THE UNIVERSITY OF CHICAGO

A CASE FOR WORKPLACE DELIBERATIVE DEMOCRACY

By Madeline Park Fenster
June 2024

A Paper Submitted in Partial Fulfillment of the Requirements for the
Master of Arts Degree in the Master of Arts Program in the Social Sciences

Faculty Reader: Chiara Cordelli
Preceptor Reader: Max Benjamin Smith

Introduction

The workplace is the location in which most adults experience the most direct form of authority on a day-to-day basis. While most people hear "authority" and think of "politics," the quotidian experience of US adults does not involve political relations so much as workplace ones. The idea of workplace democracy has been advocated for and against for several decades, with a renewed interest in the wake of the 2008 financial crisis. The argument essentially stems from the idea that, despite enjoying freedoms in their public and political lives, American workers are often unable to enjoy the same freedoms within their workplaces that they enjoy politically.[1] It seems that political democracy has a limited role in the modern workplace. Despite supposedly being free and equal political beings, employees are forced to contract themselves into a subordinate position in which they are subject to the managerial authority of their superiors. Workplace democracy (henceforth WD) broadly refers to the idea that the workplace ought to be democratized.[2]

Within this paper, I seek to offer a broad definition of WD in its popular conception (1). I will then define workplace constitutionalism and explore how, in my view, has two necessary facets. External workplace constitutionalism (henceforth EWC) refers to state and federal regulations imposed upon firms. Internal workplace constitutionalism (henceforth IWC) refers to regulations within a particular workplace. I will further explore the distinction and these definitions later in the paper. I argue that while both EWC and IWC alone fall short of fulfilling the goals of WD, EWC, and IWC are better conceived of as two elements working together to promote one another (2).

---

[1] Ewing, David W. *Freedom Inside the Organization: Bringing Civil Liberties to the Workplace*. 1st ed. USA: Dutton, 1977.

[2] Tough there is no single conception of what it means for the firm to be democratized—several will be considered in this essay.

I will then outline two main principled arguments in favor of WD (3) and their common objections: these are the firm-state analogy (3a) and the republican argument (3b). Next, I will explore and counter several common objections to WD in general, as opposed to particular objections against the principled arguments in its favor (4).

Following this exploration of WD, I will define democratic deliberation (5) and examine why WD, lacking deliberation, is insufficient to fulfill either the democratic principles behind the firm-state analogy or the principles of republican freedom. Essentially, I argue that voting rights are insufficient to achieve what either the parallel-case proponents or republicans want from WD—WD requires deliberation. I explain my proposal for democratic deliberation within the workplace, particularly aimed at the creation and maintenance of workplace constitutionalism, both internally and externally (6), and respond to several anticipated objections (7). Ultimately, I conclude that despite certain objections and anticipated difficulties, deliberation is required of WD in order to uphold the normative principles behind both the firm-state analogy and republican-freedom arguments for workplace democracy.

1 Workplace Democracy

Workplace democracy refers broadly to the notion that workplaces ought to be, in some form, democratized. The argument essentially takes issue with the idea that often, despite regulations,[3] American citizens are forced to surrender many of their rights once they step in the door of their workplace.[4] In general, arguments for WD claim that there is some principle that is not being fulfilled in the workplace, and that workplace democracy fulfills that principle.

[3] Workplace regulation refers largely to the externally imposed regulations on workplaces by the government in the form of labor laws, contracts, etc. Workplace regulation is essentially synonymous with the notion of the External Workplace Constitution, to which I will return later.
[4] Ewing (1977).

For the sake of this essay, I will be using the term "worker" interchangeably with "employee." Ronald Coase, who seeks to explain why individuals form firms rather than operating independently within the market, defines the firm loosely as the set of relationships that occurs when the direction of resources depends upon one entrepreneur, essentially lowering transactional costs by eliminating uncertainty between individuals.[5] David Ellerman adds that all workplaces are characterized by an employment relationship and that workers only have decision-making power in the workplace when it is specifically delegated to them by the employer. Based on these general ideas, I will be conceiving of the workplace as a location in which a number of individuals are employed by an individual or a small number of individuals who control the distribution of work and the products of that work. Though there are more specific cases to be made regarding different types of workplaces, I seek to make a general case.

Iñigo González-Ricoy, a WD theorist whose argument I will return to later, provides a minimal definition of workplace democracy: "A form of managerial organization in which workers have control rights over the management of the firm."[6] Daniel Jacob and Christian Neuhäuser (henceforth JN), conceive of democracy as "an egalitarian mode of collective decision-making."[7] Workplace democracy, by their standards, takes the form of worker co-operatives, since they serve as a "normatively plausible" model.[8] Workplace democracy, by their standards, is separate from worker participation. Workplace participation may be an element of WD, but JN discuss it as an alternative that is insufficient to constitute WD on its own. This is because worker participation

---

[5] Coase, R. H. "The Nature of the Firm." *Economica* 4, no. 16 (1937): 386–405. https://doi.org/10.1111/j.1468-0335.1937.tb00002.x.

[6] González-Ricoy, Iñigo and Department of Philosophy, Florida State University. "The Republican Case for Workplace Democracy:" *Social Theory and Practice* 40, no. 2 (2014): 232–54. https://doi.org/10.5840/soctheorpract201440215.

[7] Jacob, Daniel, and Christian Neuhäuser. "Workplace Democracy, Market Competition and Republican Self-Respect." *Ethical Theory and Moral Practice* 21, no. 4 (2018), p. 929.

[8] JN, p. 930.

does not require establishing a democratic decision-making process, which they view as the key element of democracy. What is common between these two definitions is that they are aimed at decision-making and require employee involvement. However, the degree of employee involvement and the control they institute varies. González-Ricoy notes that different definitions of workplace democracy can include information, consultation, co-decision, or full-control, but does not specify the degree of control in his minimal definition. JN, on the other hand, do not find worker participation sufficient and take up a degree of control more similar to co-decision. Based upon the definitions above, I will be defining WD loosely as a workplace organizational structure in which workers have the right to participate in management and decision-making within the firm. The degree of control, in my conception, can be most simply described as co-decision, with workers having voting rights over certain decisions within the firm (but not all decisions).[9]

2 Workplace Constitutionalism

The concept of the workplace constitution originated in the 1930s with the New Deal but was only brought into academic focus by Sophia Z. Lee within the last decade.[10] Lee explores the rise of the workplace constitution (WC) in America. The goal of the WC is to grant workers protections against arbitrary termination and from discrimination on the grounds of their speech and association. In other words, the workplace constitution seeks to grant workers legal protection both against domination and of arbitrary interference. González-Ricoy, an advocate for WD based on republican freedom, reconstructs the argument for WC in his argument. According to him, WC advocates find "workplace regulation provides a sufficient check on the exercises of managerial

[9] I will be returning to this notion in the proposal section of this paper.
[10] Lee, Sophia Z. *The Workplace Constitution from the New Deal to the New Right*. Studies in Legal History. Cambridge: Cambridge University Press, 2014. https://doi.org/10.1017/CBO9781139839358.

authority."[11] His reconstruction of WC includes rights guaranteed by international labor standards, constitutional rights, and "professional and craft standards." The goal of WC, according to González-Ricoy, is to set clear standards—stable and publicly known rules—that force managers to exercise their authority in a nondiscretionary manner. These types of rules better prevent arbitrary action while still allowing for managerial hierarchy—in other words, it avoids some of the perceived downfalls of WD by allowing the firm to be run largely as management sees fit, so long as it is run in accordance with these regulations.

