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Workplace Democracy and Republican Freedom

Keith Breen and Onni Hirvonen

1 Introduction

One value appealed to in arguments for workplace democracy is freedom. This appeal poses two questions: first, what do we mean by freedom, and, second, what is the relation between workplace democracy and what we mean by freedom? Here we consider the case for democratic worker voice based on the neo-republican ideal of political freedom as non-domination. While not unconvincing, this case sees workplace democratization as an instrumental means to promoting freedom as non-domination and, being mostly consequentialist in character, is therefore open to significant empirical disagreement from within the neo-republican perspective itself. Indeed, together with neo-republican arguments for democratic worker voice, there are arguments for worker voice that nonetheless reject workplace democracy; arguments that, while not dismissing worker voice, see state regulation plus universal basic income as sufficient for minimizing domination at work; and arguments that focus exclusively on right of exit and are hostile to the idea of augmenting workers' voice.

Our central claim is that this policy indeterminacy stems from the neo-republican restriction of political freedom to the dimension of non-domination alone and its treatment of worker voice as primarily a means towards promoting non-domination, rather than a right and demand reflective of our status as free and equal persons. If we expand our understanding of political freedom to include worker autonomy, a dimension of freedom underpinning and

motivating the ‘expressive egalitarianism’ and ideal of ‘discursive control’ (Pettit, 2014, p.80; 2001, p.5) definitive of republican citizenship, properly understood, we can arrive at a less contingent and thus less precarious freedom-based case for workplace democracy.

The argument falls into two parts. We first set out the neo-republican understanding of political freedom as non-domination and review the stances taken by neo-republicans on how best to minimize workplace domination. These stances vary for a number of reasons, the primary one being disagreement over worker voice as an instrumental means towards promoting non-domination. The argument for democratic worker voice as an efficacious means towards increased non-domination is, we contend, on balance more convincing than those which focus on exit rather than voice, but it suffers, as with the other stances taken, from a restricted understanding of political freedom and of the implications of republican citizenship. We then move to clarify these implications by immanently critiquing Philip Pettit’s view of republican political theory as based on the ideals of expressive equality and freedom understood as discursive control. Our main claim is that these ideals point beyond freedom as non-domination to an autonomy-centred conception of political freedom, despite Pettit’s explicit restriction of political freedom to non-domination. Moreover, they suggest workplace voice—a voice that must be heard and respected by all—is better conceived not as a contingent means towards greater non-domination, but as a legitimate demand stemming from our equal citizenship that places strong *prima facie* constraints on workplace authority relations.

2 Non-domination and workplace *dominium*

For neo-republicans the basic political value is freedom. Although they certainly recognize other dimensions of freedom, they equate freedom in its political sense with freedom as non-domination. Freedom as non-domination, following Pettit, does not entail ‘the presence of self-mastery’ or ‘the absence of interference by others’, but instead ‘the absence of mastery by others’, namely, the absence of domination understood as ‘arbitrary’ or ‘uncontrolled’ interference and power (Pettit, 1999, p.165; 2012, pp.57–8). To be dominated is to suffer forms of interference that, unlike the non-arbitrary or controlled interference of an equitable system of law, show no regard for your interests and over which you have insufficient or no control. Such subjection to others has deleterious effects, not least a constriction of your choice and options, endemic uncertainty and anxiety as to your future, and, most importantly, an asymmetry of power and status between persons that offends against your personal worth (Pettit, 1997, pp.82–90). A genuinely free social order is one where these effects are minimized and a symmetry of status between persons institutionally assured so that we can look each other in the eye without worry or deference.

Minimization of domination is the main goal of the neo-republican theory of political legitimacy and of social justice (Lovett, 2010, p.15; Pettit, 2014, p.201). This requires attention to two categories of dominating power: *imperium* or ‘public power’ and *dominium* or ‘private power’. You are subject to *imperium* when you stand vulnerable to unchecked state power and public agencies, whereas you are subject to *dominium* when you stand vulnerable to unchecked power in relation to your fellow citizens and non-state institutions (Pettit, 1997, pp.12–3; 2014, p.77). *Imperium* is checked and political legitimacy ensured when a constitutionally constrained government upholds basic liberties and when ‘free citizens share equally in controlling the state’, that is, enjoy democratic rule (Pettit, 2014, p.203). *Dominium* is checked and social justice ensured when mechanisms are in place that,

on the one hand, ‘insure’ all against hardship and uphold their welfare, and, on the other, ‘insulate’ citizens in weaker socio-economic positions against unchecked interference by those enjoying superior institutional power or resources (Pettit, 2014, p.203).

For our purposes, the *dominium* of concern is workplace domination, namely the potential unchecked interference in the lives of workers by both employers and managers. The source of this domination is manifold, stemming from workers having little choice but to contract with employers in order to fulfil their basic needs, but also the concentration of socio-economic resources in a limited number of hands and a system of corporate, labour, and employment law that both inscribes and reinforces employer superiority by granting employers organizational discretion and a right to rule over employees in capitalist firms. While typically hemmed in by legal restrictions in varied ways, the extent of this rule is extensive, dictating employee behaviour both within and outside the workplace.

