggests something along these lines, although I think that the discussion is clouded by a confusion of claims against inferiority with claims against domination.

Tempering factors and the state

So far, our focus on relations of inferiority has given us a way to revive the parallel-case argument for workplace democracy. At the same time, however, the same focus on relations of inferiority reveals some potentially relevant differences between the state and the firm.

After all, not every asymmetry of power or authority (and not every disparity in regard) amounts to an objectionable relation of inferiority. Such asymmetries are everywhere, such as in schools, mass transport, and houses of worship. We greet these asymmetries more or less with equanimity. What's more, we don't always view those asymmetries as bitter compromises, concessions to necessity, or the tragic price paid for efficiency. Indeed, such asymmetries, between mentor and mentee, priest and parishioner, and so on, may be constitutive of social forms that we find valuable in themselves. So how can it be said that asymmetries of power and authority are objectionable or regrettable?

We greet these asymmetries with equanimity, I suggest, because certain *tempering factors* bound, contextualize, or transform these asymmetries in such a way as to make the charge that they amount to objectionable relations of inferiority out of place, or at any rate weaker. The idea is not that these tempering factors somehow outweigh or compensate for the bad of inferiority. The idea is instead that these tempering factors make it less of a bad to begin with. This may explain why we tend to take these tempering factors for granted and are apt to notice them only when they are absent.

A first tempering factor is that the asymmetries arise only in chance, one-off encounters, instead of being entrenched in an established, ongoing social structure.

A second tempering factor is that the asymmetries are limited in time, place, and context. Teachers might only be able to tell students what to do in class, and this extends only for a given semester or course of schooling. Flight attendants might only be able to tell passengers for only that interval between when they board and deboard the plane.

A third tempering factor is that the asymmetric power and authority is limited in content: that is, in what can be done or commanded. Teachers are only able to tell students to perform tasks that contribute to their own education. Flight attendants cannot order passengers to do things that have no bearing on a safe and decorous flight.²²

A fourth tempering factor is that the asymmetries may be escapable, at will, with little cost or difficulty. To take an extreme case, if one can exit a slave contract at will, then it is not clear in what sense one really is a slave. Another way of putting this is to say that

²² Note that even if teachers and flight attendants have other forms of power and authority, they may nevertheless satisfy Impersonal Justification and Least Discretion.

what matters for relations of inferiority is not so much inequality in exercised power or authority, but instead inequality of opportunity for power and authority, where equality of opportunity is understood not as equal ex ante chances to end up on the winning end of the asymmetry, but instead as sustained freedom to exit the relations in which the asymmetry arises. The point is not that while being on the losing end of asymmetries is always a burden, one forfeits one's complaint when the burden is self-imposed—that one has no one to blame but oneself. It is rather that the freer one is to exit what would otherwise be an objectionable relation of inferiority, the less it seems an objectionable relation of inferiority to begin with.

A fifth tempering factor is that the asymmetries may not be final: that is, they may themselves be regulated by a higher court of appeal, or a decision further up the chain of command, which is not itself marked by that asymmetry. The idea is that equality at higher reaches of the hierarchy tends to temper inequality at the lower reaches.

The last tempering factor is that the people in the relationship marked by the asymmetry might also stand as equals in some other recognized relationship. Off campus, teacher and student are just equal citizens. Once all have deplaned, flight attendants are just other travelers searching for ground transportation.

If all of this is right, then one can see then why the asymmetries of power and authority that the state involves would present a particularly acute problem. After all, the state wields vastly greater power and authority over the individuals who are subject to it. At the same time, the state just is, like *l'enfer* of Sartre, other people. So, it would seem, those other people wield vastly greater power and authority over the rest of us. Why, then, isn't subjection to the state's decisions a kind of subordination to those individual, natural persons whose decisions the state's decisions are? Why don't we have complaints against standing in relations of inferiority to those individual, natural persons?

This would not be a problem if our relations to the state were tempered. But, on the contrary, the tempering factors seem to be conspicuously absent in our relations to the state. First, the state is an established social structure and our relations to it are ongoing. Second, the state has extensive reach. Third, there are few limits on what the state can do to us, or command us to do. Fourth, it's costly and difficult to avoid relations to the state within whose jurisdiction one presently resides, or to whose jurisdiction one presently belongs, and all but impossible to escape the jurisdiction of some state. Fifth, the state's decisions are typically final: that is, they sit at the apex of the hierarchy, above which there is no further appeal (short of the "appeal to heaven"). The state's decisions are generally treated as overriding or nullifying any other decision. Therefore, there can be no recourse to a decision higher up the chain of command, with a different character.

Finally, one relation within which you might stand as an equal with others, whatever other asymmetries or disparities might mark your relations with them, is equality of citizenship: that you stand as an equal with them insofar as you and they interact with the state. If equality of citizenship with others is not available, because they, but not you, decide what the state does, then it is not clear what other relation of equality with them will be available. Granted, you may stand to some other individuals as equals in a local club or parish. But it is unlikely that, for every other individual in your society, there is some socially recognized relationship within which you stand as equals. This is especially likely to be the case in a society with cultural, religious, regional, and professional diversity.