However, despite a nearly century-long fight for worker protection, the WC remains far from complete and has all but vanished within the 21st century.[12] WC is meant to institutionally guarantee certain rights to workers, but the reality is that it often falls short.

Within the literature, what is broadly referred to was workplace constitutionalism, I would like to call External Workplace Constitutionalism (EWC).[13] EWC includes all externally imposed institutional rights—all rights guaranteed by law or by union contract. Essentially, any institution outside of the firm in question that imposes any restriction upon the firm's behavior toward its workers would fall under the category of EWC. Any internally imposed structure, like a workplace's code of conduct or handbook, I would like to refer to as Internal Workplace Constitutionalism (IWC). This distinction is not recognized throughout the rest of the literature, so whenever "workplace constitutionalism" or WC appears throughout the rest of the essay, take it to refer to EWC unless otherwise specified.

---

[11] González-Ricoy (2014a), p. 242.
[12] Ibid.
[13] An exception, to which I will return later, is Anderson's conception of the constitution within the firm in her argument of private government—in this case, her workplace constitutionalism is more akin to *internal* WC.

David Ewing, an early proponent of WC, explores constitutionalism in his exploration of freedom inside workplace environments.[14] He outlines the notion of a worker's bill of rights,[15] a document meant to protect workers against managerial discretion. This worker's bill of rights has five requirements: first, it would list "practical injunctions" rather than "desired behaviors or ideals of workers. Second, it would be a negative document—it would refer to what employers cannot do, rather than what employees can do. Third, it would be clear and succinct and fourth, easily understood by laymen rather than only lawyers or those with technical expertise. Fifth, it must be enforceable.[16] Importantly, Ewing notes that, while a bill of rights of this sort might be implemented at a state level, this is meant to refer more than IWC. He notes that "every sizable organization" should have a bill of rights of this sort—small organizations can communicate these requirements on their own, but larger organizations require a written document. This bill of rights, being internal rather than external, allows it to adapt to unique industry requirements, such that not every company has an identical bill of rights.[17] However, while this proposal for a bill of rights is appealing, he finds it, on its own, to be insufficient—it requires some mechanism by which it can be equitably enforced. This brings him to his exploration of *due process*: due process within the organization entails: (1) that it is procedural, (2) that it is visible, (3) that it is predictably effective, (4) that it is institutionalized and relatively permanent, (5) that it is perceived as equitable, (6) that it is easy to use, (7) that it applies to all employees.[18] Ewing's argument does not require that these processes be legislative—he finds it sufficient that these be implemented internally. However, Ewing's argument pays more attention to the for of a worker's bill of rights than the enforcement

[14] Ewing (1977).
[15] Ewing, ch. 9.
[16] Ewing, p. 144-46.
[17] Ewing, p. 150.
[18] Ewing, p. 156.

of that document. It seems that an internalized bill of rights of the type Ewing proposes would require some interaction with an EWC—either in the form of legislature that requires companies to have a bill of rights (IWC) or in the form of contractual obligations such that employers are required by law to adhere to their company's bill of rights.

Enforceability poses a problem for WC. Like any legal document, there is room for ambiguity in its enforcement. González-Ricoy finds that the WC's dependence on written rules requires that there will always be room for arbitrary interpretation. The WC is still necessary, in his view, but it is insufficient to guarantee republican freedom in the firm. Participation is required in the elaboration of the workplace constitution. Merely having regulation is not enough—if workers are not actively involved in the elaboration of those regulations, they are likely to become arbitrary.[19] The republican argument takes issue with the WC's vulnerability to arbitrariness and ambiguity, but any principled argument for WD that values worker participation would similarly find WC insufficient.

3 Principled Arguments for Workplace Democracy

While there are many arguments for WD, there are two main principled arguments on which I will be focusing my claim. These arguments are the parallel-case argument, or the firm-state analogy (FSA), and the argument from freedom from arbitrary interference, or the republican argument.[20] Both arguments require that workplaces not only be subject to regulation, but that workers play an active role within the firm.

[19] González-Ricoy (2014a), p. 245.

[20] There are of course further principled arguments for WD, but I find that they are either smaller models or models that can, to a certain extent, be nestled within either of these arguments. The egalitarian model, for example, makes the claim that because, within a democratic government, individuals are meant to be equal to one another, that equality should extend to the workplace and that they should have equal

3a *The Firm-State Analogy*

The parallel case/FSA claims that the workplace functions like a government. If the firm is the same as the government, and the government ought to be run democratically, so too should the firm. There is a variation on the FSA that I wish also to explore. This argument, the *private government* argument, claims that the firm is not only like the state—it is a form of government in and of itself.

The pure version of the FSA, arguing that the firm is like the state and that the state is like the firm, essentially goes as follows: If the state should be democratic, the firm should also be democratic. If the firm should not be democratic, neither should the state.[21] Of course, it seems that this analogy holds if and only if it can be sufficiently proven that the firm is, indeed, like the state.

González-Ricoy, writing on the FSA, lists two critical similarities. The first is that of *effect* (specifically, *internal* effect). This argument takes the *principle of all-affected interests,* which was used to justify democracy within the state, essentially claiming that "all which interests are affected by a decision ought to have a say in that decision."[22] He separates external from internal effects, where external effects refer to a firm's "pervasive influence beyond the limits of the firm, both social and political."[23] This broadens the scope too far to be applicable—within the state, the external effect interpretation of the principle of all affected interests would claim that any person who lives outside of a state but who may be affected by that state's decision ought to have a say in

---

decision-making power within the firm. I find that this argument can be nestled within the parallel-case argument. This argument originates from Dahl in 1975 and is summarized by Frega et. Al in 2019.

[21] González-Ricoy, Iñigo González. "Firms, States, and Democracy: A Qualified Defense of the Parallel Case Argument." *Law, Ethics and Philosophy* 2 (2014b).

[22] González-Ricoy (2014b), p. 12.

[23] Ibid.

the state's management. Because external effect does not justify democracy, it also does not justify workplace democracy. Examining internal effects, however, he finds that the analogy holds. He gives the following four reasons: decisions within the firms affect workers directly through setting up working conditions, hours, and more; decisions can also indirectly affect workers through planning such as relocation or downsizing; workers spend a significant portion of their adult life within the firm; and, finally, work is a source of self-esteem such that workers are affected intrinsically as well as instrumentally. Essentially, the effects that the firm has internally, González-Ricoy finds sufficient to justify the principle of all-affected interests.[24] Because the principle justifies democracy within the state, he finds it applicable to the justification of democracy within the workplace.

The second similarity is that of *standing*. This argument focuses, instead of on the firm and the state, on the similarities between workers and citizens and between public officials and managers. González-Ricoy counters the argument that managers have more constrained rights than public officials do—public officials are more constrained than this argument makes them seem, while managers are less constrained.[25] He counters a second argument that employees do have a say in the decisions imposed on them—because they have a say in the elected officials who create regulations over their managers—by arguing that this argument fails so long as managers have any degree of discretion.[26] Finally, he counters the argument that employees can leave the firm more easily than citizens can leave their state, so the power in firms is easier to escape than the power of states. The notion of *Exit* as an alternative to WD comes up frequently within the WD discussion, not only in opposition to the FSA. González-Ricoy argues in short that the firm is less voluntary

[24] González-Ricoy (2014b), p. 13.
[25] Ibid, p. 15.
[26] Ibid.

than this argument makes it out to be.[27] Overall, the similarity of standing relies on the notion that managers have power over employees and that the power exerted over employees is similar to the power exerted by public officials over citizens.[28]

Landemore and Ferreras[29] (henceforth LF) offer a defense of the FSA. While they do not offer a robust positive account of the FSA, they refute six common objections to the FSA for WD and argue that, since these objections fail, the FSA holds and is sufficient to call for WD. They define the firm along Coase's argument as an alternative coordinating function to the market in which the distribution of goods and services is organized by an authority.[30] They make the argument that this understanding of the firm, in conjunction with the understanding of the firm as a political organization, naturally invites the comparison between the state and the firm.

