

The rat race and working time regulation

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Abstract

To what extent, if at all, should a just society adopt public policies that regulate and limit the amount of time people work? Attempts to answer this question face a dilemma: Either, we can adopt a laissez-faire view, according to which governments must refrain from imposing working time policies on the labour market. But this view generates a situation in which many citizens experience deep regret about the balance between work and leisure in their lives. Or, we can endorse an interventionist view that advocates government imposition of working time policies. However, such a view appears to be objectionably perfectionist insofar as it imposes on citizens a particular conception of the ideal balance between work and leisure. This article proposes a way out of this dilemma. It shows that the interventionist view can be defended on the anti-perfectionist grounds that this helps address a collective action problem in the labour market – the working time rat race. Employers often use working time as a proxy for their employees' productivity and commitment. Those who work particularly long hours are often awarded benefits such as raises or promotions or are spared from dismissals. This makes it individually rational for each worker to work extra hours in an attempt to outcompete colleagues. However, if many workers pursue this strategy, it loses its effectiveness. Workers with preferences for more leisure have a claim to state intervention to remove the rat race when this doesn't impose disproportionate harm on third parties.

Keywords

work, working time regulation, working time reduction, free time, collective action problem, rat race, labour market intervention, justice at the workplace, anti-perfectionism, complaint model

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Policymakers devote a good deal of attention to the problem of underemployment and rightly so.¹ Yet a regret expressed by many individuals in the last 12 weeks of their lives is that they spent *too much* time at work (Ware, 2012). Concerns about working too much are expressed not only retrospectively, as regrets, but also at the time, by those who actively participate in the labour market. In the UK, over 30 per cent of individuals employed in the labour market want to work fewer hours (UK Office for National Statistics, 2019). And of these, about a third want this even if it means lower pay. This phenomenon is called *overemployment* and it occurs whenever an individual would like to work fewer hours, even if this results in reduced income.

Such complaints about excessively long working time raise an important question: To what extent, if at all, should a just society adopt public policies that regulate and limit the amount of time people work? Any attempt to answer this question will face the following dilemma. On the one hand, we can adopt a *laissez-faire* view, according to which governments must refrain from imposing working time policies on the labour market. But this view generates a situation in which, as just noted, many citizens experience deep regret about the balance between work and leisure in their lives. On the other hand, we can endorse an *interventionist* view that advocates government imposition of working time policies. However, such a view appears to be objectionably perfectionist insofar as it imposes on citizens a particular conception of the ideal balance between work and leisure, and labour market policies are unlikely to elicit stable endorsement over time if they rely on controversial perfectionist claims of this kind. To illustrate, some Marxist scholars defend working time reductions on the grounds that freedom from work is necessary for human flourishing (Weeks, 2011). Yet citizens will reasonably disagree over the question of how much free time is necessary for a good life. Some citizens attribute more value to work and less to free time, than others. In agreement with political liberalism, I believe an interventionist view that prohibits them from working for the amount that they want on the basis of a perfectionist account of human flourishing cannot reasonably be imposed on them (Arneson, 1990).

My aim in this article is to propose a way out of this dilemma. I shall do this by showing that the interventionist view can be defended on anti-perfectionist grounds. My argument rests on the observation that a significant amount of overemployment in society arises from a dynamic that I will call the *working time rat race*. What drives this dynamic is the fact that employers routinely use ‘time spent at work’ as a proxy for their employees’ productivity and commitment (Landers et al., 1996). Workers who spend a particularly long time at the workplace are often rewarded with promotions, raises, bonuses, or are saved from dismissals and budget cuts. This creates an incentive for workers to demonstrate their willingness to work longer hours than their colleagues since this increases their likelihood of attaining benefits and avoiding burdens. However, as more workers work longer hours in order to demonstrate their productivity and commitment, this strategy loses its effectiveness. If everyone increases their working time, no one will be ahead of the others in the race for promotion but everyone will work more. The working time rat race is, in other words, a collective action problem where (i) it is individually rational for each worker to spend more hours at work than her competitors and (ii) because of this, the outcome is a situation that is worse for most of those who compete in this way.²

My justification for the interventionist view is that it helps workers overcome the rat race or at least redress its effects. This ‘rat race’ justification is significant because it manages to justify working time policies without appealing to perfectionist views about the ideal balance between leisure and work that makes for a ‘good life’.³ Labour market policies that remove or mitigate the rat race can take a number of different forms. For example, states can directly limit the time that workers are allowed to work by passing maximum work hours legislation. Alternatively, states can promote labour unions, which enable workers to coordinate and collectively bargain for working time regulation. Another way of addressing the working time rat race may be to introduce a basic income that provides workers with a safety net, and thus an exit option from workplaces plagued by the rat race. There is an important question as to which type of policy is best suited to tackle the rat race. However, I will not argue for any particular policy but instead show why the harmful effects of the rat race justify *some sort* of working time reduction policy.

The article is structured as follows. The second section describes the working time rat race and the problem of overemployment in more detail. The third section explains why the rat race sometimes gives rise to a complaint on the side of workers who are negatively affected by it. Finally, fourth, fifth and sixth sections answer objections to labour market policies that remove the rat race.

Before I begin, let me issue two important qualifications. First, my arguments focus exclusively on the rat race between workers as an objection against long working time, and therefore I set aside other reasons for objecting to long work hours, such as workers’ health or gender equality.⁴ I do not deny that these other reasons may exist and I see the arguments developed in this article as consistent with them. Thus, my aim is to highlight an additional reason to regulate working time whose force has not been fully appreciated by defenders of working time policies. Second, I don’t commit to the claim that *all* working time rat races call for state intervention. Sometimes, rat race-removing interventions are morally impermissible because they worsen the situation of the least advantaged. Importantly, there are working time rat races that occur between privileged workers who possess scarce talents that allow them to extract very high wages. If states help these workers overcome their collective action problem so that they end up working significantly less, then there is less income upon which states can levy taxes that serve to redistribute wealth to the least advantaged. In other words, regulating rat races that occur between very privileged workers can be harmful to the least advantaged. The ‘Regulation is harmful to third parties’ section elaborates on this.

