Perspectives on work: 
Introduction

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The “Great Transformation” (Polanyi, 1944) that gave birth to industrial society initially centred on free trade. The transformation of work came only later. The unforeseen consequences of the liberalization of trade and industry made it necessary to rethink the issue of work and to turn nation states into Welfare States. But the Welfare State is now falling apart. Under the combined effects of technological and political change, international trade is growing while national institutions are undermined. Foremost among these is national labour law, which is suspected of impairing economic efficiency, as were trade guilds in the past. It may be a sign of the times that the new World Trade Organization has moved into the former building of the International Labour Organization on the verdant shores of Lake Geneva.

Like the industrial revolution, today’s great transformation is bound to raise the issue of work in the context of international trade. In fact, the issue is already being raised: debates on the inclusion of a social clause in international trade agreements offer a foretaste of what lies ahead (Servais, 1989; Moreau, Staelens and Trudeau, 1993; Emmerij, 1994; van Lier, 1989; Hansenne, 1994; Besse, 1994; Maindrault, 1994). Indeed, goods cannot be traded indefinitely in disregard of the fate of the people who make them. To some, the breakdown or disruption of the legal status and values attaching to work means joblessness and uselessness to the world. To others, it means too much work and no time for the world. In either case, the outcome is something like a social death that threatens the very foundations of human existence and reproduction (particularly for lack of money or time to bring up children). This is bound to lead to violence because people cannot be reconciled to social death indefinitely. Whether it is religious, criminal or nationalist, violence will in turn pose a threat to business and to the very survival of the market economy. The age of simplistic arguments for labour deregulation (e.g. dismantle labour law and all will be for the best in the best of all possible worlds) is drawing to a close and will have been short-lived. Far

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from being sidelined by the globalization of the market economy, the issue of labour is assuming unprecedented proportions. This no doubt explains why the past two years have witnessed a proliferation of studies on the question of work, analysing how it has changed, proclaiming its decline or projecting its future. The contributions presented in this issue of the International Labour Review should be seen within that context.¹

A multidisciplinary approach to the social sciences

Colloquia, seminars and other such gatherings have become so common and specialized that one might be forgiven for forgetting what they were originally intended for. Etymologically, the term colloquium implies intent to “speak with” someone, as opposed to a succession of soliloquies. The issue then is with whom to speak. In a world where knowledge has become so specialized, it is tempting to converse only with experts in one’s own field of specialization. Ever since knowledge about human behaviour and society became organized into “sciences”, on the model of the natural sciences, the whole approach to the study of social affairs appears to have become irremediably bent to the rules of specialization. This would mean that the quest for the ultimate truth underlying social phenomena bears fruit only by narrowing the scope of investigations. The division of labour, as theorized by Durkheim, finds particularly vivid expression in the field of scientific research. Just as there are no longer any specialists on Byzantium – but specialists in Byzantine art, institutions or customs – no one can go on claiming to be a labour specialist. Now there are only labour lawyers, labour sociologists, labour economists or labour historians. Moreover, each of these categories tends to split into a myriad of subdivisions, with the result that no specialist in trade union law would confidently venture into the province of specialists on the law of dismissal; nor would a historian specialized in eighteenth-century labour attempt a foray into the preserve of colleagues specialized in medieval labour. In many respects, this process of specialization is both inevitable and beneficial, but it none the less presents serious drawbacks.

It is conducive to autistic behaviour among experts themselves. Economists tend to read (and cite) only other economists (preferably those from their own school), as do sociologists other sociologists, jurists other jurists, and so forth. Taken to extremes, this tendency makes self-citation the preferred form of reference. Between the increasingly narrow fields of knowledge, there is little or no communication. And within each field, self-

¹ All of them are based on presentations to a colloquium “Perspectives on work” held at the Maison des sciences de l’Homme Ange-Guépin, at Nantes (France) on 12-13 April 1996. The proceedings of the colloquium, comprising some 50 presentations, will be published by Presses Universitaires de France (see Supiot (ed.), forthcoming). The articles published here have been recast by their authors for the benefit of the readers of the International Labour Review.
reference has become the standard approach. While there is nothing new about autism among experts, this condition is now underpinned by scientific authority. Hence the rather special relationship experts have with the outside world. People can have difficulty making sense of what experts say about the society in which they live, either because they present a jigsaw of which the pieces do not fit together, or because the pieces have been forced together to suit the experts' own way of thinking, then presented as some universal and definitive Truth. For the sake of that Truth, entire areas of human experience may be consigned to the scrap heap. Yesterday, it was the end of religion, the end of philosophy, the end of law, even the end of history. Today, it is the end of work (Rifkin, 1995).