The first objection, which they call the *objection from a difference in ends*,[31] responds to the idea that the firm's primary goal is to increase shareholder profit and that this differs from the goal of the state, which is to increase "profit" for all citizens. Their defense to this objection is that when one considers "profit" as something more akin to "survival," essentially looking at a baseline model of profit, all organizations, including the state, must be "profitable" to a certain degree.

The second objection, which they call *the objection from property rights,*[32] claims that the firm cannot be compared to the state because it is a private object. According to this objection, the shareholders of a private company have property rights over that company and thus have no obligation to allow democratic control over their property. LF's defense to this objection is that the

---

[27] González-Ricoy (2014b), p. 16-20.
[28] Ibid, p. 14-15.
[29] Landemore, Hélène, and Isabelle Ferreras. "In Defense of Workplace Democracy: Towards a Justification of the Firm–State Analogy." *Political Theory* 44, no. 1 (February 2016): 53–81. https://doi.org/10.1177/0090591715600035.
[30] LF, p. 57
[31] LF, p. 58.
[32] LF, p. 60.

corporation is not an object that can be owned—the corporation is a legal entity with personhood, and the board of directors act on behalf of this entity. Because of the corporation's legal personhood, it cannot be owned, and thus property rights claims do not prohibit employees from exercising democratic authority over shares.

While the above two arguments are arguments only really used to counter the FSA, the following two are used against the FSA but can be applied more broadly as objections to WD. The *objection from consent*[33] essentially argues (while citizenship is involuntary), the labor contract is a voluntary agreement and that workers consent to be ruled under an authority when they sign their contract. This objection views the choice to remain at a job as continual tacit consent. LF argue that power imbalances before and during employment may compel workers to sign contracts and that what the objectors view as "consent" may be something more akin to "resignation."[34] LF are correct to point out that contracts ought only to be viewed as explicit consent when both contractors are equally free to enter the contract. However, the more powerful objection to the consent argument, which they ignore, is that (as explored earlier) contracts are always necessarily incomplete.[35] It is always impossible for a written contract to cover every possible contingency in a specific manner—contracts must have some room for generalities, and it is within these generalities that ambiguity and, often, exploitation, may occur. This is an important argument to those who argue for WD on the basis of republican freedom, so I will return to this idea later.

The *objection from exit opportunities*[36] is similar to the previous objection in that it assumes that individuals are free to withdraw from a contract. The objection takes up Albert Hirschman's[37]

[33] LF, p. 65.
[34] LF, p. 67.
[35] González-Ricoy (2014a), p. 245.
[36] LF, p. 67.
[37] Albert O. Hirschman, Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States (Cambridge, MA: Harvard University Press, 1970).

idea of *Exit* and argues that workers can leave if they are unhappy with their circumstances and, therefore, do not need voice within the workplace. The opportunity to leave is their voice. Within the context of the FSA, the objectors argue that the firm is much easier to leave than a nation and that there are comparatively low obstacles to leaving. LF's primary argument to the objection is that, even if may be comparatively easier to leave a firm than a state (which may not always be true), it is still by no means easy. Those without a high salary may not have enough savings to be comfortable leaving a firm without a new job already lined up. They claim that workers will often endure abuses of power within the workplace because the "opportunity" to exit is not a truly viable option. They briefly mention another element of exit, which is *viable exit.*[38] The common argument is that a robust welfare state that makes unemployment a survivable option would lower the cost of exit. Viable exit is a common proposed alternative to WD, which LF pays little attention to. I will be returning to viable exit later in this paper.[39]

The next two arguments, the *objection from expertise* and the *objection from fragility of firms,* object to the nature of WD rather than the claim to it. The *objection from expertise*[40] claims that, while the state is able to withstand voter incompetence and even incompetence within the government on account of its scale, the firm must be competently run in order to survive. The comparison to the state is the only part of this objection that makes it unique to the FSA: the matter of expertise and competence can extend to any account for WD, as it is critiquing its application rather than the principles justifying it. Essentially, the objection claims that even if workers have some expertise, they will almost always have comparatively less than chosen management. Furthermore, even if they are capable of reaching a competent decision, the democratic decision-

[38] LF, p. 69.
[39] LF's primary counter to this argument is that Exit Opportunity is separate from Viable Exit. I will be exploring Viable Exit in more detail later.
[40] LF, p. 69.

making process is significantly more time and resource-intensive than an oligarchic one: this is also called the objection from *efficiency*.[41] LF counter by offering evidence of worker competence and arguing, essentially, that there is little evidence proving that worker-owned firms are less efficient than capital-owned firms. Again, as this is another argument critiquing the nature of WD, I will be returning to it within my proposal.

Their final objection, the *objection from fragility of firms,*[42] is that by nature of scale, firms are more susceptible to 'dying' than states. The objection seems to argue that, because firms are generally expected to fail and it is difficult to start a firm, democratic governance should, at the very least, be postponed until the firm is more stable. LF argue that postponing democracy to the later stages of development ignores the benefit of instilling the firm with a democratic spirit from its beginning.

They refute these arguments, but, as JN argue, they fail to refute one of the most powerful objections against the FSA.[43] This argument, as advanced by JN, is that the state maintains a monopoly on authority, whereas the firm still must operate within state regulations. I will call this *the objection* (to FSA) *from shared authority.* Not only do states have ultimate authority within their jurisdiction, but it is only through the authority of states that private companies are able to exist as legal entities.[44] González-Ricoy addresses this objection in his justification of the similarity of standing. His argument, as explored above, is that this objection holds only insofar as the manager is entirely constrained by the regulation of the state.[45] As the state's authority over the firm is incomplete, it allows for managerial discretion that is not entirely constrained.

---

[41] LF, p. 71.
[42] LF, p. 72.
[43] JN, p. 932.
[44] As the FSA is aware that they are—the argument against the objection from property rights in LF is centered around the notion that a corporation has legal personhood.
[45] González-Ricoy (2014b), p. 14-15.

Because the firm *must* function under the authority of a larger organization (the state), it naturally follows that the state ought to be able to impose an EWC upon the firm. Furthermore, the objection from shared authority advances the notion of the IWC. Though the state has ultimate authority, governmental authority is inherently hierarchical—municipal authority is subordinate to that of the state, state authority is subordinate to national authority, national authority is subordinate to international. However, each instance of authority maintains its own legislature and constitution. Conceiving of the firm as a smaller authority within a larger scheme of authorities allows us to conceive of the firm as having its own independent constitution, or the IWC, while simultaneously complying with the EWC.

The FSA, in short, relies on the idea that the state should be democratic. Both LF and González-Ricoy leave aside the justification of democracy at the state level. The FSA argument for WD relies, first and foremost, on the value of democratic principles, so anyone who does not believe that democracy is justified at the state level will necessarily find it lacking at the firm level. As González-Ricoy puts it, it would be absurd for anyone to argue for democracy at the firm level, but not at the state.[46] This holds, I believe, no matter what principle one bases their argument for WD. I leave the justification of democracy as a form of governance aside.

