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Thinking the future of work through the history of right to work claims

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Abstract

The wide presence of the right to work in national and international legal texts contrasts with a lack of agreement about the concrete content of this right. According to the hegemonic interpretation, it consists of two elements: (a) extension of wage labour and (b) significant improvement of working conditions. However, if we study the history of right to work claims, especially from the French Revolution to 1848, we can notice that the meaning of this right was rather wider in the past. Rescuing the historical significance of the right to work may help to face the problem of the future of work. In particular, and unlike what might seem at first sight, the claim that everyone should have his or her right to work guaranteed can be a way of articulating and concretizing issues such as workplace democracy, the organization of domestic work or the transition to a sustainable society.

Keywords

democratic socialism, domestic work, future of work, history of political thought, non-exploitative work, right to existence, right to work, social rights, sustainable society, workplace democracy

In the vineyard of the future, there will be work for all – wholesome, dignified, soul-building work.

J. Elliot Ross, *The right to work* (1917).

1. The right to work today

The right to work is recognized in the Universal Declaration of Human Rights (UDHR):

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.¹

There are two possible interpretations here (Collins, 2015: 20–21). The first is to consider that Article 23(1) recognizes four distinct rights: the right to work, the right to free choice of employment, the right to just and favourable conditions of work and the right to protection against unemployment. The second is that we are faced with a single right, which basically consists in the extension of wage labour but includes three other dimensions: (a) free choice of employment, (b) decent or non-exploitative work assured by labour rights and (c) protection in case of unemployment.

Although the first interpretation is possible on a literal level, the second seems more coherent from a theoretical point of view. We would hardly say that a state is guaranteeing the right to work if jobs are created through forced labour, the elimination of labour rights or the removal of benefits for those (momentarily or permanently) outside labour markets. This leads us to believe that freedom to choose a job, decent work and unemployment benefits are part of the very idea of the right to work.

Despite not having legal force in itself, the UDHR has served as a reference for many treaties of international law, as well as for the constitutional texts of different countries around the world. Among the former, the right to work is recognized in Article 1 of the European Social Charter or in Article 6 of the International Covenant on Economic, Social and Cultural Rights.² On the other hand, it is established, among others, in the constitutions of Italy, Japan, India, Norway, France, Sweden, Portugal, Spain, Mexico, China, Brazil, Belgium and Argentina.

This wide presence of the right to work in national and international legal texts contrasts with the insufficiency of institutional mechanisms aimed at guaranteeing it. In addition, the level of discrepancies on the specific content of the right is higher than in other cases. In the United Kingdom, the right to work usually means only permission to work. It is just the right to sign an employment contract. In the United States, it is the right not to join a trade union.

However, according to the internationally prevailing meaning, the right to work consists, as mentioned, in the extension of wage labour, that is to say, in the reduction of involuntary unemployment through state action, including (a) free choice of employment, (b) decent work assured by labour rights and (c) protection against unemployment. As the right to freely choose a profession and unemployment benefits seem necessary conditions for any work in accordance with human dignity, they can be seen as just other labour rights. They have to do with access to work and absence of work, not with its development, but they do not appear to be substantially different from other worker's rights. So, for the sake of simplicity, we can conclude that the right to work consists of two elements: (a) extension of wage labour and (b) decent or non-exploitative work.

We should give the same importance to this second characteristic as to the first. As Virginia Mantouvalou points out, 'for the right to work to make a positive contribution to a list of human rights, it must be conceived as the right to non-exploitative work' (Mantouvalou, 2015: 39). I believe that studying the history of right to work claims, especially from the French Revolution to 1848, can contribute to opening the discussion about the best way to understand such non-exploitative work. Should we just enunciate a series of conditions of access, development and remuneration of wage labour (of employment), or is it legitimate to aspire to organize work in a different manner?

In my opinion, the question about the meaning of non-exploitative work is inseparable from the question about the best way to organize work socially. In other words, when we think about the conditions that work would have to fulfil so as not to be alienating work but liberating work, we should not merely state a series of requirements that affect the ‘quality’ of wage labour (such as working time, salary, resting periods, safety and health conditions, etc.), but we should also question what kind of relationship exists between those who work and those who own or control the main means of production that exist in our societies. From this, it follows that if we really want to take the second characteristic of the right to work (the need for non-exploitative work) seriously, we should discuss the very idea of wage labour.

To express it in controversial terms, my point is that if the right to work must be the right to non-exploitative work, as Mantouvalou says, then perhaps it cannot simply be the right to wage labour. As we will see, this thesis, which goes against the contemporary meaning of the right to work, is precisely the way in which many of its supporters understood this right in the nineteenth century.

But my argument may give rise to a false impression, which it is better to clarify before moving on.³ Every minimally complex society needs money as a mechanism to give and receive social advantages. Insofar as this is the case, it seems reasonable that money is the way to reward work. I do not mean to call this into question. I do not believe paying people for their work is intrinsically exploitative, as others have argued (Gomberg, 2018: 527–528).

