Work Disguised as Leisure, Leisure Disguised as Work: The Roots and Consequences of the Bifurcated Economy

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This Article argues that the framework laid out in the post-Marxist scholar André Gorz’s 1989 book on the alienation inherent in a system focused on efficiency, Critique of Economic Reason, provides a valuable approach for understanding the alienation that inheres in the unequal modern economy, as well as the roots of the legal-political structure that undergirds that inequality. The Article first describes Gorz’s understanding of how the rise of quantification and economic reason left modern work patterns deeply alienating, and how incentivizing long hours of unfulfilling work through “compensatory consumption” and an “ideology of work” led to the bifurcation of society into elite and “servile” classes. The Article then updates Gorz’s model to analyze the rise of several phenomena that represent a fuller extension of this bifurcation: the gig economy, which embodies Gorz’s notion of “disguising private activities and leisure activities themselves as work and jobs”; and what this Article terms “totalizing firms,” which conversely disguise work as leisure. The Article next discusses how economic reason has reinforced its hegemony, both by undermining the potential for political solidarity and through its entrenchment in the legal apparatus. Finally, the Article turns to how reorienting the labor movement and economic policy toward a focus on free time could challenge economic reason.

INTRODUCTION

The modern economy has become wholly bifurcated. At the top of the distribution are employees at firms like Google, who are so integrated into their roles that they live on firm campuses in cities like Mountain View that effectively function as territories in the firm’s empire. On the bottom are

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the faux-“independent contractors” of the gig economy, relied on tasks that elite workers and firms outsource to them. The division is stark in terms of income, but even more so in terms of integration into the workplace.

Recently, much scholarly attention has turned to explaining the roots of this polarization. However, the post-Marxist social philosopher André Gorz presaged this debate over three decades ago in his *Critique of Economic Reason*. Gorz believed that both intense integration and outsourcing result from the same process and ideology—that of “economic rationality,” which Gorz describes as “the desire to economize, that is, to use the factors of production as efficiently as possible.” His approach shows that the roots of bifurcation lie in how economic rationality came to serve as a substitute for the “moral or religious normative certainties” that had previously limited it. He describes how the turn to economic reason and its resulting focus on efficiency severed productive activity from any intrinsic meaning, as jobs became increasingly specialized and it became more difficult for workers to understand the material impacts of their roles. To ensure that workers would continue to take these meaningless jobs, capitalists used commercial advertising to create a desire for increasingly high levels of consumption, with work seen as solely a means to facilitate that consumption. Through this process, which Gorz terms the “invention of work,” the “worker/producer” became a “worker/consumer” whose wellbeing depended on the consumption of commodities.

Gorz argues that economic rationality has fundamentally reconstructed individual consciousness around concepts of unlimited accumulation and consumption. Previously, alternative forms of thinking had shaped society such that there were perceived limitations on accumulation. The rise of

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2. See generally DAVID WEIL, THE FISSURED WORKPLACE (2017) (describing the trends that led companies to begin outsourcing most of their work to subcontractors, as short-term profits came to be valued over long-term stability). As Weil notes, most firms depend on workers from both ends of the bifurcated economy, while only directly employing the elites. *Id.*

3. See generally, e.g., *id.*; DANIEL MARKOVITS, THE MERITOCRACY TRAP: HOW AMERICA’S FOUNDATIONAL MYTH FEEDS INEQUALITY, DISMANTLES THE MIDDLE CLASS, AND DEVOURS THE ELITE (2019) (detailing the mid-twentieth century rise of the superordinate worker—a class that launders its privilege through meritocratic institutions such as elite schools, at the expense of both itself and the subordinate workers who end up excluded); JACOB S. HACKER, THE GREAT RISK SHIFT: THE NEW ECONOMIC INSECURITY AND THE DECLINE OF THE AMERICAN DREAM (2008) (discussing this change in terms of shifting risk from employers to workers); ARNE L. KALLEBERG, GOOD JOBS, BAD JOBS: THE RISE OF POLARIZED AND PRECARIOUS EMPLOYMENT SYSTEMS IN THE UNITED STATES, 1970S TO 2000S, at 7-8 (2013) (assessing how the American workforce became segmented into “good” and “bad” jobs, featuring very different wages, benefits, levels of autonomy, flexibility, and control over when to quit).

4. ANDRE GORZ, CRITIQUE OF ECONOMIC REASON 2 (1989). Following Gorz, this Article treats “economic reason” and “economic rationality” as effectively synonymous.

5. *Id.* at 122.

6. *Id.* at 3.
economic reason demolished these limitations. For the *homo oeconomicus*, the time saved from increased automation and technological innovation must not be allocated to leisure, but is instead treated as more “working time” available for the production of more wealth. Given a system which “can find no purpose for [its new-found free time] other than seeking all possible means of turning it into money,” the rich seek the constant accumulation of wealth through more work, rather than exchanging it for leisure as the old aristocratic elite did. Elites therefore absorb more and more of the remaining necessary work hours in an endless search for wealth, pushing others out of the labor market.

With the overworked elites becoming increasingly dominated by the economic sphere, they were left with no time for what Gorz terms “work-for-oneself,” or “[t]he production of that use value of which we are ourselves both originators and sole beneficiaries.” The continuing decline of the servant class over the same period meant that elites needed new ways to outsource the work previously carried out by servants. Individuals whose jobs had been eliminated by automation would come to be employed to “perform activities which were previously [not] considered to be part of the economy.” Capital was therefore able to create more “work” hours to allocate to those who had lost their actually necessary work-hours to the overextended elite. The consequences of this trend were clear to Gorz:

The division of society into classes involved in intense economic activity on the one hand, and a mass of people who are marginalized or excluded from the economic sphere on the other, will allow a subsystem to develop, in which the economic elite will buy [back some of their lost] leisure time by getting their own personal tasks done for them, at low cost, by other people.

In this sense, the trends on each end of the bifurcated economy in the decades since his book’s publication are inextricably linked.

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7. *Id.* at 22.
8. This term comes from WENDY BROWN, UNDOING THE DEMOS: NEOLIBERALISM’S STEALTH REVOLUTION 30 (2015).
9. *Id.* at 3.
10. *Id.* at 7.
11. Here, “necessary work hours” refers to the hours required to perform functions that are properly considered economic activity. As we shall see, the contemporary workforce requires many individuals to conduct “work” that should not be subject to economic reason at all. *infra* Section II.A.1.
15. *GORZ*, *supra* note 4, at 3.
16. *Id.* at 5.
17. To be sure, given that Gorz seeks to provide a unitary explanation for vast developments across the entire economy, his model is likely somewhat oversimplified. For example, while Gorz does
What Gorz describes as unconstrained economic rationality would likely now be referred to as “neoliberalism,” a topic to which legal scholarship has recently devoted increasing attention. Wendy Brown’s definition of neoliberalism resonates particularly well with Gorz’s work, as she describes it as “an order of normative reason that, when it becomes ascendant, takes shape as a governing rationality extending a specific formulation of economic values, practices, and metrics to every dimension of human life.” She notes that “neoliberal rationality disseminates the model of the market to all domains and activities—even where money is not at issue—and configures human beings exhaustively as market actors, always, only, and everywhere as homo oeconomicus.” Gorz’s account helps explain how this order of normative reason became ascendant, and therefore identifies the roots of the pernicious legal consequences of neoliberalism that scholars in the Law and Political Economy tradition have identified. More than that, however, this Article argues that Gorz’s concept of economic rationality offers a distinctive framework through which to understand the nature of workplace alienation in the modern bifurcated economy.

The Article first explains the rise of economic rationality and how it led to both alienation and the “dualization” of society into elite and servant classes, as described above. The Article then updates Gorz’s model to account for developments that have extended certain forms of alienation that he identified. When he wrote, Gorz identified crises in the nature of work that would soon necessitate more autonomy and flexibility at the workplace. He felt that such reforms could potentially lead to either more autonomy or alienation, depending on whether each were to be implemented on behalf of workers or as dictated by employers. As this Article argues, the latter has occurred. Employers have coopted demands for flexibility through the structure of the gig economy, which “disguise[es] examine the ways that gender intersects with the trends he identifies, he only briefly touches on matters of race, even though incorporating an understanding of racial capitalism could contribute to his approach. See, e.g., Nancy Leong, Racial Capitalism, 126 HARV. L. REV. 2151, 2154 (2013). He also rarely discusses the impacts of colonialism, and paints with an overly broad brush in assessing trends that he ascribes to the entire “modern” world.


20. Id. at 31.

private activities and leisure activities themselves as work and jobs”
and employs promises of flexibility to colonize the free time of the external workforce. Meanwhile, employers have also coopted the concept of autonomy at work through the “ideology of human resources,” embodied in “totalizing firms” that control ever-increasing aspects of the private lives of their employees and thereby disguise work as leisure. In both cases, the line between private and public life begins to collapse, with workers at both ends of the bifurcated economy facing new forms of alienation as economic reason extends into new realms.

The Article then assesses the legal and political implications of these forms of alienation, and the ways that these implications in turn reinforce economic reason’s hegemony. The alienation that inheres in the hyperdivision of labor makes it more difficult for workers to understand the political implications of their work, and also inhibits the exercise of solidarity that has historically enabled workers to better understand those repercussions. As economic reason became crystallized in the legal and political apparatus, it exacerbated those obstacles to solidarity and muted any potential challenges to its hegemony.

The Article finally turns to the emancipatory notion of free time, and why Gorz believed that interventions focused on protecting it and redistributing work hours—namely, a job guarantee combined with a partial and stratified guaranteed income—could ensure more autonomy both inside and outside of the economic sphere. Importantly, Gorz did not believe it was possible to eliminate workplace alienation entirely. Instead, he sought to stop the penetration of economic rationality into parts of life where it does not belong. The legal scholar Margaret Radin discusses the notion of pluralistic approaches to the “permissible scope of the market,” between Marx’s universal noncommodification and the universal commodification of the law and economics movement. Gorz’s policy recommendations embody one such approach.

I. THE ROOTS OF BIFURCATION

When Gorz wrote Critique of Economic Reason at the end of the 1980s, a new bifurcation of society was starting to become evident. As he put it, “There is, on the one hand, a privileged stratum of permanent workers attached to the enterprises in which they work and, on the other, a growing mass of casual labourers, temporary workers, the unemployed and ‘odd

22. Gorz, supra note 4, at 8.
23. While the rise of capitalism necessitated a type of work that creates modern forms of alienation, this alienation would not disappear even if workers seized the means of production, as it inheres in the hyperdivision of labor upon which modern industry relies. Infra Section I.B.1. Instead, Gorz hoped to redistribute the most alienating roles across society. Infra Section IV.A.
jobbers." This Part describes why Gorz saw this bifurcation—what he termed "dualization"—as an inevitable consequence of the rise of quantification and the requisite hyperdivision of labor that followed. First, it details his account of the initial rise of economic reason in the nineteenth century, and how it displaced alternative forms of thinking that had previously inhibited it. It then discusses how Gorz’s model extends upon traditional Marxist conceptions of alienation to assess how the twentieth-century economic structure alienated workers, and how capitalists encouraged increased consumption and valorized intense work to incentivize workers to take on jobs that had become meaningless. Finally, it explains how these new consumption and work patterns ultimately led to the bifurcation of the economy.

A. The Rise of Economic Rationality

In exploring the rise of economic rationality, Gorz relies extensively on the work of the sociologist Max Weber. Weber notes that during the pre-nineteenth century era of merchant capitalism, economic activity followed a capitalist form, but the “spirit which animated the entrepreneur” remained traditionalistic. Capitalists enforced “the traditional manner of life, the traditional rate of profit, the traditional amount of work, the traditional manner of regulating the relationships with labour, and the essentially traditional circle of customers and the manner of attracting new ones.”

However, Weber notes that by the mid-nineteenth century, the capitalist merchants who had traditionally purchased goods from local craft artisans for resale adopted a new economic model. The capitalist merchant began to “carefully choose [peasants] for his employ, greatly increase[] the rigour of his supervision of [their] work, and thus turn[] them from peasants into labourers.” Once some enterprises started to thereby destroy the “leisureliness” of this industry, others had to either rationalize along similar lines or fail. Thus arose the era of industrial capitalism.

Although most accounts locate this transformation in legal, technical, or economic transformations, Weber locates it in the abandonment of prior ideological and cultural restraints that had provided “other goals and interests which set limits that were not to be exceeded.” The capitalist merchants’ interest in rationalization was not new, but previously, this rationality was only unrestricted in trading companies and money-lending services, and was otherwise used to “serve ends assigned to it by political

25. Gorz, supra note 4, at 65.
26. Id. at 18 (quoting Max Weber, The Protestant Ethic and the Spirit of Capitalism 67 (1985)).
28. Id.
29. Gorz, supra note 4, at 18.
or religious authorities.” As such institutions began to falter, the merchants’ became willing to impose this demand on their suppliers and thereby push “economic rationality to its extremes.” Gorz therefore describes capitalism as “the expression of economic rationality finally set free of all restraint.”

Extended to its utmost, the only goal of economic rationality is the “most efficient possible use of available means and the most efficient possible organization of systems of means.” It is essentially instrumental, as its “end-goal is the rational functioning of systems of means, for the purpose of accumulating means (by profit-making) which will provide for even more efficient systems of resources. Its means are thus its ends and its ends are means towards other means.” It therefore “economizes the factors of production—essentially time and labour—in order to re-employ them ‘elsewhere in the economy,’ with the aim of saving time and labour, which are, in their turn, to be re-employed elsewhere.” Its “end-goal is never the liberation of time itself . . . . The function of leisure itself is to ‘create jobs’, to be useful for commodity production and profitable investment.”

Economic rationality’s demands for increased production are not in the service of any determinate goal. Instead, it valorizes efficiency for its own sake, on the basis that “[t]he meaning of economic activity [is . . . that activity itself.” Efficiency is best measured through the profit rate, which in turn depends on the marginal productivity of labor. Therefore, capitalists needed to incentivize increasing investments in capital that would facilitate high productivity. However, the costs of these capital investments created a new problem: they would only be justified if consumption levels expanded “well beyond the satisfaction of actually felt needs.” For capitalists to maximize their possible earnings, “consumption would have to be in the

30. Id. at 121.
31. Worried observers have noted that these trends continue to the present day. E.g., Aaron Zitner, America Pulls Back from Values That Once Defined It, WSJ-NORC Poll Finds, WALL ST J. (Mar. 27, 2023, 5:30 AM), https://www.wsj.com/articles/americans-pull-back-from-values-that-once-defined-us-wsj-norc-poll-finds-df8534cd/. Gorz’s explanation of why religious morality lost its capacity to constrain is somewhat vague, ascribing it primarily to “the corruption of religious institutions.” Gorz, supra note 4, at 112. The causal mechanism is evidently important: did exogenous factors weaken the church and clear the way for economic rationality, or did economic rationality end church hegemony on its own? If the answer is the latter, then perhaps a more materialist account, focusing on how changes in the means of production incentivized the adoption of economic rationality, is needed. Even so, Gorz’s subsequent analysis of the impacts of economic rationality remains important.
33. Gorz, supra note 4, at 122.
34. Id. at 94.
35. Id.
36. Id.
37. Id.
38. Id. at 113.
39. Id. at 114.
service of production.” Capitalists therefore had to stimulate consumption to justify the high levels of production that they sought. As discussed in the next Section, however, they would soon have an additional reason to incentivize consumption: to compensate for the alienation that inhered in the modern workplace.

B. Alienation and Compensatory Consumption

An 1841 treatise by Honoré de Balzac, The Physiology of the Employee, demonstrates the connections between the rise of economic reason and alienation in the workplace. Balzac describes the employee as a new type of worker whose work life was defined by both tirelessness and tedium. He notes that while even the civil servant of previous generations had “plenty of leisure hours at his disposal” because “everyone mixed work and pleasure,” the modern employee had to spend his days “producing endless piles of paperwork.” He astutely located this development in how “statistics have become the playthings of our childish statesmen, who think that numbers alone add up to a solution,” in a society which “no longer believes in anything but money.”

This Section explains how the trends that Balzac identified deepened themselves over the ensuing century. It first describes traditional Marxist concepts of alienation, and how Gorz located new forms of alienation in the hyperdivision of labor that economic rationality required. It then explains how capitalists sought to convince employees to work long hours at increasingly alienating jobs by both incentivizing high levels of consumption and valorizing intense effort in itself.

1. Alienation and Heteronomy

Henri Lefebvre notes that any theory of workplace alienation must define the concept with specificity or else succumb to a “philosophy of idleness” in which all work is treated as alienating. Indeed, Karl Marx’s concept of alienation does not refer to a subjective feeling of lack of control over one’s work, but rather the objective structure of experience in modern society. In his theory of the modern economy, Gorz extends upon these traditional Marxist conceptions, focusing on the deeper alienation that resulted from the twentieth-century hyperdivision of labor.