The *private government* form of the FSA takes the analogy further, arguing that the firm is a government in its own right. Elizabeth Anderson[47] proposes an account of private governance. It is a mistake, she argues, to synonymize 'government' with 'state.' She writes: "government exits wherever some have the authority to issue orders to others, backed by sanctions, in one or more

[46] González-Ricoy (2014b), p. 9.
[47] Anderson, Elizabeth. *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)*. Princeton, New Jersey: Princeton University Press, 2017.

domains of life."[48] She specifies that a government need not rule by laws—any rules or decrees that impose some restriction upon the individuals within this organization suffice to constitute government.[49] The state, by contrast, is a government in which the state maintains sole authority. Anderson also complicates the public/private distinction, arguing that it is a matter of relativity. Something is not public, as is commonly believed, when it is open to all. An organization is public, Anderson argues, when it is open to a well-defined group of individuals. Something is private, by contrast, to those excluded from that public in-group. She provides the example of a club: it is public to those within the club, but private to those outside of it.[50] Relating this to governance, she argues that one is subject to a private government when "you are subordinate to authorities who can order you around and sanction you for not complying over some domain of your life," and when "the authorities treat it as none of. Your business, across a wide range of cases, what orders it issues or why it sanctions you."[51] In this sense, what makes a government private is whether or not the decision-making process is open to those being governed. A private government, by these standards, "has arbitrary, unaccountable power over those it governs."[52]

The workplace is a private government—not only are workers forced to comply with rules and regulations at work, but rules are able to pervade into workers' domestic lives. Workers can be punished or fired for actions taken while they are off the clock, for social media posts, for political views, etc. As we know from Coase's definition of the firm, rather than contracting with individuals, firms seek to eliminate negotiation costs by instituting a centralized authority and a hierarchy of managers. Managers are able to exercise open-ended authority over their workers

[48] Anderson, p. 42.
[49] Ibid, p. 157, note 5.
[50] Ibid, p. 43-44.
[51] Ibid, p. 44-45.
[52] Ibid, p. 45.

largely because contracts, rather than outlining what powers an employer is able to have over them, outline what powers an employee is protected from.[53] By focusing the contract on specific protections and assuming that all instances not prohibited by law or contract are fair uses of authority and power, the power of the contract always necessarily favors the employer.

Anderson's conception of private government is instrumental in several ways. First, because it acknowledges that 'government' is separate from 'state,' it bypasses the objection to the FSA from shared authority. Second, the definition of government as an organization within which there are certain rules or laws supports the idea of an internal workplace constitution. Third, she argues that the constitution within the workplace that allows for arbitrary power over employees is facilitated by the state (or the external workplace constitution). Finally, her account of the workplace as a government that may or may not be private is compatible with the argument for WD based on republican freedom. If the private government has arbitrary power over those excluded from that power, then private government is fundamentally incompatible with republican freedom.

3b *The Republican Argument*

The other principled argument for WD is based upon republican conceptions of freedom. Essentially, the republican argument finds that managerial hierarchy subjects workers to arbitrary interference that is incompatible with republican freedom. If one values the republican demands for freedom from arbitrary interference, workplace democracy is the only way to eliminate arbitrary interference within the firm. González-Ricoy offers a strong republican case for WD, filling the gap of the workplace that he finds in republican theory. He begins by defining republican

[53] Anderson, p. 53.

freedom as nondomination, which is characterized by the "capacity to interfere arbitrarily with the choices and actions of another agent."[54] Put more simply, one is free in the republican sense if they "enjoy immunity against the possibility of being arbitrarily interfered with."[55] Philip Pettit, in his argument for republicanism as an alternative perspective through which to examine market interactions, advances the republican conception of freedom through three aspects: Social freedom, arbitrary interference, and protection against arbitrary interference.[56] Social freedom specifies that it is concerned with social obstacles rather than natural ones. Within social freedom, there are many ways in which people can shield themselves against social interference. Individuals are socially free insofar as they are shielded against social obstacles, which requires certain shielding resources. He distinguishes social freedom from outright freedom: "Choices are free outright so far as they are unhindered and choosers are free outright so far as their choices are free outright. Choosers are socially free so far as they have a standing that guards against the prospect of interference and choices are socially free so far as the choosers exercise their social freedom in making those choices."[57] Essentially, social freedom is concerned only with the extent to which an individual is hindered by social obstacles against making a choice, and they can be more socially free when they have a social standing that limits the amount of social interference they might face.

Arbitrary interference is the next element of republican freedom. Arbitrary interference limits the amount of social freedom one can appreciate. Nonarbitrary interference "may reduce the sphere in which people enjoy social freedom, but under the republican approach it will not take such freedom away." This is because it is subject to a "mode of individual or shared control,"[58] in

[54] Gonzáles-Ricoy (2014a), p. 235.
[55] Ibid, p. 238.
[56] Pettit, Philip. "Freedom in the Market." *Politics, Philosophy & Economics* 5, no. 2 (June 2006): 131–49. https://doi.org/10.1177/1470594X06064218.
[57] Ibid, p. 134.
[58] Ibid, p. 136.

which the interferer is forced to track the interests of the individual or party with whom they are interfering. Essentially, when a party must interfere with the actions of others, it is able to, so long as it is forced to track the interests of those with whom it is interfering—furthermore, it must adhere to written law.

The final element is protection from arbitrary interference. It is not enough for someone to not be interfered with arbitrarily—the common reference is that of a benevolent master. "The problem with the subjects of a kindly master," Pettit writes, "is that while arbitrary interference in their lives may actually be unlikely, it will not be unlikely in virtue of their social standing, only in virtue of the contingent fact of the master's good will or indifference or inattention."[59] One is not free in the republican sense if they *might* be dominated, or may have to make their choices in adherence with social interference, but are not—they are free in the republican sense if they *cannot* be dominated. González-Ricoy claims that "stable and publicly known legal rules" serve as a basis for nonarbitrary interference.[60] Regulatory interference, such as legal rules that interfere with an employer's ability to interfere with their employees, is permitted within republican theory and is nonarbitrary insofar as "it is subject to a suitable degree of control by the interest that members of the community are disposed to avow as common."[61] Regulatory interference specifically protecting workers and pertaining to workplace laws would be the workplace constitution (specifically, the EWC). González-Ricoy finds this insufficient.

González-Ricoy claims that the law itself can be arbitrary: the regulatory interference (which, in the case of WC, can take the form of employment contracts as well as legislature) are *unavoidably incomplete.*[62] It is neither possible nor desirable for a contract to include every

[59] Pettit, p. 136-37.
[60] Gonzáles-Ricoy (2014a), p. 242.
[61] Pettit, p. 146.
[62] Gonzáles-Ricoy (2014a), p. 246.

possible contingency—some degree of flexibility is required in order to address unforeseen circumstances. However, allowing the flexibility required for adaptation means that there will always be some space in which arbitrariness can occur.[63] González-Ricoy also dismisses exit as a true alternative to protect against arbitrary interference against workers. He finds that exit rights are insufficient for three primary reasons: first, that every imperfect labour market will have involuntary employment to some degree. Second, there are costs to exit, both psychological and economic. Finally, and perhaps most importantly, even in a perfect labour market with no exit costs, there would be no guarantee that the next firm would be any less despotic than the firm being left. Republican freedom within the workplace would not require eliminating hierarchy altogether—hierarchy would be compatible with republican freedom so long as its arbitrary exercise were limited. Because WC is necessarily arbitrary and *exit* does not protect from arbitrary interference, WD is the only way to eliminate the arbitrary exercise of managerial authority within the workplace.