Most obviously, managers have discretion over the performance of work, deciding its pace and intensity, the distribution of roles and production targets, as well as the time allocated for rest, et cetera. Likewise, they enjoy discretion over workplace relations, determining how employees should dress and conduct themselves, the surveillance and security practices they have to submit to, and the limits on individual expression to be observed within work. Employers and managers also have considerable leeway as regards employment conditions, including overtime, training, promotion, and firing policies. Such leeway, should they desire to utilize it, empowers managers to seek to control—sometimes quite legally and using penalties such as reprimands, fines, and dismissal—workers’ lives outside of work through compulsory drug or medical testing, surveillance of online communications, and restrictions on various activities, whether religious, sexual, political, et cetera (Bertram, Robin, and

Gourevitch, 2012; Maltby, 2009). Furthermore, it is senior managers who often have greatest say over matters—redundancies, relocations, the closure of firms, and so forth—having grave repercussions not only for workers, but also their families and communities.

From the neo-republican viewpoint, two points appear central here. First, while a number of the above workplace policies and restrictions are not unacceptable in themselves—for instance, having well-defined rest breaks or codes of appropriate conduct—they do become unacceptable when one group decides their form alone. Second, it is certainly true that many employers will not routinely use their discretion in oppressive ways, since this would breach norms they themselves share and lead to organizational inefficiencies or a negative reputation. Yet from the viewpoint of freedom as non-domination, what matters is not whether they will act oppressively, but instead whether they *can* act oppressively. If they can, even only sporadically, they pose a dominating threat to employees.

As regards *imperium*, neo-republicans agree that a constitutionally-constrained democracy, where all citizens enjoy an institutionally mediated decisive voice, is the prime instrument or vehicle towards maximizing freedom as non-domination. Democracy's importance rests, Pettit avers, not on any 'independent attractions', but on 'the fact that it is a means of furthering liberty', that is, is 'necessary for promoting the enjoyment of freedom as non-domination'.¹ However, as regards workplace *dominium*, neo-republicans differ significantly on the means they think best promote non-domination. In the current literature, we find four distinct positions, which fall under two broader strategies, that of bolstering *employee right of exit*, on the one hand, and augmenting *employee voice*, on the other.

Pettit provides one iteration of the right of exit strategy. He concurs that state-enacted and -enforced workplace regulations help minimize employer power by imposing legal duties as regards safety standards, remuneration, and appropriate workplace behaviour. Workers are further protected from uncontrolled interference by being entitled to unionize and seek legal redress when faced with discrimination or arbitrary dismissal (Pettit, 2014, pp.89–90). These measures, while significant, are nonetheless insufficient insofar as they provide a check on employer power without addressing its source, that is, workers having to take on jobs so as to meet their basic needs and their resulting mismatched bargaining position in relation to employers. To rebalance this mismatched bargaining position, an *effective*—rather than simply formal—right of employees to exit jobs is required. Within a ‘well-functioning labor market’, Pettit (2006, p.142) avers, ‘no one would depend on any particular master and so no one would be at the mercy of a master: he or she could move on to employment elsewhere in the event of suffering arbitrary interference’. One obvious route to an effective right of exit is to have everyone’s basic needs provided for by the state through unconditional basic income (UBI). Having this income to fall back on, none would be forced by circumstances to take up unattractive jobs or accept abuse at work – instead, they would be free to seek alternative employment (Pettit, 2007). Enjoying this freedom would, moreover, grant workers leverage to negotiate with employers and managers on matters such as pay, working conditions, et cetera.

Robert S. Taylor provides a second, distinctly neoliberal, iteration of this republican market-focused right of exit strategy. Where Pettit insists that state regulation is required and does not rule out worker voice as a means to increased non-domination, Taylor is expressly sceptical about the domination-minimizing effects of state regulation and generally hostile to augmenting employee voice, believing these measures would not be effective overall and

would lead to other forms of domination by increasing the reach and intrusiveness of state agencies and bolstering the dominating power of worker associations, in particular unions (Taylor, 2017, pp.20–5, 46–65). Instead, he insists that policy-makers should ‘remain largely aloof from relations within the firm, trusting instead that free exit will discipline owners and managers and prevent them from dominating their employees’.² This requires the provision of UBI, but also further measures that would increase the flexibility and competitiveness of employees. These measures include freeing-up labour contract law (through, for example, a ‘move to right-to-work laws and universal at-will employment’), relocation vouchers to enable workers to move to economically vibrant towns and cities, educational campaigns directed towards informing workers of their rights and economic opportunities, and capital grants to facilitate the acquisition of marketable physical, financial, or skill-based assets.³

The second strategy geared towards minimizing workplace domination endorses employee voice on account of the inadequacy of solely relying on exit. The right of exit is assuredly a basic right that distinguishes free from unfree social orders. Nevertheless, the threat of workers exiting a firm may often appear to managers as implausible, given the dependence of many workers on firm membership for their income and the lack of alternative employment opportunities. As well, even where alternative employment opportunities exist, the costs of exit can be excessive for workers, including the loss of intra-firm capital gained over many years, the expense and uncertainty of acquiring and subsequently transitioning to new work, and the risk one might fall into sustained unemployment.⁴ In such circumstances—circumstances ignored or underplayed by neo-republican advocates of exit—threatening exit would be rational only as a last resort and therefore a rather suboptimal means by which to resist employer power.