Marx’s conception of alienation featured four interrelated characteristics: alienation from 1) the product of labor, as workers create objects that are

40. Id.
42. Id. at 17-18.
43. Id. at 2.
44. Id. at 4.
alien to them;\textsuperscript{46} 2) the process of labor, as the worker’s “own activity becomes . . . an alien activity”\textsuperscript{47}; 3) the self, by transforming the worker’s creative essence “into a means for the maintenance of . . . individual existence”; and 4) others, as human connection relies on a proper understanding of the self.\textsuperscript{48} Jon Elster describes Marx’s view of alienation as resulting from an inability to achieve self-realization, or the “full and free actualization and externalization of the powers and abilities of the individual.”\textsuperscript{49} Elster interprets the “free” aspect as indicating that one cannot self-realize if one is forced to develop whichever talents are deemed socially valuable by the market. Capitalism allows people to act freely and rationally to promote their ends, but their freedom of choice is twisted and subverted: their desires appear as “alien powers,” formed through a process that the individual doesn’t understand.\textsuperscript{50} Self-realization is frustrated by the lack of coordination and common planning, meaning that the aggregate outcome of individual actions appears as an independent and hostile power, rather than as freely and jointly willed. In this way, social forces shape and thwart desires, giving the individual the feeling that they have no agency over the form society takes.\textsuperscript{51} It is true that, to some extent, any social structure would impinge on the agency of the individuals that constitute it. Still, to Marx and Elster, the fact that the faceless market subsumes all other considerations and forms of value in directing the activities of individuals is what exacerbates feelings of powerlessness, and thereby inhibits the possibility of collective political struggle.

Gorz noted that “in Marx’s day, the chief opposite of freedom was necessity, . . . because work . . . served essentially to produce what was necessary and allowed practically no time for anything else.”\textsuperscript{52} Gorz argues that Marx saw the division of labor as both “a triumphant domination over basic necessities and a submission to the instruments of this domination.

\textsuperscript{46} Margaret Radin writes that in his early writings focused on the concept of “estranged labor,” “Marx portrayed workers’ alienation from their own human self-activity as the result of producing objects that became market commodities.” Radin, \textit{supra} note 24, at 1871. Marx later reoriented his understanding of alienation to focus more on commodity fetishism, which disguises relationships between people as relationships between commodities, meaning that “[producers’] own social action takes the form of the action of objects, which rule the producers instead of being ruled by them.” \textit{Id.} at 1873 (quoting KARL MARX, \textit{CAPITAL} 79 (1894)).


\textsuperscript{48} JON ELSTER, AN INTRODUCTION TO KARL MARX 43 (1986). Recently, Jan Kandiyali has challenged Elster’s account of Marx’s views on the possibility of unalienated labor. Kandiyali argues that self-realization necessarily involves “providing others with the goods and services they need for their self-realization.” Jan Kandiyali, \textit{The Importance of Others: Marx on Unalienated Production}, 130 ETHICS 555, 555 (2020) (emphasis added). He argues that when labor is unalienated, “the needs of others enter into producers’ considerations about how they should exercise their abilities.” \textit{Id.} at 568.

\textsuperscript{49} ELSTER, \textit{supra} note 48, at 49.

\textsuperscript{50} \textit{Id.}

\textsuperscript{51} GORZ, \textit{supra} note 4, at 165.
more constricting than Man’s earlier subservience to Nature.”

Gorz believed that the new capitalistic work structures that developed in the century since Marx wrote had deepened both aspects. In a twentieth-century world of relative abundance enabled by the rise of economic reason, workers were “less in thrall to the ‘necessities’ of existence than to the external determination of [their] lives and [their] activity by the imperatives of a social apparatus of production.” Gorz therefore focused on the deeper alienation that resulted from the disorienting and hyperspecialized jobs necessitated by the modern economy.

To maximize profits, Gorz argues that capitalists needed to “rationalize labor” by precisely quantifying both labor costs and output. As a rationalized enterprise could properly operate only if “all spheres of society and even the life of the individual are conducted in a rational, predictable and calculable way,” this process required “an increasingly differentiated organization of increasingly specialized functions.” Once individuals began to work in such limited and specialized roles, each could no longer comprehend how the overall apparatuses operated, or exercise autonomy over their work. Their conduct was purely functional, as they performed minute roles assigned to them without understanding the results. Through this hyperdivision of labor, organizations become more like machines, with individuals serving merely as their cogs.

Heteronomy is the opposite of autonomy—it involves activities that individuals do not themselves direct but are externally directed to perform. Gorz applies this concept to production processes where individuals serve merely functional, non-autonomous roles, and defines these processes as subject to “hetero-regulated integration.” Such a process occurs when “goal-directed actions are co-ordinated not only through processes of reaching understanding, but also through functional interconnections that are not intended by [workers] and are usually not even perceived within the horizon of everyday practice.” It involves individuals working together to produce something—hence “integration”—but each individual does not experience autonomy in their specific role. The rise of hetero-regulated integration involved the “fragmentation of production into productive activities with no individual value except when in combination with other activities.”

While this “macro-social division of labour” formed the basis of the
wealth and efficiency of modern societies, it also led to their workers’ alienation. As workers could only understand a tiny fragment of the productive process, they could never have control over “the intended purpose and meaning of their work.” Whereas manual and craft labor required an intelligence that was impossible to formalize, economic rationality needed formalization in order for firms to calculate and plan production: “It was essential that identical products be everywhere manufactured by identical ‘motions,’ following identical procedures, on machines with identical parameters.” Work therefore no longer could be seen as a source of liberation, or create a proper working-class culture, because workers were no longer producers; they simply performed a preassigned function, and effectively received a dividend of total societal wealth as compensation for their position in the machine. In this sense, the hyperdivision of labor results in an ever deeper alienation from one’s work.

2. Compensating for Alienation

Marx and Engels had seen the rise of economic rationality as potentially emancipatory, as it exposed the naked self-interest that already governed relations. Marx had predicted:

60. Sociological studies have substantiated Gorz’s understanding of functionalized labor as being alienating. Jon M. Shepard, *Functional Specialization, Alienation, and Job Satisfaction*, 23 INDUS. & LAB. RELS. REV. 207, 207 (1970) (noting that a “great deal of research reports that functional specialization reduces job satisfaction”).

61. Gorz, supra note 4, at 55. More recently, Martin Hägglund has developed an understanding of autonomy that is consonant with Gorz’s. He argues that the fact that all productive work is governed by the profit motive means that one is never truly exercising autonomy, regardless of whether they find their specific role in the capitalist system to be interesting. Martin Hägglund, This Life: Secular Faith and Spiritual Freedom 33 (2019). He argues that alienation results from the fundamental reality that life is finite and therefore time-constrained, meaning that one feels a corresponding time-pressure when that time is not used for true self-realization. Id. at 257.

62. Gorz, supra note 4, at 56.

63. Henri Lefebvre found the same result, although he described the mechanism slightly differently. He writes that, as workers no longer interact directly with the tangible tools of their labor, “the majority of human beings . . . only accede to the real and the possible by means of fragmented, monotonous labour, and no one individual can really grasp what the overall meaning and consequences of his labour might be.” Lefebvre, supra note 45, at 285. This means that “for every individual, worker or expert, the division of labour is imposed from without, like an objective process, with the result that each man’s activity is turned back against him as a hostile force which subjugates him instead of being subjugated by him.” Id. at 166.

64. In his 1929 work *The Salaried Masses*, on the rise of the new class of salaried workers in Weimar Germany, Siegfried Kracauer contemporaneously analyzed how rationalization and specialization could lead to alienation. He observes: For many categories of employee, freedom of action has indeed been restricted as a result of rationalization . . . [S]upervisors once entrusted with technical management today perform precisely delimited functions in the production process. As one expert reports, the old supervisors look down on their new-style colleagues in the same way a craftsman does on a worker. Siegfried Kracauer, *The Salaried Masses: Duty and Distraction in Weimar Germany* 44 (1998). Kracauer therefore reported in real time on the same alienating impacts of heteronomy that Gorz would analyze decades later, once these “new-style” workers had become an increasingly significant swathe of the workforce.
The domination of Nature by science would enable individuals to develop a totality of capabilities within their work, and “the free self-realization of individuality” would become a need whose satisfaction would be sought and found outside work, thanks to the “general reduction of the necessary labour of society to a minimum.”

However, Gorz explains how capitalists managed to avoid such an escape from workplace heteronomy through a new form of obfuscation. They realized that they could compensate for heteronomy by providing workers a new field in which they could feel they were exercising autonomy. Employers soon found the perfect such field: freedom through consumerism.

Psychologists have substantiated the existence of “compensatory consumption”: the idea that “individuals respond to information about deficits in their abilities, skills, status, and so forth by consuming products that symbolically compensate for the self-deficits.” In this type of consumption, “[r]ather than satisfying specific needs, certain aspects of consumption may be reactions to a more general lack of need satisfaction—that is, to compensate for failure or weaknesses of some sort.” This need can be existential, rather than specific. The concept encompasses other, more specific behaviors such as conspicuous consumption, compulsive buying, and self-gift giving.

In making their arguments, psychologists and sociologists have built on the philosophical and theoretical work of narrative theorists to analyze this phenomenon through a narrative lens. Rooting his approach in Paul Ricoeur’s contention that we construct narratives about our identity and positionality in order to understand ourselves, Anthony Giddens argues that in postmodernity, identity is seen as something that can be actively created through consumption, rather than merely arising from one’s social status.

In such a society, Helen Woodruffe-Burton and Richard Elliott argue that individuals construct “consumption stories” which help them to situate themselves in time and place, weave together a coherent narrative, give the individual some control over chance and fate, form their own identity, provide an escape from uncertainty.

Gorz’s model provides an explanation for how consumption came to be

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65. GORZ, supra note 4, at 91-92 (quoting KARL MARX, GRUNDRISE 541, 611 (1973)).
68. Id. at 461-62.
69. Id.
70. Id. at 464.
seen as a natural way to compensate for the lack of meaning that resulted from the heteronomous economy.

It was difficult for capitalists to motivate workers “to accept work, the nature, rhythm and duration of which have been programmed in advance by the factory or office organization, work they can never love.” Still, the law’s capacity to structure the rhythm and synchronization of time provided these capitalists with a clear mechanism through which to structure the time of workers so as to facilitate production. To induce individuals to function towards ends that are different from their personal goals, capitalists initially employed prescriptive regulators: using state coercion, such as laws against vagrancy and begging, to police the conduct of workers and ensure that they work sufficiently long hours.

When they later faced pressures to loosen these onerous constraints in the face of significant labor mobilization, capitalists attempted to instead motivate work using what Gorz calls incentive regulators, such as money and prestige. However, these incentive regulators initially failed to convince people to work enough hours, because “[e]conomic rationality is not applied when people are free to decide their own level of need and their own level of effort.” Fortunately for the industrialists, sufficiency is a cultural and existential category, and is therefore contingent. The same trends that allowed merchants to begin to impose unconstrained economic rationality also made workers susceptible to the arguments that would convince them to seek increasing amounts of money and consumer goods. Traditional societies saw the world as ruled by an immutable temporal and religious order, which

71. Gorz, supra note 4, at 43.
72. Todd D. Rakoff, A Time for Every Purpose: Law and the Balance of Life 1-9 (2002) (describing how the law inherently structures the time of individuals, through avenues such as “[c]ompulsory education law, overtime law, and daylight-saving law—as well as law about Sunday closing, holidays, being late to work, time zones”); see Alastair Hudson, Law as Capitalist Technique, 29 King’s L.J. 58, 58 (2018) (analyzing the capacity of capitalists to shape the law in their favor). In terms of rhythm, Rakoff argues that regular repetition as enforced through legally mandated work schedules gives diverse activities a “predictable form and shape.” Rakoff, supra, at 6. Meanwhile, in terms of synchronization, “the careful coordination of the time of many individuals, so that their efforts are either synchronous or carefully sequenced, is a hallmark of production in modern societies,” as on the assembly line “lock-step physicality enforces lock-step temporality.” Id. at 5. Therefore, when Japan industrialized, it had to adopt hours of fixed duration. Id. Rakoff terms the legal developments that facilitated capitalist production a “progressive reorganization of time.” Id. at 7.
73. Rakoff, supra note 72, at 43-44; Philip Dray, There Is Power in a Union: The Epic Story of Labor in America 54 (2010).
75. Gorz, supra note 4, at 111. Therefore, capitalists initially set hourly wages low enough that workers needed to work full-time at maximum effort in order to satisfy even their most basic needs. Id. at 115.
placed some limits on the expectations that individuals could reasonably hold. However, once social status came to be primarily determined by material wealth, any such limits were discarded. As “religious or moral normative certainties were shattered by the corruption of religious institutions, calculation emerged as a privileged source of unquestionable certainties” that could replace religion as a substitute structuring force in one’s life—and, moreover, one that did not need to be guaranteed by any authority to be seen as universally valid. Quantification allowed a hierarchy which relied on no other norms; more was better than less, and there was no room for “sufficient.” In this sense, “the ‘spirit of capitalism’ severed the link between work and need.” In the new economy, “work is a protective shell . . . since there is no room in the worker’s life for anything other than working for money, money is the only possible goal.”

The apparatus used to engender a general craving for what others have, and thereby condition workers to value income above all else, was commercial advertising. As a top 1950s advertising executive put it, “By educating people into higher living standards, it ensures that consumption will rise to a level justified by our production and resources.” It was therefore “essential that a substantial gap should always exist between the mass of the population and the privileged elite whose conspicuous consumption had to raise the desires of the other social strata to a higher level.”

To achieve this goal, advertising was able to inculcate what Herbert Marcuse refers to as “false needs.” Henri Lefebvre notes that in “consumer society . . . the manufacturers of consumer goods do all they can to manufacture consumers. To a large extent they succeed.” He notes that “the masters of production are also the masters of consumption, and they

76. Id. at 112.
77. Id.
78. Id. at 113.
79. Id. at 118.
80. Id. at 120.
81. Id. at 115. One might see the elimination of poverty as having the potential to drive the levels of consumption required by this ideology. In fact, however, because basic needs are limited, their satisfaction does not justify the levels of production that economic rationality sought. Conversely, wants are potentially unlimited. As the rich spend more money on satisfying these wants, “[t]o maintain economic activity it thus makes more sense to provide for the rich rather than the poor (for example by reducing taxes on higher incomes).” Id. at 120. Thus, the turn to economic reason is consistent with the regressive tax code reforms that have caused the top marginal tax rate to plunge from 92% to 37% since 1953. Historical Highest Marginal Income Tax Rates: 1913-2022. TAX POL’Y CTR. (Feb. 9, 2022), https://www.taxpolicycenter.org/statistics/historical-highest-marginal-income-tax-rates/.
82. Marcuse includes among these the need “to behave and consume in accordance with the advertisements.” HERBERT MARCESE, ONE-DIMENSIONAL MAN 7 (1963). Like Gorz, he noted that such needs are “determined by external powers over which the individual has no control,” and are therefore “heteronomous.” Id. He similarly connected this trend to what he called the “radical empiricist onslaught,” id. at 13, with consumerism making tolerable the contradictions of a system purely focused on productivity, id. at 21.
83. Lefebvre, supra note 45, at 323.
also produce the demands for which and according to which they are supposed to be producing.”

Lefebvre argues that “[t]he consumer does not desire. He submits. He has ‘strangely’ motivated ‘behaviour patterns.’ He obeys the suggestions and the orders given to him by advertising, sales agencies or the demands of social prestige.” As Lefebvre puts it, “Desires no longer correspond to genuine needs; they are artificial. Need no longer metamorphoses into desire.”

Siegfried Kracauer’s work offers related clues about why individuals came to see consumption as having the capacity to substitute for a lack of meaning at work. Kracauer argues that consumption provided a particular vehicle through which these newly alienated workers sought meaning. Like Gorz, Kracauer saw modern rationality as a vehicle of alienation, and he argued that workers used consumption to stave off this alienation. As he put it, “[t]he rush to the beauty salons springs partly from existential concerns.”

If people are not permitted to look towards a meaningful end, then the ultimate end—death—likewise eludes them. Their life, which should have been confronted with death in order to be life, is dammed and driven back to its beginnings, to youth. Youth, from which life deals ends, turns into its perverted fulfilment, since the genuine fulfilment is barred.

In this sense, by promising to restore one’s lost youth, conspicuous consumption seemed to provide a substitute for the meaning and structure that the workplace no longer offered.