When I use the expression ‘wage labour’, I am not referring to the fact that work is rewarded with money, but to the existence of labour markets in which those who are not in possession of the means of production sell their labour power to those who own these means, the former receiving a wage in exchange for their labour and the latter receiving profits for the capital invested. Wage labour is not just about people being paid for their work. Wage labour means that work itself becomes a commodity like any other. The direct consequence of widespread wage labour is that workers are subjected, in an activity on which their subsistence depends, to the logic of the markets.⁴

Paid work does not equate to *wage labour*, just as *money* does not equate to *capital*. What democratic and socialist thinkers of different times have argued is that it is not possible to have a just society with capital and wage labour. But this does not mean, as we will see, that it is not possible to have a just society with money and paid work.

2. The history of right to work claims

Turgot already appeals to the right to work in his 1776 critique of guilds, but he understands it simply as a synonym for freedom to work (1776: 5). Charles Fourier is the first to use the expression to refer to a duty that society has towards individuals. In his *Theory of the Four Movements* (1808), which can be considered the first work of socialist theory, he mentions the right to work, although he does not develop the idea (1808: 193 and 371–372). A few years later, in his *Treatise on Domestic-Agricultural Association* (1822), he conceives this right as the substitute, in the societarian state, for the natural rights to hunting, fishing, gathering food and herding animals (1822: 126 and 137). From that moment on, the ‘right to work’ becomes one of the many slogans – such as ‘association’

or ‘organization of work’ – circulating in the French socialist literature of the first half of the nineteenth century.

The 1848 Revolution in France makes the ‘right to work’ a well-known motto. When the uprising starts in February, the slogan is still very connected to the Fourierist school, but this changes as the months go by. In June, the right to work is included in the first draft of the constitutional text. Considerant, Fourier’s main disciple, re-edits in July a pamphlet he had already published in 1839 on the rights to property and work. Discussions on the right to work follow one another. In September, a heated debate about its inclusion or not in the future Constitution takes place in the National Assembly. I will focus on the way the socialist Louis Blanc understands the right to work in the context of this debate. Blanc puts it in relation to the socialist theories he has developed in previous years, giving a new meaning to the expression coined by the Fourierists.

Before I dwell on the discussions on the right to work in 1848, I will devote a section to examining its historical roots. I will limit myself to explaining the similarities between Blanc’s ‘right to work’ and Robespierre’s ‘right to existence’.⁵ I think explaining the ideas of these two authors, who in addition to being theorists actively participated in politics, can provide a relatively clear idea of the genesis and evolution of the right to work between 1789 and 1848.⁶

This way of proceeding has the disadvantage of leaving two relevant issues in the shade. On the one hand, interesting connections could undoubtedly be established between the history of the right to work in France and the genesis of very similar ideas in other countries.⁷ On the other hand, as the history of the right to work does not end in 1848, it would be relevant to explain its further developments from the year of its popularization to the present day.⁸ However, I think exposing the ideas of Robespierre and Blanc is sufficient to my purpose, which is to confront contemporary right to work, as it is broadly recognized internationally after World War II, and the more radical sense it had in the nineteenth century.

2.1. The right to existence

Although the right to existence is a very old idea (Tierney, 2001: 69–77), I will focus only on the way it arises during the French Revolution. Robespierre states:

What is the first purpose of society? It is to maintain the imprescriptible rights of man. What is the first of these rights? The right to exist. The first social law is therefore the one that guarantees all members of society the means of existence; all the others are subordinated to this one; property has not been instituted or guaranteed for anything other than to cement it; it is first and foremost in order to live that we have properties. It is not true that property can ever be in opposition to the subsistence of men (Robespierre, 1958a: 112).

The proclamation that society has the obligation to ensure the means of existence for all its members is not conceived by Robespierre as a matter of charity towards the needy but as a duty of justice. That is to say, if one accepts (a) the universal character of the rights proclaimed in 1789 and (b) the republican idea that the enjoyment of a certain economic relief is a necessary condition for the true enjoyment of these rights, then (c)

any law that prevents a part of the population from subsisting in a dignified manner is contrary to the rights of man. In particular, it is illegitimate every law – as the one that established unlimited freedom in the grain trade – that places property rights before the right to existence.

In addition to this limitation of the property of the rich, Robespierre thinks that society has the obligation to actively guarantee the aforementioned right to existence. In his project of Declaration of Rights, which was not finally taken into account:

X. Society is obliged to provide for the subsistence of all its members, either by providing them with work or by ensuring the means of existence for those who are unable to work.

XI. The indispensable aids to the one who lacks what is necessary are a debt of the one who possesses what is superfluous: it is the responsibility of the law to determine the way in which this debt must be paid off (Robespierre, 1958b: 465–66).