Overemployment and the rat race

Mismatches between preferred work hours and hours actually worked are widespread, and a number of studies show that overemployment is pervasive in industrialized countries (Jacobs and Gerson, 2004; Martinez-Granado, 2005; Reynolds, 2004; Reynolds and Aletraris, 2006). A survey conducted for the European Commission reports that 38 per cent of employees in 12 European countries would like to reduce their work hours (Evans et al., 2001).

One natural explanation for this has to do with transaction costs. Employers prefer to hire a smaller number of workers who work long hours than to hire a larger number of

workers who work short hours. This is because employers incur transaction costs when they advertise jobs, select and contract workers, supervise and train workers, coordinate tasks between workers, provide office equipment and pay payroll taxes and social security costs. The existence of these costs makes it attractive for employers to hire fewer workers who each work longer hours because each additional worker adds a fixed amount of these transaction costs.

However, the 'transaction cost' explanation for overemployment is not completely satisfactory. It cannot account for all overemployment because, at least in some cases, employers could pass transaction costs on to those who prefer to work fewer hours by offering them lower hourly wages. According to neoclassical economic theory, workers who prefer working less at lower hourly pay would still supply their labour at that lower pay in ways that compensate for the higher transaction costs of part-time work arrangements.⁵

There is a further and more convincing explanation for overemployment that refers to a collective action problem between workers. Workers have incentives to pursue a 'long work hours strategy', although most workers would be better off if no one pursued this strategy. The dynamic of this collective action problem runs as follows. Employers have to make decisions about hiring, promoting and firing employees. One of the most important criteria for deciding which person gets hired, promoted or fired is the respective worker's productivity and commitment. Being complex and multifaceted concepts, productivity and commitment are very difficult to measure. Employers therefore regularly resort to approximating workers' productivity and commitment by using their working time as a proxy. Those who work long hours are regarded as especially productive and committed. Workers are aware of this practice and often compete with each other in order to display their willingness to work long hours so as to increase their chances of getting hired or promoted. Landers et al. (1996: 70) find evidence for this mechanism and describe it as follows:

Performing extra work, beyond the norm of a job, workplace or occupation, may be a way for a worker to transmit a signal of promotability or value to employers. [...] The pursuit of long-term relative status through increasing their own work hours promotes a "rat race" with all workers working longer average hours.

Rat races of this type may occur not only between employed workers but also between those who seek employment. Job applicants sometimes demonstrate motivation and enthusiasm to their prospective employers by offering to sign contracts that specify particularly long hours.

One obvious drawback of showing commitment through long working time is that, if pursued by many, this strategy loses effectiveness. Think of the familiar case of a crowd in a concert, where everyone stands on their toes in order to improve their sight of the stage. Here, the individually rational thing to do for each person ceases to yield benefits if it is done by everyone. These situations are referred to as collective action problems and they occur when disincentives make it difficult for a group of individuals to pursue a mutually beneficial goal. Most individuals would be better off if everyone pursued a common strategy of cooperation, but each individual has an incentive to defect.

It bears emphasizing that the working time rat race is not limited to situations where workers seek advantages such as employment, promotions or bonuses. It also occurs when workers attempt to *avoid disadvantages* such as downgrading and dismissals.

If a worker believes their employer uses input time as a screen before an anticipated downsizing or reorganization, they may view longer hours as a protective device or immunization against the risk of future job loss, income loss or demotion. (Landers et al., 1996: 70)

Furthermore, workers sometimes increase their working time because of the sheer fact that working exceptionally long hours earns that person reputation and esteem. In Western countries, ‘being busy’ and having little free time has become an indicator of a particular social status that many strive to achieve (Burke, 2008). On average, individuals with more education and with higher paid jobs have less free time, and ‘being busy’ is often associated with being important or sought after (Hamermesh, 2018). This can make it attractive for anyone to emulate time-pressured lifestyles in order to gain the prestige associated with these lifestyles. This too is an instance of a collective action problem because no one will increase their relative social standing if everyone pursues the long work hours strategy.

Lastly, working time can be driven up by a desire to protect or enhance one’s social standing by purchasing status goods. This kind of *competitive consumption* occurs when individuals buy products whose possession grants them social prestige and sets them apart from their peers (Frank, 2010; Hirsch, 1995; Schor, 1993, 1999). For those who rely on paid employment as a source of income, competitive spending often requires increased working time. However, the relative social standing of those who engage in competitive consumption does not improve if this strategy is pursued by a large number of others who do the same. Keeping up with the Joneses gets harder if the Joneses are keeping up with the Smiths (compare Arnold, 2020)! Competitive consumption is a different manifestation of the working time rat race where the collective action problem is initiated by a desire to set oneself apart through purchasing goods that enhance one’s positional standing.

In short, the rat race occurs in different contexts and is triggered by different motivations. What’s more, workers can increase their working time in ways other than working extra hours or agreeing to contracts that specify long hours. One especially concerning form of increased working time is *competitive presenteeism*. This term is used to describe situations where workers demonstrate commitment by coming to work in spite of ill health (Quazi, 2013). If one or several workers decide to come to work despite being ill, they can set a precedent and an expectation with regard to what can be reasonably expected from workers when they are ill. A related phenomenon involves workers who take very short periods of maternity leave. A prominent example for this is the case of former French Minister of Justice, Rachida Dati, who resumed work after 5 days of maternity leave. Some commentators argued that this was possibly motivated by a concern of no longer being taken seriously by members of the Sarkozy administration after a longer maternity leave (Perkins, 2009).

In summary, the working time rat race is a collective action problem that occurs in several different contexts and that leaves most workers worse off if a large number of them engage in it. Let me conclude this section by formalizing this result. Consider first a simple case:

Promotion: Two workers with preferences for lots of leisure are equally qualified and do the same kinds of tasks. Both want to be promoted. Their boss wants to promote the more productive employee based on whoever displays higher commitment. When leaving the firm each day, she observes which worker's office light is still switched on. Both workers are aware of this and thus face a decision between leaving work on time or staying longer in order to increase their chances of getting promoted.