A similar criticism applies to relying on exit via UBI. An important point here is that none of the neo-republicans advocating exit think UBI should be of a level to allow workers to leave the world of paid work (Lovett, 2010, p.203; Taylor, 2017, pp.94–5). What they have in mind is a ‘strong exit’ right, where workers have the means to sustain themselves temporarily in moving from an unappealing to a better job, and not the ‘radical exit’ right of ‘leaving the labour market altogether’ (Birnbaum and De Wispelaere, 2016, p.63). Thus, even with UBI, workers will have to pursue employment opportunities. However, a problem attaches to UBI when it is not directed towards the demanding goal of freeing people completely from work, which concerns its efficacy as a policy and the groups it would most likely to benefit. As regards its efficacy, UBI ‘only offers a real [strong] exit option for those wanting to escape a bad job by moving to a better one when such better jobs are available’ (Birnbaum and De Wispelaere, 2016, p.63). If better jobs are unavailable, many exercising their right of exit will be faced with replacing one bad job with another or falling into long-term unemployment and thus periods of relative poverty (given the limit of a sustainable UBI). As regards the groups most likely to benefit, while UBI will certainly grant all a regular income, it is unlikely to grant all ‘an equal opportunity to exit’ (Birnbaum and De Wispelaere, 2016, p.63). Workers with a low skill or educational base, and with limited access to services such as subsidized training and other types of support (childcare provision, for example), will be less able in comparison to privileged workers to exit their jobs and thus reduce the workplace domination they are subjected to.⁵

It is because of these limits to the exit strategy that other neo-republicans stress the importance of employee voice, albeit arriving at two different conclusions. Neo-republicans stressing voice agree that in addition to right of exit, there must be state and non-state regulation of firms. The purpose of workplace regulation is not to establish ‘the right of

employees to costlessly quit, so they can use it as an implicit threat in their daily relation with managers. Rather, it attempts to set clear and specific standards to which managers have to conform in the exercise of their authority, in order to reduce their discretion' (González-Ricoy, 2014, p.242). Similar to a bill of civil rights that secures significant protection for citizens from arbitrary state interference, a bill of workplace rights ensures the same for employees against unchecked employer discretion, providing protections as regards wages and pensions, safety standards, dismissal, harassment, discrimination in hiring and promotion, and so forth. Yet while regulation has constraining effects on organizations, it, like exit, is again insufficient in countering workplace domination. One reason for this is its reliance on enforcement by external bodies (arbitration committees, employment tribunals, et cetera). The issue here is that pursuing redress through external bodies can be very costly for employees and their representative bodies and is mostly reactive, that is, usually a reaction to prior arbitrary interference. Thus, it cannot always undo the harms done to employees (Hsieh, 2008, p.92). A further reason concerns the application of regulatory requirements within firms. While all firms within a sector will have a general set of regulatory requirements, how these are internally embedded will vary across firms, depending upon the aims and actions of management. There is, thus, substantial scope for arbitrary discretion in the implementation of regulations.

Hence the call for worker voice as a means for countering workplace domination. This call takes two forms, the first identifying workplace voice with a right to internal organizational *contestation* and redress, the second identifying it with having organizational *control*, that is, a democratic voice. According to Hsieh (2005, pp.136–7; see also Anderson, 2017, p.69), resilient protection against domination requires a mode of workplace governance in which employees are positioned 'to contest managerial decisions that result in severe forms of

interference not only *ex post*, but also as part of the decision-making process internal to economic enterprises' via internal adjudicative bodies and workplace committees. However, this does not involve employee control—or even control shared with employers and managers—of organizational policies, but instead the representation of employees in decision-making processes in ways ensuring their opinions will be heard. The reasons why full democratic voice is deemed an inappropriate goal are that such voice is assumed to be incompatible with employers and managers having organizational discretion (Hsieh, 2005, pp.116, 138; 2008, p.92), which is required for the effective running of organizations, and that workplace democracy is subject to inefficiencies rendering it suboptimal economically relative to non-democratic firms (Anderson, 2017, pp.69, 130–1).

Other advocates of worker voice insist that it must be a democratic voice, a voice having a significant degree of organizational control, if it is to properly minimize workplace domination (Breen, 2015, 2017; González-Ricoy, 2014). In taking this stance, their first claim is that the right to contest managerial decisions remains an ineffective right without workers also having a significant degree of organizational control. This is because without being linked to organizational control, worker voice would be one that has to be listened to, yet not one which would necessarily have to be addressed and acted upon. Thus, in periods of heightened conflict managers would be tempted to ignore or thwart the recommendations of internal adjudicative bodies and workplace committees (Breen, 2015, pp.279–82). Second, a right of contestation suggests that worker voice amounts to an internal retrospective right of redress, instead of a prospective right to influence agenda-setting and control the direction of organizational policy, which is surely what we require to effectively counter workplace domination (Schuppert, 2015a, pp.115–6). Finally, the advocates of democratic worker voice reject the assumption that democratic firms are necessarily subject to crippling inefficiencies

by highlighting their efficiencies relative to authoritarian capitalist firms (Bowles and Gintis, 1993; Landemore and Ferreras, 2016, pp.70–2) and the appearance and endurance of successful democratic firms in a variety of industries (Dow, 2003, pp.45–91; González-Ricoy, 2018, pp.645–6).