González-Ricoy's argument for WD hinges upon the fact that participation is required in the elaboration of the workplace constitution. Petitt's argument claims that those being interfered with must participate, to a certain extent, in the elaboration of the rules meant to protect them, or those rules are no longer nonarbitrary.[64] González-Ricoy makes the same argument.[65] He claims that only within WD can the workers' participation result in a guaranteed change in practice. He does note the possibility of forms of participation that are akin to WD but not exactly the same—so long as these forms of participation "are regarded as rights or as prerogatives" and "their outcomes are regarded as binding on managers," they are sufficient to uphold his argument for

[63] González-Ricoy (2014a).
[64] Pettit, p. 136.
[65] González-Ricoy (2014a), p. 245.

non-arbitrariness.[66] Whether such a practice, in which those criteria are fulfilled, would be called "workplace democracy," I think, depends on how exactly one is defining workplace democracy.

4 Objections to WD

There are four primary objections to WD that I wish to cover. The first two, the objection from *efficiency* and the objection from *difficulty of transition,* focus on the direct impact of workplace democracy. The third, the objection from *liberal freedom,* claims that WD is not only logistically difficult but has negative implications on freedom. The final objection, which is the objection from *alternative solutions,* argues that, given the above objections (and any others), there is reason to take up other alternatives rather than attempting to implement WD.

4a *Objection from Efficiency*

Roberto Frega, Lisa Herzog, and Christian Neuhäuser (Frega et al.) summarize the first three arguments. The first objection makes the claim that democratized workplaces face a competitive disadvantage against hierarchical companies based on the inefficiency of democratic processes. They list several possible causes: that democratic workplaces are subject to freeloading and abusing the free assets, that there is a lack of monitoring on employee performance, that there are high transactional costs, that democratic workplaces would be perceived as higher risk and would thus be less attractive to capital owners, and that employees would have to concentrate their capital at the company they work.[67] However, as they note, none of these problems are unique to democratized workplaces and can occur within hierarchical firms as well. Furthermore, the

[66] González-Ricoy (2014a), p. 247.
[67] Frega et al., p. 6.

freeriding and monitoring problems can be balanced by increased motivation for workers to perform. Finally, there is little empirical evidence to demonstrate either way.[68]

4b *Objection from Difficulty of Transition*

The second objection is concerned with the feasibility of a transition, which essentially claims that the transition to WD is unrealistic on two fronts. On the one hand, there is an argument that it is unrealistic to assume that employees even want WD. On the other hand, there is another argument that it is unrealistic because wage-dependent employees are not politically powerful enough to change the structure of the workplace to implement WD. Essentially, they argue that workers lack the motivation to force the transition to democratic workplaces, and that, even if they did desire it, they lack the political power.

4c *Objection from Liberal Freedom*

The only way to force workplace to democratize is to legally require it, but this breeds the third objection.[69] Forcing WD goes against liberal freedom, because it both forces employers to democratize the workplace and forces employees to work in a democratic workplace. This objection claims that the liberal argument requires proof that non-hierarchical workplaces unfairly impinge on justice to justify imposing this organization upon people. However, the counter to this objection is that the opposite is also true. Because, though this is a contested claim, democratized workplaces face a competitive disadvantage against hierarchical ones and because there are fewer democratized workplaces, individuals who wish to work in a democratized workplace are still

[68] Dow, G. K. (2003). Governing the firm: Workers control in theory and practice. Cambridge: Cambridge University Press. https:// doi.org/10.1017/CBO9780511615849
[69] Frega et al., p. 7.

often forced to work in hierarchical ones—they are unfree to work in a democratized workplace. JN respond to the liberalist critique of WD, arguing that, while it may be difficult to justify mandatory democratization of all workplaces under liberalism, liberalism would demand that those who desire WD should not be forced to work in a hierarchical workplace. They write that "If it is very important for republican-minded people with strong democratic convictions to work in a democratic workplace, they should have a fair opportunity to do so."[70] Essentially, the respond to the objection to WD from liberalism is that, even if it is not a proven requirement of justice that everyone work in a democratized workplace, there must be sufficient opportunity for those who wish to work in a democratized workplace to do so.

4d *Objection from Alternative Solutions*

The final objection to WD in general is that, while calls for WD may be based on acceptable principles, such as democracy or republican freedom, these principles may be upheld without implementing WD. Two of the commonly listed alternatives to WD are the alternatives of *Exit* (specifically, viable exit) and workplace constitutionalism. However, as has already been covered, neither exit nor WC on their own is sufficient. Exit is often not viable—viable exit assumes that there are limited costs to exit such that leaving a firm is a psychologically and economically viable option. However, while viable exit may protect against arbitrary interference by a particular manager, the employee still must find work in order to survive, which means they might have to work for a different manager who may be no less arbitrarily interfering[71]—exit simply allows the problem to occur in another place.[72] Workplace constitutionalism, once again, will always be

[70] JN, p. 938.
[71] See Alex Gourevitch (2013) for an overview of labor-republicanism and the issue with arbitrary interference as imposed by the whole labor structure.
[72] González-Ricoy (2014a), p. 240-41.

necessarily arbitrary because it does not cover all possible contingencies. Furthermore, it fails to uphold the democratic values of the FSA argument for WD because it does not require worker participation.

In sum, while there are objections to WD in general (rather than particular objections to the FSA or the argument from republican freedom), WD is still necessary to uphold the principles behind the FSA and republican freedom. The FSA and the argument from republican freedom are both sufficient to justify WD.[73] However, a loose conception of WD is insufficient. Worker participation and voting rights alone, while necessary, do not, in my view, uphold the principles behind either argument for WD. Deliberative democracy is required.

5 Workplace Deliberative Democracy

Deliberation is a democratic process. Much of WD literature uses "deliberation" in its casual sense, referring generally to a form of conversation. "Deliberation" within deliberative theory refers to a specific set of procedures. Andrea Felicetti is one of few WD theorists to seriously propose deliberation, in its procedural form, in the workplace.[74] Felicetti's argument is essentially that deliberation in the workplace will promote WD, while also taking up the consequentialist argument that deliberative WD will promote deliberation within society as a whole. I believe that deliberation is necessary to WD theory, but I also find that the implementation of deliberation within WD is valuable for deliberative theorists as well. While many deliberative theorists appreciate the goal of deliberative procedures, they argue that it is impractical to implement on a

[73] Or, if one is committed to liberalist conception of freedom, following JN's argument: that there is sufficient reason to have *some* WD, such that those who find WD important are not forced to work under hierarchical workplaces.

[74] Felicetti, Andrea. "A Deliberative Case for Democracy in Firms." *Journal of Business Ethics* 150, no. 3 (July 1, 2018): 803–14. https://doi.org/10.1007/s10551-016-3212-9.

national scale.[75] Others have argued that because deliberation necessarily takes on a representative form,[76] it cannot escape the issues with representation in today's politics.[77] Essentially, there is a difficulty in instituting deliberation within the political sphere. Those seeking to solve the issues of scale have generally argued in favor of scaling down the hypothetical space in which deliberative procedures occur, creating instead systems of representation, mini-publics, or neighborhood governance.[78] Looking to the workplace as an alternative venue for deliberative procedures might provide, at least in part, a solution to deliberative theorists seeking to save it from the issue of scale.