In sum, the right to existence must be guaranteed to the entire population (a) through the provision of work (or social assistance for those unable to work) and (b) through a series of laws designed to limit the property and the superfluous wealth of the rich.

This proposal is different from the way in which the same subject is treated in the Constitution of 1791, despite the similarities of surface:

A general establishment for *public relief* shall be created and organized to bring up abandoned children, relieve the crippled poor, and provide work for the able-bodied poor who have been unable to procure it for themselves.⁹

Here a universal right to existence is not recognized. Consequently, the provision of work is not understood as a means of ensuring a right of all citizens, but as a help focused on the poor. The objective is not to eliminate misery, but only to prevent it from being excessive, through a public charity system, in the style of the English Poor Laws.

Robespierre's conception is quite different even from the Constitution of 1793:

Public relief is a sacred debt. Society owes subsistence to unfortunate citizens, either by providing them with work or by ensuring the means of existence for those unable to work.¹⁰

Although public assistance is understood here as a *debt* owed by society to unfortunate citizens, and not as charity, it is still focused only on part of the population. Therefore, the provision of work is, again, a help addressed to the poorest, not a universal right. In any case, regardless of how the 1793 constitutional text is interpreted in relation to public assistance, as more or less distinct from the 1791 text, what is most important is to consider the way in which it was put into practice. It is often said that the 1793 Constitution had little practical influence. But this is not entirely true. In a short and very turbulent period, the *montagnards* undertook a radical reading of the 1793 Constitution and made efforts to ensure its enforcement.

A particularly interesting case is that of the Paris Commune, headed by Mayor Pache. On 6 May 1793, shortly before the approval of the Constitution, the General Council of

the Commune adopts a petition to the National Convention in which a comprehensive social program is specified. The General Council's purpose is:

not to relieve the miserable, but to eradicate misery by providing young people with a resource for old age; and for those who only have their arms, courage, health and the means to use them in such a way that they can one day become owners (quoted in Larne, 2017: 236).

Similarly, Robespierre considers it necessary to put limits on the property of the rich but does not defend the abolition of private property. His ideal is the extension of property to all, in order to guarantee the right to existence. Rather than opposing property, Robespierre affirms that true property is the one that enables the person who owns it to lead a dignified life:

Yes, the rough clothing that covers me, the humble retreat where I acquire the right to retire and to live in peace; the modest wage with which I nourish my wife, my children; all this, I admit, are not lands, chateaux, or cohorts; all this is perhaps called nothing from the point of view of luxury and opulence, but it is something for humanity; it is a sacred property, as sacred, no doubt, as the brilliant domains of the rich (Robespierre, 1952: 164).

For Robespierre, property is, above all, the means to guarantee the right to existence of all citizens. It consists in the possession of the consumer goods and working tools that are essential to lead a dignified life. Moreover, just as for John Locke, property is not limited to the possession of a set of material goods but includes everything that is necessary for the development of the person:

My liberty, my life, the right to obtain security or revenge for myself and for those who are dear to me, the right to reject oppression, the right to freely exercise all the faculties of my spirit and my heart (Robespierre, 1952: 164).

The *montagnards*, in the short period between June 1793 and July 1794, made use of the following instruments in order to guarantee everyone this kind of 'property': (a) the extension of small private property founded on personal work, (b) the development of the 'public sphere', with a view to the creation of educational and social security systems, (c) the guarantee of the rights of use of the common goods and (d) the control of the prices of essential goods (Bosc, 2019). Only when this 'property' is guaranteed, only when the right to existence is secured, do the accumulation of wealth and the development of free trade amount to legitimate activities:

The food necessary for man is as sacred as life itself. Everything that is indispensable to preserve it is a common property of the whole society. Only the surplus can be an individual property, and can be abandoned to the merchants' industry (Robespierre, 1958a: 112).

This political and economic plan interests us because it anticipates many of the issues that in the following decades revolve around right to work claims.

2.2. *The right to work*

The ‘right to work’ of 1848 is a precision or specification of the right to existence: it consists in the duty of society (through the state) to provide work to the entire population, so that everyone has his or her basic needs covered. The main theorist of the right to work is Louis Blanc. In *Organization of work* (1839), he proposes that political reform should serve as a means to a deep social reform. The former consists in the democratization of public institutions, through the recognition of universal suffrage and the conversion of the state into ‘the banker of the poor’. The latter concerns the establishment of ‘social workshops’, acting as both production and consumption cooperatives and progressively moving towards their self-financing.

In 1848, however, these ‘social workshops’ crystallized into something very different: the ‘national workshops’. These were organizations in which, under a military discipline and in exchange for low wages, the state employed the poor. Despite having little to do with the cooperatives of workers theorized by Blanc, the national workshops became, both for their supporters and their opponents, a kind of emblem of the ‘social republic’ that had been set in motion or, rather, that could be realized in the near future if the reforms would carry on. The workshops were finally suppressed, generating a popular uprising in June 1848 that was harshly repressed.

