Work and usefulness to the world

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For reasons that will be explained below, analysis of the transformations of work from a historical perspective shows that reference to law is absolutely essential to form a clear picture of the place that work has occupied and occupies today in society. With the caution readers are entitled to expect of a non-specialist author, this article will attempt to justify the importance of law in the sense that nothing seems more urgent from the sociological point of view than the need to mobilize legal thinking to confront the current deterioration in conditions of employment.

Work from a position of total dependence

“Work and usefulness to the world”: this title was inspired by a historian’s record of the indictment of a vagrant by the court of the French town of Le Châtelet in the fifteenth century. The poor soul was pronounced “useless to the world, and therefore fit to die by hanging like a common thief”.¹ Vagrants were “useless to the world” because they did not work and lived off society’s reserves, which they had not contributed to producing. To quote another historical source, they were “the most terrible scourge ... of voracious insects that infect and desolate the countryside, devouring daily the subsistence of the farmers”.² Vagrants have indeed always paid dearly for this uselessness, enduring various but consistently cruel forms of repression for centuries.

This leads to consideration of the relationship between work and a recognized position in society. To what extent is recognized membership of society – nowadays very loosely called “social citizenship” – based solely upon work?

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Formulated in this way, however, the question is far too general because the meaning of work and the values associated with it have undergone profound transformation over time. It was only from the end of the seventeenth century and the beginning of the eighteenth that the economic value of work was fully recognized for itself, and that a “civilization of work” began to take shape. Today the above question would in many countries refer mainly to wage employment, inasmuch as this has become the dominant model of socially recognized work. The question should therefore be rephrased accordingly to ask whether, or to what extent, wage employment is the essential basis of social recognition. In fact, since today’s wage employment society is in the midst of a crisis with deteriorating conditions of employment, the question needs to be even more specific: to what extent does wage employment face competition from other sources of social utility? Are there alternatives to wage employment as a source of social utility and recognition? One can try to retrace the reasons why these questions now have to be asked in those terms and thus to throw some light on the options available for deciding on the place work ought to have in today’s society.

To do so, it may be helpful to look back at the past for a moment and get rid of an unduly cumbersome, catch-all concept of work. It was indeed at the end of the seventeenth century and the beginning of the eighteenth that the modern concept of work began to emerge. But work was already a source of social utility in pre-industrial society, as reflected in the above-mentioned indictment of vagrancy. However, the meaning given to work in the society of that period calls for two explanatory observations. First, the economic function of work was not at that time considered as something separate. Work was caught up in a mixture of moral and religious as well as economic values. It was all at once a punishment for original sin, a means of redemption, a trial that strengthened the soul, an instrument of moralization, etc., while also being necessary for ensuring personal survival and sustaining general prosperity. This remained true up to and including the mercantilist period in the seventeenth century, despite its strong emphasis on the economic value of work.

Second, work was not an unconditional requirement for everyone. People on the upper rungs of the social ladder were not only exempt from work, but actually excluded from the order of workers. This was the legacy of the old division of society into oratores (clerics), bellatores (warriors) and laboratores (labourers). It was only the latter who worked in the true sense of the word, that is, they toiled away in the service of others. This third order originally consisted of agricultural labourers, but it later became broader, more diverse and more complex. It came to include a growing number of occupations, trades and professions. However, within this nebulous “third estate” there remained an essential divide, which cut across manual work

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itself. On one side, there were the trades that conveyed a genuine “estate”, i.e. both duties and privileges, weighty obligations and social recognition, often including local political responsibilities. These were the “regulated” trades, the guilds, which became known as corporations from the eighteenth century onwards. On the other side of the divide, there were tasks without quality, performed by people who were also without quality, people who counted for little, indeed people who counted for nothing. Even a thinker as progressive as Voltaire called them “the rabble”, while Abbé Sieyès – the master mind of France’s Declaration of the Rights of Man and of the Citizen – described them as “two-legged tools, without freedom, without morality, possessing only hands that do not earn much and deadened souls”, inquiring: “Are those what you call men?”