In order to make a case for workplace deliberative democracy (WDD), I will begin by exploring the idea of deliberative democracy in general before arguing for the application of deliberation to the ideals behind both the FSA and republican arguments for WD.

5a *Deliberative Democracy*

While there are many different conceptions of deliberation, Jurgen Habermas's account of deliberative democracy (DD) is one of the most referenced and comprehensive.[79] In *Between Facts and Norms,* Habermas provides a discourse theory of democracy, in which he argues that democracy is the only legitimate form of government. Democracy is legitimized by two metrics:

---

[75] See Dryzek (2001) for one example, but nearly every deliberative theorist must reckon with the question of how to apply deliberation to any population beyond several hundred, especially when face-to-face interaction is deemed impractical.

[76] Manin, Bernard. *The Principles of Representative Government*. Cambridge University Press, 1997.

[77] Landemore, Hélène. "Deliberative Democracy as Open, Not (Just) Representative Democracy." *Daedalus* 146, no. 3 (July 2017): 51–63. https://doi.org/10.1162/DAED_a_00446.
———. *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*. Princeton University Press, 2020. https://doi.org/10.2307/j.ctv10crczs.

[78] See Lafont, 2014; Vergara, 2020; Young, 2011.

[79] Habermas, Jürgen, and William Rehg. *Contributions to a discourse theory of law and democracy*. Cambridge: Polity Press, 1996.

formal and informal deliberations. Formal deliberation is decision-oriented and regulated by democratic procedures, whereas informal deliberation refers more generally to unregulated public discourse from which some measure can be made of public opinion.[80] Deliberation, in the formal sense, has strict procedural requirements. Habermas recounts Joshua Cohen's "ideal procedure" of deliberative politics,[81] outlining Cohen's procedures and making several additions.

The procedural restrictions on deliberation are as follows:[82] first, that deliberative processes are argumentative; second, that deliberations are inclusive[83] and publicly held; third, that deliberations may not be subject to external coercion and its participants are subject only to reason and the rules of argumentation; fourth, that deliberations are similarly free of any internal coercion, meaning that all participants have equal opportunity to contribute, argue, introduce topics, etc.; fifth, that while deliberations generally can be paused and resumed at will, political deliberations have the right to settle on majority rule rather than total agreement until the minority assents; sixth, that political deliberations can extend to whatever issues concern equal interest of all, and; finally, that political deliberation has the right to question and change the political attitudes and preferences governing the deliberation.[84]

Seyla Benhabib, another deliberative theorist, adds to the procedural account the idea that pure deliberation must have three features.[85] First, that "participation in such deliberation is

---

[80] Habermas, p. 307.
[81] Cohen, Joshua. "Deliberation and Democratic Legitimacy," November 28, 1997. https://doi.org/10.7551/mitpress/2324.003.0006.
[82] Restrictions 1-4 are taken from Cohen's work, while 5-7, which are focused more specifically on political deliberation, are Habermas's addition.
[83] Note that this requirement of inclusion is only a requirement for the *possibility* of inclusion. It is not necessary that all those affected by the decision are actually present within the deliberation, only that they have the formal opportunity to enter.
[84] Habermas, p. 305-6.
[85] Benhabib, Seyla. "Toward a Deliberative Model of Democratic Legitimacy." In *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib, 67–94. Princeton University Press, 1996.

governed by the norms of equality and symmetry," such that all have equal opportunity to speak, question, and debate with others. Secondly, that all are able to question the assigned topics of conversation, and, finally, that "all have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied and carried out."[86] These rules, while restrictive in how general they are, are less complete than the seven we receive from the Habermasian account. It is difficult, in my view, to attach a true procedural account to a procedure so thinly laid out, but the rest of her account bears weight. She argues that her account of deliberative democracy is procedural, not necessarily because of the specificity of the procedure itself but because "it emphasizes first and foremost certain institutional procedures and practices for attaining decisions on matters that would be binding on all."[87] This emphasizes a crucial point: that deliberation has a goal, and that goal is to reach collective decision. This decision does not necessarily need to be unanimous, but it will be collectively made and, due to the procedure by which it was agreed upon, collectively upheld.

In sum, deliberation refers to a particular type of communication based upon several procedural restrictions that aims at making a collective decision. Now that I have explored deliberation, I move now to apply it to both of the principled arguments for WD.

5b *Deliberation with the Republican Argument*

The republican argument for WD, as explored, foregrounds the limitation of arbitrary interference by managers of employees. Republican freedom as nonarbitrariness is concerned with the elaboration of regulative interference. It is not enough for regulation to be implemented—it must be implemented via the participation of those it is meant to protect. Within the case of the

[86] Benhabib, p. 70.
[87] Benhabib, p. 73.

workplace, this means that whatever WC is protecting the workers from arbitrary interference by their employers must be created while tracking the interest of those workers. Deliberation, especially when the procedures are being properly followed,[88] ensures that the decision reached tracks all interests. Deliberation as reason-giving requires that the decision be justified to all participants, even if it is not universally agreed-upon. González-Ricoy notes that political participation, particularly by those who will be subject to a particular rule, is required to prevent the law from becoming arbitrary. This participation is necessary not only in the stage of implementation but also in the enactment stage of legislature.[89] We have already seen that republican freedom within the workplace demands worker participation in the form of WD. Why is it necessary that participation involve deliberation, rather than mere voting rights? The idea within deliberative theory is that a decision reached by a sheer majority vote would not be justified to those outside of the majority. Deliberation entails reciprocity and justification,[90] which is intended to prevent majority domination without mutual respect. Reciprocity and mutual respect within deliberation would force workers and employers to reconcile such that the regulatory interference being imposed upon the employers does not also become arbitrary.

5c *Deliberation with the Firm-State Analogy*

If one takes seriously the FSA, then we can apply the same logic to justifying deliberation that we do to applying democracy. There are several metrics by which we can apply deliberation along these criteria. If the state ought to be democratic, the workplace ought to be democratic. If the state ought to be democratically legitimate, then the workplace ought to be democratically

[88] I will return later to the objection that, often, deliberative procedures are seen as an unfulfillable ideal.
[89] González-Ricoy (2014a), p. 245.
[90] Habermas (1996), p. 266.

legitimate. Of course, this application of the analogy requires that deliberation is, in fact, necessary for democratic legitimacy, which forms the primary question of deliberative theory. Assuming that one takes up the deliberative approach to democratic legitimacy, deliberation would also be required at the workplace level.[91] When defining democracy along Habermas's or Benhabib's terms, deliberation is required for a state to be democratically legitimate. Deliberative theory essentially dictates that the "authenticity" of a democratic process may be determined by the extent to which it was achieved via deliberative processes.[92] Democratic processes within the workplace, by these standards, would require deliberation in order to be legitimate. JN also briefly mention deliberation within their account of the popular conception of WD—while they do not explicitly define WD, they argue that the formal procedures involved in WD must be somewhat deliberative in order to consider the decisions meaningful.[93] Essentially, even if one does not require deliberation for legitimacy, there is still an argument that deliberation adds meaning to the decisions made.

However, even if one does not accept the argument that deliberation is a requirement of democratic legitimacy, deliberation still applies to the FSA. If one takes mutual respect between free and equal individuals as a critical democratic principle, then it should follow that this would be critical within the FSA as well. Deliberation does not only create the procedure for workers to participate within the workplace—deliberative principles require that they be met with respect and treated as free and equal.