It is in this context that the National Assembly discussed the 1848 Constitution. One of the most heated parliamentary debates, which also had a significant impact on public opinion, concerned the right to work. Finally, it was not included in the Constitution, nor were the rights to education or assistance. The debate is complex, and it would be difficult to give an accurate idea of it in a few words. I will just point out the two central issues: (a) the differences between the right to work and the right to assistance and (b) the contradictions between the right to work and the right to property. Let us see, briefly, the way in which supporters and opponents of the right to work grappled with these two problems.

Some of the opponents of the right to work tended to assimilate it to the right to assistance, in order to reject both rights (Garnier, Faucher). Other opponents tended to separate them, rejecting the right to work but accepting the right to assistance, understood as public charity (Tocqueville, Thiers). Among the supporters of the right to work, the general tendency was to stress the relationships between the right to work and the right to assistance, conceived no longer as public charity, but as a complement to the right to work, as a duty that society owes to those who, due to age or illness, are unable to work. In this sense, Louis Blanc stated that it makes no sense to oppose the right to work but to accept the right to assistance, as Thiers claimed.

On what can the right to assistance be based? Obviously on the principle that every man, at birth, has received from God the right to live. But this is precisely the principle that underlies the right to work. If man has the right to life, he must have the right to the means of preserving it. What is this means? Work. Admitting the right to assistance and denying the right to work means recognizing the right of man to live unproductively, when the right to live productively is not recognized; it means consecrating its existence as a burden, while refusing to consecrate it as an activity, which is remarkably absurd (see Garnier, 1848: 385).

Regarding the conflict between the right to work and the right to property, the opposite holds true. Here it is the opponents of the right to work who are united: according to them, this right represents an obvious threat to property. On the other hand, supporters of the right to work agree that legitimate property is work-based, and sometimes they express this by saying that the right to work is an indispensable condition for securing the right to property for all. However, they differ in their understanding of the relationship between the two rights. Sometimes, the aim is to combine the right to work with the maintenance (or with the slow and progressive transformation) of property rights of the time: such is the conception of the moderate republicans Lamartine and Crémieux, and also that of the more reformists Mathieu de la Drôme, Ledru-Rollin and Considerant. In other cases, it is argued that the guarantee of the right to work is only possible through a major transformation in the way production is organized and, therefore, through the modification of the right to property. According to Proudhon:

No, there is no right to work except through the transformation of property, just as there is no Republic worthy of the name other than the democratic and social Republic (see Garnier, 1848: 390).

Blanc, although in a more conciliatory tone than Proudhon, vindicates in the end the same thing. So does the socialist François Vidal, in his book, *To live by working!*:

The right to work, whether known or ignored, necessarily implies the organization of work, and the organization of work implies the economic transformation of society (Vidal, 1848: 19).

These differences between the supporters of the right to work in relation to the friction between the right to work and the right to property are due to the fact that, in reality, not everyone is thinking about the same thing when speaking of the ‘right to work’. Those who seek to make both rights compatible, such as Considerant (1848: 17 and 24–25), understand the right to work as the extension of wage labour to everyone. Those who consider them incompatible, such as Blanc, understand the right to work as the overcoming of the relationship between the owner and the wage labourer, in favour of free and associated work.

For Blanc, the right to work is the right to equal participation in productive activities. It is not the right to be integrated into the capitalist form of organizing work, but the right to a different kind of work. Society must secure the basic needs of each of its members (the right to existence, Robespierre would say), so as to encourage the development of each member’s capacities at the same time. Individuals should be equal, in the sense that everyone should have his or her basic needs met. In addition, they should be truly free, that is to say, they should have the necessary means to exercise their faculties. This can be reached, according to Blanc, through the rights to education and work:

Since we admit that men, in order to be truly free, need to enjoy the *power* to exercise and develop their faculties, it follows that society owes to each of its members the instruction

without which the human spirit *cannot* develop, and the instruments of work without which human activity *cannot* be exercised (Blanc, 1847: 19).

According to Blanc, these human faculties to be developed are not the same in all individuals. That is why, in his opinion, the aim of socialism should not consist in the state offering citizens jobs over which they have no decision-making power. The state should promote that the means of production are in the hands of the workers themselves, so that they can associate and undertake the initiatives they most desire and for which they are most qualified:

this principle being accepted, that all men have an equal right to the full development of their *unequal* faculties, the instruments of work should belong to all like the air and the sun (Blanc, 1849a: 27).