The common aim underlying the articles in this issue of the Review is the endeavour to avoid these pitfalls. As experts specialized in particular fields, the authors could only avoid the trap of self-reference by comparing their points of view on the question of work. This means comparing ways of conceptualizing work at different historical moments, in different disciplines and in different countries. Just as there is no single way of looking at a landscape – but as many ways as there are angles from which it can be viewed (with each angle itself offering a variety of prospects depending on the daylight) – there is no single way of seeing work and the changes it is currently undergoing. The concept of work itself must not be allowed to mask the great diversity of situations it actually encompasses (see Salais and Storper, 1993). Comparing points of view invariably amounts to making them relative, less absolute, especially as regards the point of view of the person drawing the comparison.

This is the reason for bringing together different perspectives on work. First, the notion of perspectives implies that the question be addressed by contrasting points of view that normally take no account of one another, namely, those of specialists from different disciplines (economics, law, anthropology, philosophy, sociology) and those of different countries (France, Germany, Greece, Italy, Japan, Spain, United Kingdom). Second, perspectives imply an aim – in this case, to extract from the narrow confines of academe a pool of knowledge on the transformation of work with a view to making a practical reappraisal of the legal and institutional categorization of work today.

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3 This tendency fits the description of what Lucien Slez (Slez, 1988) calls “tautism” which occurs when there is no longer any distinction between a given system of representation and what it is supposed to represent.

4 Under its millenialist title, this rich book offers a thought-provoking vision of the future of work. To Rifkin, the “end of work” is both the decline of jobs that can be done by machines and a question mark hanging over the purpose and meaning of human work in a mechanized world. Far from predicting the end of work, the author concludes that millions of jobs are just waiting to be created in the third sector, “a third force that flourishes independent of the marketplace and the public sector” (p. 239).
How law relates to the social sciences

The special importance given to law in these articles calls for an explanation. The point is not to analyse the transformation of work according to existing legal categories, but rather to conduct a legal analysis of the transformations of work. Law is not a social science and has nothing to offer on the ultimate truth of social relationships. Law can only mirror what societies believe those relationships ought to be. This peculiarity is misunderstood by all those who so diligently endeavour to incorporate law into some theory of regulation, confusing the rule of law with scientifically observed or practised regularity. However, provided that legal categories are taken for what they really are, they can be useful not only to understand but also to manage social change in general and the transformation of work in particular.

The understanding that law can provide derives from the fact that the legal approach can help to identify the standards inherent in each of the conceptual categories (especially the statistical) that pervade the social sciences (see Legendre, 1983). What the term “worker” has come to mean in the course of this century, the way in which it is understood throughout the social sciences, is the outcome of classification processes, of inclusions and exclusions, which set standards both in principle and in effect. The same goes for the term “unemployed” (Salais, Baverez, Reynault, 1986; Mansfield, Salais, Whiteside, 1994). Legal analysis is thus akin to what Bachelard called the “psychoanalysis of objective knowledge”, which he considered necessary to clear the obstacles inherent in any quantitative knowledge (Bachelard, 1938, pp. 211 et seq.).

Law is also needed to manage the transformation of work. Considerable information is available on the transformation itself from historical, economic, philosophical, sociological and other perspectives. But this sum of knowledge will be of no practical value unless it can at some point be used to facilitate adaptations in the legal status of work. Hence the point of communication between legal specialists and social scientists. Obviously, such communication can have only a modest influence on historical developments, which are essentially shaped by power play. The metamorphosis of the world of work, now under way, looks set to be a painful process. But without the appropriate intellectual means to guide its course, the pain will be all the greater.

Transformations of work

Current thinking on employment conveys a notion of work which crystallized over a century ago and represents only one of the avatars assumed by human activity in the course of its long history. That notion is the product of a standard definition of work that combined inputs from both law (with the emergence of labour law) and the then incipient social sciences (particularly political economy and sociology).

Any attempt to reconsider the notion of work must therefore begin by stripping it of the qualities of eternity and universality that the western mind
so readily assumes its products to possess. Accordingly, this issue of the Review opens with historical, anthropological and philosophical perspectives on work. Robert Castel, whose work has had such a profoundly refreshing influence on perceptions of the emergence of wage employment in western societies (Castel, 1995), retraces the historical steps that led Europe to make work the primary source of people’s utility. Gérard Heuzé-Brigant’s anthropological contribution on work and identity in India illustrates the lesser importance attached to the wage employment model in cultures where the notions of employment and employee were imported by the colonial powers and where work per se never became central to the system of values. The value attached to work is the subject of Dominique Médà’s philosophical investigation. Drawing on the arguments set out in her book predicting the end of the value attaching to work (Médà, 1995), she introduces some nuances here: work is now understood to embody a product of the recent historical developments that made economic transaction central to social life. Médà’s retrospective shows how work came to be identified with the very essence of humankind, either as a victory of the spirit over matter, or as a means of fulfilment in relation to the self, to others and to nature.