Compensatory consumption completed the “invention of work,” under which “work paid and determined socially [became] by far the most important factor of socialization.” Whereas previously those who worked were seen as inferior and work was confined to the private sphere, work and the consumption that it facilitated now began to structure the social identities of individuals. As Kracauer notes, employers made sure that the new salaried classes faced increasing social pressure to keep up with trends in consumption, and that “[e]mployees must join in, whether they want to

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84. Id. at 556.
85. Id. at 323.
86. Id. He writes that therefore, “everyday life has . . . been brought to an extreme point of alienation.” Id. Because jobs are unfulfilling and fragmented, “leisure must produce a break”; it must distract and “compensate for the difficulties of everyday life.” Id. at 55. In this sense, compensatory consumption is not just about material desires, but also about providing a break between work and life. The ideology of relaxation in leisure comes to dominate because work no longer provides any relaxation. Id. at 56. Only compensatory leisure allows one to escape technical depersonalization. Id. at 59.
87. KRACAUER, supra note 64, at 8.
88. Id. at 39.
89. Id. at 59.
90. GORZ, supra note 4, at 13.
91. Id.
or not . . . [f]or fear of being withdrawn from use as obsolete.”92 Individuals therefore came to value themselves primarily based on income, because they believed that “consumption constitutes a haven of individual happiness that sets them apart from the crowd.”93 In a world where one has less and less autonomy at work, advertising portrays consumption as “escape from the collective universe into a haven of private sovereignty.”94

Initially only compensating workers for accepting functionalized work, consumption thereby became the objective that caused individuals to actively seek out such jobs. Thus was born Gorz’s “worker/consumer: that is, the social individual who produces nothing she or he consumes . . . for whom the essential objective of work is to earn enough to buy commodities produced and defined by the social machine as a whole.”95 As work had been stripped of all meaning, it became simply “a means to earning a wage.”96 Consumption came to offer “compensations outside work for the constraints, frustrations and suffering inherent in functional labor itself.”97

3. The Ideology of Work

There are inherent contradictions within a system that demands intense effort while only compensating for that effort with the promise of a hedonistic lifestyle based on consumption. Gorz notes that hetero-regulated integration produces a split within the lives of individuals, because “their professional and private lives are dominated by norms and values that are radically different from one another, if not indeed contradictory.”98 While professional success depends entirely on an intense will to succeed and complete submission to the ideology of work, employees are compensated for these efforts “by a comfortable, opulent, hedonistic lifestyle.”99 In this sense, “professional success becomes the means of achieving private comfort and pleasures that have no relation with the qualities demanded by

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92. KRACAUER, supra note 64, at 39. Kracauer likewise saw the connection between “rationalization” and consumerism and argued that that homogeneity was seen by management as integral to maintaining the stability of the newly rationalized economic system. Id.
93. GORZ, supra note 4, at 45.
94. Id.
95. Id. at 22. Indeed, some liberal egalitarians even argue that instead of seeking to abolish alienated labor, society should merely ensure that individuals can choose to be compensated for it through higher wages or more leisure. WILL KYMLICKA, CONTEMPORARY POLITICAL PHILOSOPHY: AN INTRODUCTION 186–192 (1990); Richard J. Arneson, Meaningful Work and Market Socialism, 97 ETHICS 517 (1987). By implicitly accepting the logic of compensatory consumption, such scholars demonstrate the permeation of economic reason.
96. GORZ, supra note 4, at 21.
97. Id. at 44. The connection between meaningless work and compensatory consumption seems to be reflected in research studies. One interview subject stated that “it was a very boring job, but I was getting money for it, and then, but being at home things were a bit stressful at home . . . and everything sort of being sort of, really kind of looking forward to this chance to go to the shops.” Woodruffe-Burton & Elliott, supra note 67, at 463.
98. GORZ, supra note 4, at 36.
99. Id.
professional life,”¹⁰⁰ and “[l]ife at work became the negation of life outside work, and vice versa.”¹⁰¹ Moreover, emotionally complex private lives cannot necessarily be fulfilled merely by enabling opulence, especially when one’s time is too monopolized by work to take advantage of the promised hedonism. Seeking to compensate for unfulfilling work by satisfying private desires therefore brought the system to a crisis point, embodied in part by the 1968 uprisings and their rejection of the use of “consumer conformity” to compensate for “bureaucratic discipline.”¹⁰²

By the time Gorz wrote, capital had found a temporary resolution to this crisis by valorizing intense work in itself. It encouraged the elite to adopt “the values of the utopia of work as its own”¹⁰³ by “isolating [the elite] and stressing its privileges: its members have been chosen from among a very large number of applicants . . . they owe their status to the fact that they are, professionally, the most capable; economically, the most productive; and, individually, the most hard-working.”¹⁰⁴ Gorz argues the elite core has therefore “been won over to collaboration with capital in the name of work ethic.”¹⁰⁵

Observers have recently described the extent of what some call “hustle culture” among the elites.¹⁰⁶ For example, Daniel Markovits writes that “[h]igh society . . . valorizes industry and despises leisure,”¹⁰⁷ and “elite workers across all fields . . . almost compulsively publicize their immense

¹⁰⁰ Id.
¹⁰¹ Id. at 58.
¹⁰³ Gorz, supra note 4, at 68. David Graeber argues that people work long hours because they see work as a form of self-abnegation that one must undertake to justify consumerism—the only pleasure that one can manage when one’s free time is absorbed into the economic sphere. DAVID GRAEBER, BULLSHIT JOBS: A THEORY 246 (2018). Like Gorz, he terms this phenomenon “compensatory consumerism.” Id. at 247. As Barbara Ehrenreich explains, the extent to which the “professional middle class” adopted the ideology of work posed some issues for the functioning of the consumer-based system. Even though this class attempted to differentiate itself from the lower classes through consumption, it also, somewhat paradoxically, developed a fear of affluence, because “one would get soft, one would cease striving, and in occupations that depended on at least the appearance of striving, softness could be fatal.” BARBARA EHRENNREICH, FEAR OF FALLING: THE INNER LIFE OF THE MIDDLE CLASS 38 (1989). Therefore, “[o]ne of the basic problems of prosperity . . . is to demonstrate that the hedonistic approach to this life is a moral, and not an immoral, one.” Id. at 36. This demonstrates again why economic reason cannot be fulfilling: it must incentivize consumption to function, but consumption itself undermines the valorization of work that economic reason relies on.
¹⁰⁴ Gorz, supra note 4, at 68. Herbert Marcuse refers to “the need for stupefying work where it is no longer a real necessity” as one of the “false needs” that arise in consumer society. MARCUSE, supra note 82, at 7.
¹⁰⁵ Gorz, supra note 4, at 66.
¹⁰⁶ It., supra note 11.
¹⁰⁷ MARKOVITS, supra note 3, at 4. Some scholars have criticized Markovits for downplaying the role of capital in the trends he describes. See, e.g., Sarah Leonard, The Fall of the Meritocracy, NEW REPUBLIC (Sept. 5, 2019), https://newrepublic.com/article/154692/meritocracy-trap-overworked-eldites-book-review (reviewing MARKOVITS, supra note 3). However, by demonstrating the reasons why capital encouraged the rise of superordinate workers, Gorz’s approach therefore shows one way that Markovits’s insights regarding superordinate workers can be squared with the role of capital.
industry.” Aki Ito writes that Americans in particular “glamorize their lack of free time,” and that “[w]orking long hours [is] the ultimate status symbol.” Derek Thompson writes that Americans are “adherents to a cult of productivity . . . that valorizes work, career, and achievement above all else.” Gorz’s concept of the ideology of work explains how capital encouraged elites to adopt these values.

Given that “longer hours of work are generally associated with lower unit labour productivity,” it might seem surprising that capital would have wanted to concentrate so many working hours in the hands of so few, rather than distributing work hours evenly across the workforce. However, the work of Barbara Ehrenreich provides an explanation. She notes that the “complex division of labor requires some inequality of opportunity” and that in particular, “positions of high trust and responsibility require that training be started, literally, in infancy.” Hyperfunctionalization in the economy required the reinforcement of class boundaries, because “[t]he more readily recognized each class is, the more readily will each class perform the functions expected of it.” Concentrating the ideology of work in the elite therefore ensured that it was prepared to meet the demands of capital by working enough hours to monopolize all positions of responsibility.

As Gorz notes, the ideology of work and its “philosophy of productivity, hard work and professionalism [] is devoid of any humanistic content in a situation in which . . . there are not enough permanent jobs to go round.” In such a situation, the glorification of hard work and the equation of work with life “is an ideology which can only be held by a privileged elite which monopolizes the best-paid, most highly skilled and most stable jobs and

108. Markovits, supra note 3, at 11. This assessment is empirically borne out, as a 2006 study estimated that more than a third of high-earning individuals work over 60 hours a week, with one in 10 averaging more than 80 hours. Sylvia Ann Hewlett & Carolyn Buck Luce, Extreme Jobs: The Dangerous Allure of the 70-Hour Workweek, HARV. BUS. REV., Dec. 2006, at 49, 51.
109. Ito, supra note 11. Ito blames the rise of “hustle culture” on the fact that the Fair Labor Standards Act exempted elite workers from overtime laws, and the fact that elite American workers were not guaranteed lifetime employment and so had to work hard to maintain their positions. She also notes that some workers loved to work hard and considered free time “mundane . . . compared to the excitement, significance, and intensity of work.” Id. However, she treats these as distinct phenomena that have coincided and resulted in the creation of “hustle culture.” Conversely, Gorz’s model explains how each of these developments is connected to the rise of economic reason.
110. Thompson argues that what he calls “workism” attempts to use hard work as a replacement for religion as a structuring force in American life. Derek Thompson, Why Americans Care About Work So Much, ATL. (Mar. 31, 2023, 7 AM ET), https://www.theatlantic.com/ideas/archive/2023/03/work-revolution-ai-wfh-new-book/673572/ Gorz likewise saw religion as leaving a void but argued that economic reason was what stepped in to fill it, with the ideology of work merely arising as a necessary consequence. Supra notes 29-34 and accompanying text.
112. Id. at 28-29.
113. Gorz, supra note 103, at 28.
114. Gorz, supra note 4, at 69.
justifies doing so on the grounds of its superior abilities.”115 As discussed in the next Section, the ideology of work therefore both reinforces and conceals the structural factors that ultimately have led to the bifurcated economy.

C. Economic Rationality and Bifurcation

The wholesale adoption of the ideology of work quickly ate away at the free time of elites. The only way they could begin to recover their lost leisure time was if they could outsource their domestic tasks—what Gorz terms “work-for-one’self”—to other workers. Because in practice only a less wealthy worker would choose to take on the domestic tasks of another, the elites could only outsource their work-for-themselves “in a context of growing social inequality, in which one part of the population monopolizes the well-paid activities and forces the other part into the role of servants.”116 Fortunately for these newly overworked elites, the rise of “fissuring” would soon create a newly precarious class of workers who had been severed from the productive economy and were therefore available and willing to begin taking on the domestic tasks that elites could no longer do for themselves.

While work had historically been intermittent by nature,117 by the mid-twentieth century, “the norm of stable full-time work attached to a package of benefits had become entrenched throughout the advanced capitalist world,”118 under a “nexus of reciprocal relationships.”119 Scholars contend that this stable system later faltered because employers sought “to reduce labor costs by replacing full time workers with more flexible temporary or short-term workers, thus externalizing the costs of adjusting to ups and downs in demand.”119 Gorz’s approach makes clear that this need for managerial flexibility was somewhat inevitable under the hegemony of economic rationality, as firms had to respond to the economic constraints created by continuous productivity gains.

Gorz believed that a system with deeply unfulfilling work was fundamentally unstable. To convince workers to be duly motivated and productive, firms needed them to enjoy their work and, importantly, to feel secure in their employment.120 However, Gorz argues that “for job security to be guaranteed, the volume of sales must increase at the same rate as the productivity of labour,” and a “duly motivated workforce . . . can achieve

115. Id.
116. Id. at 156. Gorz (somewhat offensively) terms this process house-wifization, the “transferring of what was traditionally regarded as ‘housewife’s work’ to an economically and socially marginalized mass of people.” Id.
117. Infra notes 174-178 and accompanying text.
119. Id. at 8.
120. Gorz, supra note 4, at 64.
staggering increases in productivity,” due to accelerating technological advances and an ideology that values productivity increases above all.121 As productivity growth outstripped consumption levels, economically rational companies began to feel they had no choice but to lay off workers.

To retain the sense of a “system of co-operation between workers and management” in the face of these pressures, firms sought ways to reinforce the job security of their most critical workers.122 Gorz writes that firms found a potential solution in the “Japanese model,” where only a small elite cadre of workers have guaranteed stable employment. This model outsources all other services to subcontracting enterprises that

employ and dismiss workers according to changes in demand, and the fact that their employees often have no union or social protection whatsoever means this can be accomplished with great speed. Job security in the parent companies is matched by unstable employment and social insecurity throughout the rest of the economy.123

By thus “fissuring” their workplaces,124 firms cut off a large swathe of the population from the possibility of stable work. This segment of the population could therefore only find work by taking on the domestic tasks of the overworked elite workforce that was now beholden to the “ideology of work.” This process “relieve[d] a privileged minority of all or part of their work-for-themselves and ma[de] that work the sole source of livelihood for a new class of underpaid servants, who [we]re forced to take on other peoples’ domestic tasks alongside their own.”125

This transfer of domestic work from overworked elites was not intended to reduce domestic task time to employ it more productively in collective undertakings, and in doing so “save time across the whole of society.”126 Instead, it arose to create work for those who had been driven out of the productive sectors. The externalization of domestic tasks had the necessary effect of “occupy[ing] the greatest number of people and absorb as much working time as possible, but in the form, in this instance, of commercial services,” to make up for the scarcity of paid jobs.127 As Gorz puts it, “‘Making work,’ ‘creating jobs’: these are the goals of the new tertiary anti-economy.”128

The workforce therefore divided into segments, each filling a different

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121. Id.
122. Id.
123. Id. at 64-65.
125. Gorz, supra note 4, at 156.
126. Id. at 155.
127. Id.
128. Id.
role required by capital. The “stable core” had to be functionally flexible, and willing to accept occupational mobility both in the short term (through changing positions and acquiring new skills) and long term (through retraining and modified career plans). 129 Meanwhile, the “external workforce,” composed mainly of unskilled workers such as cleaners, catering staff, and the large and fluctuating workforces employed by subcontractors, involved “people shunted from one form of occasional, unrewarding and uninteresting employment to another, who are often reduced to competing for the privilege of selling personal services . . . to those who retain a secure income.” 130 Gorz terms this process “dualization”:

One section of the population is so fully occupied in the economic sphere that it does not have time for its domestic chores; the other is forced to take on the domestic chores of those people who, by their devotion to work, prevent them from finding a more interesting job. 131

The next Part discusses how different but related forms of alienation inhere in the contemporary incarnations of both ends of the bifurcated economy.

II. GORIZIAN ALIENATION IN THE TWENTY-FIRST CENTURY

In the same year that Gorz published Critique of Economic Reason, Francis Fukuyama famously hypothesized that humanity had reached “the total exhaustion of viable systematic alternatives to Western liberalism.” 132 He noted that as a consequence, all prior ideological boundaries would “be replaced by economic calculation, the endless solving of technical problems, environmental concerns, and the satisfaction of sophisticated consumer demands.” 133 By defining this newly hegemonic Western liberalism as synonymous with economic reason itself, he evinces the deep permeation of economic reason. While his predictions of the “end of
history” may have been premature, Fukuyma was correct that economic reason would continue to reinforce its hegemony.

This Part examines how economic reason has penetrated further into the lives of workers in both ends of the bifurcated economy. The gig economy commodifies tasks that should instead be part of gig workers’ “work-for-themselves,” thereby disguising leisure as work. Meanwhile, “totalizing firms” extend economic reason to the social lives of their elite workers, disguising work as leisure. Importantly, while these classes continue to diverge based on socioeconomic status and level of workplace integration, they are therefore united by the alienation inherent in these extensions of economic reason into their free time.

A. The Gig Economy: Leisure Disguised as Work

While there is no universally accepted definition of the gig economy, Veena Dubal notes that it is “mostly constituted by workers engaged in on-demand service work such as chauffeur driving, food and goods delivery, home cleaning, gardening, and errand-running.” Gig work is growing in significance, with studies suggesting that between one tenth and one third of American workers have recently taken part. Many locate the rise of the gig economy in the aftermath of the Great Recession, as rampant underemployment led to a need to economize and find supplemental sources of income.

However, while the Great Recession and contemporaneous technological developments may have shaped the specific form that the gig economy took, Gorz’s analysis shows that its roots run much deeper. Many domestic tasks had already been transformed into commodity activities in Gorz’s day, and he anticipated the transfer of many more. As he suggested:

134. Not quite as dogmatic as he is sometimes portrayed, Fukuyama left open this possibility in his work. Id.
135. Some use the concept to refer to the personal-services subset of the “sharing economy,” which more broadly includes all “online platform models that efficiently link potential suppliers and customers on a large scale.” Marina Lao, Workers in the Gig Economy: The Case for Extending the Antitrust Labor Exemption, 51 U.C.D. L. REV. 1543, 1549-50 (2018). Some distinguish between the sharing economy and the on-demand economy, arguing that the former only consists of work that the gig workers have already been doing even without a client, such as if they share their drive to a nearby city with a passenger. ALEXANDREA J. RAVENELLE, HUSTLE AND GIG: STRUGGLING AND SURVIVING IN THE SHARING ECONOMY 27 (2019). This Article will use the term “gig economy” to encompass work for platforms such as Amazon Mechanical Turk, even if the services provided on such platforms are in fact deeply impersonal in nature.
139. RAVENELLE, supra note 135, at 26-27.
You can replace shopping by ordering goods . . . and having them delivered to your door, while the need to cook can be replaced by a hot-meals delivery service. Housework can be done by teams of professional cleaners, going from house to house while the occupants are out, until such time as they themselves are replaced by programmable domestic robots. Children can be looked after from a very early age by professional childminders in nurseries which also operate at night . . . And so on and so forth.\textsuperscript{140}

In this sense, Gorz foresaw the early rise of the gig economy—what he called the new “servile class.”\textsuperscript{141} Gig work is, at its core, the twenty-first century incarnation of the outsourced domestic labor that Gorz identified as underlying bifurcation.

This Section analyzes how certain aspects of Gorzian alienation have become entrenched in the work that constitutes the gig economy. It first explains the alienation that inheres in roles where leisure activities are commodified and disguised as work, as well as the alienation facing individuals who are managed by the algorithms that they help develop. It then describes why the “flexibility” offered in gig work does not always translate to greater existential freedom but instead colonizes the free time of workers. Finally, it explains how, to incentivize this colonization of free time, firms have started to attempt to extend the ideology of work to the gig workers of the external workforce.

1. Servile Work and Alienation

Scholars studying the prevalence of alienation within the gig economy often focus on the poor working conditions enabled by gig workers’ lack of legal protections.\textsuperscript{142} However, for Gorz, gig work involving the provision of personal services would be alienating even under better working conditions. This is because such work involves the extension of economic reason to activities that should not be part of the economic sphere in the first place. By “paying them to perform activities which were previously neither paid nor considered to be part of the economy,”\textsuperscript{143} those who employ these workers “disguis[e] private activities and leisure activities themselves as work and jobs.”\textsuperscript{144} This ultimately “subjects[s] to the logic of productivity acts which are only properly consonant with their meaning if the time they

\textsuperscript{140} Gorz, supra note 4, at 154.