These differing stances on how best to minimize workplace domination reveal a conspicuous policy indeterminacy within neo-republican theory.⁶ This indeterminacy as regards workplace governance stems in part from the development of the neo-republican research programme along trajectories already marked out within contemporary political theory, with Pettit taking a fairly orthodox liberal stance, Taylor a libertarian perspective indebted to Hayek, and the defenders of voice adopting strongly liberal-egalitarian and, indeed, liberal-socialist perspectives. However, the main reason for the indeterminacy is that in each case the argument offered is primarily consequentialist in character, hinging upon assessments of the instrumental efficacy of the strategy considered—whether exit or voice (or a combination of either with regulatory mechanisms)—for promoting freedom as non-domination. As with consequentialist arguments generally, there is therefore extensive room for reasonable disagreement as to which stance best fulfils its goal. On balance, we do seem to have good grounds for thinking the voice-focused stances fare better consequentially in this regard than the exclusively exit-focused stances. This is because in focusing primarily on the labour market and unequal market-bargaining power in contractual exchanges, the latter stances tend to mistakenly equate workers with independent contractors and misrepresent the main institutional setting in which the majority of people find themselves in advanced economies, that is, the firm. Unlike labour markets, firms are defined by command hierarchies and authority relations, and unlike independent contractors, workers in firms are instead employees who are subordinate to and governed by their bosses (Anderson, 2015, pp.59–60;

Gourevitch, 2016, p.18). Workplace domination is therefore not just a result of unequal market-bargaining power that can be ameliorated by strengthening exit options. Instead, it is more fundamentally a result of the unequal authority relations within firms that systemically constrain what employees can say or do—that is, their voice and discretion—and are legitimated and thereby rendered standard by state-sponsored corporate and employment law (Ciepley, 2013). Addressing such unequal authority relations requires reconfiguring these relations and corporate governance as a whole.

More needs to be said about this reading of firms and corporate governance than can be said here.⁷ However, our key point is that the reasonable disagreement between neo-republicans over the necessity of worker voice generally and workplace democracy in particular is due to an equation of political freedom with freedom as non-domination and a treatment of voice as a means towards furthering non-domination.⁸ Regardless of where one stands on the positions listed above, the non-domination case for worker voice and democracy is therefore contingent and, to that extent, always somewhat precarious. Yet if we embrace a further dimension of political freedom, we might be able to reconfigure our understanding of worker voice so that it appears not only as an instrument towards limiting workplace domination, but also, and more deeply, an intrinsic, irreducible aspect of our status as free and equal persons.

3 Expressive equality, republican citizenship, and freedom as discursive control

We aim now to establish that we have cause by the lights of Philip Pettit's own neo-republican theory to embrace an autonomy-centred ideal of freedom, above and beyond freedom as non-domination, and that this embrace significantly realigns the import of republicanism for workplace governance. This requires consideration of Pettit's 'expressively

egalitarian’ understanding of socio-political equality, the fuller meaning of republican citizenship, and the ideal of ‘freedom as discursive control’. Our contention is that properly appreciating these ideas transforms voice from a means towards non-domination into a legitimate demand that places strong *prima facie* restrictions on the character of our social relationships and the permissible conduct within them.

We get an initial sense of why this is so by reflecting on what Pettit describes as the fundamental commitment of his neo-republican theory, its endorsement of expressive egalitarianism. By expressive equality is not meant substantive material equality—that all should possess an equal level of wealth, resources, or distributive goods (though the level of material equality required in a proper republic would be significant)—but rather that citizens should enjoy equality of *status* before and within all institutions directly established by the state, as well as those institutions enabled by state action (or calculated inaction) and which are of public concern in terms of their impact on citizens and society. As Pettit puts it:

The republican approach strongly supports expressive egalitarianism. In this tradition, the ideal of the free citizen requires a *civic status* that enables each to stand on an *equal footing with others*. Such a status can be established only under a state that treats all its members as equals *and* only under a culture in which people are prepared to accept such treatment and to claim no special privileges (Pettit, 2014, p.80, emphasis added).

Three aspects of this expressive egalitarian ideal stand out. First, in fixing a civic status where all stand on an ‘equal footing with others’, expressive equality is the criterion by which vertical state-citizen relationships are to be measured, but also the measure of horizontal citizen-citizen relationships in wider society. Thus, in common with relational or social egalitarians, who argue that an egalitarian politics should first attend to the nature of social

relationships rather than the distribution of resources, this ideal is ‘essentially social in character’, concerned with the status persons have in their interactions with others across society as a whole and, importantly, critical of all hierarchical divisions in terms of rank, power, and standing which harm or diminish that status.⁹ And this applies to the institutions making up the republican state, but also to those major social institutions lying outside the state and yet facilitated by state action (or inaction) in various ways, including civil-society institutions, the market, and, of course, the firm, a direct product of state-mandated law.¹⁰