These “two-legged tools” were nevertheless socially useful because, as Sieyès also said, they were the “producers of others’ enjoyment”. But they enjoyed no dignity, no social recognition, no political existence (in fact they were not given the right to vote). Thus a person who was only a worker could be both useful and sub-human, a “scoundrel”.

The point of this historical digression – one which is worthwhile even today – is that within the category of “mechanical work” itself an important distinction must be made: work brings social recognition only if it is covered by a system of regulation, if it is underpinned by some legally recognized status. In the case of France, until the industrial and political revolution at the end of the eighteenth century, jurisdiction in this matter was in the hands of the guilds and corporations, also known, appropriately, as the “regulated trades”. The pre-industrial form of this jurisdiction was later brutally abolished (in France, this was done by the Le Chapelier Act in particular). But the existence of a jurisdiction could well be a matter of necessity, still today, to rescue work from social unworthiness.

The transformation of work into employment

Of course, the establishment of a free labour market presupposed abolition of these corporatist regulations, which were both obstacles to free trade and a protection against the laws of the market. In some respects, the substitution of a contractual order for the former status of trades could well be considered a retrograde move. Indeed, from the social point of view it had destructive effects for the majority of artisans and craftsmen, who now found themselves unprotected and impoverished. Eugène Buret, for example, gives a telling account of the decline of British weavers who, from a position of self-reliance and dignity maintained through work, sank to the condition of “scoundrels” or “two-legged tools”. Buret does not actually use those terms,

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but all descriptions of poverty in the first half of the nineteenth century vividly reflect this reduction of manual workers to the condition of machines producing goods at the lowest possible cost. According to the dominant depiction at least, they became the “new barbarians”, something akin to immoral and dangerous animals. The labouring classes were the dangerous classes.

A distinction must therefore be drawn between economic utility and, let us say, for want of a better expression, social recognition. Or would it be preferable to call it social citizenship? At all events the economic utility of workers in the first industrial concentrations was quite obvious. They were “useful to the world”: they spearheaded industrialization and were the focus of production of the new riches. But they enjoyed no social dignity. On the contrary, they were like those “two-legged tools” depicted by Sieyès.

How did these unworthy, wretched workers acquire social dignity? To a large extent this was done through the medium of law, which freed them from total subjection to the rule of the market and set a framework for the individual transaction embodied in their contract of hire, i.e. the exchange of labour for pay. To quote a contemporary author on this point: “The workman gives his labour, and the master pays the agreed wage. That is the extent of their mutual obligations. The moment he [the master] no longer needs his [the workman’s] labour, he sacks him. It is then for the workman to manage as best he can”. It was only after a long struggle that workers, by participating in systems of collective regulation, secured emancipation from this purely contractual order and gained a status. Thus, with the advent of collective agreements, it was no longer the isolated individual who contracted “freely”; the market transaction was underpinned by rules that both predated and transcended it.7

In France, the first clear indication of the introduction of a new system of work was arguably the 1910 Act on industrial and agricultural workers’ pensions. While this legislation is known to have had very little impact in practice, it nevertheless recognized that part of a worker’s wage eluded the market order and transcended mere economic utility. There was thus a wage for security, for protection. This recognition extended outside work situations in the strict sense, since it ensured a pension at the end of a person’s working life – even though the pension itself was minute and the majority of workers died before they qualified for it.

