

Afterword: Law and the Technological Mundane

This book has argued that companies often use new data-driven technologies as a power resource—or even a tool of class domination—and that our labor laws allow them to do so. Chapters 1 and 2 outlined the book’s overall theory, which sought to account for the decline of the postwar political settlement and accumulation regime, the growth of the service economy, the maturation of networked information technologies, and the evolution of labor law under neoliberalism. The next three chapters then illustrated how companies are using both law and technology to reconfigure work and production, often in ways that subject workers to greater market discipline. Chapter 3 argued that companies are using technology to automate some tasks, to reduce the skills required to perform other tasks, and to surveil and manage workers more closely. Chapter 4 showed how companies may use their control over workplace data, as well as data on workers themselves, to prevent and resist unionization. Chapter 5 then traced how companies have increasingly denied basic legal protections to their workers, even as they built monopolistic businesses. All these strategies reinforced trends toward income inequality and a lopsided political economy. Finally, chapter 6 proposed reforms to rebuild workers’ associational power and to democratize workplace data.

As several chapters have emphasized, neither technology, nor law, nor class relations are ever static, and their futures are far from clear. Workplace artificial intelligence (AI) may be in its infancy today, in which case this book’s argument may serve more as a theory to guide future research than as a definitive account of any sort. Alternatively, the COVID-19 era may generate profound political-economic changes, in which case this book may do more to document pre-COVID practices than to envision what comes next.

There are signs that point in both directions. On the one hand, workplace technological change did not cease during the pandemic, as companies rolled out new surveillance techniques for their newly dispersed workforces, and the app-based gig economy and exchange platforms like Amazon only grew. On the other hand, as noted in the introduction and at the end of chapter 6, workers began to rise up in substantial numbers to protest stagnant wages and dangerous working conditions. Today's rising generations may also simply refuse to work as hard as their predecessors for as little pay; demand far more dignity, autonomy, and collective voice on the job; and resist being managed by technology. If nothing else, the pandemic has shown that we all long for authentic human connections, which screens and apps simply cannot deliver, and which modern workplaces are often designed to foreclose.

I'll close with an observation on how these political-economic trends connect to our culture and experiences. There is a telling disconnect between how we often think and talk about technology, both in our culture and in our everyday lives, and how we actually experience technology day to day. We often imagine technology as sublime.¹ Movie plots turn on breakthrough inventions that generate grand existential conflicts, for example, and for much of the 2010s, the media breathlessly reported on each new advance in robotics and AI, stoking widespread automation fears. And as chapter 3 suggested, there is indeed something sublime about automated warehouses, natural-language translation, and even app-based labor intermediation. Those and other cutting-edge innovations are fascinating and terrifying in equal measure. Taking the long view, technology has also given humans godlike powers over the natural world and its many dangers—and has helped bring about the climate crisis. So perhaps some technological animism is unavoidable. If technology has a spirit and a logic of its own, we no longer bear responsibility for its social and environmental harms.

Yet in our day-to-day lives, we rarely experience technology as sublime. As consumers, we adapt quickly to new devices, incorporating them into our routines without much thought and becoming frustrated when they fail to live up to their promises. Just in the last decade or so, that has happened with smartphones, social media, online music platforms, and now the gig economy. Those products might bring a sense of wonder when initially encountered, but they quickly recede into the mundane background of life. As workers, meanwhile, many or most of us have to conform our

acts and behaviors to what a technology demands—driving a certain way, talking a certain way, being always recorded and monitored, following a clock. As we do so, the scope of our freedom narrows. The authority relations embedded in workplace technologies then become mundane in a different sense: they seem fixed and unchangeable, a permanent aspect of our social and economic firmament. And yet we never fully adapt to technological demands—nor do we see those demands as fully legitimate—because we are social beings who need community, respect, and space for creativity and self-expression.

This book has sought to ratify that latter set of instincts. As it has argued, workplace technologies and their effects on our society and polity are all well within our control. We are primed to view them as autonomous because democracy has been expelled from the economy. That doesn't mean that the future is knowable, or that any deliberative body could plan out technological developments in detail. This book's forward-looking argument is both more modest and more radical. It is that a more democratic future of work and workplace technology is both necessary and possible.

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Advanced Information Technologies, Labor Law, and the New Working Class

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