\textsuperscript{141} This term undoubtedly overstates the lack of autonomy of workers in the gig economy, but does draw a useful parallel to the servants who this class replaced.

\textsuperscript{142} See, e.g., François Pichault & Tui McKeown, Autonomy at Work in the Gig Economy: Analyzing Work Status, Work Content and Working Conditions of Independent Professionals, 34 NEW TECHNOLOGY, WORK & EMP. 59 (2019); Andrew Stewart & Jim Stanford, Regulating Work in the Gig Economy: What Are the Options?, 28 ECON. & LAB. RELS. REV. 420 (2017).

\textsuperscript{143} Gorz, supra note 4, at 3.

\textsuperscript{144} Id. at 8.
take is left out of account.”

In Gorz’s model, economic rationality is properly applicable to activities that “(a) create use value; (b) for exchange as commodities; (c) in the public sphere; (d) in a measurable amount of time, at as high a level of productivity as possible.” When all these criteria are met, work can function as emancipation, as workers “gain access to the public sphere” and receive the benefits of the “social codification, regulation and determination of work,” including that it “define[s] their obligations and hence consider[s] them to be freed from them once these obligations have been fulfilled.” However, when activities are missing one of these components, then the extension of economic rationality to them can be alienating.

In Gorz’s view, “servile work,” consisting of selling personal services to others, is missing several of these elements. For one, it does not create use value, because the client could generally have provided these services for herself in a similar amount of time, but instead purchased them as if they were commodities. Rather than creating anything meaningful, servile work therefore merely transfers the leisure time of a worker to the client.

Moreover, servile work does not fall entirely within the public sphere. For servile workers, it also involves the “giving of themselves,” as they have to cater to the personal needs of another. The role of the servile class is to enable the compensatory consumption upon which the system relies by giving elites time for consumption and comfort: “They are not working to serve collective interests, but to serve us as individuals, and to give us private pleasure.” The servile worker is therefore in some senses a new form of the pre-twentieth century regime of servants. However, the “relationship of servility remains concealed whilst there exists a work contract regulated by law,” as these services are now being bought on the market rather than provided inside the household. This enables consumers who might otherwise be morally opposed to the concept of servitude to ignore the fact that they are, in reality, taking advantage of an even more precarious class of servile workers. The servile worker receives none of the protections of traditional servants, while also not being granted

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145. Id. at 137.
146. Id. at 138-39.
147. Id. at 140.
148. Id. at 140. This runs parallel to Evgeny Pashukanis’s notion of the juridic subject. EVGENY PASHUKANIS, SELECTED WRITINGS ON MARXISM AND LAW 10 (Piers Beirne & Robert Sharlet, eds., 1980).
149. Gorz, supra note 4, at 156.
150. Id. at 142.
151. Id.
152. Gorz notes that a similar percentage of workers are now part of the “servile class” as had been servants a century prior. Id. at 226. In the following three decades, the servile class has continued to grow. Bur. of Lab. Stats., Employment by Major Industry Sector, U.S. DEP’T OF LAB. (Sept. 8, 2022), https://www.bls.gov/emp/tables/employment-by-major-industry-sector.htm/
153. Gorz, supra note 4, at 142.
the proper economic freedoms that one would expect of a nominally juridic subject.\textsuperscript{154}

Not all roles that consist of providing personal services to others are inherently alienating; indeed, care work and high-end service industry roles can be deeply meaningful.\textsuperscript{155} However, when low-end personal services are commodified in a way that obscures the relationship between the worker and the client, the resulting work cannot be fulfilling. Indeed, studies have shown that among gig workers, roles that require providing personal services engender a deeper alienation than those that involve activities that are necessarily part of the sphere of production.\textsuperscript{156}

Some use economic rationality to argue that servile work has indirect use value, by arguing that the “time these servants save for their employers is used by the latter to perform activities which are much more socially or economically useful than the activities the servants would be capable of performing.”\textsuperscript{157} However, such an argument is inherently patronizing.\textsuperscript{158} If the servile worker had not had to take on the employer’s domestic tasks, the worker may have had the capacity to develop the advanced skills that would allow them to fill the more productive roles that their employers monopolize. By taking on the employer’s domestic work, the worker may be prevented from developing these skills. They are thereby confined to a lower social status that is then used as a “pretext for attributing the humble nature of their work to their inherent inferiority.”\textsuperscript{159} As Elizabeth Anderson has noted, “Productivity attaches mainly to work roles, not to individuals.”\textsuperscript{160} Therefore, justifying an unproductive role on the basis that it saves time for a more productive individual to undertake more productive tasks involves circular reasoning. If productive work roles were distributed evenly instead of being hoarded by a small elite, then workers currently confined to unproductive roles would have the capacity to be just as productive.

\textsuperscript{154} See Pashukanis, supra note 148, at 10.


\textsuperscript{156} Paul Glavin, Alex Bierman & Scott Schieman, Uber-Aliened: Powerless and Alone in the Gig Economy, 48 WORK & OCCUPATIONS 399, 399 (2021).

\textsuperscript{157} Id. at 141.

\textsuperscript{158} Uncharacteristic for the world of economic reason, the mass outsourcing of domestic labor to the servile class is not particularly efficient. Servile workers are not necessarily faster at domestic tasks, and when the inefficiencies of delivery and coordination are factored in, “more hours of paid work are to be devoted to domestic tasks than they would actually take up if everyone did them for themselves.” Grz, supra note 4, at 155.

\textsuperscript{159} Id.

\textsuperscript{160} Elizabeth Anderson, What is the Point of Equality? 325 (1999).
2. Algorithmic Management and the Hyperdivision of Labor

Some workers in the gig economy are not merely servile vis-á-vis their clients—they are also subservient to the algorithms that manage them. Following Marx, Gorz saw modern forms of industry as subverting living labor to “dead labour” in the form of fixed capital.161 In any such process, “the worker is transformed into ‘a mere living accessory of this machinery’, her or his ‘labour capacity is an infinitesimal, vanishing magnitude’ and, similarly, ‘every connection of the product with the direct need of the producer, and hence with direct use value’ is also destroyed.”162 In the gig economy, the perceived autonomy from operating without a direct supervisor obscures the fact that the workers are ultimately subservient to a form of “algorithmic management.”163 The term is particularly apt in that the “management” occurs in both directions—algorithms manage the workers by assigning them mystifying tasks, some of which entail managing and supervising the performance of the algorithm itself.

Phil Jones describes the workers on platforms such as Amazon Mechanical Turk as “microworkers.”164 Under what Jones calls the “‘algocratic’ oppression of today’s digital Taylorism,”165 microworkers normally work for multiple anonymous employers each day, often with no knowledge of the actual beneficiary of the work.166 As Jones puts it, their “[s]hort tasks beamed onto phones and laptops no longer add up to an occupation, in any real sense of the word, but to radically fractured, highly transient pieces of other jobs.”167 These tasks “exist at such a high degree of abstraction it becomes impossible to relate them to anything like a meaningful whole,”168 or “establish with any certainty the precise purpose or beneficiaries of their work.”169 Beyond the alienation inherent in the hyperdivision of labor, which microwork takes to new levels, microworkers are therefore also subject to alienation from an intensified form of fissuring that might be termed a “hyperdivision of production.”

161. Gorz, supra note 4, at 53 (quoting Marx, supra note 65, at 702). One could argue that the built-up training of superordinate workers is another form of fixed capital to which subsequent efforts of their employees are subordinated.

162. Id.

163. Alex J. Wood, Mark Graham, Vili Lehdonvirta & Isis Hjorth, Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy, 33 WORK, EMP. & SOC’Y 56, 64 (2018).

164. Phil Jones notes that in 2021 there were over 20 million micro workers, and while many reside in the Global South, 5% of British workers reported using microwork sites on a weekly basis. Phil Jones, Work Without the Worker: Labour in the Age of Platform Capitalism 5 (2021). Meanwhile, 36% of all microworkers take on tasks seven days a week. Id. It is this subset of near-full time microworkers with which this Section is primarily concerned.

165. Id. at 75.

166. Id. at 50. Jones notes that the “platform for which work is actually being completed hides behind complex multilayered structures, whereby different roles are taken by different sites,” and where “vendor management systems” occasionally act as an additional layer of obfuscation. Id. at 68.

167. Id. at 56-57.

168. Id. at 65.

169. Id. at 12.
Any who do manage to navigate this morass and understand the true nature of their work would realize that it entails training algorithms to eliminate their roles. Jones notes that “AI does not tend to create fully automated systems but rather systems that partially automate jobs and outsource certain tasks to the crowd.” Microworkers therefore become “appendages to these algorithms—refining, enhancing and supervising their capacities.” As Jones puts it, “the poor and dispossessed now unwittingly train the very machines built to...replace their role in the labour process.” Jones notes that Jeff Bezos’s description of Mechanical Turk as “artificial artificial intelligence” makes clear that “workers are not treated as humans but as computational infrastructure.” These developments entail a perverse new form of servility, with microworkers teaching fledgling algorithms to make microwork obsolete.

3. Freedom and Flexibility

At first glance, the flexible nature of gig work might seem to strike a blow against the hegemony of economic reason. Gorz saw “the desynchronization of working hours and periods” as “an indispensable precondition for a substantial reduction in working time.” Gorz argues that the historical ideal of work had involved desynchronization, as the right to intermittent work was seen as fundamental. He notes that before the twentieth century, “Being employed on a permanent basis by the same company and working regularly throughout the year, or even in some cases throughout the week, was an experience unfamiliar to most of the craft workers in the big city factories.” Even when workers protested work shortages, they did not generally desire permanent employment, and many preferred to work intensively for a short period of time and then only return to the workshop when needed. Gorz contends that early twentieth-century capitalists, seeking to eliminate the category of intermittent workers who “often preferred to lose wages to gain independence from...the condition of wage-labour,” created national networks of public labor exchanges that refused to provide work to those who sought to work discontinuously, thereby inventing the concept of unemployment. Meanwhile, legal

170. Id. at 36.
171. Id. at 70.
172. Id. at 63; see V. B. Dubal, The Time Politics of Home-Based Digital Piecework, C4E J., 2020, at 3.
173. JONES, supra note 164, at 6. The alienating aspects of what Gorz terms “process work” are described in Section II.B.1. Microwork has all the alienating features of process work described below, but with none of the tangible benefits that normally accompany such seemingly “supervisorial” roles.
174. Gorz, supra note 4, at 195.
176. Id.
177. Id. at 197.
developments likewise enforced the consistent rhythm and synchronization of work upon which capitalist production relied.178 Gorz notes that despite these efforts, young workers in the 1980s continued to “express a preference for part-time work, for precarious or fixed-term contracts, for the possibility of changing jobs frequently or alternating between different types of work.”179

The historical appeal of desynchronization would seem to suggest that the gig economy could increase worker freedom. Proponents have long argued that the gig economy empowers workers by making them “microentrepreneurs” and by allowing ultimate flexibility to enter and exit the labor market as is convenient, allowing them to schedule work around other aspects of their lives.180 Indeed, some gig workers, particularly those who work fewer hours, do value the flexibility that they associate with gig work.181

However, flexibility does not necessarily entail freedom. Gorz argued that desynchronization would only be emancipatory if it were framed “in a structure of safeguards and collective security measures so as to create new kinds of freedom for the workers rather than for the employers.”182 The gig economy does not meet these standards. Rather than empowering gig workers, the flexibility offered in the gig economy merely serves the interest of employers in facilitating more productivity. It entails an intensified form of Gorz’s “Japanese model,” as “the firms who use [gig] sites gain a form of flexibility so complete they can, in theory, hire and dissolve an entire workforce in the span of a single hour.”183 To maintain such flexibility, these corporations have become reliant on the minority of gig workers who are willing to accept jobs at almost any time and therefore conduct the majority of gig work.184 As Daria Roithmayr relates, “the business model depends on churning through millions of black and brown workers” who work full-time for little money.185

178. Supra note 72 and accompanying text.
179. GORZ, supra note 4, at 197.
182. GORZ, supra note 4, at 198.
183. JONES, supra note 164, at 57.
184. Tyler Sonnemaker, Uber and Lyft Say the Battle over AB-5 Is About Preserving Flexibility for Part-Time Gig Workers. The Reality Is Their Businesses Have Become Dependent on Full-Time Drivers and They Can’t Afford to Pay Them Like Employees, BUS. INSIDER (Aug. 21, 2020, 5:32 PM), https://www.businessinsider.com/uber-lyft-ab5-fight-reveals-dependence-full-time-drivers-2020-8/ (noting that in Seattle, “the 33% of [Uber and Lyft] drivers who worked more than 32 hours per week accounted for 55% of trips”).
185. Daria Roithmayr, Racism Pays 3 (Mar. 29, 2020) (unpublished manuscript) (on file with author). As Roithmayr notes, this practice has consequences far beyond simple alienation: “modern innovators are engaged in vulture capitalism, preying on groups of people already rendered materially
Veena Dubal’s work can explain how flexibility ends up perpetuating alienation and undermining the free time of these full-time gig workers. She notes that while gig work “ostensibly liberates homeworkers from the rigid discipline of the industrial clock such that the data workers are working ‘on their “own” time,’”\textsuperscript{186} this fiction runs headlong into the reality that underregulated and low-paying gig work only provides a sufficient income for workers who spend almost all of their time on the clock.\textsuperscript{187} These gig workers only need the “flexibility” of the independent contractor model because of the demands that economic rationality has placed on their free time, forcing them into “unsocial working hours (evenings, nights and weekends)” that serve as “a source of exhaustion.”\textsuperscript{188} Therefore, time “becomes an invisible node of power. Far from offering true flexibility, this power circumscribes the temporal autonomy of digital homeworkers and reinforces the ideological commitment and economic need to work all the time, even filling ‘spare’ time with industrial productivity.”\textsuperscript{189}

The instant access provided by modern technology means one never experiences any distance from the work that serves as the source of their alienation. For example, Amazon Mechanical Turk workers “describe moving, frenzied, between care tasks and digital tasks, both of which shift from minute to minute, second to second.”\textsuperscript{190} For these microworkers, their work “permeates the entire social landscape, as workers desperate for income are forced to turn every waking hour into monetizable activity.”\textsuperscript{191} In that sense, the barriers between work and leisure continue to be undermined, “push[ing] commercialism into the deep pores of everyday life”\textsuperscript{192} as “[e]ver more life falls under the thrall of exchange.”\textsuperscript{193}

These “new” forms of work are, at their core, merely a new instantiation vulnerable by earlier racism, colonialism and genocide.” \textit{Id.} at 4. Tressie McMillan Cottom has also noted how the focus on “hustle” now undergirds racial capitalism, by shifting risk to marginalized workers. Tressie McMillan Cottom, \textit{The Hustle Economy}, \textit{Dissent}, Fall 2020, https://www.dissentmagazine.org/article/the-hustle-economy/.

\textsuperscript{186} Dubal, \textit{supra} note 172, at 5.
\textsuperscript{187} Dubal notes that “the way in which workers are paid—by the piece and without a wage floor—ties remuneration directly to production speed,” but payments are so low that the average hourly wage of a Mechanical Turk worker is only $2 per hour. \textit{Id.} at 5.
\textsuperscript{188} Wood et al., \textit{supra} note 163, at 67. Scholars have noted that “the value that [gig] workers place on flexibility . . . cannot be uncritically accepted,” because “its realisation is dependent upon plentiful demand . . . [that] is in reality often a myth.” \textit{Id.}
\textsuperscript{189} Dubal, \textit{supra} note 172, at 5.
\textsuperscript{190} \textit{Id.} at 9. In the physical workplace, technology also ensures that these workers never have a break from their work. Adam Greenfield notes that Amazon’s subcontracted warehouse workers “work under conditions of ‘rationalized’ oversight in the form of performance metrics that are calibrated in real time. Any degree of discretion or autonomy they might have retained is ruthlessly pared away by efficiency algorithms.” \textsc{Adam Greenfield}, \textit{Radical Technologies: The Design of Everyday Life} 195 (2017). He notes that this lack of agency is even more pronounced “when an algorithm breaks down jobs into tasks that are simple enough that they don’t call for any particular expertise . . . and outsources them to a global network of individuals made precarious.” \textit{Id.} at 195-96.
\textsuperscript{191} Jones, \textit{supra} note 164, at 78.
\textsuperscript{192} \textit{Id.}
\textsuperscript{193} \textit{Id.} at 2.
of previously abolished labor practices. In the late nineteenth century, industry representatives began to push for women to conduct home-based piecework, framing it as “‘pleasure’ that could be conducted to make productive the time allocated for relaxation and sociality.” A concerted opposition to this trend, focused “on the need to protect the time and space of ‘private family’ from ‘public work’ and the ‘ravages of industrial capitalism,’” ultimately led to the abolition of home-based piecework during the New Deal. Notably, this line of opposition was not exactly progressive by today’s standards, as it “reified the nuclear family, traditional gender roles, and the invisibility of women’s care work as labor.” Still, the fact that today such piecework does not face similar concerted attacks demonstrates the hegemony of economic reason. Home-based piecework “no longer represents a threat to the prevailing economic order,” and in a world where economic reason trumps all, that is enough to ensure its role in the economy.

