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Contract Feudalism Update

Kevin Carson

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Larry Gambone already mentioned, on the VCM's discussion list, an NLRB ruling that permitted employers to prohibit employees from hanging out off the job. Here, from Confined Space, is the gist of it from a Harold Meyerson piece at the *Washington Post*:

On June 7 the three Republican appointees on the five-member board that regulates employer-employee relations in the United States handed down a remarkable ruling that expands the rights of employers to muck around in their workers' lives when they're off the job. They upheld the legality of a regulation for uniformed employees at Guardsmark, a security guard company, that reads, "[Y]ou must NOT ... fraternize on duty or off duty, date or become overly friendly with the client's employees or with co-employees."

Meyerson invokes the specter of contract feudalism, without mentioning the word:

The brave new world that emerges from this ruling looks a lot like the bad old world where earls and dukes

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had the power to control the lives of their serfs — not just when the serfs were out tilling the fields but when they retired in the evening to the comfort of their hovels.

And of course, the motivation is pretty clear: it's a lot harder to get an organizing committee going when workers are forbidden to get together and talk union off the job. Just like you need a policy against workers comparing their hourly wage. Same reason plantation owners forbade slaves to own drums, if you've ever read *Roots*. Nothing good ever comes of letting workers talk to each other.

My reaction on first seeing the story, as a market anarchist, was that employers were technically within their rights to make such demands. And no doubt somebody's ready to blurt out "but they're not forced to work there—if they don't like it, they can go somewhere else." As Lionel Hutz would say, that's the best kind of true: *technically* true. As the vulgar libertarians at ASI and *The Freeman* never tire of reminding us, people work in shit conditions because it's their "best available option."

The problem, from my standpoint, was that the bargaining power of labor in the present labor market lets them get away with it. And the more I've thought about it in recent days, the more it's occurred to me that this deserves some comment—not so much on the legal issue of whether the *state* should "allow" employers to exercise this kind of control, but on the question of what kind of allegedly *free marketplace* would allow it.

The question is, just how godawful do the other "options" have to be before somebody's fucking desperate enough to take a job under such conditions? How do things get to the point where people are lined up to compete for jobs where they can be forbidden to associate with coworkers away from work, where even people in shitty retail jobs are expected to be on-call 24/7, where they can't attend political meetings without keeping an eye out for an informer,

where they can't blog under their own names without living in fear that they're a Google away from termination?

I'm not a friend of federal labor regulations. We shouldn't *need* federal regulations to stop this sort of thing from happening. In a free market where land and capital weren't artificially scarce and expensive compared to labor, jobs should be competing for workers. What's remarkable is not that the NLRB would issue such a ruling, but that the job market is so abysmal that something like this could become an issue in the first place.

A few decades ago, this wouldn't have even become an issue in the average blue collar job, because no self-respecting person would consider taking a job where the employer claimed such intrusive authority over his employees' private lives.

The only area of the job market where such things were expected, before the 1970s, was the white collar salariat of "professional" employees. (I'm leaving out anomalies like Southern sharecroppers and workers in company towns, where employees were considered to be "property" of the employer to a large extent; but by the middle of the 20th century, that was looked on as a relic of the past, not the wave of the future—as it's becoming now). For a good fictional example, take a look at Darren Stevens on the TV series *Bewitched*. He was a white collar "professional" in the advertising industry. Most of the comic situations on the show hinged on frequent "visits" to Darren's house by his boss, Larry Tate, a partner in the advertising firm, and Darren's need to entertain clients at home. Darren was constantly having to explain his unusual lifestyle to Larry, who obviously felt entitled to an explanation. And that intrusion in itself wasn't meant to be viewed as comical by the audience; it was just a set-up for all the wacky comic situations resulting from Samantha's witchcraft. The background itself was just based on a common understanding of what life was like for the "organization man."

And as a comedy of "how the other half lives," it was especially comical to the blue-collar manufacturing worker just because it

was so unlike his own way of life. Imagine a master machinist in the IAM tolerating constant drop-in visits from a foreman, who felt entitled to demand explanations for this or that odd thing going on in the machinist's home! Such demands, to put it mildly, would likely have been met with corporal rebuke.

But except for a very small and shrinking remnant of unionized manufacturing workers, "we're all organization men now." The ethos of white collar "professionalism" has contaminated a major part of wage labor. It even extends to unskilled retail work, as indicated by the recent example of Wal-Mart.

Workers who have had regular shifts at the store for years now have to commit to being available for any shift from 7 a.m. to 11 p.m., seven days a week. If they can't make the commitment by the end of this week, they'll be fired.

"It shouldn't cause any problem, if they [store employees] are concerned about their customers," Knuckles said.

The unskilled service worker is expected to make the welfare of the customer the focus of his life, on and off the job, to an extent that only a small proportion of white collar professionals did four decades ago. The average wage-worker, in an increasing number of service jobs, is expected to define himself by his job in a way that only a small number of organization men did back then.

Things didn't just "get" this way. They had help. The reduced bargaining power of labor, and the resulting "contract feudalism"—i.e., the erosion of the traditional boundaries between work and private life, and increasing management control even of time off the clock—are the result of concerted political efforts over the past thirty years.