The different outcomes of this decision situation can be presented in the following payoff matrix:

		Worker A	
		Leave on time	Extra hours
Worker B	Leave on time	0/0	-2/1
	Extra hours	1/-2	-1/-1

This decision situation resembles a Prisoner's Dilemma in that it is individually rational for each worker to pursue the 'dominant strategy' of working extra hours, although both are worse off if this strategy is pursued by both. When they are unable to coordinate their actions, the workers converge on the equilibrium outcome in the bottom right box where both work overtime. Next, I will explain why this gives rise to a complaint on behalf of those affected by the rat race.⁶

The complaint against the rat race

Note that both workers in the above example would prefer to leave on time and that neither of them is more likely to achieve the promotion if they both work overtime. In other words, a Pareto-improving shift (from the bottom right to the top left corner of the matrix) is possible but, in the absence of a coordinating mechanism, the workers cannot make that shift. Assume now that an outside agent, say the state, could enact a policy that helps the workers coordinate their conduct in order to realize the Pareto-improving shift. Assume moreover that the state refuses to enact this policy and fails to provide good reasons for its refusal. In this case, it would seem reasonable for the workers to mount a complaint against the state. Its refusal to act leaves them worse off than they could otherwise be for no good reason. To clarify the nature of their complaint, consider the following example:

Two villages: Two villages are close to each other but separated by a river. Residents of both villages have an interest in meeting each other, but the absence of a bridge makes it difficult and costly for them to do so. To see each other, the villagers must cross the river in boats.

Let's assume that each villager on either side of the river has an interest in building a bridge because the per capita cost of using boats is much greater than the per capita cost of constructing a bridge. However, there is a difficulty in that the villagers find it hard to trust each other. Each individual has an incentive to free-ride on the efforts others make in order to build the bridge by not contributing to the project of its construction. Assume again that the state could intervene to solve this collective action problem, say by raising the necessary funds through taxing the villagers, but suppose it refuses to do so for no good reason. Intuitively, this gives rise to a complaint on the part of the villagers.

Collective action problems similar to this occur frequently in the real world and, in some cases, they have led states to intervene. One example of this is the educational arms race. Sometimes parents seek to enhance their children's competitiveness by providing them with private lessons or sending them to expensive private schools with the aim of increasing their children's future opportunities, such as the likelihood of being admitted to a prestigious college or finding high-earning employment. However, given that the number of such desirable positions is limited, children will benefit in the competition for these positions only from *comparative advantages* and not from absolute standards of education. This can lead to an educational arms race, where parents have incentives to invest into ever more strategies that will confer advantages on their children. But these strategies can lose their effectiveness when similar strategies are pursued by a large number of other parents.⁷

Arguably, the situation of the parents in this case is analogous to that of workers in the labour market who work longer than they would like. They are made worse off than they might have been in that they are unable to coordinate their conduct and possess a complaint against governments that do not assist them in overcoming this obstacle by, say, introducing legislation whose purpose is to prevent the collective action problem from arising or to redress its effects.

Consider now an objection to this claim which holds that the harmful effects of collective action problems like this are not enough to justify coercive state intervention. In other words, the benefits of regulating a collective action problem cannot justify the costs associated with intrusive regulation. To illustrate this, imagine the following scenario:

Buying a television: A group of consumers is interested in buying a new television. A retailer offers a television at a price of £500, but each consumer would prefer to spend only £490 on this product. If the consumers could coordinate their actions and collectively bargain with the retailer, they would be able to drive down the price to £490.

Imagine now that a state reacts to this situation by employing public officials whose job is to coordinate consumers into large consumer groups who then use their collective

bargaining power to achieve lower prices. Imagine furthermore that organizing consumers into groups and coordinating their interests is a laborious process that involves significant administrative costs. It is less straightforwardly clear that this intervention is justifiable because it involves a large effort in order to provide a relatively trivial benefit.

There is however an important disanalogy between *Promotion* and *Buying a television*. The interest at stake for consumers in *Buying a television* is relatively small. They face a one-time loss of £10 if they are unable to coordinate their conduct. The workers in *Promotion*, by contrast, spend significantly more time at the workplace as a result of the working time rat race. This is the time they could otherwise spend on activities that they much prefer, such as being with their friends or families, as well as on activities that may be socially beneficial, such as learning about and involving themselves in politics. The loss of free time associated with the rat race is an important harm that *does* justify intervention on their behalf. Similarly, I believe that intervention is justifiable in *Two villages* if the cost of using boats to cross the river is sufficiently great.

Summing things up, we can formulate the following preliminary principle: Victims of collective action problems like the rat race have a claim to intervention on their behalf if a Pareto-improving shift is available and the costs of intervention are strongly outweighed by its benefits.

By ‘intervention’, I mean a policy that changes the pay-off structure of a decision situation of a group so that it becomes advantageous for each individual to act in a way that is consistent with the collective interest of the group. In the case of the rat race, an intervention is a policy that makes it easier or less costly for each individual to abstain from participating in the rat race, and so work in accordance with her working time preferences. We can contemplate a number of specific policies that potentially fulfil these criteria. Consider, for example, the proposal to strengthen labour unions. Unions can provide a platform for overcoming collective action problems like the rat race by facilitating communication, issuing and enforcing collectively binding rules of action and exerting power to force employers into acceptance of and compliance with working time regulations. Indeed, unions have historically been the single most important factor in reducing working time and regulating the workplace, and today many unions endorse proposals of working time reduction such as the 4-day working week (Pencavel, 2018: Ch. 2).

A different way to increase workers’ bargaining power is to equip them with a basic income. It is often argued that a basic income would make it less costly for individuals to express their authentic preferences for leisure and working time because it provides them with a reliable exit option from work contracts that do not suit their interests (van Parijs and Vanderborght, 2019). Although there is substantial uncertainty about the question what the likely effects of the introduction of a basic income would be, it can be expected that most forms of the basic income – if pitched at a reasonably high level – will lead to an increase in workers’ bargaining power. This is mainly because it equips them with the freedom to quit unpleasant jobs. Insofar as it decreases the severity of the threat of unemployment, it mitigates or removes rat races triggered by the desire to avoid dismissals or other disadvantages. It is less clear whether a basic income would address rat races that evolve around other competitive goals such as competitive consumption or achieving a promotion.