The former U.S. Labor Secretary Robert Reich imagined the consequences of this system when he asked:

Can you imagine if this is turned into [an economy] where everyone is doing piecework at all odd hours, and no one knows when the next job will come, and how much it will pay? What kind of private lives can we possibly have, what kind of relationships, what kind of families?

The contemporary salience of these questions that Gorz raised decades ago demonstrates how, for much of the gig economy, the promised flexibility has proven illusory.

4. The Extended Ideology of Work

As discussed above, the ideology of work was initially concentrated among elite workers. It did not spread as easily to the external workforce

194. Dubal, supra note 172, at 7.
195. Id. at 5.
196. Id. at 8. Dubal argues that part of the reason these lines of attack are no longer powerful is because “the temporal and spatial boundaries between gendered work in the family are less demarcated and families are diversified.” Id. at 9.
197. Indeed, many of the archaic forms of thinking that economic rationality superseded were regressive. Scholars have argued that importing economic reason to spheres traditionally considered to be “women’s household labor” has emancipatory potential, because of how women have traditionally been excluded from economic power. Katharine B. Silbaugh, Commodification and Women’s Household Labor, 9 YALE J. L. & FEMINISM 81, 121 (1997); see Gus Wezerek & Kristen R. Ghodsee, Women’s Unpaid Labor is Worth $10,900,000,000,000, N.Y. TIMES (MAR. 5, 2020), https://www.nytimes.com/interactive/2020/03/04/opinion/women-unpaid-labor.html/. But see generally Elizabeth S. Anderson, Is Women’s Labor a Commodity?, 19 PHIL. & PUB. AFFS. 71 (1990) (making the opposite case). In any case, it is worth recognizing the pernicious impacts of economic reason without pining for the return of “traditional” values.
198. Dubal, supra note 172, at 5.
199. GREENFIELD, supra note 190, at 196.
200. Supra Section I.B.3.
because, as Barbara Ehrenreich notes, “For most people, . . . work is ‘fatiguing or monotonous or, at a minimum, a source of no particular pleasure.’ Only in the professional middle class is work seen . . . as intrinsically rewarding, creative, and important.”201 However, the ideology of work has since spread across most of American society,202 perhaps because of the association of hard work with elite status. Therefore, to convince gig workers to take on many hours of increasingly alienating tasks, corporations are now able to use the same strategy that they used decades ago to convince elites to do the same—the valorization of intense effort as a desirable lifestyle in itself.203

Because intense effort has become intertwined with elite identity, corporations can attempt to use it as an incentive regulator on its own, without providing high wages or any other indicia of elite status. Through its advertising campaigns, the microwork platform Fiverr seems to consciously emphasize this aspect of its business model. One infamous 2017 campaign featured the text, “You eat a coffee for lunch. You follow through on your follow through. Sleep deprivation is your drug of choice. You might be a doer,” followed by the caption, “In Doers We Trust.”204 The equation of long hours with professional success trickles down to those excluded from the meritocracy, and their inane work is treated as something that can inspire “trust” and strengthen social bonds. Fiverr extolls the total abolition of leisure, even while its name— a reference to the idea that one might get paid $5 for a task— makes clear that the compensation for this sacrifice is barely enough to buy the coffee that enables microworkers to work the necessary long hours. Meanwhile, Lyft has openly celebrated that one of its drivers continued driving while she was going into labor.205

201. EHRENIK, supra note 103, at 132. Indeed, she notes that the 1960s featured a veritable blue-collar “revolt against work.” Id. at 122. The fact that the elite classes were unable to recognize this revolt and held firm to the belief that the blue-collar worker “is convinced of the virtues of hard work,” id. at 123, shows how deeply the ideology of work had taken root in those elite classes.

202. A recent poll found that 94% of Americans felt that “hard work” was either “very” or “somewhat” important to their conception of the American character. WSJ/NORC Poll, WALL ST. J. (Mar. 2023), https://s.wsj.net/public/resources/documents/WSJ_NORC_ToplineMarc_2023.pdf.

203. The jobs that David Graeber describes in his book Bullshit Jobs possibly demonstrate the extension of the ideology of work to what Gorz termed the peripheral workforce. GRAEBER, supra note 103, at 246. While Magdalena Soffia, Alex Wood, and Brendan Burchell have demonstrated that the book overstates the extent of the problem of “bullshit jobs,” they note that Graeber has identified a real phenomenon, and even argue that a model based on alienation would have more explanatory power than Graeber’s model. Magdalena Soffia, Alex J. Wood & Brendan Burchell, Alienation Is Not ‘Bullshit’: An Empirical Critique of Graeber’s Theory of BS Jobs, 36 WORK, EMP. & SOC’Y 816 (2022). This suggests that Gorz’s alienation-based approach is particularly appropriate for assessing the trends Graeber identified.


205. This has proven overly optimistic for most microworkers, who average $2 per hour in earnings. JONES, supra note 164, at 6.

206. Jia Tolentino, The Gig Economy Celebrates Working Yourself to Death, NEW YORKER (Mar. 22, 2017), https://www.newyorker.com/culture/jia-tolentino/the-gig-economy-celebrates-working-yourself-to-death. There are psychological and physical costs to embracing this ideology, as one study
the celebration of “essential workers” during the pandemic, this trend has led to the gig worker being “essentially dispossessed: rhetorically celebrated for her labor while disproportionately exposed to poverty, disease, and death.”

With such an ideology rampant, and indeed necessary given the precarity one faces if one does not adopt it, the gig economy offers the dangerously tantalizing option of working almost unlimited hours, as one can be paid by an endless list of individual clients rather than only working whatever hours the employer finds profitable. As Veena Dubal puts it, work time becomes enforced “through a self-management that produces the obligation to cognize all time through the potential for productivity and, accordingly, to work exhaustively.”

Gorz’s concern that “a job whose effect and aim are to save work cannot, at the same time, glorify work as the essential source of personal identity and fulfillment” thereby comes to plague the external workforce.

B. “Totalizing Firms”: Work Disguised as Leisure

A new form of Gorzian alienation has likewise taken root in the other end of the bifurcated economy. In the late twentieth century, firms faced a crisis as they sought to maintain the loyalty of a newly mobile class of elite workers, and their efforts to do so by granting workers a modicum of autonomy were not sufficient. Firms have responded to that failure by deepening and twisting what Gorz termed the “ideology of human resources,” leading to the inception of “totalizing firms”: companies that aim to create a total social ecosystem that encompasses their employees’ entire lives. These firms disguise work as leisure by ensuring an ever-deeper penetration of economic reason into the private lives and free time of their employees.

1. Process Workers and Autonomy

Gorz described how technological advancements and the hyperdivision of labor necessitated a new type of core employee called the “process worker,” who uses statistical methods to monitor automated processes and ensures that nothing goes awry. For process workers, the “activity the

found that 54% of gig workers had to work at very high speed, 60% faced tight deadlines, and 22% experienced pain because of their work. Wood et al., supra note 163, at 68.


208. Dubal, supra note 172, at 12.

209. GORZ, supra note 4, at 88; infra Section II.B.1.

210. Id. at 60. Henri Lefebvre discussed this same trend, noting that capitalist firms use “human relations” to respond to the fact that workers feel incapable of understanding the systems in which they are working. LEBFEBRE, supra note 45, at 59.

211. GORZ, supra note 4, at 76.
worker performs is no longer connected to the object to be transformed (he no longer needs to be familiar with the materials and the tools used to work them); it is determined uniquely by the nature of the systems used for controlling and regulating the process.”

Consequently, the particular industry in which the process worker is employed no longer significantly impacts their work, as their “occupational identity is no longer related to the product but to the systems of secondary technology applied to production.”

Process workers inherently have greater job mobility because their skills are so removed from the tangible impacts of their work that they can easily be transferred to a new role, or even an entirely new sector. The increased ability to secure new jobs and corresponding new attitudes toward job changes made process workers less dependent on lifetime employment, as they instead simply needed jobs that would set them up well for their next comparable role. As a result, the lifetime employment aspects of what Gorz called the Japanese model became somewhat unnecessary. For their core employees, firms instead had to deal with a new type of employee—an “intelligent, organized person with individualized skills, who is generally encouraged by the enterprise to develop a career strategy,” and whom “[m]anagement is, therefore, physically incapable of commanding, monitoring and supervising” but whose loyalty it must instead win.

To respond, firms sought to vest process workers with more autonomy. They transformed the “system of co-operation between workers and management” into one in which “complex tasks would be undertaken by semi-autonomous teams who could divide the work between themselves as they thought best.” However, Gorz’s model makes clear that the autonomy provided by this restructured system of cooperation is partially a front. He sees three conditions as necessary for work to be an autonomous activity, and in his view, process workers—even when nominally granted some control over their work—do not meet any of them.

Gorz’s first condition of autonomy is that one’s work must be “organized

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212. *Id.*
213. *Id.*
216. Even in Japan, elite turnover rates were already increasing in the mid-1990s. *Id.* at 113.
218. *Id.* at 64.
219. *Id.* at 59.
by those performing it.”

Ultimately, few elite workers would likely meet this criterion. Even those who seemingly direct their own work, in semi-autonomous groups that are given more leeway and independence, are still performing tasks that are externally coordinated. The only difference is that the group, rather than the individual, forms the cog in the machine, meaning that heteronomy has merely been displaced to a different structural level of the firm. Recent empirical studies have substantiated his arguments, revealing that “semi-autonomous teamwork is only weakly related to higher levels of well-being and work motivation.”

Second, the work must “consist[] in the free pursuit of a self-appointed aim.” However, process workers are simply specialists in maintaining the function of a certain type of machine, and “[n]either the nature nor quality of the product or semi-finished product, nor any of its parameters, depends on them.” Any discretion is limited to deciding how best to ensure that the process they are assigned to monitor (be it a commercial transaction or a program) goes smoothly.

Third, autonomous work must be “fulfilling for the individual performing it.” It is not enough for the job to be “interesting”; for a job to be fulfilling depends on “the extent to which there is unity between . . . work and life.” As Gorz notes, “work is not just the creation of economic wealth; it is also always a means of self-creation.” Only jobs that help the worker come “closer to a possible ideal of humanity” can be seen as fulfilling this promise. However, among contemporary elites, the ideology of work forces process workers to cling “to the view that work is our source of personal identity and social integration.” Such a self-conception is problematic given the functional nature of process work, as “to a very large extent, production goes on its own.” Workers merely supervising these processes cannot see the material impacts of their work, and therefore cannot feel like they are decisively influencing production. Such work inevitably “divorces work from life . . . [and] separates the producer from the product to the point where she or he no longer knows the purpose of

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220. Id. at 78.
221. Id. at 78.
222. Id.
224. Gorz, supra note 4, at 78.
225. Id. at 80.
226. Id. at 78.
227. Id at 80.
228. Id.
229. Id.
230. Id. at 81.
231. Id. at 84.
232. Id.
what she or he is doing.\textsuperscript{233} For these process workers, “[t]he tangible substance of the world has been abolished.”\textsuperscript{234} In structuring workers’ identities, process work therefore “elevat[es] identification with a specialized function to the status of a moral ideal, and promot[es] the narrow-minded and irresponsible expert—Max Weber’s ‘specialist without spirit’ . . . —as a model for humanity.”\textsuperscript{235}

The advantage of technical process work is that it can increase the efficiency of labor, and thereby reduce working hours—something Gorz sees as essential.\textsuperscript{236} However, reduced work hours are wholly incompatible with the ideology that spawned process work, because “a job whose effect and aim are to save work cannot, at the same time, glorify work as the essential source of personal identity and fulfillment.”\textsuperscript{237} Gorz argues that increased technological efficiency “only has meaning if it broadens the field of non-work activities in which we can all, the [process] worker included, develop that dimension of our humanity which finds no outlet in technicized work.”\textsuperscript{238} Therefore, Gorz notes that even if elite workers “enjoy their work, they must be convinced that work is not everything, that there are other things which are equally, or even more, important.”\textsuperscript{239} However, elite process workers continue to amass long hours of work that they are told is everything.

Today’s tech workers are perhaps the paradigmatic process workers. On one hand, tech work is deeply intangible, as “about 70 percent of engineers maintain and oversee existing systems.”\textsuperscript{240} The primary function of these tech workers is to resolve problems when they arise.\textsuperscript{241} On the other hand, like most elite workers, tech workers are highly prone to seeing their jobs as the source of their identity. As one former tech employee writes, “Work had wedged its way into our identities. We were the company; the company was us. Small failures and major successes were equally reflective of our personal inadequacies or individual brilliance.”\textsuperscript{242} Tech workers are therefore subject to the alienation that arises when intangible process work

\begin{footnotes}
\item[233] Id. at 87.
\item[234] Id. Gorz connects the alienation inherent in such work to Husserl’s concept of “‘mathematized nature’: reality as we perceive it has been stripped of all its tangible qualities, the lived experience of original thought has been ‘switched off.’” Id.
\item[235] Id. at 81.
\item[236] \textit{Infra} Section IV.A.
\item[237] Gorz, supra note 4, at 88.
\item[238] Id.
\item[239] Id.
\item[241] Anna Wiener discusses this form of heteronomy in the context of Silicon Valley employees, writing that she “felt like a piece of software [her]self, a bit; instead of being an artificial intelligence, [she] was an intelligent artifice.” ANNA WIENER, UNCANNY VALLEY: A MEMOIR 69 (2020).
\item[242] Id. at 64. Wiener writes of the “unique psychic burden shared by people who worked in technology, specifically those of us building and supporting software that existed only in the cloud. The abstract ruins of knowledge work were well documented, but this felt new . . . all software was vulnerable, at any time, to erasure.” Id. at 218.
\end{footnotes}
functions as a source of personal identity.243

2. Totalizing Firms

As attempts to increase workplace autonomy did not resolve the alienation inherent in process work, firms needed a new approach to win the loyalty of process workers. To do so, they began to seek the “restoration of the unity of life and work which economic rationalization had . . . replace[d] with an instrumental conception of work.”244 For the small elite of full-time workers whose positions were not outsourced, “the enterprise [was] to cease to be a site of functional integration and become a site of social integration and professional development.”245 This approach, which Gorz terms the “ideology of human resources,” purported to abandon a myopic focus on economic rationality and instead accounted for additional considerations such as “working environment, job satisfaction and the quality of social relations of co-operation.”246 Gorz believed that in reality, the ideology of human resources merely instrumentalizes non-economic aspirations on behalf of economic rationality, as firms “take these aspirations into consideration but only because they are factors of productivity and ‘competitiveness’ of a particular kind.”247

These trends have since reached their apotheosis in “totalizing firms”: corporations that promise to take care of, and thereby colonize, every aspect of the private lives of their employees. Instead of disguising leisure as work, as occurs in the gig economy, totalizing firms disguise work as leisure, by structuring and controlling the leisure time of employees in ways that ultimately reinforce their productivity. This obfuscation epitomizes the notion of hetero-regulated integration, as elite workers’ deeper integration into their workplaces serves primarily to ensure they fulfill their assigned functions.

Totalizing firms have emerged to various extents across most sectors of the new economy. While not all high-salaried professionals work at totalizing firms, most elite corporations have extended their control over the private lives of their workers through “mandatory fun” activities like work

243. This form of alienation appears across the economy. The many individuals who have embraced the concept of a “personal brand,” which inherently “blurs the divide between an identity and a job,” often report particular forms of stress that they see as resulting from their identities depending entirely on their work. Emma Goldberg, Burned out on Your Personal Brand, N.Y. TIMES (Oct. 20, 2022), https://www.nytimes.com/2022/10/20/business/influencer-burn-out-jobs.html/.
244. Gorz, supra note 4, at 60.
245. Id.
246. Id.
247. Id. Luc Boltanski and Ève Chiapello similarly locate these trends, which they term the “new spirit of capitalism,” in the corporate response to the New Left’s demands for freedom in various forms. They argue that capital managed to subvert any meaningful social critique of capitalism by upholding the “artistic” critique, under which the “values of expressive creativity, fluid identity, autonomy and self-development were touted against the constraints of bureaucratic discipline, bourgeois hypocrisy and consumer conformity.” Budgen, supra note 102, at 151.
retreats. Still, these practices appear most entrenched in the tech world. This is perhaps unsurprising, as the prevalence of process work in Silicon Valley means that firms have to deal with the alienation that inheres in such work.\textsuperscript{248}

\textit{Uncanny Valley}, Anna Wiener’s memoir of working in Silicon Valley, provides insight into the nature of totalizing firms. Silicon Valley is known as “the ecosystem” by its biggest proponents, an extraordinarily apt term for such an immersive work setting. Wiener notes that tech corporations had campuses [that] offered candy stores and rock-climbing gyms, bike-repair shops and doctors’ offices, gourmet cafeterias and hair salons, nutritionists and day cares. \textit{They offered no reason to ever leave}. The campuses were accessible by public transportation, but public transportation did not offer Wi-Fi. Every weekday, private shuttles looped through the city’s residential neighborhoods, pausing at public bus stops to pick up commuters.\textsuperscript{249}

Every need is privately catered to, eliminating the possibility of engagement with public settings, leaving public transit systems and local businesses to languish and thereby increasing these workers’ dependence on private options.\textsuperscript{250}

In this sense, totalizing firms can be seen as an extension of Elizabeth Anderson’s notion of private government. Anderson notes that modern firms not only govern all aspects of one’s workplace existence but also “have the legal authority to regulate workers’ off-hour lives as well.”\textsuperscript{251} Beyond merely regulating how workers spend their free time, totalizing firms now directly structure the use of that time itself, extending their dominance over the private lives of their employees. With their social lives governed by their employers, employees experience an additional layer of dependence on their jobs, or at least their sectors.