Socialism must deal with both distribution and production. The fact that individuals have unequal abilities and needs makes levelling egalitarianism undesirable in both spheres. The distributive criterion should be to give each one according to his or her needs. The guiding principle in the development of productive activities should be to place demands on each one according to his or her faculties. The well-known socialist slogan ‘from each according to his abilities, to each according to his needs’, popularized by Marx, has great importance in Blanc’s theory:

the true principle of fraternity, when work would mark the definitive progress of human societies, is not the absolute equality of salaries, but the distribution of work according to faculties, and the distribution of fruits according to needs (Blanc, 1849a: 7).

the distribution of work and the distribution of its fruits would be based on . . . the constitutive principle of the family: from each according to his faculties and to each according to his needs (Blanc, 1849a: 28).

On the one hand, the kind of distribution defended by Blanc opposes both vulgar egalitarianism and the meritocratic conception of the Saint-Simonians. According to the latter, the more (and better) one works, the more one should receive: ‘to each according to his capacity, to each capacity according to its works’.¹¹

On the other hand, Blanc’s conception of production consists in each person contributing freely, without hierarchical coercion and according to his or her abilities. The duty to work does not disappear, but it does not mean anymore that the ruling classes can demand certain levels of performance from individuals. It is the moral duty to contribute according to one’s own abilities in a context of free and associated work.

In sum: both the organization of work and the distribution of its fruits must take into account unequal human capabilities and needs. Society, therefore, owes more to those most in need. The most capable individuals in each concrete field of production, for their part, owe more to society: ‘The one who needs to receive more is due more; and the one who can give more, more must give’ (Blanc, 1849a: 8).

In relation to this, it can be said that Blanc understands work as both a need and a capacity. From a social point of view, work is a necessity. In order to endure in time,

every society needs to organize human labour in one way or another. Work is, primarily, the unavoidable means by which different individuals belonging to a given society meet their needs. If there are some individuals who do not work and have their needs met, it is because there are others who work for them. The capitalist way of organizing work supposes that the poorest part of the population is responsible for carrying out the socially necessary work, for the benefit of the rich.

On the other hand, from the point of view of the individual, work is more a capacity than a need. It is perfectly possible to live without working. Individual labour power is a capacity that all humans have, which can develop in one sense or another, depending on external incentives, and which differs between individuals, in the sense that some are better at one type of work and others are better at another. The capitalist way of organizing work is not suited to these unequal human faculties, due to the problems arising from both structural unemployment and the commodification and division of labour.¹²

Because modern society does not manage work as a social necessity or as an individual capacity in a just and humane way, it is necessary to reorganize social work as a whole. The importance Blanc gives to this new organization of work is due to the idea that only by transforming the sphere in which the individual is an active being is it possible to become truly emancipated. For him, the right to work is, above all else, the right to equal participation in the workplace, more so than a right to state benefits.

Blanc's conception of the right to property is in line with all the above:

Precisely because property is a right, it should not be made a privilege; precisely because the right to property is inherent to human nature, all who belong to human nature are called to enjoy the advantages of the right to property. It is not a question of denying it, to the detriment of some; it must be confirmed for the benefit of all (Blanc, 1849b: 18–19).

Blanc does not seek to deny the right to property but wants to generalize it. He considers that any property that does not come from work is illegitimate and that any work that does not lead to property is oppressive. In this respect, his conception is very similar to Robespierre's. Both theories are about limiting the oppressive property of a minority so that everyone can, through his or her work, become the owner of the means necessary to continue working in freedom and of the goods necessary to live with dignity. The difference between them is that Blanc considers that the only way to effectively generalize the right to property (in the society of his time) is to proclaim the right to work, that is, to organize a socio-economic regime based on association, on workers' cooperative movement supported by the state.

2.3. The right to work as an updated version of the right to existence

The right to work is nothing other than the reformulation, adapted to the new realities of the emerging industrial society, of the right to existence of the French Revolution. This does not mean that the right to work is simply the creation of jobs by the state, as a way of satisfying the basic needs to those who cannot find employment on their own. At least for some of its advocates, the right to work of 1848 raises the need to transform work itself in

order to achieve a truly just society. The right to work is democracy at work. It consists in the extension of equal freedom from the political to the social realm.

When writing about the 1848 Revolution in France, Marx clearly sees the emancipatory potential behind the right to work. At the same time, he does not believe that the best way to fulfil the claim contained therein is to formulate it as a ‘right’, nor to move towards its realization through state reform:

The first draft of the constitution, made before the June days, still contained the *droit au travail*, the right to work, the first clumsy formula wherein the revolutionary demands of the proletariat are summarised. It was transformed into the *droit à l’assistance*, the right to public relief, and what modern state does not feed its paupers in some way or other? The right to work is, in the bourgeois sense, an absurdity, a miserable, pious wish. But behind the right to work stands the power over capital; behind the power over capital, the appropriation of the means of production, their subjection to the associated working class and, therefore, the abolition of wage labour, of capital and of their mutual relations (Marx, 2010: 77–78).