Rat races can also be tackled more directly through the issuing of maximum work hours laws. Such restrictions seem like a natural response to the rat race because they make it impossible for workers to use working time as a means of competing with each other. Their main advantage is that they are relatively cheap and effective and policy makers can draw on substantial historical experience with regard to their implementation. A major drawback of this strategy is that it is a relatively blunt instrument that is likely to treat alike different workers in different sectors and with different preferences. This is problematic because rat races in different sectors differ in how severe they are and should therefore be addressed in different ways. The main advantage of simplicity gets undermined the more policy makers attempt to fine-tune and tailor maximum hours laws to specific circumstances.

Regulation is almost never Pareto-improving

I now address an important objection that denies the assumption that the removing of rat races constitutes a Pareto-improving shift. Let us call workers who prefer to work less and enjoy more leisure, *grasshoppers*, and workers who prefer to work more and enjoy less leisure, *ants*.⁸ While interventions to remove the rat race will benefit grasshoppers, they will harm ants. This means that removing the rat race is not a Pareto-improving shift.

To illustrate this concern, let's go back to *Two villages*. The objection begins with the insight that the example of *Two villages* is too simplistic in the following way: In reality, not all villagers will have an interest in the construction of a bridge. Some will be indifferent and some will be opposed to such a project. For some residents, the expected benefit of the bridge does not outweigh the cost they would have to bear. Others may even consider the bridge a disutility, say because it ruins a beautiful landscape. As a result, the construction of a bridge is no longer justifiable on the grounds that it advances everyone's interest. A similar objection applies against the grasshoppers' demand to remove the rat race. Helping grasshoppers by regulating labour markets harms the interests of ants because the introduction of a regulatory mechanism makes it more difficult or more costly for them to work as long as they please. If this were the case, interventions would in fact not be Pareto-improving because they improve the situation of grasshoppers at the expense of the interests of ants.

There are two ways in which defenders of working time reduction policies can respond to this objection. First, they can point out that not all forms of intervention harm ants. While coercive policies such as maximum work hours laws may well harm ants, a number of other interventions may not, such as, for example, non-coercive measures that use incentives and voluntary opt-in programmes. An illustrative example of a non-coercive policy is the 'Right to Disconnect' introduced on 1 January 2017 in France, which requires firms with more than 50 employees to propose time frames during which workers are not required to be online and to respond to emails (Boring, 2017). The French government introduced this right as a response to widespread overwork and a rising prevalence of burnout syndrome. In contrast with maximum work hours legislation, this policy imposes relatively little harm on ants because it strengthens workers' ability to not work overtime without *preventing* them from doing so. However, while it may take the sting out of some rat races, the right to disconnect will not remove them

entirely because it will be possible and advantageous for workers in many situations to compete against each other by working extra hours. Crucially, the right to disconnect does not provide workers with a means of coordinating their actions in order to align their collective interest with what is individually rational for each worker. Something similar will likely be true for other non-coercive policies besides protecting the right to disconnect.⁹

For example, states can create mechanisms that allow for an opting-out of established working time directives when certain conditions are met (Bogg et al., 2016: Ch. 12). States can also take measures to augment workers' individual or collective bargaining power, for example, by providing everyone with a basic income or by implementing state-supported sectoral bargaining systems. Such policies are preferable to coercive maximum hours laws because they are less restrictive of ants' freedom to work as long as they please. Nevertheless, we must assume that these rat race-removing policies too will normally harm ants, at least to *some* extent, and so this first response to the objection is not enough.

This leads us to a second response to the objection which posits that interventions are justifiable even if they are not, strictly speaking, Pareto-improving. Philosophers have dedicated much thought to the question of how to evaluate policies that benefit some and harm others, and there are different approaches to this question. However, reasonable approaches converge on the idea that if the affected interests of those who would be benefitted and those who would be harmed are identical or similar in strength, we should aggregate these interests across individuals and settle the decision in favour of the group who experiences the largest loss. One particularly appealing approach is the contractualist 'Complaint Model'. In the subsequent paragraphs, I use the Complaint Model in order to adjudicate between the competing interests of ants and grasshoppers once we've dropped the assumption that regulating the rat race is beneficial to everyone. I'm not suggesting that the Complaint Model is the *only* theoretical approach that provides a satisfactory solution to the problem of grasshoppers' and ants' competing interests. Here I'm using it merely as an illustration for how one can sustain the argument that regulation to remove the rat race can be justifiable even though it harms ants to some extent.

According to the Complaint Model, we should endorse a policy if the strongest complaint against it is smaller than the strongest complaint that can be raised against alternative policies (Scanlon, 2000: 230). To illustrate, if we must choose between either saving one person from death or a million persons from headaches, the Complaint Model plausibly recommends saving one person from death. Other doctrines, such as utilitarianism, that rely on a straightforward aggregation of harms and benefits might implausibly recommend saving a large number of persons from headaches. In the case of the rat race, the Complaint Model recommends regulation if the complaint against the rat race that can be raised by the most adversely affected grasshoppers is stronger than the complaint that can be raised by those ants that are most adversely affected by regulation.¹⁰

It's likely that the complaint that can be mounted against the rat race by any *individual* grasshopper is similarly weighty or weightier than the complaint that arises for any individual ant as a result of regulation. The most significant harm suffered by ants as a result of regulation is a loss of financial income. Many types of collectively binding regulation to prevent the rat race from occurring will effectively prevent ants from

spending as much time at the workplace as they please and, as a result of that, prevent them from increasing their income through overtime work.¹¹ On the side of grasshoppers, the rat race sets back an interest in free time, which – like money – is an important resource that can be used to pursue a wide variety of ends (Rose, 2014). Moreover, an ample literature documents that long work hours have deleterious effects on workers' safety and health (Wong et al., 2019). If it were true that the loss of free time, taken together with the risks and health effects of long work hours, harms individual grasshoppers more severely than the loss of income harms individual ants, the Complaint Model would recommend regulating the rat race.