This first set of perspectives leads to the conclusion that law has a central role to play in recasting the concept of work. As shown by Castel, it is indeed through its legal underpinnings that work acquired the value and dignity it now has in Europe. Heuzé-Brigant explains that it is a particular legal perspective – rather than some value attaching to work itself – which makes public sector employment the model and unemployment a failing of the State in India. Médà, in turn, calls for a new “normative ideal”, an institutional recasting of individual identity and of the public sphere, thus giving work a less central position than it occupies today.

The shifting boundaries of wage employment

The above approaches converge upon one issue, namely, the meaning that law gives, or fails to give, to work. What is work in the legal sense? And how is its meaning changing today? Addressing these questions calls for a fresh look at the boundaries of wage employment. The hypothesis adopted for this purpose assumes that work, as understood in labour law, can be defined by reference to a set of four contrasts:

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5 This exercise is not without precedent. For a useful investigation of the question of work dating back to the time of France’s “social state” in the immediate aftermath of the Second World War, see for example the contributions of Lucien Febvre, André Aymard, Paul Viganoux, Marcel Mauss, Marc Bloch and Georges Friedmann in Journal de psychologie normale et pathologique (Paris), Vol. 41 (1948), No. 1 (Jan.-Mar.), a special issue on work and technology.

6 Three of these boundaries of wage employment are examined in other articles in this issue, namely, those by Raymond Le Guède, Alain Sipiot and Françoise Favennece-Hery. On the distinction between employment and self-employment, see Patrick Chaumette (forthcoming) and the numerous publications of the International Labour Organization on this subject (especially ILO, 1990).
(a) wage employment vs. self-employment;
(b) remunerated vs. unremunerated work;
(c) private-sector wage employment vs. public service employment;
(d) work vs. training.

A common feature of these four distinctions is that they dissociate work from the person of the worker (i.e. the subject of law), which makes it possible to treat work as the object of a specialized market, namely the labour market. This institutional definition of work excludes any human activity involving values other than market values (e.g. self-fulfilment, the interest of the family or children, the public interest, personal freedom).

The validity of all four distinctions is currently challenged by two tendencies. First, the private-sector wage employment model is finding its way into areas of activity outside its traditional scope through the development of work-based training, the introduction of wage employment relationships into the domestic sphere, public-sector privatization, and the statutory incorporation of self-employed workers into structures upon which they become economically dependent. Second, there is a reverse tendency whereby private-sector labour law is incorporating values that were previously characteristics of public-sector and non-wage employment: the right to vocational training and certification; the right to suspend employment for personal reasons (e.g. parental or sabbatical leave); enterprise claims to social and environmental responsibilities (expressed clumsily by the notion of corporate citizenship); development of non-subordinate wage employment (executive wage employment, statutory wage employment status,7 wage employment of traditionally self-employed workers; and, more generally, a blurring of the notion of subordination in employment relationships. All these developments are generally changing the way workers relate to their work, either by “marketing” occupations that previously fell outside the scope of private-sector wage employment (self-employment, public service) and thereby weakening the legal foundations of their distinctiveness, or by transposing into the sphere of private-sector wage employment values that were hitherto exclusively associated with public service and non-wage employment.

These changes are undermining the basic assumptions of both labour-related institutions (those providing for social protection, in particular) and the social sciences – especially sociology and economics – whose statistical and other analytical categories are based on a standard representation of labour and employment.

The criterion of subordination no longer applies to the whole range of employment relationships. This, in turn, calls for consideration of a legal status for working people which would extend beyond the current boundaries of private-sector wage employment. Remuneration, which used

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7 This covers occupations which the law of some countries presumes to fall within the category of wage employment regardless of the degree of subordination that the employment relationship involves (journalists, travelling sales staff, performing artists, etc.).
to characterize only employment relationships, is irresistibly gaining ground among previously unremunerated forms of work concerned with what are probably the most vital aspects of human life. Conversely, new forms of unremunerated work are finding their way into the sphere of wage employment itself. The previously clear-cut distinction between private-sector and public-sector employment is giving way to a much more complex situation, in which regulatory methods from the private sector (primarily collective bargaining) are being extended to the public sector, while the State is increasingly active as a supervisor and guarantor of work in the private sphere whenever it affects the public interest. As a result, features that used to distinguish work in the public interest are becoming common to both the private and the public sectors. Lastly, the boundary between training and work is also becoming blurred. This affects the very terms of employment contracts and puts in a different light the question of legal recognition of vocational skills.