The ideology underpinning totalizing firms is a direct result of the permeation of economic reason and the ideology of work.\textsuperscript{252} Silicon Valley’s distinctive working culture was developed in an attempt to encourage productivity.\textsuperscript{253} The decision to offer a totalizing workplace is

\textsuperscript{248} Meanwhile, Silicon Valley is also deeply embedded in the logic of quantification and efficiency, and, due to its self-conception as a semi-creative and disruptive force, has embraced the “artistic critique” of capitalism that underlies its “new spirit.” \textit{Id}. at 150.

\textsuperscript{249} \textit{WIENER, supra note 241, at 50 (emphasis added).}


\textsuperscript{251} \textit{ELIZABETH ANDERSON, PRIVATE GOVERNMENT: HOW EMPLOYERS RULE OUR LIVES (AND WHY WE DON’T TALK ABOUT IT) 39 (2017).}

\textsuperscript{252} As Wiener writes, “rationality primarily offered frameworks for living that bordered on self-help. This made sense: religious institutions were eroding, corporations demanded near-spiritual commitments, information overwhelmed, and social connection had been outsourced to the internet—everyone was looking for something.” \textit{WIENER, supra note 241, at 244}. Wiener’s account thereby substantiates Gorz’s view of economic rationality as filling a void that other forms of structure had left.

\textsuperscript{253} \textit{Asia Martin, Tech Companies Spoiled Workers for Decades. Now Layoffs Are Bringing Them}

...
rooted in this total embrace of economic rationality. For example, when discussing free meals, Wiener writes that “[i]t didn’t matter to me that meals in the office weren’t a bonding opportunity or a gesture of care, but a business decision—an incentive to stay inside, stay longer, keep grinding.”

In these firms, even one’s social life is structured through “mandatory fun” activities, as corporate culture captures another domain of daily life. When discussing a mandatory ski trip, Wiener writes that “[i]t seemed like more of a liability than a perk: there was so much potential to introduce new and uncomfortable dynamics into workplace relationships.” She “resented that it seemed as if we had no choice . . . This made it feel like mandatory vacation, mandatory fun. Though it was a reward, a treat, the company trip was scheduled for a three-day holiday weekend, what others in the workforce might have considered personal time.” Through such activities, totalizing firms colonize the free time of their workers even beyond the extent called for under the traditional ideology of work. Again, such firms efface the boundary between work and leisure; Wiener writes that “it wasn’t clear if we were working as we partied or partying as we worked.” This seeming contradiction wore down on Wiener: as she writes, “Why did we have to pretend it was all so fun?”

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Down to Earth, BUS. INSIDER (Feb. 20, 2023, 5:00 AM), https://www.businessinsider.com/why-big-tech-companies-laying-off-spoiled-workers-perks-2023-2/ (“Open-office floor plans, communal kitchens, and freebies like food and coffee encouraged employees to gather up and share ideas. It effectively turned lunchtime and coffee breaks into working hours.”). Wiener notes that in the productivity mindset that characterizes Silicon Valley, “slacking off was not an option . . . Research showed little correlation between productivity and extended working hours, but the tech industry thrived on the idea of its own exceptionalism; the data did not apply to us.” Id. at 65.

The hyper-focus on efficiency that results from the unrivalled status of economic rationality as decision-making paradigm also means that firms often dedicate resources to ensuring their workers are meeting their expectations. Even elite workers now sometimes face performance assessment software that measures whether they spend too much time away from their desks. GREENFIELD, supra note 190, at 199. The use of this technology in Amazon warehouses is highly publicized, but the Silicon Valley elite are similarly subject to such intrusions.

WIENER, supra note 241, at 70.

Id. at 120.

Id. (emphasis added).

Id. at 123. Big Tech companies have evidently adopted similar strategies in designing the platform work on which they rely, as “[i]ntericate reward schedules and contestable pricing gamify tasks and effectively repackage superfluity and precarity as new, exciting forms of work-cum-leisure.” JONES, supra note 164, at 46. As Jones puts it, “when wages become ‘tokens’ or ‘rewards,’ leisure and ease soon look more like theft than fun.” Id. at 45.

WIENER, supra note 241, at 196. She is later startled to be reminded that “your job can be in service of the rest of your life,” given how foreign such a way of thinking is to the “ecosystem.” Id. The language of efficiency is so widespread in “the ecosystem” that even troubled former employees could only suggest reforms that were couched in that same language. In their advice to management, a former employee recommends that they “[d]o something about that work-[l]ife balance. . . . Consider re-evaluating how work is done; what processes are in place that are inefficient and ineffective and need to be updated or removed?” Employee Review, Moving at the Speed of Light, Burn Out Is Inevitable, GLASSDOOR (June 21, 2013), https://www.glassdoor.ca/Reviews/Employee-Review-GooglerPV2757802.htm/ [hereinafter Employee Review, Burn Out Is Inevitable]. Another employee’s advice was a bit less grounded in that language, suggesting the managers become “less focused on stuff that makes the workplace ‘fun’ and more focus on actually taking care of employees.” Employee Review,
These trends are not limited to the firms for which Wiener worked. For example, Google, known as “quite possibly the best place to work in the world”\(^{260}\) sought out that mantle because it “saw office perks, employee freedom, and lofty missions as a proven recipe for staying ahead in a changing world.”\(^{261}\) It understood that adopting the ideology of human resources could ensure continued productivity. A former program manager writing a review of the company on Glassdoor.com noted the following “pros” to working there:

Food, food, food. 15+ cafes on main campus (MTV) alone. Mini-kitchens, snacks, drinks, free breakfast/lunch/dinner, all day, err’day... Free 24-7 gym access... Free (self service) laundry (washer/dryer) available. Bowling alley. Volley ball pit. Custom-built and exclusive employee use only outdoor sport park (MTV). Free health/fitness assessments.... Etc. etc. etc.\(^{262}\)

Most workers see these perks as a major draw, and not unreasonably so. However, taking advantage of them comes with its own cost. Gorz believed that “work-for-oneself plays an essential role in the creation and demarcation of a private sphere.”\(^{263}\) Therefore, allowing your employer to cater to your every need helps eliminate any remaining barriers between one’s private life and work life. Observers have noted that the free food that Google employees rave about is not provided “out of mere charity. Communal eating means many people work an extra hour in order to pick up their food, and there’s a feeling workers are still on the clock even while eating.”\(^{264}\) The employee quoted above recognized this aspect:

Work/life balance. What balance? All those perks and benefits are an illusion. They keep you at work and they help you to be more productive. I’ve never met anybody at Google who actually time off [sic] on weekends or on vacations. You may not hear management say, “You have to work on weekends/vacations” but, they set the culture by doing so—and it inevitably trickles down. I don’t know if Google inadvertently hires the work-a-holics or if they create work-a-holics in us. Regardless, I have seen way too many of the following: marriages fall apart, colleagues choosing work and projects over family, colleagues getting physically sick and ill because of stress, colleagues...
crying while at work because of the stress, colleagues shooting out emails at midnight, 1am, 2am, 3am. It is absolutely ridiculous and something needs to change.\textsuperscript{265}

The question of whether Google hired or created “work-a-holics” is likely moot in an economy that valorizes that exact trait, but the insights into the ways that the ideology of work has wholly permeated the culture at Google are useful. Once again, the totalizing nature of firms is revealed to be an attempt to extract the most productivity out of their employees and colonize their free time.\textsuperscript{266}

Another former employee related similar concerns, demonstrating the degree to which working at Google effaces the division between work and leisure entirely:

[Y]ou end up spending the majority of your life eating Google food, with Google coworkers, wearing Google gear, talking in Google acronyms, sending Google emails on Google phones, and you eventually start to lose sight of what it’s like to be independent of the big G, and every corner of your life is set up to reinforce the idea that you would be absolutely insane to want to be anywhere else. To which the majority of folks will say “boo-hoo, poor spoiled Googler.” But that’s sort of the point. \textit{You are given everything you could ever want, but it costs you the only things that actually matter in the end. Your time and your energy. This is not unlike many people’s situation at many companies, but at Google you don’t quite see it coming. It’s supposed to be different.} In the end, [employees had] no free time or energy to pursue the things that mattered the most to them.\textsuperscript{267}

This is the key aspect of totalizing firms. The problem is not necessarily that they are \textit{worse} than companies that do not offer such an immersive environment—it is that they disguise work as leisure and “fun” to obscure the fact that this immersion exists only to increase productivity and instrumentalize even more of the free time of employees. Meanwhile, the overextended employees at totalizing firms ultimately reinforce bifurcation in the economy: after long days at work and nights of “mandatory fun,” workers inevitably pile into Ubers to head home—or back to campus.\textsuperscript{268}

\textsuperscript{265} Employee Review, \textit{Burn Out Is Inevitable}, supra note 259.

\textsuperscript{266} A former Yahoo employee similarly noted that the main impact of such perks was that “[y]our private life and your work life began to slide into each other. That was kind of cynical by these companies in the sense that ‘We expect you to kind of live here.’” Martin, supra note 253.

\textsuperscript{267} Joe Cannella, Comment to \textit{What Are the disadvantages of Working at Google?}, QUORA (emphasis added), https://qr.ae/prWOae/.

\textsuperscript{268} See \textsc{Wiener}, supra note 241, at 50, 55. Wiener demonstrates how susceptible overworked workers are to being targeted as consumers, writing: “Efficiency, the central value of software, was the consumer innovation of a generation. Silicon Valley might have promoted a style of individualism, but scale bred homogeneity. Venture-funded, online-only, direct-to-consumer retailers had hired chatty copywriters to speak to the affluent and overextended, and we appeared to be listening.” \textit{Id.} at 198.
III. OBSTACLES AND ENTRENCHMENT

This Part discusses several ways that economic reason has become self-reinforcing. It first discusses the political atomization that economic reason inculcates in individuals and the obstacles that such atomization places in the way of efforts to build the solidarity necessary to overcome economic reason. Then, it discusses economic reason’s entrenchment in the American legal-political apparatus through the “twentieth-century synthesis,” and how that synthesis likewise hinders challenges to economic reason’s hegemony.

A. Alienation and Political Solidarity

The alienation that inheres in the modern workplace is not always experienced as a dislike of one’s work. It can manifest as a more political alienation, estranging one from one’s fellow worker and reducing the capacity for solidarity. A concrete historical example is the fact that the salaried class of Weimar Germany would ultimately form the loyal core of Nazism—a development that later writers saw as rooted in the alienation that Siegfried Kracauer had identified among those workers.

Gorz has a particular understanding of how the alienation resulting from heteronomous work can undermine political responsibility and solidarity and lead to such results. As political responsibility depends on being able to “publicly . . . question the goals, advisability, soundness, consequences and so forth, of a given type of production or technical decision,” it only is possible if workers are able to “question their own professional function and identity.” However, the “capacity for political questioning at their place of work . . . presupposes a life which is not entirely absorbed by work.”

For devotees to the ideology of work, whose identities are fully defined by their functional roles and who are “puffed up with their own importance and willing to serve any master as long as it furthers their career,” it is nearly impossible. This abdication of responsibility also results from how the technical culture of their workplaces encourages the “a-critical submission to the technological imperatives of any kind of machinery whatsoever, even

269. Building on Marx’s notion of alienation from others, scholars have noted the ways that alienation inhibits political responsibility. Elizabeth Anderson describes alienation as creating a socially impoverished conception of the individual, one that treats preferences as asocial and independent and supports a consumerist ideology wherein individuals are only free when exercising their choices in the free market. ELIZABETH ANDERSON, VALUE IN ETHICS AND ECONOMICS, at xii (1993). It obscures the role of dialogue and social norms in shaping desire, and treats desire as the only driving force of human action. Margaret Radin notes that this abdication of responsibility is justified by the understanding that “I do not decide what objects to produce, rather ‘the market’ does.” Radin, supra note 24, at 1873.
270. Inka Mülker-Bach, Introduction to KRACAUER, supra note 64, at 1, 6.
271. GORZ, supra note 4, at 82.
272. Id.
273. Id. at 83.
if it were in the service of genocide.”274 These workers’ capacity for thought is restricted to just organizational and administrative tasks, rather than interrogating to what end these tasks are being put towards. As “servants of capital”, workers “no longer had to accept responsibility for their own decisions since these were no longer attributable to them in person but were the result of a rigorously impersonal calculation procedure in which individual intentions had (apparently) no place.”275 This rationality is formalized into “formulae inaccessible either to debate or to reflection,”276 through the rise of a kind of post-ideology. Functionalized workers act as if they are merely operators, rather than having any agency over the consequences of their work.277

Elite process workers in particular can feel a deep distance from the political implications of their work. While they “have created nothing . . . this nothing has drained them,” by forcing them to suppress “all living contacts with the lifeworld in and through their bodies, as so many potential disruptions of the function they must fulfill.”278 To the value system that they embrace, “[o]nly what can be calculated, quantified and expressed in figures is ‘real.’”279 It becomes impossible to have a proper sensory understanding of the external world because of how removed their work feels from any tangible effects it might have.280 Therefore, their “[t]echnical culture is a lack of culture in all things non-technical. Learning to work means unlearning how to find, or even to look for, a meaning to non-instrumental relations with the surrounding environment and with other people.”281 The ideology of human resources does little to correct this problem: as Gorz puts it, “The intrinsic interest of a job does not guarantee its being meaningful, just as its humanization does not guarantee the humanization of the ultimate objectives it serves.”282 Gorz terms this the “non-coincidence of technical responsibility with moral responsibility, of professional autonomy and existential autonomy.”283

Once again, Silicon Valley proves to represent the fullest embodiment of these trends. As Anna Wiener relates:

We didn’t think of ourselves as participating in the surveillance economy. We weren’t thinking about our role in facilitating and normalizing the creation of unregulated, privately held databases on

274. Id. at 87.
275. Id. at 122.
276. Id.
277. Id. at 123.
278. Id. at 84.
279. Id. at 85.
280. Id.
281. Id. at 86.
282. Id. at 83.
283. Id. at 83-84.
human behavior. We were just allowing product managers to run better A/B tests. We were just helping developers make better apps. It was all so simple: people loved our product and leveraged it to improve their own products, so that people would love them, too. There was nothing nefarious about it.\textsuperscript{284}

This outlook is rooted in both the technicization that alienates workers from the outcomes of their work, and the consumerist ideology that justifies any actions that create something that people want to buy. For example, Amazon states on its website that it “strives to be Earth’s most customer-centric company, Earth’s best employer, and Earth’s safest place to work.”\textsuperscript{285} Given the employment and labor law violations that it commits in the name of its “customer obsession,”\textsuperscript{286} it is safe to say that its first stated goal has been realized at the expense of the other two.

The hyperdivision of labor also has corresponding consequences for attempts to build solidarity. In Gorz’s view, the type of \textit{functional} integration required by the modern heteronomous economy necessarily leads to \textit{social} disintegration. Because relations between coworkers are functionally predetermined, one cannot be allowed to form reciprocal cooperative relationships to achieve common objectives;\textsuperscript{287} this type of autonomy is incompatible with serving as a reliable cog in the machine. There is limited potential to build solidarity within this sphere, as even any nominal “collaboration is itself functionally integrated as a cog in a more complex machinery.”\textsuperscript{288}

The methods that employers use to disguise this heteronomy likewise hinder solidarity by encouraging individualism. For all workers, compensatory consumption “constitutes an incentive to withdraw into the private sphere and give priority to the pursuit of ‘personal’ advantages, and thus contributes to the disintegration of networks of solidarity and mutual assistance, social and family cohesion and our sense of belonging.”\textsuperscript{289}

Meanwhile, the ideology of work has caused some members of the external workforce to embrace a more individualistic attitude, as it “engineers an anti-welfare subjectivity: a sense that . . . they could do it on their own.”\textsuperscript{290}

\begin{footnotes}
\item[284] \textit{Wiener}, supra note 241, at 83-84.
\item[287] \textit{Gorz}, supra note 4, at 43.
\item[288] \textit{Id.} at 33.
\item[289] \textit{Id.} at 47.
\item[290] Dubal, supra note 172, at 12.
\end{footnotes}
As a result, some gig workers have embraced their misclassification as “independent” contractors,291 despite the legal implications of that categorization for attempts to organize.292 Veena Dubal notes that these disputes among gig workers over whether or not to seek employee status have undermined their capacity for collective action.293 The ideology of work also taught elites to blame unemployment on individual indolence rather than the structural factors that incentivize those same elites to monopolize available work hours. As Gorz notes, it therefore became “a cover for ultra-competitive egoism and careerism: the best succeed, the others have only themselves to blame; hard work should be encouraged and rewarded, which therefore means we should not subsidize the unemployed, the poor and all the other ‘layabouts.’”294 Elites have come to see themselves as uniquely privileged due to their intensity of effort and productivity. In this sense, the portrayal of the enterprise as a site of fulfillment for elites was an “ideological invention” that hid the “segmentation and disintegration of the working class.”295

B. The Legal Apparatus

At the turn of the twentieth century, economic reason began to take root in the American judicial system. In his dissent in *Lochner v. New York*, Justice Holmes accused the majority of constitutionalizing economic reason itself, noting that “a Constitution is not intended to embody a particular economic theory.”296 While courts eventually rejected the extreme positions of the *Lochner* era, economic reason never fully receded from the forefront of jurisprudence.297 By the end of the century, economic reason was

291. V. B. Dubal, Wage Slave or Entrepreneur?: Contesting the Dualism of Legal Worker Identities, 105 Calif. L. Rev. 101, 118 (2017). This embrace is not solely rooted in economic reason, as Dubal notes that “immigrant and racial-minority drivers embraced their status as working-class entrepreneurs and used it to recapture their dignity and reframe themselves as something more than ‘just a worker.’” Id. Still, even though this reflects a specific cultural rejection of the identity of low-wage worker, as well as a reaction to the overall powerlessness that workers feel under the hegemony of economic reason, it inadvertently applies and reinforces economic reason’s atomizing logic.