This simple 'minimize the largest complaint' principle can generate implausible consequences in some cases. For example, if we have to choose between saving one person from losing three fingers and saving 1000 persons from losing two fingers, the simple version of the Complaint Model counter-intuitively recommends saving one person from losing three fingers. However, the Complaint Model can be modified in ways that avoid this troubling implication. For example, a sophisticated version of the Complaint Model can allow for the aggregation of individual complaints in cases where complaints are similarly severe. Arguably, the complaint that arises from a loss of two fingers and the complaint that arises from a loss of three fingers are sufficiently similar to trigger a concern for the number of individuals who are affected by these losses. I will assume that this is the most plausible version of the Complaint Model.¹² In order to see how this version of the Complaint Model applies to the rat race, consider the following example:

10 hours reduction: Imagine an economic sector where the rat race leads to an increase in average working time from 40 hours to 50 hours per week. A government responds to this with an intervention – say a strengthening of labour unions – that removes the rat race and leads to a 10-hours working time reduction.

Let's assume for a moment that the complaint that arises for ants as a result of regulation and the complaint that arises for grasshoppers as a result of the rat race are similarly severe, so that the Complaint Model requires their aggregation (I will later defend this assumption). If this is true, the Complaint Model would recommend regulating the rat race *if* grasshoppers outnumber ants. Plausibly this is the case in most contemporary societies. Consider the example of the UK. Statistics about overemployment and underemployment can be used as a very rough indicator for the distribution of working time preferences and thus for the distribution of grasshoppers and ants. In the UK, about 32 million individuals are employed in the labour market. Of these, more than 3 million want more hours, 10 million want fewer hours and the rest wants neither more nor fewer hours. Of those who want fewer hours, more than 3 million would want them even if this means lower pay and 6.5 million want fewer hours but not with less pay (UK Office for National Statistics, 2019). This suggests that there are roughly three times more grasshoppers than ants.¹³

However, not everyone agrees that such statistics reveal conclusive information about working time preferences. This is because of a purported process of adaptive preference formation where individuals in work-centred societies are nudged into believing that

lifestyles centred around gainful employment are particularly valuable: 'The connection between identity and occupation is forged from a young age, with children being prompted by parents and educators to refine their career aspirations and begin cultivating their employability' (Frayne, 2005: 14, 15).

The importance of the institution of paid employment for our identity, social recognition and material subsistence, so the argument goes, makes it difficult to form preferences that are not aligned with the dominant attitudes towards work.¹⁴ Moreover, the advertisement industry constantly creates new desires for consumer products that can only be afforded through gainful employment. This puts a premium on high working time, high-income lifestyles and makes it attractive to develop preferences for paid employment. The upshot of this argument is that the number of 'real' ants is likely to be substantially lower than suggested by the statistics. While this is perhaps correct, it is entirely unclear what exactly our preferences would look like in an 'undistorted', work-morality-free setting. It is also unclear whether theorists opposed to perfectionist approaches to social justice have reasons to criticize the above-described process of preference formation in work-centred societies. Interesting though it is, I will set this concern to one side.

However, there is still reason to believe that the above figures overstate the number of ants in the UK. In an economy where everyone received a living wage, these figures would provide conclusive knowledge about the number of ants in a society. In the real world, where many do not receive living wages, these statistics are likely to reflect more than just working time preferences. For example, some may want more hours because they need more income to survive or because they want social security benefits that are available through full-time but not through part-time employment. In other words, not everyone who is overemployed is necessarily an ant. The upshot of this is that under any reading of the statistics, ants are outnumbered by grasshoppers.

In order to approximate the number of ants and grasshoppers in the UK, we must also answer the question of how we should interpret the divide between those grasshoppers who would like to reduce their working time only with full wage compensation and those who would like to work less even if this means less money. On which side of the equation of our harm comparison should we register those grasshoppers who are not willing to take an income loss? It is possible that these workers are not harmed by rat races because if they were harmed by rat races and if they earn incomes above the living wage, they would welcome even those types of working time reduction that go along with wage reductions. But we can nevertheless assume that those grasshoppers are in favour of the intervention of strengthening labour unions. This is because labour unions typically advocate *both* better pay *and* reduced working time. Hence, in our calculation, we should count at least all those on the side of grasshoppers who claim to be overemployed and all those on the side of ants who claim to be underemployed. This means that under the most conservative estimation (disregarding issues around low wages and adaptive preference formation), ants are indeed outnumbered by grasshoppers by three times. The upshot of this is that rat race-removing interventions are recommended by a reasonable version of the Complaint Model that aggregates whenever the competing interests at stake are similar.

Let me now defend the assumption that the harms at stake on the side of grasshoppers and those at stake on the side of ants are sufficiently similar to justify aggregation. As I said, the rat race sets back grasshoppers' interest in free time, and regulation sets back ants' interest in additional income. Both free time and money are important resources that individuals can use to advance their life plans. The question is how one can vindicate the judgement that these competing interests in money and free time are of comparable significance without relying on a perfectionist standard of human flourishing. In other words, can we establish that the harm suffered by grasshoppers under *laissez-faire* and the harm suffered by ants under *intervention* are sufficiently similar to allow for aggregation without making controversial assumptions about human flourishing?