The future of labour law

This examination of current transformations logically leads to conjecture regarding the future of labour law. Such is the purpose of the last three articles in this issue, which discuss prospects from three different angles.

Jean-Baptiste de Foucauld was formerly head of France’s General Planning Commission, which oversaw the preparation of the recent report on “Work in 20 years” (Commissariat Général du Plan, 1995). Here he offers a reappraisal of the aims of labour law. Recognizing that two requirements must be met – first, continuous adjustment and mobility of both people and organizations, and, second, personal security, without which economic development would no longer be synonymous with progress – he argues for “the construction of a system that can provide security, continuity and stability to people who are now faced with a multiplicity of possible situations and who are continuously required to adapt”. This is not far removed from Médard’s view that everyone should be guaranteed “access to the whole range of activities which the individual is capable of undertaking alone or as a part of a group”.

Basing his contribution on the conclusions of an important work published in Germany (Matthies et al., 1994), Ulrich Mückenberger projects a new social citizenship that would reconcile economic efficiency with respect for human diversity. To that end, he constructs a discursive model that takes account of all the basic needs at stake in the issue of work: those of enterprises, those of workers and those of society as a whole, including the societal needs which are left out of the dominant models of collective bargaining.

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The comparison of the French and German points of view on the future of labour law is enlightening. The French approach, both past and present, looks at the issue in terms of personal rights guaranteed by the State, whereas the German approach does so in terms of collective organization. But the outlook is ultimately the same in both cases: a redefined legal status of work allowing for the diversity of human activities.

By way of conclusion, Gérard Lyon-Caen looks at how labour law would cope with transition from one position to another, highlighting the double meaning of transition in this context. First, there is the transition from the old to the new labour law, which would at last become fully fledged after breaking free of the narrow confines of legally defined subordination, and, second, the transition from one job to another, since the primary objective of that new labour law would be to reduce the risks involved in making such professional moves, which are now increasingly frequent.

Ambiguity of work

According to Roland Barthes, “history never procures a clear-cut victory of one opposite over its opposite: as it unfolds, it reveals unimaginable outcomes, unforeseeable syntheses” (Barthes, 1957, p. 246). The history of work alone would suffice to corroborate the veracity of that statement, as would better still the history of labour law, which has variously managed in different countries to reconcile work as a tradeable (i.e. the object of a contract) and work as an expression of the person of the worker (i.e. a living subject). Indeed, work has withstood all attempts at defining it narrowly in terms of opposites, beginning with polarization between the economic and the social – that decoy of contemporary thinking whose ideological and contingent nature has been exposed so convincingly by Emile Durkheim,10 Louis Dumont (Dumont, 1976) and Karl Polanyi (Polanyi, 1944). Concomitantly subjecting people to the material world and the material world to people, work is part of both material and social life. This fundamental ambiguity of work must be fully recognized if there is to be any chance of glimpsing the unimaginable outcomes its future holds in store.

It then follows that markets – and labour markets in particular – should be conceived not as metaphysical entities to which law and institutions are applicable, but as spheres of trade created by law. The creative role of law in this respect is twofold. First, law sets out the rules of trade without which the

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10 According to Durkheim, “since all economic facts – those needed to explain prices, wages, markets, market-driven phenomena – ultimately amount to beliefs or ideas, there is no reason to erect a barrier between economic facts and other facts” (cited by Maurice Halbwachs: Classe sociale et morphologie, Paris, Édition de minuit, 1972, p. 393).
market would not function, i.e. the law of contracts, defining the principles of freedom and equality between market operators. Second, it regulates relations between the market and those spheres of social life which lie outside the scope of the rules of commercial trade, e.g. the political sphere (in the broad sense of the Greek polis) and the sphere of private life (particularly the family sphere, that of human reproduction). Yet only the first of the two is effectively provided for in today’s labour law. Work is identified with that particular form of labour which is supplied by a subordinate in return for pay, through a market. Besides, market institutions were set up nationally,11 and are therefore ill-prepared for the liberalization of capital movements and trade.

It is the most vulnerable who are now having to bear the brunt of those two shortcomings, in the form of unemployment, precarious living conditions or poverty-line wages. The prerequisites of a balanced life are thus being sapped by lack of work, time or money. The security attaching to work is under threat from the merciless law that capital enforces on labour in the global economy, and from the consequent realignment of legal protection worldwide. The need to adapt work-related human rights to present conditions is thus more pressing than ever.