Marx rejects the expression because of its imprecision, because of the duality of interpretations given to it in 1848, one of which turned the right to work into mere help to the poor. However, for Marx, as for Blanc, the real meaning of the right to work conflicts with the capitalist way of organizing production and, in particular, with the private ownership of the means of production. Only by abolishing this kind of property, and not through mere reforms on it, will it be possible to move towards a different organization of work. This radical meaning of the right to work, as a principle articulating a social order that opposes the unlimited ownership of a minority, is common to Robespierre, Blanc and Marx, despite all the differences in both theory and political strategy between them.

In short, the right to work, in 1848, is not so much the individual right to get a job, as we might think from our current viewpoint, but rather a way of guaranteeing the right to existence that puts the civilizing potential of human labour in the foreground. At that time, ensuring the right to work means, at least for some of its defenders, the transition from wage labour to free and associated work. It is the aim to replace the hierarchical relationship between capital and labour with democracy in the workplace.

3. The future of work

As we said at the beginning, the right to work is currently recognized in international human rights law and in the constitutions of many different countries. In this sense, it is not just a morally desirable idea theorized by academia, but a legal-political mechanism that states can and should use to transform society. The way in which these legal texts refer to the right to work is more similar to Considerant’s vision than to Blanc’s. That is, it has more to do with the extension to all of decent wage labour than with a new way of organizing work. However, as the history of this right reminds us, the contemporary way of understanding it is not the only possible one: it has not emerged out of the blue, but is the result of a complex process full of struggles.¹³

In particular, I believe that the study of the history of right to work claims can help to open up the discussion about the best way to understand decent or non-exploitative work. Current approaches to this issue sometimes lose sight of the existing relations of production, focusing only on the conditions that work should meet to be meaningful, or at least in accordance with human dignity. Despite the great theoretical interest of these reflections, they have two limitations: they can lead to concealing both the social and political nature of work.

On the one hand, it is not clear that the possibility of doing meaningful work is attainable for everyone in a complex society. Reflecting on the characteristics of the kind of work that enables individuals to flourish is important, but it is even more important to bear in mind the extent to which this ideal can be universalized. As Andrea Veltman states, it is not likely that meaningful work can be guaranteed in all kind of tasks. This is not a reason, as she says, against trying to transform social and political institutions in order to increase opportunities for meaningful work. But it is a call to theoretical and political realism. To the extent that there are some socially necessary jobs that can hardly become attractive, the discussion on meaningful work should always be accompanied by a reflection on how to organize this other kind of work. Veltman mentions some partial solutions that could make bad or routine work more bearable: making it rotary or shared, establishing better conditions for those who perform it (as high remuneration or time limitation) or moving towards its progressive elimination thanks to automation (Veltman, 2015). In my opinion, however, there is a solution that predates all of them, which is to extend the egalitarian principles that govern the political realm in our societies to the world of work, so that it is the workers themselves who decide how to deal with bad work. This brings us to the second point.

Theories about meaningful work should not forget that work is, above all, a political problem. Inequalities of power in the workplace prevent the possibility of meaningful work for a large majority.¹⁴ It is not possible to have decent work for all when few people control its access, development and remuneration.¹⁵ Reflections on the ‘quality’ of work should take into account, even if only as a backdrop, the feature that essentially distinguishes our economic system from others that have existed in the past: the widespread commodification of the labour power of the many and the concentration of the means of production in the few, which results in ‘free’ but exploitative labour relations. Free in the sense that they are not forced, but exploitative in the sense that there is no equal relationship between employers and employees.¹⁶

The right to existence in 1789 and the right to work in 1848 were both about the decommodification of the labour power. The idea was to guarantee to every individual, as a right, a dignified existence and a liberating work. One thing that history can show us is the difficulty of guaranteeing this right so long as certain types of property are concentrated in a few hands. Both Robespierre’s and Blanc’s theories took this into account. They both talked about limiting the unrestricted ownership of the rich. In both cases, the alternative was not the elimination of private property, but rather the universalization and democratic control of the means necessary to live and work.

Is this political and economic plan still relevant? Can it be updated to meet contemporary challenges? It may not be easy to undertake this task, but the growing injustice and precariousness in the world of work should encourage us to try. Focusing on the commodification of the labour power, however, does not mean that we should treat as

being of secondary importance (as socialism has done sometimes) a whole range of issues that also have to do with the social organization of work, such as the lack of democracy in the workplace, the unequal distribution of domestic work or the ecological impact of productive and distributive activities. It means, rather, that all these issues are better understood if they are not addressed in isolation but taking into account the social relations of production as a whole.

In this sense, I think that the right to work, to be a truly emancipatory right, should help to achieve these three objectives concerning the present and the future of work: (a) the extension of democracy from the political to the economic sphere, (b) a fairer distribution of domestic work and (c) the transition to a sustainable society. These three issues have a great deal to do with the way employment is currently organized, but at the same time they transcend this domain and must be addressed from as broad a perspective as possible. The reflections on the past of the right to work that I have summarized in these pages, insofar as they go beyond the limits of wage labour, may be a good way to start thinking about these three major contemporary problems.