One way to avoid relying on a perfectionist standard is to appeal, instead, to individual judgements about the relative significance of money and free time. Such individual judgements can be revealed through a 'willingness-to-pay' test of the kind that Ronald Dworkin has proposed (Bou-Habib, 2009; Dworkin, 1986: Ch. 8).¹⁵ To see what this involves, suppose an ant and a grasshopper each earn an annual salary of £40,000 under a regime of *laissez-faire* with 40 hours of work per week, and that they can instead earn £35,000 under a regime of *intervention* with 35 hours per week. We must decide whether to shift from the regime of *laissez-faire* to a regime of *intervention*. Using a willingness-to-pay test involves asking the ant how much she would be willing to pay to retain the regime of *laissez-faire* and the grasshopper how much she would be willing to pay to shift to a regime of *intervention*. Suppose that the ant would be willing to reduce her salary by £2,500 in order to retain *laissez-faire* (that is, so that her salary would shift from £40,000 to £37,500). Suppose, next, that the grasshopper would be willing to sacrifice £2,500 in order to have *intervention* instead of *laissez-faire* (she would accept a salary of £32,500 in order to have *intervention*). On a willingness-to-pay test, the competing interests of this ant and grasshopper are equivalent in significance. By contrast, suppose the ant was more extreme in her judgement, so that she would derive *zero* value from the extra free time she could have under *intervention* and would thus be willing to pay almost £5,000 in order to retain *laissez-faire* (almost all of the income she would gain from *laissez-faire*). In this case, we should conclude that her interest in *laissez-faire* is weightier than the grasshopper's interest in *intervention*. This is because the ant would be willing to pay more in order to retain *laissez-faire* than the grasshopper would be willing to pay in order to have *intervention*. Using a willingness-to-pay test of this kind allows us to reach this judgement about the relative significance of their interests without assuming that the ant or grasshopper has the better conception of the good life and is thus anti-perfectionist.

To my knowledge, such a willingness-to-pay test hasn't been operationalized in the context of working time regulation. What I offer here is only a sketch of a theoretical solution to the problem of comparing the goods of money and leisure in a way that is anti-perfectionist. My hypothesis, that the interests of grasshoppers that would be set back under *laissez-faire* and the interests of ants that would be set back under *intervention* are sufficiently similar in order to permit aggregation, would be confirmed if ants and grasshoppers would offer similar amounts in a willingness-to-pay test. And as I have shown above, a reasonable version of the Complaint Model that aggregates similar complaints would settle the dispute between ants and grasshoppers in favour of the latter because there are many more grasshoppers than ants.

Regulation is harmful to third parties

One might worry that regulating the rat race wouldn't only set back the interests of ants but also those of other parties affected by the rat race and its regulation. Crucially, in the absence of regulation, the rat race works to benefit consumers and business owners, for example, because it leads to an increased production of goods and services. If regulation to prevent the rat race from occurring was in place, consumers would see an increase in the prices of goods and services because the additional labour generated by the rat race works to expand the availability of consumer goods.¹⁶ Business owners might also be harmed by regulation because they would no longer benefit from the (occasionally gratis) extra work that occurs as a result of the rat race.¹⁷ It might seem arbitrary to focus discussion of the effects of regulation exclusively on the interests of grasshoppers and ants when there are also other parties whose interests are adversely affected by regulatory intervention.¹⁸ Taking the interests of these other parties into account might weaken the case for working time regulation because it could reveal that regulation is more harmful than the initial analysis that is restricted to the interests of grasshoppers and ants suggests.

However, it is far from obvious that considering additional interests weakens the case for working time regulation.¹⁹ There are two main reasons to assume that the conclusion of the Complaint Model wouldn't be altered by considering other affected interests, that is, beyond the interests of ants and grasshoppers. First, many of these other affected interests side with the grasshoppers' complaint against the rat race. For example, children would likely benefit from the presence of workers who return from work earlier. Other family members, dependents, and friends of those who participate in the rat race might favour regulation because it would allow them to spend more time with these workers. A reduced production of goods and services might be valuable from a perspective of ecology and sustainability because it reduces greenhouse gas emissions and waste. Moreover, insofar as it is true that long work hours have adverse effects on workers' health, consumers might benefit from regulation because public expenditure to treat overwork-related health issues might go down.

Second, the interests of many parties other than ants that are harmed by regulation aren't weighty enough to alter the recommendation of the Complaint Model. It is true that consumers have an interest in cheaper goods, and the rat race reduces the prices of consumer goods. But the harm suffered by each consumer as a result of slightly higher prices is not enough to outweigh the harm experienced by grasshoppers when their free time is significantly reduced by the rat race. Neither can somewhat lower prices of consumer goods outweigh the other interests I mentioned above, such as the interests of children to spend more time with their working parents.

What's more, most people must work in order to be able to consume which means that they must weigh their interest in cheaper products against their interest in free time. Another way to put this is to say that there is often identity between the groups of grasshoppers, ants and consumers. Grasshoppers and ants are not only workers but also consumers, and consumers are often (though not always) workers. We should assume that individuals don't treat their working time and leisure preferences as entirely independent from their consumption preferences. The two are intertwined: Supposedly, ants'

main reason for preferring long work hours is that this affords them more consumer goods, and grasshoppers know that working little is incompatible with a consumption-intensive lifestyle. This means that insofar as consumers are grasshoppers, their interests in cheaper consumer goods are mitigated by their interest in leisure. Those consumers that are ants also have an interest (though a much smaller one) in free time that reigns in their desire for cheap consumer goods.

Having said this, it bears emphasizing that there are *some* rat races whose removal is impermissible because they generate significant benefits for the least advantaged. To understand why this might be the case, note that workers whose skills are high in demand on the labour market often earn high wages, while those whose skills are low in demand are often badly paid. Many think that some market-induced inequalities of this kind can be morally objectionable and that this can justify compensation to those whose skills happen to be low in demand. It is even less controversial that states have a duty to provide the worst off with at least enough resources to cover basic necessities. One straightforward way of complying with that duty is to impose progressive taxation on high-income earners. The revenue created by this taxation can then be redistributed in ways that benefit the worst off. However, the size of the revenue that can be extracted from high-income earners depends on the size of these workers' income. Much more tax revenue can be extracted from a high-income earner who works 70 hours per week than from the same person working only 35 hours per week. With this in mind, consider now the following scenario.

Corporate consultants: A group of corporate consultants is affected by a rat race, as a result of which they work much longer than they would do otherwise. The consultants are top-earners and their income is taxed at a rate that is compatible with the demands of social justice. The state solves their collective action problem so that each consultant works significantly less than before. Consequently, the state revenue that flows from taxation of their income diminishes.