Work-related human rights

Work-related human rights must extend to each and every form of activity that a person may carry on in the service of another, it being understood that different forms of activity can be carried on concomitantly or successively over a lifetime.

A first distinction must be drawn between unremunerated and remunerated activities. Unremunerated work is probably the more vital for the survival of society. This obviously includes all work performed in the family sphere for the maintenance and reproduction of the labour force (domestic tasks, children’s education). But it also includes all the work performed in the public or non-profit sphere within the context of so-called volunteer activities. Generally speaking, this unremunerated work is not performed under contract, but by virtue of a set of rules governing a person’s position in society. It remains largely ignored in economic analysis and many still refuse to recognize it as work, preferring to describe it loosely as “activity”. Others, however, claim it has huge job creation potential, arguing that all such work should be brought within the scope of paid employment (e.g. through demands for a maternity wage or incentives for hiring domestic help). Either way the result would be to eliminate such work, to deny its

intrinsic distinctiveness. Yet any socially useful work should, on the contrary, be underpinned by a coherent set of labour rights and a legal status that would recognize it as being part of a normal working life without detriment to its distinctiveness. Such rules would have to provide for rights already enshrined in labour law, the foremost among them being the principle of equality between men and women.

Remunerated work, by contrast, remains largely polarized between wage employment and self-employment. Indeed, despite its growing imprecision and the proliferation of grey areas, that distinction itself is still meaningful. But this is less true of its implications.

The reason why it remains meaningful is that no market economy could conceivably do without labour markets where capital can procure the human resources it needs for its own development. The futuristic vision of a population of stand-alone teleworkers all connected to the internet has slim chances of ever materializing, whereas subordinated workers producing tangible things – not just symbols – still have a future. Subordination relationships are changing but continue to exist none the less. And subordination calls for a range of specific rights and safeguards, which have been worked out in the course of the historical development of labour law. By contrast to civil law, which is geared to equality and the individual, labour law offers an avenue for legal reasoning on hierarchy and collective issues. From the legal point of view, the distinctiveness of wage employment lies in the fact that it necessarily implies some impairment of personal freedom. It is indeed the very object of wage employment law to limit the extent of that impairment. This is done first by restricting the employer’s powers to the strict requirements of the contract of employment and, second, by making up for the workers’ loss of personal freedoms with collective rights (trade union rights, right to collective bargaining, right to strike). Along with social security, labour law has been the major legal innovation of this century, and its main lines of reasoning have lost nothing of their relevance (employment contract conferring wage employment status, collective agreement, freedom of association and right to strike). They only need to be continuously adjusted to socioeconomic changes, all the while maintaining their underlying values.

It is thus the implications of the distinction between wage employment and self-employment which need to be seen in less polarized terms. Indeed, while reconciling subordination with personal freedom is an issue that arises only in the context of wage employment, the need for workers’ security is common to both wage employment and self-employment. In either case the difficulty lies in reconciling the short time it takes to complete an economic transaction under contract with the length of the human life span. Protection of the worker’s physical and economic security is a value common to all forms of contractual work. Yet, it tends to be adequately provided for only in the context of wage employment. Hence the need to develop a common labour law that would apply equally to self-employment and to wage employment. Signs of a move in that direction are already apparent in the
fields of occupational safety and health, vocational training and old-age pension rights.

**New rights and organization of work at the international level**

There are definitely prospects for a comprehensive overhaul of the rights attaching to work. Unless the need for such new rights is taken seriously at the international level, it is bound to exacerbate the nationalist sentiments that are already on the rise everywhere. For this reason, a genuine organization of work at the international level has become more necessary than ever before. Labour is not some “human material” (see Klemperer, 1975) to be moulded to the requirements of industry or trade. For the past 20 years, however, it has been considered a secondary issue throughout the world, as the object of some sort of engineering of human resources. On the one hand, every effort has been made to turn labour into a flexible material, adaptable in real time to the needs of the economy. On the other, social or humanitarian schemes have been devised for the swelling flood of people whom this has deprived of an opportunity to work for a living, in order to provide them with a minimum subsistence or to keep them busy. This approach, combining efficiency and goodwill, makes the issue of labour subordinate to all others and is therefore doomed to failure. Indeed, it is hardly conceivable that millions of people will indefinitely agree to being relegated to the ghetto of the useless. The status given to work is not merely a matter of human resource engineering; it is in effect pivotal to the establishment of a just order.

**References**