To sum up, the state wields vastly greater power and authority over us, who are subject to it. And, where the state is concerned, the tempering factors are conspicuously absent. Yet, the state just is, when the robes and badges are stripped away, other people. Unless more is said, we have a complaint against standing in relations of inferiority to those natural persons whose decisions the state's decisions are. So that's the question: If the state just is *les autres*, if it wields vastly superior power and authority over each of us, and if our relations to the state are not tempered by the factors that we listed, then how can they not be relations of inferiority? The conclusion is that, in the case of the state, there is a particularly urgent case for the correctives of Impersonal Justification, Least Discretion, and Equal Influence.

Some tempering factors are present, or could be present, in the workplace

How far the parallel-case argument succeeds, then, depends on whether the tempering factors are likewise absent in the case of the firm.

First, employment in a firm is an established, ongoing social structure, so the first tempering factor is absent. Indeed, as we have seen, this is part of how employment, with its characteristic submission to authority, differs from one-off, quid-pro-quo, market exchange.

Whether the second and third tempering factors are present in the firm depends on the economic and legal structure. Granted, "at will" employment means that these tempering factors are absent in most jurisdictions in the US. But there can be labor laws that, in accord with the second tempering factor, limit asymmetries and disparities to time, place, and context. Managers might be able to tell workers what to do only on the shop floor, when they are on the clock. Likewise, with sensible labor protections, the third tempering factor might also be present. The asymmetric power and authority might be limited in content: that is, in what can be done or commanded. Managers might be able to tell workers to perform only work-related tasks. They may be able to fire them only with cause. They may not be able to use their power and authority in the workplace as a lever to extract personal favors, or support for their political or religious aims. They may not be able to monitor non-work-related communications.

Whether the fourth tempering factor obtains, the opportunity to exit the asymmetry of power and authority, also depends on the broader economic and legal structure. With a generous social safety net, opportunities for worker retraining, support in searching for new employment, and the state as an employer of last resort, the asymmetries or disparities of subjection to a particular employer may be escapable, at will, with low cost or difficulty.

However, there are two general reasons to doubt that such opportunities for exit will be entirely sufficient. First, there is the familiar Marxist point that if all firms are alike, then although one can escape subjection to *this* boss (or this capitalist), one cannot escape subjection to *some* boss (or to the capitalist class). Second, there is reason to expect that exit will carry some cost or difficulty. For example, the worker may lose their investment in firm-specific human capital when they move to a new firm. And efficiency wages may lead employers to pay higher wages than whatever fallback the welfare state provides. That is, employers may find that the incentives to productivity that this potential loss in wages provides workers with more than compensates for the higher wage bill itself.

Against a backdrop of democratic political institutions, however, the fifth tempering factor will be present in the case of the firm. The asymmetries or disparities will not be final: that is, they will themselves be regulated by a higher court of appeal, or a decision further up the chain of command, which is not itself marked by that asymmetry or disparity. The firm itself is regulated by a legal order that I have equal opportunity to influence. The hierarchy of the firm is itself controlled from a standpoint of equality.²³

The final tempering factor is also present in the case of the firm. The persons in the relationship marked by the asymmetry or disparity stand as equals in some other recognized relationship. Once the whistle blows, manager is just another citizen.

So where does this leave us? Some of the tempering factors absent in the case of the state are present in the case of the firm. The firm is not final in the way in which the state is. Boss and worker do stand in another recognized relationship of equality, citizenship. Various measures could limit the time, place, context, and content of the

²³ Compare McMahon's view of even the capitalist firm as part of a broader cooperative structure governed by the state: "corporations are managed as subordinate centers of cooperation in a larger cooperative structure, under ultimate governmental control, that is oriented toward the promotion of the public good" (2009, 12). "Within an integrated structure of cooperation-facilitating authority of the sort that has been described, however, any moral considerations that support democratic decision making apply categorically only at the topmost level, the level of ultimate political authority. This means that ultimate political authority could conclude that the public good would be served by allowing forms of corporate governance in which employees have little or no democratic control over the directive to which they are subject" (93).

asymmetries of power and authority. Other measures could make exit less difficult or costly.

Moreover, setting aside the tempering factors that are present in the case of the firm, one might have doubted from the outset that everything that is required of the state should be required of the firm within the state. States are required to respect the civil liberties of its citizens. But firms are not, plausibly, required to respect the same civil liberties of their employees, in the sense of not disciplining them for exercising those same civil liberties at work.²⁴ The most obvious example is free choice of occupation itself. I shouldn't lose U.S. citizenship if I choose to be a dog walker rather than a mouse impersonator, but surely Chuck-E-Cheese's can exile me for that choice. But there are other examples. Consider Tsuruda's insight that "it would seem to violate the freedom of speech for the state to ban all discriminatory speech, yet prohibiting a wide range of discriminatory speech in the paid workplace is surely a requirement of justice" (ms. p. 46 n. 97).