If states solve the corporate consultants' rat race, they lose resources that could otherwise be used to improve the situation of the worst off (Casal, 2017: 379; Parr, n.d.; Stanczyk, 2018: 71). The worst off are of course those who normally rely most on tax-funded social services and if the state's tax base shrinks, they will be the ones who suffer most from cuts to these services. This suggests that the removal of rat races between very privileged workers is morally impermissible because it harms the worst off.

Note that the force of this argument against regulating rat races between privileged workers depends on the truth of an assumption that sometimes isn't met in reality. It assumes that workers whose working time increases as a result of the rat race earn higher incomes than those who don't participate in the rat race. But this isn't always the case. We can imagine that the corporate consultants from our example attempt to impress their boss by staying longer in their offices even though they know that these extra hours won't be paid. If those who participate in the rat race don't earn more income as a result of increasing their working time, then there is no additional tax revenue that can be extracted from them.

Nevertheless, we should expect that many rat races between privileged workers create paid overtime work that can be taxed to benefit the least advantaged. Regulating these rat races would harm the interests of the least advantaged to an extent that makes regulation morally impermissible. Another way to say this is that the urgency of the moral concern about excessive working time diminishes as workers become better off. Any reason states can have to aid time-pressured top earners will often be outweighed by the more urgent moral concern that this will set back the interests of those who're already disadvantaged. In cases like *corporate consultants*, the complaint generated by *intervention* is stronger than the complaint generated by *laissez-faire*. The interest of the least advantaged in maintaining the same level of tax-funded social services outweighs the corporate consultants' claim to enjoying more free time.

Contrast *corporate consultants* with a rat race that occurs among disadvantaged workers. Imagine, for example, a group of gig-economy delivery workers that is affected by a rat race whereby everyone accepts delivery jobs in their free time in order to avoid the threat of being dismissed. Imagine also that the state helps these workers overcome the rat race by subsidizing gig-economy labour unions. In this case, the rat race removal doesn't harm the least advantaged but rather improves their situation because it provides them with access to additional free time.

What follows from this is that states ought not to solve all rat races indiscriminately but only when this doesn't set back the interests of the least advantaged. In extreme cases, where privileged workers generate enormous tax revenue, states might even have reasons to make it more difficult for these workers to solve their collective action problems in order to 'squeeze' a maximal amount of tax income from them.²⁰

Regulation is ineffective

I conclude by considering the objection that regulating the rat race is an idle exercise because, instead of removing the rat race, regulation will only shift the problem to another field, where it then re-emerges. Remember that the rat race occurs when workers use long work hours as a means of signalling productivity and commitment in order to achieve, for example, a promotion. Imagine now that states pass legislation that makes it impossible for employers to make promotion decisions on the grounds that someone works longer than someone else. Obviously, this legislation will not remove the worker's desire to get a promotion. If workers know that they cannot use long work hours as a means of demonstrating commitment, they may find other ways of competing that are just as harmful to their interests. For example, they may decide to demonstrate their commitment by working more *intensively*. This suggests that regulation to remove the rat race may be futile because it only moves the problem and leads to the emerging of another rat race elsewhere.

The force of this objection mainly depends on two factors: (a) How many workers, if any, will enter a different rat race once the rat race around work hours is removed? and (b) How harmful is the new rat race as compared to the old one? The answer to these questions will in turn depend on the question of how difficult or promising it is to enter into a new rat race, say around the intensity of work.

Remember that the rat race around the length of the working day occurs relatively frequently because workers are aware that working time is an easy and inexpensive way for employers to approximate productivity and commitment. Often (though not always), it is more difficult and more expensive for employers to measure the intensity of their employees' work. This is because measuring work intensity requires information about both quantity and quality of the products or services produced by each worker. Goods or services are normally produced collectively by a number of workers which makes it more difficult to trace the contribution made by each individual. In other words, the intensity of work is less publicly verifiable than the number of work hours. Workers will find it attractive to compete by increasing their work intensity only if they expect that employers register and reward this additional effort. Workers will abstain from entering into a work-intensity rat race if intensity is not adequately measured or measurable.

It bears mentioning that insofar as workers do participate in work-intensity rat races, these are particularly burdensome. Staying longer at the workplace can often be done with comparably little effort, especially when workers decrease their work intensity. Working more intensely on the other hand is almost always associated with additional strain. This means that *if* work-intensity rat races occur they give rise to concern as well.

For the sake of the argument, imagine for a moment that the new rat race around work intensity is equally or even more harmful than the one around working time. Would this give us reason to refrain from removing the working time rat race? Or would it rather give us reason to issue legislation that removes the work intensity rat race as well? If it were true that the removing of each rat race would always lead to the emergence of a new and equally harmful rat race, then it would indeed be futile to pass any such legislation. But it's implausible to assume that this is the case.

Remember the above example of the educational arms race where parents attempt to provide their children with comparative advantages, for example, by sending them to expensive private schools. Imagine that a state decides to address this arms race by prohibiting private schools. Supposedly parents could now redirect their efforts and enter into a different arms race, say by providing their children with additional private lessons in their free time. Does this mean that the prohibition of private schools is futile? Not necessarily, because we would expect the new arms race around private lessons to be less expensive and therefore less wasteful.

Something similar is true for the rat race around working hours. We can expect that workers will not always be able to find new ways of signalling motivation and commitment that have equally harmful effects than the working hours rat race. At some point, workers may attempt to signal their motivation by smiling when their boss is around or by walking through the corridors of the firm in an especially energetic way. At this point, states may well decide that although problematic in some sense, these rat races are not worth regulating because their effects are not profound enough to justify intrusive and coercive measures.