Second, and strongly echoing the views of recognition theorists such as Axel Honneth, the norm defining expressively egalitarian relationships is *mutual respect*. In social relationships defined by mutual respect, ‘free persons can walk tall, and look others in the eye’ without depending ‘on anyone’s grace or favour for being able to choose their mode of life’, and relating to ‘one another in a shared, mutually reinforcing consciousness of enjoying this independence’ (Pettit, 2012, p.82). Respect, of course, is core to the freedom as non-domination ideal, but, and decisive to our argument, as a norm it is not limited to non-domination alone. Indeed, the role accorded respect in Pettit’s expressive egalitarianism has ‘obvious affinities with Kantian notions of respecting others as autonomous members of the kingdom of ends’, with free persons being bound to each other ‘not by ties of affection or unequal dependence, but as equals with the moral power to *call others to account* and, by the same token, *to be called to account by others*, in turn’ (McBride, 2015, p.359, emphasis added). Third, and again echoing theories grounded on autonomy ideals of freedom stressing our mutual accountability, the norm of mutual respect definitive of expressive egalitarianism operates ‘as an absolute constraint on public policy and institutional design’ rather than ‘merely as a means to promote non-domination’ (McBride, 2015, p.360). In Pettit’s (2014, p.80) own words, ‘the expressive egalitarian constraint always applies’, with no policy or

action being able to ‘command support unless it is compatible with the principle that no one is special and all are to count as equals’, even if a policy or action would otherwise increase the level of non-domination enjoyed in society overall.

Should the above points ring true, then in adopting an expressively egalitarian standpoint in which the norm of respect is central, Pettit’s neo-republican theory already points beyond an ideal of freedom as ‘the absence of mastery by others’, that is, the absence of arbitrary interference or domination, to one where our freedom *also* consists in being mutually accountable, that is, being persons who are capable of reflecting and deciding on our actions and offering a justification of those actions to our peers—the very essence of freedom as autonomy.

This is reinforced by his portrait of the free person and republican citizen. To be a free person in the republican sense, Pettit declares, ‘is to be a *voice that cannot properly be ignored*, a voice which speaks to issues raised in common with others and which speaks with *a certain authority*’, to be seen ‘as someone *worth listening to*’ (Pettit, 1997, p.91, emphasis added; see also Pettit (2001, pp.139–40)). This portrait incorporates the freedom as non-domination concern as regards the absence of a potential for arbitrary or uncontrolled interference, but again gestures beyond it. Viewed negatively in terms of the evils avoided, free persons are spared the anxiety and insecurity that compel dominated persons to adopt fawning and other demeaning strategies in dealing with powerful actors. However, viewed positively in terms of how they regard themselves in relation to others, free persons enjoy self-respect grounded on the justified belief, first, that they have the capacity, and are recognized by all as having the capacity, to voice reasoned opinions on shared matters and have those reasoned opinions taken seriously by others, and, second, that they are properly co-authors of a socio-political

order held in common. Our capacity to voice reasoned opinions and our being recognized as equal partners in public deliberation whose opinions count—that is, are regarded as possessing at least a degree of authority—are generative of self-respect not just because they enable us to fend off dominators, but because they are valuable in themselves, are intrinsic to our understanding of ourselves as autonomous persons.

These observations already point to an understanding of voice as an integral part of freedom, rather than simply a means to freedom. Under this view, free social relationships and institutions are those where we enjoy significant scope for deliberation over matters of common concern, and unfree social relationships and institutions are those where deliberation is denied or thwarted.¹¹ Thus, having a voice is something that all can legitimately expect in a free social order, since it is foundational for the exercise of individual and collective agency.

This is given further support if we consider Pettit's ideal of 'freedom as discursive control', which he deems the defining feature of free personhood and which amounts, in essence, to a relational view of autonomy, that our freedom necessarily depends upon and arises through deliberative or discursive engagement with others.¹² To 'discourse', Pettit (2001, p.67) contends, 'is to reason and, in particular, to reason together with others'. Genuine discourse or reasoning together is possible only in social relationships that 'do not obstruct or jeopardize or restrict discursive influence' between people and which allow them 'to exercise discursive influence over one another' (Pettit, 2001, p.69). Indeed, the exercise of discursive influence is what defines personal freedom. Pettit declares:

An agent's freedom as a person will naturally be identified ... with the form of *control* that people enjoy within discourse-friendly relationships. An agent will be a free

person so far as they have the ability to discourse and they have the access to discourse that is provided within such relationships (Pettit, 2001, p.70, emphasis added).

Being free, in other words, means having a voice that others must hear and being able (and willing) to hear others' voices in turn. Furthermore, freedom as discursive control can only be reliably experienced when all parties who have the ratiocinative and relational capacity to engage in discourse—something we can presume of all cognitively and socially competent persons—are recognized and respected by all as discursive interlocutors.

The necessity of mutual recognition and respect places strong restrictions on the modes of interaction permissible within discursive relationships between equally competent persons. Coercion, threats, deception, and manipulation are all offences to the ideal of freedom as discursive control, since they distort or pervert discursive interaction, skewing it towards the opinions and interests of one party over others. So, too, are peremptory claims of possessing a voice that has an especial authority, one which purports to outweigh and render subordinate others' voices in terms of relevance and significance. Thus, there must be 'a presumption in place', Pettit (2001, p.72, emphasis added) maintains, 'that as the person is treated in those groups where they gain recognition as a discursive subject, so they *ought in general to be treated*; the failure to accord such treatment will call for *special explanation*'. In other words, the default position we should adopt in assessing social relationships is that all within deliberative interactions should be presumed to speak with an authoritative voice and be permitted to equally exercise that voice, without being subordinate to others, except where there are compelling and publically justifiable reasons for thinking and acting otherwise. Moreover, and to reinforce a point previously made, this pertains to all major social institutions—including civil-society institutions and the workplace—not just those institutions making up the republican state.