Firstly, applying the language of rights to the world of work can help us to notice that the strict hierarchy of workplaces runs counter to the principles that in any democratic society govern the political sphere (Anderson, 2017). A number of contemporary authors have argued convincingly in favour of the idea that production runs best when the producers themselves democratically decide how to organize their work. Among the best known contributions are the books of David Schweickart on ‘economic democracy’ (1996), Seymour Melman on ‘workplace democracy’ (2001) and Richard Wolff on ‘democracy at work’ (2012).¹⁷

The right to work also concerns the domestic sphere. Although the word ‘work’ generally leads us to think of work done outside home, domestic work has always required (and still does) a significant share of the human labour power. This work, which takes place ‘behind Marx’s hidden abode’ (Fraser, 2014), is mostly done by women and more specifically by poor women. It is an effort that, if developed outside the market, is hardly taken into account or rewarded. The informality of domestic activities may make this recognition difficult, but there is no doubt that steps can be taken in that direction. The key is to stop understanding the right to work simply as the right to wage labour, and move towards understanding it as a right that includes aids concerning reproductive labour. What concrete measures would follow from this? One could be the improvement of maternity and paternity benefits, aimed at a fairer distribution of all the work involved in raising children.

Finally, the right to work is also about the environment. It is true that the elimination of certain types of environmentally harmful work can lead to job losses, and in this sense the concern about the environment militates against the right to work. However, if we consider things from a wider perspective, we can notice that current economic and ecological problems are closely linked.¹⁸ The degradation of human labour relations and the degradation of nature are inseparably connected. The transition to a sustainable society, for its part, requires new ways of working and living. If work is seen as a right, rather than as a way of obtaining benefits for a few, nature ceases to be a resource to be exploited, and its conservation becomes the starting point of any kind of human work.

Truly tackling any of these three problems would mean going beyond the limits currently imposed by wage labour. However, as John Bellamy Foster points out in a recent article, and

as we saw when speaking of the right to work in 1848, visions of a future society have not always looked favourably upon a profound transformation of the world of work:

Some radical theorists have seen a more just society as merely requiring the rationalization of present-day work relations, accompanied by increased leisure time and more equitable distribution. Others have focused on the need to transcend the entire system of alienated labor and make the development of creative work relations the central element of a new revolutionary society (Foster, 2017).

This same dilemma remains fully valid today. Foster explains that:

today most depictions of a future sustainable society take work and production as economically and technologically determined, or as simply displaced by automation, and focus instead on maximizing leisure as society's highest aim (Foster, 2017).

In opposition to this view, Foster relies on Marx and William Morris to advocate a radical transformation of work. He considers that the essence of a future sustainable society must be located in the labour process. According to him, thinking the future of work is not a question of reducing it to a minimum. The aim is, rather, the reduction of pain within work to the lowest possible level. The objective is not the liberation from work, but to organize work in a liberating way. This does not mean giving up automation, but using it to reduce the heaviest tasks, rather than to job displacement.

The French philosopher Dominique Méda proposes something similar. She explains that the scenarios in vogue today concerning the future of work propose either dismantling labour law or adapting production to the so-called 'technological revolution'. Both projects rest on the diagnosis that work can no longer occupy the central place it once had. They share a deterministic view of production, considering that the growth of precarious work is inevitable in a digital and globalized world. Opposing these two horizons, Méda proposes an ecological conversion of the economy, which she sees as an opportunity not only to achieve full employment but also to change the very nature of work. In fact, she explicitly links this transition to a sustainable society with the development of care work and democracy at work (Méda, 2016: 16–26).

What I would add is that such emancipatory scenario can rely on the right to work. Insofar as this right has broad legal recognition, those who seek to transform the world of work may see it as an ally to legally substantiate their proposals and put them more easily into practice. In this article, I have dealt with a previous step, in my opinion no less important: the recovery of the transforming potential of the right to work. The brief history of its origin has tried to show that its true realization goes beyond the extension of wage labour and that although it is fully compatible with the existence of private property and markets, it also requires important transformations on both.

4. Conclusion


When we think about the present and the future of work, should we simply list a set of conditions of access, development and remuneration that work must meet in order to be

decent, or should we focus on the social relations that impede taking that dignity beyond certain limits? Why do we accept so naturally that in democratic societies, wherein the principle ‘one person, one vote’ prevails, we spend a large part of our lives in highly hierarchical workplaces? Is work only a burden to be minimized or can its transformation become the cornerstone of a new society? How can we move towards a new social organization of work that makes it possible to universalize non-exploitative work, work that does not squeeze the force of those who do it, but contributes to the free development of their personality?