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Notes

1. The term ‘underemployment’ describes a situation in which individuals are employed but perform less work than they would like to do.
2. The outcome may not be worse for all of the competitors because those who enjoy long work hours may not mind participating in the rat race. Nevertheless, it is accurate to refer to the rat race as a collective action problem. To see why, consider a classic example of a collective action problem. A group of fisherpersons fish in the same lake. Each has an incentive to catch as many fish as she/he can but if everyone fishes too much, the fish will die out. This suggests that everyone should have an incentive to fish only a sustainable amount. However, realistically, some fisherpersons may not have an interest in the long-term stability of the fish stock. Some fisherpersons may soon retire and others may want to take up a different job in the near future. These individuals would prefer to be able to fish as much as they can. Nevertheless, we can still refer to this situation as a collective action problem because the interest in a sustainable fish stock is shared by most individuals. I will argue in the ‘Regulation is almost never Pareto-improving’ section that most workers have an interest in not participating in the rat race.
3. As well as being anti-perfectionist, this type of justification for reduced working time does not rely on the assumption that free time is a Rawlsian ‘social primary good’. For discussion of this view, see Rose (2016).
4. Arguments of this type suggest that long working time is objectionable because it has adverse effects on workers’ health or because it fosters an unjust gendered division of labour.
5. Economists refer to this as the ‘part-time wage penalty’. See, for example, Manning and Petrongolo (2008).
6. Note that we can draw a distinction between rat races that increase productivity and rat races that do not increase productivity. In one version of the rat race, workers work longer hours in order to demonstrate commitment, and this additional effort does in fact lead to higher productivity (say in the form of more goods and services produced). In an alternative scenario, workers pretend to work longer hours in order to achieve the same ends. In this case, workers spend more time at the workplace without actually increasing productivity. This latter scenario is additionally troublesome – that is, apart from any complaints it might raise on the part of workers who wish to work fewer hours – because it introduces an inefficiency into the economy. I will set aside this scenario and instead focus on the more difficult case of the productive rat race where workers actually do produce more goods and services in their over time.

7. This can cause a number of injustices. One of them has to do with the fact that resources invested in the arms race generate no real benefits and could instead be invested in different ways, such as aid for the worst off. Certain restrictions of markets in education are therefore justified (among other things) because they have the potential to correct for this injustice. For discussion, see Halliday (2016). There are of course other reasons for being concerned about the educational arms race. For example, spending on private schools can be opposed on the grounds that it undermines equality of opportunity.
8. The grasshopper/ant labels go back to an ancient Greek fable by the storyteller Aesop.
9. One might wonder why we should think that the market mechanism itself wouldn't provide a solution to the rat race collective action problem. After all, if it were true that many workers have preferences for fewer hours and if they're willing to work for lower wages in order to obtain their preferred working time arrangement, we would expect that some companies would try to attract these employees by offering jobs that involve fewer work hours. The fact that we don't observe these options in the market might suggest that there is, after all, no demand for jobs with reduced working time. In reply to this, I argue elsewhere that a collective action around increased working time does not only occur between individual workers but also between firms. Firms that compete in a market have incentives to use novel technology in ways that increase production instead of using it to reduce working time. A similar claim has been put forth by Cohen (1978: Ch. 11).
10. One might wonder what exactly is meant by the term 'complaint'. As I understand it, the concept of a complaint within a Scanlonian contractualist framework broadly refers to something that sets back a person's interest. A person has a complaint against a principle to regulate social interaction if that principle sets back her interests.
11. One might worry that regulation also restricts ants' access to goods other than money that are also obtainable through work, such as social recognition, self-esteem, and realizing community with others. However, these goods are not exclusively available through work. For example, individuals can gain social recognition and experience a sense of community with others through joining voluntary societies. Moreover, acquiring these non-monetary goods arguably does not require that workers be allowed to work as long as they maximally wish but only enough to meet a certain threshold. For example, a particular job can be a source of self-esteem even when the worker in question is allowed to pursue it for only 30 rather than 50 hours per week. Recent research suggests that as little as 8 hours per week might be enough to reap the 'goods of work' other than money (Kamerāde et al., 2019).
12. It is beyond the scope of this article to explain and defend this version of the Complaint Model. There is ample literature on the question of what role aggregation should play in contractualist theory (Horton, 2018; Munoz-Darde, 2013; Reibetanz, 1998).
13. We can expect that there are varying shares of ants and grasshoppers in different sectors of the economy. A more precise analysis, which is beyond the scope of this article, would disaggregate these figures and identify the share of ants and grasshoppers in different sectors of the economy in order to make sector-specific policy recommendations.
14. Some empirical findings seem to vindicate this hypothesis. Consider the example of Sweden: 'Ironically, the demand for fewer hours is most pronounced in Sweden, where weekly and annual hours are already low and the government has devoted itself to reducing the conflict between work and family. It seems that generous social benefits make working fewer hours an attractive option in Sweden, especially for women with children. In the United States, where

- average work hours are high and work–family conflict is severe, the working population is split between those who want more hours and those who want fewer’ (Reynolds, 2004: 95).
15. Note that the willingness-to-pay test is always carried out against a backdrop of equal bidding power. This ensures that it doesn’t produce outcomes that are skewed in favour of rich workers who use their high income to ‘outspend’ poor workers.
 16. As I mentioned above, not all rat races are productive in the sense that they lead to an increased production of goods and services. We can imagine cases where workers attempt to impress their boss by staying longer in their office without actually carrying out more work during these extra hours. The objection I discuss in this section only applies to productive rat races, where competition between workers leads to an increased production of goods and services.
 17. This loss suffered by business owners might also be passed on to consumers in the form of higher prices.
 18. I’m grateful to an anonymous referee for pointing me to this concern.
 19. One might think that there is a straightforward reply to this objection, according to which the interests of consumers or business owners wouldn’t be affected by regulation because business owners could pay for new workers from the decreased wage of existing workers that are willing to work fewer hours with less compensation. However, this reply assumes that it would be easy to transfer these small amounts of freed-up time to new employees. This in turn is not a realistic assumption to make because transaction costs and other frictions that occur in real existing labour markets (as compared to idealized theoretical models) make it difficult to realize these time transfers. I’m grateful to an anonymous referee for drawing my attention to this consideration.
 20. There are several ways in which states can regulate rat races in a discriminatory rather than in a universal fashion. For example, states can help create or strengthen gig-economy labour unions and refrain from strengthening unions that represent privileged professions.

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