The idea of discursive control positions voice, once more, at the heart of the meaning of freedom and free citizenship. It is, by Pettit's own account, a 'richer ideal' of freedom than freedom as non-domination and it is ultimately the ideal of freedom that the republican state 'should be given partial responsibility for furthering' (Pettit, 1997, p.81; 2001, p.5). However, Pettit nonetheless seeks to restrict our understanding of political freedom exclusively to freedom as non-domination, asserting that freedom as discursive control represents a personal ideal of freedom and cannot therefore function as a guide to political action (Pettit, 2001, pp.125–7). His reason here is the Berlinian worry that a politics aiming to directly advance freedom as discursive control would take upon itself the task of imposing a particular vision of autonomous citizenship on people and thereby 'degenerate into an intrusive and oppressive entity' (Pettit, 2001, pp.127; 2015, pp.381–2). A further reason is his belief that a republican theory of the free society need only make reference to freedom as non-domination, that focusing on this ideal is sufficient to ensure political legitimacy and social justice.

Neither reason is convincing. As for the Berlinian worry, there is a crucial distinction to be drawn between thick ideals of autonomy grounded on substantive conceptions of the good life and thin ideals of autonomy which focus on the general conditions of being able to lead a good life, regardless of what your conception of the good might be (Breen, 2015, pp.482–3). The idea of discursive control, in itself, makes no reference to a substantive conception of the good life and is therefore not an inappropriate political ideal.¹³ Pettit is likewise mistaken in believing that directly fostering discursive control would entail illegitimate state attempts at 'improving people's psychology' (Pettit, 2001, p.127). Were this true, then public education systems, informational campaigns designed to increase citizens' awareness of shared issues

and problems, controls on press and online media reporting, state subsidization of the arts and culture, et cetera, would be illegitimate, which they are not.

As regards the claim that republican theories of the free society need only make reference to freedom as non-domination, this is belied by the truth, as explained above, that Pettit's own vision of republican citizenship points beyond non-domination towards our status as co-authors of a shared socio-political order. It is also belied by the fact that in setting out the implications of ensuring freedom as non-domination, Pettit implicitly relies upon freedom conceived as autonomy or discursive control. That non-domination hinges upon the idea of autonomy and for that reason is insufficient is a claim convincingly made by Richard Dagger, among others.¹⁴ One of Dagger's arguments concerns a key republican prescription. Republicans, Pettit (1997, pp.76–7) insists, should be concerned not only with countering those socio-political factors which 'compromise' freedom, that is, instances of domination, but also with addressing natural and social factors—poor health, disability, lack of education, poverty, et cetera—which, whilst not involving intentional arbitrary interference, nevertheless lessen or 'condition' people's capacity to avail of their freedom. Dagger thinks Pettit correct in wanting to address both compromising and conditioning factors, but his point is that if freedom is 'construed simply as non-domination' it would be sufficiently served by countering compromising or dominating factors alone. The addition of conditioning factors thus involves an inevitable appeal to a broader notion of freedom, not just the absence of domination but of leading 'a self-governed life' (Dagger, 2005, p.186).

It is therefore not possible to restrict our understanding of political freedom to non-domination, insofar as freedom as discursive control must also be invoked in arriving at an adequate theory of both political legitimacy and social justice. Furthermore, we have good

reason to think non-domination less fundamental in value than freedom as autonomy. This is because ‘the desire to be free from domination is rooted’ in a more elementary ‘desire to be in some sense self-governing ... [w]e want to be free from domination, in other words, so that we can exercise autonomy’ (Dagger, 2005, p.185). When we criticize dominators, then, we rightly condemn their dominating actions, yet we also condemn their enjoyment of a freedom—autonomous choice and control—which they unjustifiably accrue to themselves and deny others. Thus, it is primarily autonomy, not non-domination, that we ultimately care about.

4 Conclusion

What are the implications of this discussion for workplace relations and worker voice? We believe the implications are fourfold. First, underpinning the republican viewpoint is an idea of expressive equality centring on the norm of mutual respect that functions as a basic constraint on how citizens should interrelate and what can be done to them. Second, our freedom as citizens is not exhausted by the non-domination ideal, but also encompasses freedom as discursive control and autonomy, understood in inherently relational or social terms. Third, emphasizing the idea of discursive control and autonomy, alongside the norm of mutual respect and the expectation that we be mutually accountable, transforms the place of voice within republican theory. That is, voice is now better viewed less a means of promoting non-domination, and more as an essential aspect of all discursive relationships and therefore our status as free and equal persons. Fourth, this understanding of voice, together with the ‘expressive egalitarian constraint’, leads to a presumption in favour of all being able to equally exercise their voice in the social relationships of which they are part and, thus, to strong *prima facie* restrictions on attempts to curtail or limit deliberation, *whether* in our

dealings with the state, in our interactions within civil society, *or* in our workplace relations. The default republican position on workplace governance should, therefore, be a strong commitment to worker voice and, thus, to some form of democratization. Only if it is provable, beyond question, that workers lack the capacity for autonomy and discretion in work that they otherwise exhibit in other social relationships can this commitment be definitively gainsaid. Yet should this lack of capacity in a fundamental sphere of social life be proven, the general republican antipathy to authoritarian rule would likely itself fall to pieces.¹⁵

¹ Pettit (1997, pp.8, 30). See also Pettit (1999, p.166). This instrumental view of democracy is also espoused by Lovett (2010, pp.210–20) and Taylor (2017, pp.66–91).