What this suggests is that work transcended its economic utility and gained social recognition through law, the law of labour and social protection. Of course, this does not mean that law created this status for workers out of thin air. It was also necessary for the workers themselves to break out of their individual isolation and join forces in militant groups. And, more fundamentally perhaps, it was also necessary for work as such to be

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6 M. T. Duchâtel: De la charité dans ses rapports avec l’état moral et le bien-être des classes inférieures de la société, Paris, 1829, p. 133.
recognized in terms of collective production, in terms of a collective act that transcends the particular nature of the tasks carried out by individuals. This transformation was in fact concomitant with the development of an abstract notion of work, that is, recognition of working activity as a generic act of work, a social act. Work is truly a social act when it can no longer be confused with private activity, such as work in the home, or with the activity of a particular occupation, as was the case when working people’s identity as wheelwrights, carpenters or weavers took precedence over their identity as workers in the generic sense. This transformation was induced by massive industrialization and the new forms of division of labour brought about by Taylorism. The outcome was recognition of the generic social function of work, in other words, its entry into the public domain. On this point, reference must be made to the views of André Gorz, particularly for his oft-cited emphasis on the heteronomy of wage employment and the merits of leisure time. But he also strongly stresses the liberating character of the impersonality of wage employment. This, for example, is what rescued women from immersion in the household sphere, or farmers from confinement within local relationships beset with traditional constraints.

It can therefore be argued that it is the abstract notion of work – which, incidentally, has been the target of so much criticism – that makes economic utility connect with the social function of work. Work then clearly becomes a public, collective activity, i.e. a non-domestic, non-private, even depersonalized activity. Workers – in their capacity as producers – thus take up a particular position of their own in the public domain and acquire public personality. And once the personalized character of the employment relationship has been transcended in this way, it is easy to understand how the worker can become the object or subject of law. Labour law recognizes the generic utility of a worker’s activity in the same way as civil law recognizes a citizen’s generic membership of the community.

Wage employment society fostered further development of that interaction between the economic, sociological and legal dimensions of work. Work was integrated in a system of rights and duties determined by collective utility, and no longer only by the economic utility of market transactions. It is no doubt these social, public and collective characteristics which explain how work became the basis of social citizenship. Just like political citizenship, social citizenship is a status comprising rights and duties based on collective membership of a community.

At the same time, however, work clearly remains a factor of alienation, subordination, heteronomy, and even exploitation. Indeed, modern wage employment rests on the dialectic tension that connects those two dimensions: work imposes constraints upon the worker, while at the same time providing a pedestal that enables the worker to be recognized as such. Throughout the period extending broadly from the end of the nineteenth

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century to the 1970s, the wage employment relationship continued to imply subordination. But on the one hand, that subordination was progressively mitigated by labour law which reduced and framed the arbitrary power of employers; and, on the other, it was compensated by wages above subsistence level and, more importantly, by protection and rights. There is nothing idyllic about this structure of employment relationships in a wage employment society: alienation and exploitation have not been overcome completely. At the same time, however, work is, so to say, dignified, to the extent that it has become a source of rights.

This line of reasoning can be pursued by demonstrating that it was the consolidation of wage employment status – the strength and diversity of the attributes of work – which led to emancipation from the hegemony of work. It is when work is precarious, unprotected and entirely at the mercy of the market that the worker is completely submerged in the “order of workers”. In the early stages of industrialization, for example, the proletarians who worked for a pittance under the arbitrary rule of an employer for 12 to 16 hours a day truly spent their entire lives just earning a living. Conversely, atop the pedestal of recognized and protected wage employment, a worker can engage in other pursuits, including leisure, education and participation in the activities of non-profit organizations and in social life. Collectivization of employment relationships thus allows for the development of personal interests, and it is the consolidation of conditions of employment that saves the worker from being overwhelmed by work: this is a paradox that deserves further consideration, one which should be pondered by all those who enthusiastically equate the “end of work” with the advent of freedom.

Contemporary aspects of the relationship between work and social utility

The process of transforming work into legally framed employment under the impetus of wage employment society appears to have become bogged down since the mid-1970s. The link between work and protection is weakening or growing less reliable, as evidenced by mass unemployment; increasingly precarious conditions of employment; the proliferation of different types of employment contracts; and the widespread development of grey area arrangements between recognized work and non-work activity, such as odd jobs, internships, and job entry schemes. Some observers have gone on to conclude that work has lost its central position in society. In other words, work is supposed to have lost much of its social utility, though it is not always clear whether those who say so think that there is less work and regret it, or that there is less need for work and welcome this as a good thing. In either case, the question is: are there alternatives to work as the source of social utility, or other legitimate grounds for social recognition?