294. Gorz, supra note 4, at 69. Barbara Ehrenreich explains how economic insecurity facilitated the imposition of the ideology of work. She notes that the “professional middle class” (PMC) is insecure and deeply anxious because its only forms of “capital” are its ephemeral skill and knowledge. Ehrenreich, supra note 103, at 15. Therefore, only by working hard can it avoid backsliding and rejoining the lower classes from which it tries so hard to differentiate itself. Id. As poverty came to be associated with laziness and parasitism in the 1960s, the PMC attempted to characterize itself as “delighting in hard work . . . abjuring debt, and constantly forgoing the indulgence of present gain in order to reap future rewards.” Id. at 52.

295. Gorz, supra note 4, at 66.


297. Diana S. Reddy, After the Law of Apolitical Economy: Reclaiming the Normative Stakes of
practically the only register through which to construct legal arguments. Courts began to view constitutional values and other norms primarily through an economic lens, in what scholars in the Law & Political Economy tradition have termed the “twentieth-century synthesis.” By facilitating the twentieth-century synthesis, economic reason has reinforced its own hegemony.

Elizabeth Popp Berman’s recent book *Thinking like an Economist* provides insight into how economic reason entrenched itself in American law. Berman focuses on the rise of what she terms the “economic style of reasoning,” which closely mirrors Gorz’s concept of economic reason. Although she states that the economic style cannot be strictly defined, its primary characteristics are that it “maintains a deep appreciation of markets as efficient allocators of resources” and “places a very high value on efficiency as the measure of good policy.” Berman notes that this emphasis on efficiency “frequently conflicted with competing political claims grounded in values of rights, universalism, equity, and limiting corporate power.”

One such field was antitrust law, which was initially somewhat pluralistic and encompassed values such as the protection of small businesses and workers or ensuring “fair” prices. However, with the rise of the economic style, the courts “made consumer welfare—understood as allocative efficiency—the sole legitimate goal of antitrust policy.” Given the connections between economic reason and consumption, it is unsurprising that the economic style would solely emphasize consumer concerns.

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298. See Britton-Purdy et al., *supra* note 18, at 1802.
300. *Id.* at 5.
301. *Id.* at 11. Gorz’s approach helps explain how the socialist-adjacent institutionalist economists who held significant positions in the first half of the twentieth century could have created an infrastructure that later center-right proponents of the economic style could latch onto. Although not particularly mathematical, the institutionalists were highly focused on quantification, “on the view that an increase in basic knowledge concerning the economy and its functioning was a prerequisite to improved economic policy and social control.” *Id.* at 28 (quoting MALCOLM RUTHERFORD, *THE INSTITUTIONALIST MOVEMENT IN AMERICAN ECONOMICS, 1918-1947: SCIENCE AND SOCIAL CONTROL* 265 (2011)). Given Gorz’s key insight that quantification itself is what led to the consequences of the rise of economic reason, in some ways the distinctions between the institutionalists and the microeconomists who later pioneered cost-benefit analysis become less pronounced.
Berman notes that the rise of the economic style “is not explicitly political (and indeed gets part of its power from its appearance of neutrality).” Indeed, even though the economic style ultimately enabled conservative legal dominance, Democratic policymakers were among its most consistent promoters. As a result, the economic style became “embedded in the state itself, and not just advanced by overtly political actors.” Gorz’s account of the hegemony of economic reason explains why the Democratic Party would have been primed to embrace the economic style. In this sense, Berman’s work explains in concrete terms how Gorz’s conception of economic reason came to be instantiated in the American political-legal apparatus.

Many of the pernicious implications of the twentieth-century synthesis are well-documented, but what is particularly notable here is how that synthesis has ultimately made it more difficult to challenge the hegemony of economic reason. Berman argues that “[c]entrists’ efforts to advance the economic style reinforced the conservative turn in politics by undermining some of Democrats’ most effective language—of universalism, rights, and equality—for challenging it.” More concretely, the entrenchment of the economic style of reasoning in the courts “meant that advocates of alternative goals would not only have to convince others that their way of thinking was legitimate, but would actually have to change the law.” The twentieth-century synthesis eviscerated specific legal
regimes that facilitated solidarity, thereby enabling the workplace atomization that economic reason had initially precipitated.\textsuperscript{312}

For instance, economic reason has shaped labor law in ways that undermine the potential for unions to build solidarity. Diana Reddy notes that the liberal lawyers and economists who crafted the New Deal labor laws framed unions in economic terms, justifying legal protections on the grounds that “increased worker income meant increased purchasing power and economic growth.”\textsuperscript{313} As Reddy puts it, “The Keynesian compromise which treated economics as science, rather than values, required a concurrent legal accommodation: economic regulation as rational public policy rather than fundamental rights.”\textsuperscript{314} Abandoning normative justifications for the role of unions meant that unions became increasingly vulnerable to the economic arguments that newly ascendant neoclassical economists began to levy against them.\textsuperscript{315} As well, because union speech was only seen as protected by labor law if it was “self-interested and economistic,” the Supreme Court was able to remove such speech from the ambit of First Amendment protections.\textsuperscript{316} These trends and court decisions ultimately left unions “with a decimated membership and a legitimacy crisis.”\textsuperscript{317}

Attempts to organize rideshare drivers in the gig economy provide an instructive example of the impacts of the economic style of thinking. Before the rise of the consumer welfare standard in antitrust jurisprudence, the Supreme Court in United States v. Richfield Oil Co. established an antitrust rule prohibiting firms from exercising coercive control over independent contractors.\textsuperscript{318} However, the rise of the Chicago School and the consumer welfare standard eroded this rule,\textsuperscript{319} and gig companies took advantage by classifying their workers as independent contractors.\textsuperscript{320} This approach, which allows gig companies to exercise control over workers while immunizing them from labor law scrutiny, “would once have been illegal, before antitrust jurisprudence began to search out spurious justifications for their immunity on the basis of supposed efficiency.”\textsuperscript{321}

\begin{footnotes}
\item[312] Supra Section III.A.
\item[313] Reddy, supra note 297, at 1396.
\item[314] Id. at 1397.
\item[315] Id.
\item[316] Id. at 1428-30.
\item[317] Id. at 1398.
\item[319] Steinbaum, supra note 318, at 49.
\item[320] Sanjukta Paul, Uber as for-Profit Hiring Hall: A Price-Fixing Paradox and Its Implications, 38 BERKELEY J. EMP. & LAB. L. 233, 250 (2017). This approach followed the lead of taxi companies, which were among the first businesses to convert a large swathe of employees into independent contractors, adopting what Gorz termed the “Japanese model.” Dubal, supra note 293, at 68.
\item[321] Steinbaum, supra note 318, at 49.
\end{footnotes}
Meanwhile, the development of employment and labor law has had similar effects on gig workers. Veena Dubal contends that the “cultural and political veneration of the ‘entrepreneur’ as the ideal citizen-worker,” which she sees as rooted in neoliberal ideology, has also “greatly influenced doctrinal analysis of who constitutes a worker for the purposes of employment protections” and collective bargaining rights. Without such rights, Brishen Rogers notes that these workers are unable to protest new uses of technology that control their work methods and keep them atomized.

Other fields of law have had less obvious but still important impacts on solidarity. The intellectual property regime, which only emerged as a unified concept as a result of the “economic thinking” at the core of the twentieth-century synthesis, provides legal protections that incentivize the continued development of these coercive technologies. The twentieth-century synthesis also directly facilitates continued political dominance by monied interests, making it more difficult to wield the degree of political power necessary to challenge the laws that undermine solidarity. In this sense, multiple strands of the twentieth-century synthesis have combined to exacerbate those less-tangible barriers to political action that resulted from the alienation of the modern workplace.

IV. THE WAY FORWARD

Gorz was not fully pessimistic about the possibilities of challenging the heteronomy that underlies modern alienation. The automation that has driven bifurcation could be potentially emancipatory, given that it can bring society “beyond the realm of necessity.” What is essential is recapturing from the market those spheres of life that should never have been subjected to economic reason, such as the free time of gig workers and employees at

322. Dubal, supra note 293, at 81 n.42 (citing TOMAS MARTTILA, THE CULTURE OF ENTERPRISE IN NEOLIBERALISM: SPECTERS OF ENTREPRENEURSHIP 1-7 (2013)).

323. Id. at 81.

324. Brishen Rogers, The Law and Political Economy of Workplace Technological Change, 55 HARV. C.R.-C.L. L. REV. 531, 548 (2020) [hereinafter Rogers, Workplace Technological Change]. Even for those classified as employees, labor law has developed in ways that further heteronomy in the workplace. Brishen Rogers notes that court decisions that banned slow-down strikes that protest employer efforts to alter work processes have ultimately contributed to worker powerlessness in the face of the increasing algorithmic supervision and regulation described above. Id. at 562-63. See generally BRISHEN ROGERS, DATA AND DEMOCRACY AT WORK: ADVANCED INFORMATION TECHNOLOGIES, LABOR LAW, AND THE NEW WORKING CLASS (2023) (analyzing how workplace technologies can inhibit solidarity).


328. GORZ, supra note 4, at 166.
Gorz argues that “when free time ceases to be scarce, certain educative, caring and assistance activities and the like may be partially repatriated into the sphere of autonomous activities and reduce the demand for these to be provided by external services, whether public or commercial.” Gorz suggests that “if everyone worked less, everyone could do their own domestic tasks AND earn their living by working.” Beyond the ways that free time directly challenges the alienation that results from the ideology of work, workers with more free time also have more capacity and energy to focus on non-economic values. Gorz shares an anecdote in which workers who were forced to work fewer hours subsequently became more radical and less bigoted—and came to understand that they should want to work less hard. Free time therefore gives workers space to make demands that go beyond simple wage claims and instead contest the underpinnings of economic reason itself.

Following Karl Polanyi, Gorz therefore seeks a transition to a socialist society where the cultural and societal are given primacy over the economic, and free time is enshrined as a critical component of a meaningful life. In his ideal world, the free time that results from increased productivity and automation would be used for “the free self-realization of individualities,” instead of leading to mass unemployment, social exclusion and pauperism. To this end, he argued that both policymakers and labor leaders had to fight to redistribute working hours and enshrine the free time of workers as something to be protected rather than exploited. Although the mechanics of his proposed system are somewhat utopian and the precise

329. *Id.* at 169. Gorz noted that the distribution of such caring activities within the household was also subject to gendered “relations of domination which may exist among the various members within the domestic community.” *Id.* at 160. This exploitation could only be resolved “if the conjugal union . . . is a voluntary co-operation between equals, freely choosing common goals for themselves and freely agreeing about how tasks are to be divided.” *Id.* at 163. He therefore rejected the “wages for housework” movement, which he saw as reinforcing a gendered division of work into separate spheres and the commodification of private activities. *Id.* at 164.

330. *Id.* at 157. Free time therefore can reduce dependence on both the welfare state and the market, although he very much understood that prematurely gutting the welfare state would merely leave “those social strata least able to do so fend for themselves.” *Id.* at 169. Rather, the first step is increasing the free time of individuals.

331. *Id.* at 118.

332. *Id.* at 185.

333. *Id.* at 184. Martin Häggland similarly notes that currently, automation is not the liberating force that it has the potential to be, because the only thing treated as valuable is time spent contributing to the production of commodities. See HÄGGLUND, supra note 61, at 260. Therefore, the time that is saved from automation necessarily has to be redirected into some other form of work. *Id.* Given how aligned their visions of autonomy are, Gorz’s policy solutions could therefore help implement the type of “spiritual freedom” that Häggland seeks.

334. They are also complicated by the fact that innovation and productivity growth have generally been in decline since Gorz wrote, meaning that there are likely still more necessary work hours in the economy than he would have expected at this point. Anton Jäger and Daniel Zamora, *The Division of Labour in the Techno-Populist Age*. VERSO BOOKS: BLOG (Nov. 25, 2020), https://www.versobooks.com/blogs/4929-the-division-of-labour-in-the-techno-populist-age/. Still, this does not change the desirability of redistributing those remaining hours.
details of how to implement such reforms are beyond the scope of this Article, his ideas provide a general theoretical basis for a political platform that could challenge the hegemony of economic reason.

A. Guaranteed (and Required) Work

Gorz understood that, in any economic system predicated on a division of labor, some aspects of workers’ lives would necessarily remain in the “sphere of heteronomy.”335 However, he believed that a fundamental redistribution of working hours, facilitated by a job guarantee and partial basic income, could limit the impacts of that heteronomy on workers’ lives.336

Gorz suggests that the state should analyze the optimum distribution of work hours across various sectors and train enough workers for each sector so that all positions entail a similar number of work hours.337 The state would then implement a job guarantee to ensure that all could find a role in the newly restructured workforce. This process would necessarily allocate more workers to sectors that have historically experienced lower productivity growth and less automation,338 meaning that in these industries, wages would be lower due to the increased supply of labor. A stratified guaranteed income would compensate for these inequalities by supplementing the wages of workers in lower-productivity sectors more than those in more productive—and therefore higher-wage—industries. In this sense, while market forces would still determine wages, actual earnings would be partially disentangled from one’s chosen occupation.339

335. GORZ, supra note 4, at 93.


337. Working hours would be desynchronized based on the sector: for jobs where the increased free time is spread out over an entire year, one would have more time for daily tasks; in more seasonal sectors, workers would have more time to take on significant personal projects during the offseason. Id. at 196. He notes that this desynchronization could impede union organizing activities, but that the introduction of flexible work was already creating such barriers, and that his “associationist” suggestions could resolve those issues. Infra Section IV.B.

338. Childcare, for example, is a sector where productivity gains—that is, more children per caretaker—are not even seen as desirable, which could help explain why there are not enough people who work in those roles. Dana Goldstein, Why You Can’t Find Child Care: 100,000 Workers Are Missing, N.Y. TIMES (Oct. 13, 2022), https://www.nytimes.com/2022/10/13/us/child-care-worker-shortage.html/.

339. The overwhelmingly positive results from initial studies on the potential benefits of a four-day workweek demonstrate both public and legislative interest in some form of redistribution of working hours. Caroline Mimbs Nyce, The Case for a Four-Day Workweek in Maryland, ATL. (Feb. 11, 2023), https://www.theatlantic.com/ideas/archive/2023/02/four-day-workweek-maryland-vauhn-stewart/673014/; Annabelle Timolt, A Four-Day Workweek Pilot Was So Successful Most Firms Say They Won’t Go Back, WASH. POST (Feb. 21, 2023, 11:03 AM), https://www.washingtonpost.com/wellness/2023/02/21/four-day-work-week-results-ukl/. However, Eric Levitz notes that the benefits of such efforts are primarily concentrated among white-collar workers, given that those are the workers whose days currently feature the most wasted time. Eric Levitz, The 4-Day Week Is for White-Collar Workers, INTELLIGENCER (Mar. 2, 2023), https://nymag.com/intelligencer/2023/03/four-day-week-workweek-studies-white-collar.html/.
Gorz contended that this redistribution must apply equally to all. It would have to break the elite monopoly on “thinking jobs,” where one might claim that long hours are necessary, but where one still cannot achieve satisfaction by devoting all of one’s life to work. One would not be guaranteed the ability to work in the role of their choice, as some unpleasant work would still need to be completed. However, Jan Kandiyali argues that there is a moral imperative that “burdensome work” be shared, and that doing so could help inculcate solidarity and an understanding of the value of burdensome work. Properly implementing Gorz’s model could therefore involve requiring all workers to share in the least desirable remaining work. Moreover, if work were less all-consuming, the negative consequences of such work would be less profound.

Gorz’s model therefore makes a distinctive theoretical contribution to arguments in support of a job guarantee. While proponents normally focus on the benefits of a job guarantee for those who need a job, or on the macroeconomic benefits of using a job guarantee to stabilize the economy during recessions, Gorz makes clear that it could also fundamentally challenge the alienation that those who are already included in the workforce currently face, by facilitating a general redistribution of alienating and heteronomous work hours.

Gorz’s model also has clear implications for policy debates over a potential universal basic income. He believed that any guaranteed income must be linked to the right to work the hours corresponding to it (and the obligation to work some hours), because social rights are grounded in participation in the societal process of production. Moreover, many advocates have had to couch their support for such reforms in the fact that productivity did not suffer when working hours were reduced. Still, Levitz’s view of how to implement a four-day work week is similar to Gorz’s vision, as he notes that it would require not just stronger collective bargaining rights but also “measures that channel more workers into socially vital occupations like nursing, perhaps through targeted wage subsidies and other benefits.”


341. Kandiyali’s vision of unalienated labor as that which involves helping others self-realize their goals means that “even if one’s work is drudgery, one can still find fulfillment in the knowledge that one is satisfying human needs,” so when drudgery is equally divided between all workers, all will understand the worth of that work. Kandiyali, supra note 48, at 583. This would result in a world where “constraints that come from having to work in some ways and not others, in response to others’ needs . . . are voluntarily accepted and affirmed, and, for this reason, not experienced as constraints.” Id. at 568.