---

[91] I leave out of this essay a detailed exploration of whether or not deliberation is, in fact, a requirement of democratic legitimacy. See: Cohen, 1997; Dryzek, 2001; Gutmann and Thompson, 2002; Manin et al., 1987.

[92] Dryzek, John S. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford Political Theory. New York: Oxford University Press, 2000.

[93] JN, p. 929.

6 Proposal

It remains to be seen what deliberation within the workplace might look like. Must every decision within the workplace be made by deliberative procedures? Surely not, for that would be hugely wasteful and inefficient, as well as logistically impractical. Within politics, citizens do not vote directly on all legislature—they vote on representatives, and the representatives make the laws. However, in the workplace, there is often no representation. Some advocate for worker representation within the workplace hierarchy,[94] but WD often assumes a more direct form of participation. How, then, can we reconcile the impracticality of deliberating every decision within the workplace with the fact that workers cannot elect representatives to deliberate on their behalf? I return now to the internal workplace constitution.

Deliberative procedures within the workplace ought to reach decisions that form and uphold the IWC. Essentially, the IWC must be deliberated by those to whom it applies. In order to ensure that the IWC is appropriately enforced, the EWC must regulate and support it. While not every decision must be made by deliberative procedures, every decision must be subject to deliberative review—essentially, decisions made by management must be transparent such that employees might consider them after the fact. Recognizing that firms must make decisions quickly and that not every decision can be overturned, continuous review allows for more informed agenda-setting within workplace deliberations. Subject to deliberative review ought to encourage managers and employers who must make discretionary decisions to make these decisions such that they might be justified to the employees—in other words, interest-tracking.

7 Objections

[94] Ferreras, Isabelle. "Democratizing the Corporation: The Bicameral Firm as Real Utopia." *Politics & Society* 51, no. 2 (June 2023): 188–224. https://doi.org/10.1177/00323292231168708.

There are several objections that I anticipate that I wish to briefly address. Habermas's and Benhabib's accounts of deliberative procedures are often critiqued as being idealistic—indeed, encouraging discourse between *truly* free and equal individuals is often considered an impossible standard. Within the workplace setting, it is clear to see how the problem would arise of *unequal power relations*. Adrian Bua, who writes on bringing deliberation into the political-economic sphere, reconciles this difficulty by considering pure deliberative procedures as a normative benchmark against which institutional decision-making procedures can be evaluated.[95] Still, the problem of unequal power relations poses a serious problem for WDD. There would need to be strict institutional constraints that protect workers from facing repercussions about what they argue during deliberation—as deliberations are inherently argumentative, it is important that workers not be punished, demoted, fired, or kept from being promoted based on what they say during the deliberative process. This would partly require strict regulations that explicitly prevent employers from punishing employees based on this. There is room for arbitrariness here, however—what is to prevent an employer from firing an employee for something that arises during deliberation but claiming that they are being fired for some other offense? However, this is not a problem unique to WDD. The WC prevents workers from being fired for certain offenses: take pregnancy, for example.[96] While workers are prevented from being fired due to pregnancy according to this act, employers may fabricate a firable offense as a workaround. WD, according to the republican view, is intended to reduce arbitrary interference by, first of all, subjecting the regulations to democratic review and, second, by encouraging justification of discretionary decisions.

---

[95] Bua, Adrian. *Bringing Political Economy Back into Participatory-Deliberative Democracy: A Marxist Perspective*, 2022. Bua is not the first to make this assertion—he cites (Curato et al. 2018: 25).
[96] See the Pregnant Workers Fairness Act: *Pub. L. 117-328) (PWFA)*

Deliberation does not solve the common complaint against the inefficiency of WD—in fact, efficiency is a common argument against the practicality of deliberation within democratic politics.[97] Decisions are made faster when made by a hierarchical authority—democratic decision-making, especially by such rigid procedural standards as proper deliberation, takes time and resources. However, as stated, deliberation does not need to be applied to every decision made within the firm—neither the republican case nor the FSA requires that every firm decision be democratically made. However, this leaves a similar problem to the previous objection—there is room for arbitrariness in determining which decisions are made by deliberative procedures. As mentioned within the proposal, deliberation must be a continual process within the firm, and decisions that are not included within the deliberative agenda must be subject to review such that the agenda can be changed at any time. This will not entirely eliminate arbitrariness, but the goal of deliberation is to reduce it.

Another cause of inefficiency, outside of time and resource constraints, is related to participation: freeloading and monitoring. However, the problem of freeloading is, to put it simply, not a problem. As we have seen from the Habermasian account of deliberative procedures, it is not required that every impacted citizen actually engage in the deliberation—only that they are able to join if they so choose. Regarding the monitoring of work, again, this is a non-issue. WDD still allows for hierarchical relations to remain within the workplace, so managerial hierarchy and efficiency are able to persist so long as they are in accordance with the WC and decisions reached within WDD.

[97] Dryzek (2001).

Finally, the *objection from expertise,* which has not been properly addressed by WD alone,[98] would raise the concern that employees lack the expertise that is required of chosen managers and employers and would thus make incorrect decisions. I argue that deliberation provides a solution to a problem that remains within WD. There is an idea within deliberative theory that deliberation is epistemologically useful. A relatively thorough account of an argument for deliberation on epistemic grounds comes from Hélène Landemore and David Elstund (henceforth LE).[99] They are concerned with two dimensions of epistemic deliberation, which are the normative and descriptive/explicative dimensions. The former questions whether deliberation is useful in and of itself, or whether it is ponly useful insofar as it creates epistemically valuable outcomes. The latter questions the extent to which deliberation actually does have epistemic properties and the function, if so, of those properties.[100] They outline two means by which one might evaluate the "epistemic element" in democratic theory: the first evaluates the extent to which deliberation allows voters to come to the best or most correct decisions, whereas the second evaluates the extent to which knowledge arises from deliberation, regardless of the ultimate decision.[101] Many arguments for deliberation, they argue, are underwritten by an assumption "that there is a self-revealing nature of the truth, which when made apparent by the exchange of viewpoints is supposed to convince all participants in the deliberation."[102]

Deliberation is epistemically effective especially when the group is comprised of cognitively diverse individuals—which is "not diversity of fundamental values or goals, which

---

[98] LF briefly address this objection and turn to "democratic decision-making procedures" to epistemically justify worker participation.
[99] Landemore, Hélène, and David Estlund. "The Epistemic Value of Democratic Deliberation." In *The Oxford Handbook of Deliberative Democracy*, by Jane Mansbridge, Mark E. Warren, André Bächtiger, and John S. Dryzek, 113–31, 1st ed. Oxford: Oxford University Press, 2018.
[100] LE, p. 114-15.
[101] LE, p. 115.
[102] LE, p, 120.

would actually harm the collective effort to solve a problem, though it is compatible with degrees of less fundamental value-diversity," which they note to argue particularly against technocracy; a group of cognitively diverse individuals would produce "better" results than a group that is more intelligent but more cognitively similar. While they are more concerned with cognitive diversity than identity diversity, they argue that the more inclusive the group of deliberators, the more likely it is to be cognitively diverse.[103] Essentially, one of the merits of deliberative democracy is that it surfaces knowledge and brings that knowledge into the political sphere. Within the workplace, then, proper deliberation among a group with varied expertise would be more likely to yield "best" answers than a single expert (or small group of experts).