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This raises highly complex issues that cannot be settled in a few words. Suffice it to say that if the notion of "source of utility" is taken in a broad, demanding sense – i.e. including not only the exercise of some activity for its own sake or for the sake of an income, but also whatever it takes to secure recognition and social dignity – it is difficult to imagine clear-cut alternatives to the employment-source as constructed by wage employment society. The fact that work has become scarcer or less secure does not mean that it has become less useful and less necessary. On the contrary: for evidence one need look no further than the distress experienced by most welfare recipients and most of the long-term unemployed. Inasmuch as their joblessness threatens their very place in society, they bear witness, paradoxically, to the vital importance of work. People who in earlier times would have been called "useless to the world" are thus reappearing in today's society. Unlike the vagrants of pre-industrial society, however, their plight is not imputable to the rigidity of "regulated" trades which excluded part of the available workforce from employment, but to labour market deregulation, which makes outcasts out of people incapable of adapting to the new requirements of labour mobility and competitiveness.

Some readers will find this conclusion too pessimistic. The de-collectivization of employment relationships evidently translates into precarious employment and unemployment, but it also means personalization of wage employment relationships. The abstract notion of work associated with a general legal status and broad uniform categories implying standard tasks and rights is declining in favour of "specific" work, which calls for more personal skills and leads to the emergence of new types of activity and new forms of self-expression through work.

However, two remarks can be made concerning the implications of these transformations. First, people are unequally equipped to cope with them. A particular advantage is enjoyed by those who can mobilize a range of resources, good training and relationship skills to deal with increasingly competitive situations. For others, the price of this re-individualization is obsolescence of their existing skills compounded by inability to acquire new ones: they find themselves cheated by the new rules of the game. For them, individualization translates into fragmentation of tasks, weakening of collective protection, even rejection from the economic system and social isolation – that form of social uselessness currently called exclusion.

The second remark is that these transformations are again raising the issue of access to the public domain. As suggested above, the abstract notion of work offered a reliable pathway to the public domain by making collective actors out of the majority of workers. But if employment relationships are individualized, how does the worker become a "public person"? Indeed, can the worker become one? There is no doubt a deep-seated relationship – though difficult to explain – between the crisis of conventional employment and the development of local-level activities, of community participation within a restricted geographical area. This would explain initiatives to base a new social citizenship on neighbourhood investments and activities
recognized and valued for the tangible exchanges and range of personal contacts they generate. Hence all the talk about “untapped potential for job creation”, “community services”, “socially useful activities”, “solidarity economy”, etc. It is doubtful, however, whether such ideas will ever prove to be more than just wishful thinking unless they can also deliver a connection to law – this, at least, is the view submitted here for discussion. Indeed, what goes on at the local level is also, not to say mostly, made up of neighbourhood constraints, dependency relationships not mediated by law, such as clientship or domestic service relations. For lack of foresight perhaps, it seems impossible to conceive of a citizenship that is not linked to a general source of regulatory authority, which is precisely what law represents: not only modern political law based on the idea of a nation, but also labour law based on recognition of the worker as a collective actor whose social utility derives from the performance of a task in the collective interest in the strongest possible sense of the word. If such is the case, it would follow that one of the avenues – perhaps even the “high road” – to be explored for a creditable way out of the current employment crisis would be an overhaul of labour law. Indeed, labour law could conceivably counter the increasing precariousness of employment relationships by introducing new statutory guarantees into today’s more flexible and less secure conditions of employment. The imposition of legal regulations could also ensure that “untapped potential for job creation” does not translate into a proliferation of underpaid jobs subject to the arbitrariness of employers, as was the case when – before the introduction of statutory rights – labour was just another tradable.