344. GORZ, supra note 4, at 206. One scholar has recently characterized Gorz as believing that in the ideal society, “Whether anyone does work would be a matter of social indifference—entirely a question of whether a person chose to or not.” Alex Gourevitch, Post-Work Socialism?, 6 CATALYST (2022), https://catalyst-journal.com/2022/09/post-work-socialism/. This is evidently a mischaracterization, given how important Gorz believed it was that all share the obligation to work.

345. GORZ, supra note 4, at 206; see Sam Hull, Public Participation as a Privilege for the Immune?,
that any universal basic income had to remain tethered to the obligation to work.\textsuperscript{346} In his view, any approach that instead merely used money transfers to compensate those excluded from the workforce would leave those individuals confined to the private sphere and treated as a “supernumerary of the human species.”\textsuperscript{347} It is perhaps unsurprising that this is the form of universal basic income that “technopopulist” Silicon Valley figures have trumpeted.\textsuperscript{348} However, some on the Left have also argued in favor of a universal basic income untethered to any obligation to work.\textsuperscript{349} Others have countered that such a vision rests on a belief that “work is a pure burden, to be reduced as much as possible and, ideally, eliminated,”\textsuperscript{350} and that since some shared labor is necessary under any socialist vision, it is unrealistic and unproductive to center such a negative understanding of work.\textsuperscript{351} Gorz’s model makes clear that a modified and stratified version of a basic income is theoretically consistent with an appreciation of the necessity of work. One can seek to reduce work and distribute work hours more evenly while still centering the importance of participation in the production process.

\textbf{B. A Reoriented Labor Movement}

Gorz believed that unions could help workers acquire a broader perspective of the political implications of their work,\textsuperscript{352} as they can provide

\textsuperscript{346} Some observers have recently argued for combining a job guarantee with a universal basic income. Jeff Spross, \textit{Universal Basic Income or Job Guarantee? Why Not Both?}, AMER. PROSPECT (May 20, 2020), https://prospect.org/economy/universal-basic-income/. Recent scholars have criticized some UBI proposals on similar grounds. Adam Greenfield argues that “the achievement of a [UBI might result in] the further retrenchment of desperation and precarity.” GREENFIELD, supra note 190, at 204-07.


\textsuperscript{350} Gourevitch, supra note 344.

\textsuperscript{351} Id.

\textsuperscript{352} Empirical studies have corroborated the concept that unionization leads to more progressive political ideologies at work. Johannes Mattzat & Aiko Schmeißer, \textit{Do Unions Shape Political Ideologies}
“‘functionaries of the machine’ with a framework in which they can publicly debate, in their capacity as citizens, the societal repercussions of decisions it will be their function to implement.” However, he saw two main obstacles to unions reaching their full potential on this front. First, Gorz believed that unions had lost their understanding of the emancipatory potential of free time, which, beyond directly challenging the alienation that results from the ideology of work, is also essential to developing political solidarity among union membership. Second, he argued that, more concretely, the obstacles to union organizing in the bifurcated economy discussed above would make it more difficult for unions to fill their political role. He therefore argued that the labor movement should reorient itself to take these obstacles into account.

Gorz believed that, at its best, the labor movement is grounded in its own, non-economic, type of rationality. In rejecting the notion of competition between workers, it seeks to limit the efforts of each, and thereby the work demanded of all. As Gorz put it, “the defence of life was expressed in the demand for a reduction of working hours, in the demand for the right to ‘time for living.’” Famously, the labor movement was thus able to win the right to the eight-hour workday and the five-day workweek.

However, Gorz believed that unions had more often failed to challenge the principle of full-time employment. In his view, this was due to two factors. First, because twentieth-century unions’ existence was predicated on people defining themselves primarily as workers, there was some risk to challenging the ideology of work. Second, unions feared that arguments against full-time employment would cause wage claims would lose legitimacy, through the implicit concession that workers’ needs were already more than satisfied by their existing wages. Gorz argues that wage demands are the only demands that do not undermine the rationality of the economic system, because they are still predicated on the notion that “more is better.”

Given that unions were not willing to forego wage claims, “for both [unions and management], people were to be defined as being above all workers, everything else being subsidiary and a matter of


353. GORZ, supra note 4, at 83.
354. Id. at 113.
355. Id. at 114.
356. ROEDGER & FONER, supra note 74, at vii-x.
357. Gorz also believed that the fact that the main bargaining chip that unions can offer is the promise that work hours will continue uninterrupted also inadvertently bolstered the ideology of work. GORZ, supra note 4, at 70; JOHN ZERZAN, ORGANIZED LABOR VERSUS THE REVOLT AGAINST WORK: THE CRITICAL CONTEST (1974). The labor movement failed to recognize that working as much as possible now constitutes an exertion of individual privilege, rather than a defense of the collective interest. GORZ, supra note 4, at 70.
358. Id. at 115.
359. Id.
360. Id. at 116.
private life.”

In recent years, this trend appears to be shifting. In 2019, the AFL-CIO released a report on the “future of work” which responds to the possibility of increased automation by arguing “for redistributing work hours today—that is, for limiting the excessive hours worked by some people, thereby making more work hours available to those who want to work more, and giving all workers more ‘time sovereignty’ over our working life.” This framing directly identifies how rebalancing work hours could challenge the roots of the inequality inherent in the bifurcated economy. The report cites Juliet Schor’s call for shorter workweeks that she developed in her 1993 book *The Overworked American*, which was attacked as “unrealistic” when it was first published. The fact that most American unions have now endorsed a bill that would reduce the standard workweek to 32 hours demonstrates how the labor movement has come to align itself with Gorz’s recommendations on this front. Labor-aligned segments of the administrative state have also begun to address the connections between overwork and solidarity. For example, the General Counsel of the National Labor Relations Board took aim at productivity monitoring by employers by framing such activity as a potential abuse of the Section 7 rights of their employees.

However, beyond fighting against the encroachment of work on the free time of workers, the labor movement’s continuing political salience depends on it responding to the practical obstacles to organizing that economic reason has put in place. To put it simply, unions can only inculcate political responsibility in workers if they have workers to represent. The unionization rate was already decreasing at the time Gorz wrote, and he noted that “[t]he introduction of ‘flexi-time’ (the...
employers’ version of desynchronization) and increases in the number of temporary-contract workers [and] ephemeral subcontractors, . . . are making it increasingly difficult to organize, disseminate information and hold workplace meetings.’’368 Gorz therefore argued that unions needed to build solidarity across different classes,369 and “get back to the traditions of the cooperatives and the associations” by creating spaces outside of the workplace that build solidarity by responding to the needs of the entire community.370 As Gorz puts it, if a union “cannot reach them all at the same time at the workplace, then it must reach them elsewhere.”371

In the decades since, the labor movement has adapted in some ways consistent with his recommendations.372 In terms of solidarity across different classes, unions have become increasingly diverse, not just in terms considered to be the easiest class to organize, had begun to rapidly decline. As documented by Gabriel Winant, this decline caused unions to shift their focus to the healthcare industry, which was itself rapidly expanding to provide for the needs of the many industrial workers leaving the workforce. See generally GABRIEL WINANT, THE NEXT SHIFT: THE FALL OF INDUSTRY AND THE RISE OF HEALTH CARE IN RUST BELT AMERICA (2021). Brishen Rogers explains that these shifts in the capitalist production process have impacted the development of labor law in ways that exacerbate the difficulties that unions face in organizing. Brishen Rogers, Capitalist Development, Labor Law, and the New Working Class, 131 YALE L.J. 1842-1879 (2022) (book review of WINANT, supra).


369. Gorz believed that, in countries where unions were stronger in the semi-skilled class, they would have to learn to “defend the particular interests and aspirations of the new labour elite, without, however, sacrificing the interests and aspirations of the other categories.” GORZ, supra note 4, at 69. Conversely, where unions were stronger among skilled workers, they would need to combat their tendency to “disregard peripheral workers, temporary workers and the unemployed.” Id.

370. Id. at 198.

371. Id. “Let the unions open up buildings in the towns and the local neighbourhoods which people will wish to frequent because they find things they need there, things that interest them, that meet their need for solidarity, for mutual consultation, exchange, personal fulfilment and cultural creation.” Id.

372. As documented by Gabriel Winant, the decline of the American “semi-skilled” industrial workforce caused unions to shift their focus to the healthcare industry, which was itself rapidly expanding to provide for the needs of the many industrial workers leaving the workforce. See generally WINANT, supra note 367.
of race and gender but also profession.\textsuperscript{373} The fact that unions have increasingly targeted white-collar workers who could themselves form part of the “new labour elite”\textsuperscript{374} could demonstrate a tentative effort to build the “solidarity between the strong and the weak” that he sought. These efforts are paying dividends: the Google minority union has begun to challenge the societal repercussions of the company’s work,\textsuperscript{375} tangibly demonstrating unions’ ability to inculcate political accountability among their members.

Meanwhile, unions and organizers have begun to build associations that transcend workplace boundaries, as Gorz sought. One example is the rise of “worker centers,” which focus on providing support and solidarity for often-marginalized communities that were historically excluded from the labor movement.\textsuperscript{376} Phil Jones argues that these centers, as well as “wageless associations” modeled on the early twentieth-century National Unemployed Workers Movement, are the best approach to building solidarity among gig workers.\textsuperscript{377} Sectoral bargaining is another example of a new vision for the labor movement that could build solidarity beyond the limits of the workplace, depending on the details of its implementation.\textsuperscript{378}

None of these approaches have yet fully overcome the significant structural barriers that stand in the way of organizing gig workers. Still, when gig workers have successfully organized, they have generally relied on public meeting spaces to overcome workplace atomization.\textsuperscript{379} Those initial successes demonstrate the potential benefits of unions building their

\textsuperscript{373} Fact Sheet, \textit{Who Are Today’s Union Workers?}, ECON. POL’Y INST. (Apr. 21, 2021), https://www.epi.org/publication/who-are-todays-union-workers/.


\textsuperscript{377} JONES, supra note 164, at 95-99. Paola Tubaro has created a sociological model for the types of online labor platforms that could breed interconnectedness and solidarity compared to those that breed alienation. She writes that “when platforms take the role of market intermediaries that connect workers and clients, economic ties are weak regardless of social ties, and workers are left to their own devices, in a form of disembeddedness.” Paola Tubaro, \textit{Disembedded or Deeply Embedded? A Multi-Level Network Analysis of Online Labour Platforms}, SOCIO. 927, 929 (2021). If, instead, platforms “take on management roles akin to firms,” \textit{id.} at 940, they could encourage a sort of “deep learning” among employees, in a way that might align with Gorz’s vision of ways that flexible work can be beneficial.

\textsuperscript{378} Some such proposals have been criticized as empty unless strong unions are already in place in the sector. Veena Dubal, \textit{Sectoral Bargaining Reforms: Proceed with Caution}, 31 NEW LAB. F. 11 (2022); Andrias, Firestone & Sachs, supra note 368.

\textsuperscript{379} JONES, supra note 164, at 85.
own collective spaces outside of the workplace, allowing them to “become a forum where citizens can debate and decide the self-organized activities, the co-operative services and the work projects of common interest which are to be carried out by and for themselves.”

Any organizing strategies must avoid inadvertently reinforcing the primacy of consumer identities. For example, Diana Reddy notes that while unions have recently increased their popularity by positioning themselves as “bargaining for the common good,” many of these arguments have focused on the benefits that unionized labor can offer to consumers qua consumers. Similarly, while the internet has enabled the possibility of solidarity between workers and consumers, such as through coordinated boycotts in support of unionization campaigns, orienting collective action around consumption patterns could reinforce the role of consumerism and thereby the hegemony of economic reason itself.

CONCLUSION

Gorz’s policy interventions demonstrate that a renewed focus on free time can lead to a virtuous cycle, reducing workplace alienation and reinforcing the political solidarity necessary to continue the fight to recover our lives from economic reason. In the absence of such interventions, workers may take things into their own hands. In 2021, publications began to draw attention to what they called the “Great Resignation” as millions of workers began to quit their jobs, with most citing poor working conditions as the cause. Managers also warned of a dangerous trend of “Quiet Quitting,” consisting of the radical notion that workers should only provide their labor to the extent that they have contracted to do so. Many argued that the

380. Gorz, supra note 4, at 199.
381. Reddy, supra note 297, at 1440-41.
COVID-19 pandemic had provoked a fundamental re-thinking of the value of work, as “the unexpected disruption to everyday life helped [workers] see there’s another way to live.”385 While the pandemic may have precipitated these trends, astute observers noticed that the roots of the Great Resignation stretched back significantly further.386 Gorz’s understanding of workplace alienation helps explain why that was the case, and why some hope that the Great Resignation proves to be the first stage in a “revolt against work” itself.387

However, the extent to which the Great Resignation will prove to be a lasting challenge to the ideology of work remains to be seen, as a backlash has already set in. Managers have decried the new “coasting culture” as merely borne of a tight labor market, predicting that higher interest rates would bring workers back in line,388 and early indications have suggested that they may be right.389 Large tech firms have responded to these higher rates by laying off large numbers of white-collar workers, indicating that even these “totalizing firms” have not insulated themselves from the sensitivity to economic conditions that incentivized the development of the fissured employment model in the first place.390 Overall, this suggests that,

To access the ideology of work demonstrates the depths to which managers are themselves beholden to that ideology.


rather than threatening economic reason, the Great Resignation may have merely been an interregnum between two different eras of elite work—with totalizing firms giving way to a new form that is still coming into view.

Even managers who recognize the workplace discontent at the root of the Great Resignation only understand its costs through the logic of economic reason. One CEO describes it as “a serious business issue” and claims that “engaged workers drive 23% higher profits” while “employees who are not engaged cost the world $7.8 trillion in lost productivity.”391 She prescribes “meaningful conversations with the employees they manage” and predicts that “[h]appiness[ ] will[,] in time, be a corporate measure that publicly traded companies will need to report on.”392 Such an oversimplified understanding of the Great Resignation merely reinforces the focus on productivity that led to this crisis of work, and partially explains how initial attempts to increase worker well-being have since given way to “companies . . . zeroing in on worker productivity and cost savings.”393

Moreover, resignation may itself not be a valuable tool for contesting economic reason. In a world where work fundamentally structures social relations, simply exiting the workplace can mean exiting the political conversation. Lawrence Mishel contends that “the power to quit does not prevent worker exploitation.”394 In assessing the Great Resignation, Daniel Zamora Vargas notes that “[w]hile as consumers citizens can revolt against rising taxes or prices . . . as producers they have more or less abandoned any ambition to collectively act on what and how we produce.”395 He argues that the Great Resignation epitomizes the fact that political contests over inequality no longer take place in the workplace, but rather “outside workdays and with very little claims about the democratization of work itself.”396 As a consequence, “[n]o true alternative has found its way into mass organizations that would be able to change the course of history. Without serious adversaries, consumerism still rules the planet.”397 However, if

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391. Cindy Gordon, The Great Resignation: The Unhappiness Age Must Shift to the Happiness Age, Forbes (Oct. 30, 2022, 7:09 AM), https://www.forbes.com/sites/cindygordon/2022/10/30/the-great-resignation-the-unhappiness-age-must-shift/; see also Semuels, supra note 389, (“Since engaged employees perform better at work than those who don’t like their jobs or bosses, the cost of cutting benefits may be higher than the cost of the actual benefits themselves.”).

392. Gordon, supra note 391.

393. Semuels, supra note 389.


396. Id. at 3.

397. Id.
unions manage to establish loci of community organizing outside of the workplace, a “revolt against work” could facilitate further mobilization against economic reason rather than inhibiting the possibilities for collective action.

If progressives do not respond to the trends underlying the Great Resignation quickly, figures on the so-called “populist right” have historically proven to be willing and relatively adept at coopting messages of discontent with the hegemony of economic reason. In a recent example, the Italian Prime Minister Giorgia Meloni, who some have described as “neo-fascist,” asserted in her victory speech that “when I am only a number, when I no longer have an identity or roots, then I will be the perfect slave at the mercy of financial speculators. The perfect consumer.” While her speech was both reprehensible and incoherent and her governance has remained completely aligned with the interests of capital, her rhetoric directly addresses how economic reason has gained primacy over other values. To counter the rhetorical power of such arguments, the Left must be able to put forward a different vision for how to transcend the hegemony of economic reason.

The massive French protests against the decision to raise the age of retirement demonstrate the potential of such a vision. In a speech to protestors, Jean-Luc Melenchon made clear that the uprising was, at its core, about the right to free time:

The time that matters is not only that which is considered to be useful because it is productive. . . . It is also free time, . . . in which we decide ourselves what we will do. . . . Free time is where we have the possibility to be fully human. . . . Why is it necessary to work more?

398. Supra notes 369-380 and accompanying text.
399. Another imperative for challenging economic reason is the climate impact of consumerism, which necessitates economic growth in ways that exacerbate and drive the climate crisis. E.g., Juliet Schor, Climate and Consumption, in CLIMATE CHANGE AND SOCIETY: SOCIOLOGICAL PERSPECTIVES (Riley E. Dunlap & Robert J. Brulle eds., 2015). It is difficult for consumers subject to the logic of economic reason to independently navigate how to modify their own consumption patterns to blunt these effects. E.g., John Thøgersen, Consumer Behavior and Climate Change: Consumers Need Considerable Assistance, 42 CURRENT OP. BEHAV. SCI. 9, 9 (2021).
403. Id.
Why is it necessary to produce more?\textsuperscript{406}

Both Meloni and Mélénchon have evidently identified the importance of challenging the hegemony of economic reason. The site of contestation will be over which values are championed as an alternative: a cynical and reactionary nativism, or a democratic and egalitarian vision of a society focused on collective self-realization.