² Taylor (2017, p.58). Here Taylor is close to Lovett (2010, p.199), who argues that a proper right of exit would ‘eliminate the need for much workplace regulation’.

³ Taylor (2017, pp.53–4). In the US, ‘at-will employment’ refers to a contractual relationship in which employees can be fired by their employer for any reason—without the latter having to have ‘just cause’—and with no warning, with the proviso that the reason does not contravene the law (for example, being motivated by hostility towards an employee’s gender, race, or religion).

⁴ On these exit costs, see Hsieh’s (2005, pp.128–32; 2008, pp.89–90) powerful analysis, but also Dahl (1985, pp.114–5) and Gourevitch (2013, p.608; 2016, pp.23–4).

⁵ Some of the measures Taylor suggests—for instance, grants facilitating the acquisition of skills—might well advance the position of vulnerable workers, but others, such as relocation vouchers, do not properly address the costs of exit, and some, especially ‘at-will employment’, would clearly exacerbate that vulnerable position.

⁶ For a discussion of neo-republicanism’s ambiguous implications for workplace governance and employment law, see Bogg (2017). For a more general contention as to the policy indeterminacy of neo-republicanism and the need to ‘supplement freedom as nondomination with other social and political values’, see McMahon (2005, p.92).

⁷ For a fuller discussion, see Hirvonen and Breen (2020).

⁸ To be clear, we do not claim all neo-republicans follow Pettit in identifying political freedom with non-domination in their broader political theories. Rather, our claim is that when they reflect upon workplace governance, their arguments are predominately motivated by freedom as non-domination.

⁹ Pettit (2012, p.91), where he also explicitly notes the closeness of his position to the idea of social or relational equality developed by Anderson (1999) and Scheffler (2005), among others. On the connections, as well as differences, between Pettit and social egalitarians, see Schuppert (2015b).

¹⁰ The family is also an institution of concern for social egalitarians. There is no space here to say what a fully developed republican theory of the family would stipulate, but central to it would be the encouragement of familial relationships that support rather than thwart expressive equality.

¹¹ Hence also Pettit’s (2012, pp.15–6) insistence, with Jürgen Habermas, on a ‘deliberative constraint’, which dictates that ‘everyone is able to speak and vote on an equal basis, and yet is required to speak and vote on the basis of a concern with the common good’.

¹² That we can view freedom as discursive control as a relational, autonomy-centred conception of freedom is suggested by Pettit himself, as when he claims that in terms of personal freedom he ‘is committed to a version of the autonomy ideal’, understood in terms of what he call ‘orthonomy’ (Pettit, 1997, pp.81–2). On discursive control as a relational ideal of autonomy, see Garrau and Laborde (2015, pp.54–5).

¹³ Of course, it is not an inappropriate political ideal once we have already accepted freedom as a prime political value. Other political tendencies will not have that starting assumption, but this should not trouble republicans: republicanism, like liberalism, is, in the end, a ‘fighting creed’ (Taylor, 1994, p.62).

¹⁴ Dagger (2005). For related critiques highlighting the insufficiency of non-domination taken on its own, see Breen (2015) and Schuppert (2015b).

¹⁵ Our thanks to Jean-Philippe Deranty, Allyn Fives, Lisa Herzog, Andrew Schaap, Fabian Schuppert, and the audience at a meeting of Queen’s University’s *Research Seminars in Political Theory* for their comments on an earlier draft.

References

Anderson, E. (1999) ‘What Is the Point of Equality?’, *Ethics*, 109(2), 287–37.

Anderson, E. (2015) ‘Equality and Freedom in the Workplace: Recovering Republican Insights’, *Social Philosophy and Policy*, 31(2), 48–69.

Anderson, E. (2017) *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk about It)*, Stephen Macedo (ed.), (Princeton: Princeton University Press).

Bertram, C., Robin, C., and Gourevitch, A. (2012) ‘Let It Bleed: Libertarianism and the Workplace’, *Crooked Timber*, 1 July, <http://crookedtimber.org/2012/07/01/let-it-bleed-libertarianism-and-the-workplace/> [accessed 20 May 2020].

Birnbaum, S., and De Wispelaere, J. (2016) ‘Basic Income in the Capitalist Economy: The Mirage of “Exit” from Employment’, *Basic Income Studies*, 11(1), 61–74.

Bogg, A. (2017) ‘Republican Non-Domination and Labour Law: New Normativity or Trojan Horse?’, *International Journal of Comparative Labour Law and Industrial Relations*, 33(3), 391–417.