It may be difficult to reach shared answers, but it is worthwhile, at least, to seriously consider these kinds of questions when reflecting on the future of work. As I have tried to show in these pages, the history of right to work claims can help us to move along this path. More precisely, taking into account these claims, as one of the first ways in which the incipient labour and socialist movement of the nineteenth century opposed the modern way of organizing production, can contribute to giving new impetus to a right that has a wide legal recognition at present, but that often remains in the background or is underutilized.

In short, the history of the right to work can help us to better understand the present situation of the world of work and to better face its future transformation from a far-reaching perspective. Proposals regarding the future of work should not become letters to Santa Claus, in which we each make requests according to our individual preferences, but neither should they be formulated from a narrow determinism based on current limitations. They should neither naively point to the land of Cockaigne, in which it is not necessary to make any kind of effort to live, nor make alarmist predictions auguring an inevitable increase of unemployment due to automation. The future of work is open and no one can control or predict its development, not even those who presently hold the greatest power over workplaces.

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Notes

1. Universal Declaration of Human Rights, art. 23(1).
2. For further information, see O’Cinneide (2015).
3. I thank an anonymous reviewer for pointing out this lack of precision in an earlier version of the article.
4. As Polanyi explains in *The Great Transformation*, markets exist since ancient times, but they play, until the expansion of the capitalist system, a relatively secondary role in societies’ economic life. In particular, trade is not generally applied to work, land or money. Their description as commodities, Polanyi adds, is entirely fictitious: although they are actually bought and sold on the markets, they have not been ‘produced’ for that purpose. See Polanyi (2001), chapter 6.
5. On what Blanc’s socialism owes to the democratic republicanism of the French Revolution, see Loubère (1961).
6. For the connections between the two French revolutions concerning the world of work, see Sewell (1980) and Rude’ (1964), chapters 6, 7, 8 and 11.

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7. On English Jacobinism during the period 1792–1796, and its persistence in the early nineteenth-century English labour movement, see Thompson (2002), chapters 5 and 16. In other countries, connexions between democratic republicanism and socialist ideas take place over a longer period of time. On the history of labour republicanism in the United States, from early agrarianism to the Knights of Labor, see Gourevitch (2015), chapters 3 and 4. I do not know the German case well enough to make relevant indications. I can just point out the peculiar union Fichte establishes between republican and socialist ideas in his political philosophy: see Fichte (2012) and Léon (1914). On Marx’s republicanism, as well as on the oblivion of the republican tradition in nineteenth-century German social democracy, see Domènech (2004), chapter 4; more recently, on the first topic, see Leipold (2017).
 8. A brief history of the right to work, from Fourier to its recognition in international human rights law, through the two French revolutions, twentieth-century communism, New Deal policies and the Swedish case, can be found in Harvey (1998, 1–46).
 9. Constitution française du 3 septembre 1791, “Titre Premier : Dispositions fondamentales garanties par la Constitution.”
 10. Constitution française du 6 messidor an I, “Déclaration des droits de l’homme et du citoyen de 1793,” art. 21.
 11. To understand the differences between supporters of the slogans ‘to each according to his needs’ and ‘to each according to his contribution’ in nineteenth-century socialism, see Menger (1899).
 12. The discussion on whether or not work is an indispensable condition for human fulfilment, although theoretically relevant, is not necessary to justify the right to work. Regardless of whether work is one of the basic needs of individuals, there is no doubt that, as Blanc reminds us, it is a social need and an individual faculty. The fact that this social need is unjustly distributed (bad work is performed by poor people), together with the fact that not everyone has the same opportunity to develop his or her individual faculties in the workplace, are sufficient reasons to support the right to work.
 13. On the loss of the social dimension of current human rights, see Moyn (2018).
 14. This lack of meaning can even affect well-paid and socially regarded jobs. On the meaninglessness caused by the current form of organizing productive activities in our societies, see Graeber (2018).
 15. For the connections between meaningful work and workplace democracy, see Yeoman (2014).
 16. Exploitation does not mean here that workers are treated badly, but that they are embedded in competitive markets, where they are treated as commodities and, once they are hired, as human capital. In capitalist economies, human resources are exploited in the same way natural resources are exploited: they are both used to obtain benefits. This exploitation may not be morally harmful to many wage labourers, especially to those in the most qualified positions, but it is based on an inequality of power between employers and employees which runs counter to the democratic principles ruling the political sphere in any Western country. I am aware, however, that contemporary wage labour is not as exploitative as nineteenth-century wage slavery. Before the development of labour law at the beginning of the twentieth century, the relationship between the employer and the employee in large factories was a form of modern servitude, as the latter depended almost completely on the will of the former. Nowadays, no labour contract can run counter to certain basic legal labour rights. These rights can be considered as a realization, albeit partial, of the nineteenth-century ideal of the right to work; see García Manrique (2013, 354–357).

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17. A defence of workplace democracy from republican theory can be found in González-Ricoy (2014).
 18. This is clearly shown in the first report of the Green New Deal Group (2008). At present, Green New Deal proposals are being widely discussed within the US Democratic Party.

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