Conclusion

In conclusion, I find that implementing deliberative procedures within the workplace is necessary to achieve the goals behind workplace democracy. Deliberation addresses the main principles behind both republican freedom as non-arbitrary and the democratic principles of the FSA. Deliberation as reason-giving encourages more robust worker participation than simply voting rights alone, and subjecting discretionary decisions to perpetual democratic review encourages that managers track interests of their workers when making these decisions. The workplace constitution is necessary to implement, regulate, and moderate workplace deliberative democracy, and I argue that a conception of the workplace constitution as both internal and external to the firm allows for more robust involvement. While the internal workplace constitution is subject to deliberation, such that the employees have a say in dictating the regulations particular to them, the external workplace constitution forces firms to adhere to the internal workplace

[103] LE, p. 121-22.

constitutions that their employees have a hand in creating. Overall, deliberation is a necessary facet of workplace democracy. Work still remains to be done regarding the exact form of workplace deliberative democracy, but I hope that this provides the basis of a claim to its necessity.

References

Anderson, Elizabeth. *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)*. Princeton, New Jersey: Princeton University Press, 2017.

Benhabib, Seyla. "Toward a Deliberative Model of Democratic Legitimacy." In *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib, 67–94. Princeton University Press, 1996.

Bua, Adrian. *Bringing Political Economy Back into Participatory-Deliberative Democracy: A Marxist Perspective*, 2022.

Carter, Neil. "Political Participation and the Workplace: The Spillover Thesis Revisited - Carter - 2006 - The British Journal of Politics & International Relations - Wiley Online Library," 2006. https://onlinelibrary.wiley.com/doi/full/10.1111/j.1467-856X.2006.00218.x.

Coase, R. H. "The Nature of the Firm." *Economica* 4, no. 16 (1937): 386–405. https://doi.org/10.1111/j.1468-0335.1937.tb00002.x.

Cohen, Joshua. "Deliberation and Democratic Legitimacy," November 28, 1997. https://doi.org/10.7551/mitpress/2324.003.0006.

———. "Procedure and Substance in Deliberative Democracy." In *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib, 95–119. Princeton University Press, 1996.

Cordelli, Chiara. "Democratizing Organized Religion." *The Journal of Politics* 79, no. 2 (April 2017): 576–90. https://doi.org/10.1086/689284.

———. *The Privatized State*. Princeton, New Jersey: Princeton University Press, 2020.

Dahl, Robert H. *A Preface to Economic Democracy*. University of California Press, 1985.

Dow, Gregory K. *Governing the Firm: Workers' Control in Theory and Practice*. Cambridge ; New York: Cambridge University Press, 2003.

Dryzek, John S. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford Political Theory. New York: Oxford University Press, 2000.

———. "Legitimacy and Economy in Deliberative Democracy." *Political Theory* 29, no. 5 (2001): 651–69.

Ellerman, David. "The Workplace in Deliberative Democratic Theory: A Note on Kant, Mill, and Dewey." *SSRN Electronic Journal*, 2009. https://doi.org/10.2139/ssrn.1389875.

Ewing, David W. *Freedom Inside the Organization: Bringing Civil Liberties to the Workplace*. 1st ed. USA: Dutton, 1977.

Felicetti, Andrea. “A Deliberative Case for Democracy in Firms.” *Journal of Business Ethics* 150, no. 3 (July 1, 2018): 803–14. https://doi.org/10.1007/s10551-016-3212-9.

Ferreras, Isabelle. “Democratizing the Corporation: The Bicameral Firm as Real Utopia.” *Politics & Society* 51, no. 2 (June 2023): 188–224. https://doi.org/10.1177/00323292231168708.

Frega, Roberto. “Employee Involvement and Workplace Democracy.” *Business Ethics Quarterly* 31, no. 3 (July 2021): 360–85. https://doi.org/10.1017/beq.2020.30.

Frega, Roberto, Lisa Herzog, and Christian Neuhäuser. “Workplace Democracy—The Recent Debate.” *Philosophy Compass* 14, no. 4 (2019): e12574. https://doi.org/10.1111/phc3.12574.

González Ricoy, Íñigo. “Constitutionalism, the Workplace, and the Scope of Democracy,” March 14, 2012. https://diposit.ub.edu/dspace/handle/2445/41707.
———. “Firms, States, and Democracy: A Qualified Defense of the Parallel Case Argument.” *Law, Ethics and Philosophy* 2 (2014b).
———.“Firm Authority and Workplace Democracy: A Reply to Jacob and Neuhäuser.” *Ethical Theory and Moral Practice* 22, no. 3 (2019): 679–84.

González-Ricoy, Iñigo and Department of Philosophy, Florida State University. “The Republican Case for Workplace Democracy:” *Social Theory and Practice* 40, no. 2 (2014a): 232–54. https://doi.org/10.5840/soctheorpract201440215.

Gourevitch, Alex. “Labor Republicanism and the Transformation of Work.” *Political Theory* 41, no. 4 (2013): 591–617.

Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy.* Translated by William Rehg. Cambridge, MA: MIT Press, 1996.

Hirschman, A. O. (1970). *Exit, voice, and loyalty: Responses to decline in firms, organizations, and states* (Vol. 25). Harvard university press.

Jacob, Daniel, and Christian Neuhäuser. “Workplace Democracy, Market Competition and Republican Self-Respect.” *Ethical Theory and Moral Practice* 21, no. 4 (2018): 927–44.

Lafont, Cristina. “Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-publics Shape Public Policy?” *Journal of Political Philosophy* 23, no. 1 (2014): 40–63.

Landemore, Hélène. “Deliberative Democracy as Open, Not (Just) Representative Democracy.” *Daedalus* 146, no. 3 (July 2017): 51–63. https://doi.org/10.1162/DAED_a_00446.
———. *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*. Princeton University Press, 2020. https://doi.org/10.2307/j.ctv10crczs.

Landemore, Hélène, and David Estlund. “The Epistemic Value of Democratic Deliberation.” In *The Oxford Handbook of Deliberative Democracy*, by Jane Mansbridge, Mark E. Warren, André Bächtiger, and John S. Dryzek, 113–31, 1st ed. Oxford: Oxford University Press, 2018.

Landemore, Hélène, and Isabelle Ferreras. “In Defense of Workplace Democracy: Towards a Justification of the Firm–State Analogy.” *Political Theory* 44, no. 1 (February 2016): 53–81. https://doi.org/10.1177/0090591715600035.

Lee, Sophia Z. *The Workplace Constitution from the New Deal to the New Right*. Studies in Legal History. Cambridge: Cambridge University Press, 2014. https://doi.org/10.1017/CBO9781139839358.

Manin, Bernard. *The Principles of Representative Government*. Cambridge University Press, 1997.

Mayer, Robert. “Is There a Moral Right to Workplace Democracy?” *Social Theory and Practice* 26, no. 2 (2000): 301–25.

O’Neill, Martin. “Three Rawlsian Routes towards Economic Democracy.” *Revue de Philosophie Économique* 8 (n.d.).

Pettit, Philip. “Freedom in the Market.” *Politics, Philosophy & Economics* 5, no. 2 (June 2006): 131–49. https://doi.org/10.1177/1470594X06064218.

Vergara, Camila. “Corruption as Political Decay.” In *Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic*. Princeton New Jersey: Princeton University Press, 2020.

Young, Iris. “City Life and Difference.” In *Justice and the Politics of Difference*, 226–56. Princeton University Press, 2011.
———. *Justice and the Politics of Difference*. 2nd ed. Princeton University Press, 2011.

42 USC Ch. 21G: Pregnant Workers Fairness