One might suggest that this implies that some, but not all, of the correctives that are called for in the case of the state are called for in the case of the firm. In particular, one might suggest that the correctives of office, Impersonal Justification and Least Discretion, are called for in the case of the firm, but not the corrective of democracy, Equal Influence. That would neatly support more or less the conventional wisdom within capitalist systems.

But this is not entirely satisfying, for two reasons. First, it doesn't seem fully explanatory. Perhaps from the fact that some tempering factors are present, some correctives need not be. But one might have wanted more of an explanation why the presence of *just those* tempering factors obviated the need for *just that* corrective, of democracy.

Second, there is the fact that, in certain ways, the asymmetries of power and authority in the workplace are more objectionable than the asymmetries of power and authority in the state. In particular, as we noted earlier, the authority of a boss is end-setting and significantly more constraining.

Some marginal cases

1. When one hires a person to do work on oneself (e.g., to cut one's hair) or one's home (e.g., to fix a broken faucet) is one a public official, and so, according to my conjecture, subject to Impersonal Justification and Least Discretion? McMahon suggests that one is not a public official, because such employment belongs to a "private space." "Certain kinds of employment usually involve such private authority relations—for example, the

²⁴ So, it is not clear that it is a valid complaint against the capitalist firm, as Anderson appears to assume that it is, that firms "impose controls on workers that are unconstitutional for democratic states to impose on citizens who are not convicts or in the military" (2017, 63).

employment by a homeowner of a housekeeper, gardener, or handyman. The exercise of authority in such contexts, the deference by the employee to the directives of the employer, is a private matter located within the space that morality creates for individuals to live distinctive lives of which they are the authors" (2009 32). While I agree that the employer—or rather client—in this case is not a public official, I suspect that this is because there isn't much in the way of submission to the client's authority. In such cases, it tends to be specified in advance what the work to be performed will be (e.g., "It is going to cost you \$600 for us to replace that faucet, which we can do today"), and the client doesn't usually tell the worker how to do their job. Granted, the client has a kind of "authority" over the worker rooted in the client's rights against others, including the worker, that they not do certain things to the client's person or property without their consent. This is why the plumber, halfway into the job may ask: "In order to fix the faucet, we now see that will need to cut through these tiles. Can we go ahead and do that?" But this sort of authority is hardly asymmetric. After all, the client is no more permitted to cut through the plumber's bathroom tiling without the plumber's consent.

2. Consider the situation of workers, such as restaurant servers, who work principally for tips. They would seem to have two bosses: the restaurant manager and the customer. After all, there is open-ended submission to the discretion of the customer, since there is no prior agreement about how much, if anything, the customer will pay the server for any given service. Just as a server might have a complaint against a boss who rewarded employees who played along with verbal harassment, so too a server might have a complaint against customer who make a tip contingent on playing along with verbal harassment. Now, it might be said that since the server does not have any ongoing relationship with any particular customer, there is no danger of an objectionable relation of inferiority. But perhaps that should prompt a generalization of our understanding of relations of inferiority. Suppose that Lowe would stand in a relation of inferiority to a single individual, High, if High were to occupy an ongoing position of superior power and authority of a certain kind over Lowe. Now suppose that instead of a single individual, High, occupying that position, there is, instead, a series of individuals occupying, in turn, the same position. The generalization would say that Lowe stands in a relation of inferiority to each of those individuals, for as long as each of those individuals occupies the position.

3. What about "gig work"? To be sure, there may be objections to the monopsony power, as purchasers of labor, of the coordinating platforms, which arises from network effects. Exploiting this monopsony power, platforms may (i) lower the pay of workers and (ii) pass on more of the risk to workers by, e.g., not paying them for downtime when business is slow (although some workers may prefer to take on the risk). Moreover, by classifying workers as freelancers, platforms may bypass labor laws, evading legal responsibilities to provide benefits that traditional employers would have. This too may make things worse for workers. These objections to gig employers seem to be primarily bossless, improvement complaints (although no less serious for that). It is harder to see how the gig economy introduces new bossed, inferiority complaints,

however. At very least, a rideshare driver does not seem subject to more significant asymmetries of power and authority at work than a traditional taxi driver with regulated fares and terms of service. Granted, platforms enable the customer to give the rideshare driver a bad rating, but then the driver has the same power over the customer.

4. Should the owners of small businesses, with few employees, be subject to Impersonal Justification and Least Discretion? Or may personal reasons play more of a role in exercises of power and authority over employees? At very least, it seems less objectionable in such contexts to give priority to one's family in employment: hiring them first and firing them last. Why should this be?

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