-
- Bowles, S., and Gintis, H. (1993) 'A Political and Economic Case for the Democratic Enterprise', *Economics and Philosophy*, 9(1), 75–100.
- Breen, K. (2015) 'Freedom, Republicanism, and Workplace Democracy', *Critical Review of International Social and Political Philosophy*, 18(4), 470–85.
- Breen, K. (2017) 'Non-Domination, Workplace Republicanism, and the Justification of Worker Voice and Control', *International Journal of Comparative Labour Law and Industrial Relations*, 33(3), 419–39.
- Ciepley, D. (2013) 'Beyond Public and Private: Toward a Political Theory of the Corporation', *American Political Science Review*, 107(1), 139–58.
- Dagger, R. (2005) 'Autonomy, Domination, and the Republican Challenge to Liberalism', in J. Christman and J. Anderson (eds), *Autonomy and the Challenges to Liberalism* (Cambridge: Cambridge University Press), pp.177–203.
- Dahl, R. (1985) *A Preface to Economic Democracy* (Berkeley: University of California Press).
- Dow, G. (2003) *Governing the Firm: Workers' Control in Theory and Practice* (Cambridge: Cambridge University Press).
- Garrau, M., and Laborde, C. (2015) 'Relational Equality, Non-domination, and Vulnerability', in C. Fourie, F. Schuppert, and I. Wallimann-Helmer (eds), *Social Equality: On What It Means to Be Equals* (Oxford: Oxford University Press), pp.45–64.
- González-Ricoy, I. (2014) 'The Republican Case for Workplace Democracy', *Social Theory and Practice*, 40(2), 232–54.
- González-Ricoy, I. (2018) 'Review of Anderson, Elizabeth. *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)*', *Ethics*, 128(3), 642–46.
- Gourevitch, A. (2013) 'Labor Republicanism and the Transformation of Work', *Political Theory*, 41(4), 591–617.

-
- Gourevitch, A. (2016) 'The Limits of a Basic Income: Means and Ends of Workplace Democracy' *Basic Income Studies*, 11(1), 17–28.
- Hirvonen, O., and Breen, K. (2020) 'Recognitive Arguments for Workplace Democracy', *Constellations*, 1–16, <https://doi.org/10.1111/1467-8675.12487> [accessed 11 May 2020].
- Hsieh, N.-h. (2005) 'Rawlsian Justice and Workplace Republicanism', *Social Theory and Practice*, 31(1), 115–142.
- Hsieh, N.-h. (2008) 'Justice in Production', *Journal of Political Philosophy*, 16(1), 72–100.
- Landemore, H., and Ferreras, I. (2016) 'In Defense of Workplace Democracy: Towards a Justification of the Firm-State Analogy', *Political Theory*, 44(1), 53–81.
- Lovett, F. (2010) *A General Theory of Domination and Justice* (Oxford: Oxford University Press).
- Maltby, L. (2009) *Can They Do That?: Retaking Our Fundamental Rights in the Workplace* (New York: Portfolio).
- McBride, C. (2015) 'Freedom as Non-domination: Radicalisation or Retreat?', *Critical Review of International Social and Political Philosophy*, 18(4), 349–74.
- McMahon, C. (2005) 'The Indeterminacy of Republican Policy', *Philosophy & Public Affairs*, 33(1), 67–93.
- Pettit, P. (1997) *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press).
- Pettit, P. (1999) 'Republican Freedom and Contestatory Democratization', in I. Shapiro and C. Hacker-Cordón (eds), *Democracy's Value* (Cambridge: Cambridge University Press), pp.163–90.
- Pettit, P. (2001) *A Theory of Freedom: From the Psychology to the Politics of Agency* (Cambridge: Polity Press).
- Pettit, P. (2006) 'Freedom in the Market', *Politics, Philosophy & Economics*, 5(2), 131–49.

-
- Pettit, P. (2007) ‘A Republican Right to Basic Income?’, *Basic Income Studies*, 2(2), 1–8.
- Pettit, P. (2012) *On the People’s Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press).
- Pettit, P. (2014) *Just Freedom: A Moral Compass for a Complex World* (New York: W.W. Norton & Company).
- Pettit, P. (2015) ‘Freedom: Psychological, Ethical, and Political’, *Critical Review of International Social and Political Philosophy*, 18(4), 375–89.
- Scheffler, S. (2005) ‘Choice, Circumstance, and the Value of Equality’, *Politics, Philosophy and Economics*, 4(1), 5–28.
- Schuppert, F. (2015a) ‘Being Equals: Analyzing the Nature of Social Egalitarian Relationships’, in C. Fourie, F. Schuppert, and I. Wallimann-Helmer (eds), *Social Equality: On What It Means to Be Equals* (Oxford: Oxford University Press), pp.107–26.
- Schuppert, F. (2015b) ‘Non-domination, Non-alienation, and Social Equality: Towards a Republican Understanding of Equality’, *Critical Review of International Social and Political Philosophy*, 18(4), 440–55.
- Taylor, C. (1994) ‘The Politics of Recognition’, in A. Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press), pp.25–73.
- Taylor, R.S. (2017) *Exit Left: Markets and Mobility in Republican Thought* (Oxford: Oxford University Press).