PONTIFICIAE ACADEMIAE SCIENTIARVM SOCIALIVM ACTA
3

THE RIGHT TO WORK: TOWARDS FULL EMPLOYMENT

PROCEEDINGS

Third Plenary Session of the
Pontifical Academy of Social Sciences
23-26 April 1997

VATICAN CITY 1998

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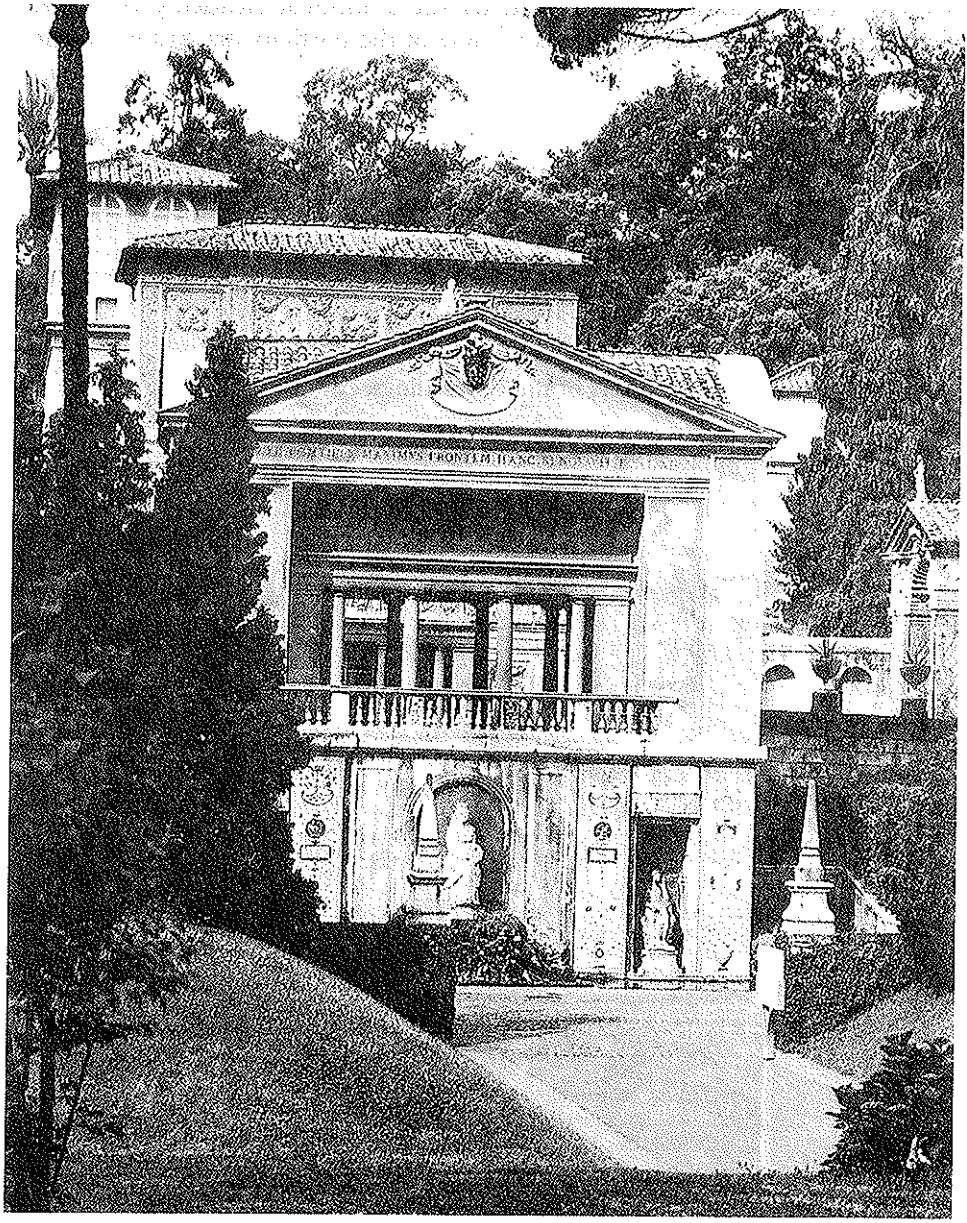

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Editors of the Proceedings:

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Prof. EDMOND MALINVAUD

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VATICAN CITY

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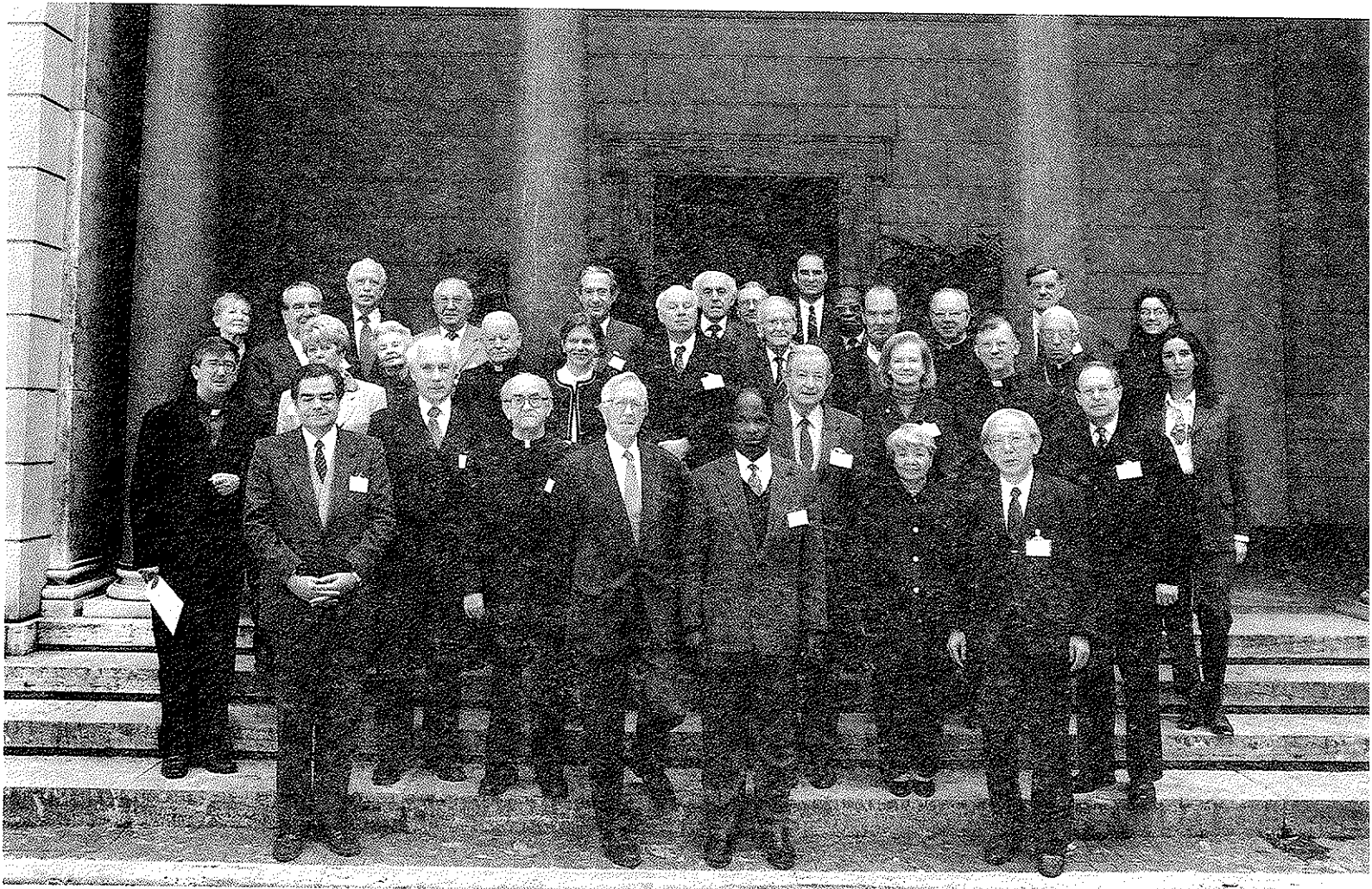

The Participants of the Third Plenary Session

PREFACE

Over the last two years the Academy has concentrated its efforts on re-affirming the most central tenet of social teaching on work and employment, namely "the right to work", by exploring how this can be realized given dramatic changes in "industrial society" and the shift to a global economy. Simultaneously our contributions have also taken as their point of departure the principle of the "priority of labour over capital", as has been reiterated with increasing emphasis in the more recent social encyclicals.

In a very broad sense, our previous volume *The Future of Work and Work in the Future* (from the 1996 Plenary meeting) is a dialogue with *Laborem exercens* and its concern with the scandal of unemployment and accompanying social marginalization. In an equally broad sense, the present volume addresses more closely the agenda set by *Centesimus annus*, namely how to ameliorate if not overcome this situation.

The outcome of *The Future of Work and Work in the Future* was predominantly descriptive, pin-pointing the quantitative dimensions of unemployment, but also highlighting those qualitative changes in the active population which seemed durable in the foreseeable future. Many of these changes constituted a dual challenge. On the one hand, they pointed to the replacement of the model of "industrial society" which was the reference point of *Laborem exercens*, given the displacement of industrial production, both sectorally towards service work and geographically towards the Third World in the quest for cheap and unregulated labour markets. On the other hand, these changes themselves were focal points for the next meeting of the Academy in 1997, and challenged us to consider how fulfilling and non-exploitative work could become more available to all people in this transformed socio-economic context.

Our former study documented how the functioning of modern economies and the rapid transition to a global economy does not currently enable, much less foster, the employment of large tracts of the population, whether in the developed or less developed countries. However, *Centesimus annus* did not systematically examine the issues arising from the world crisis in unemployment in the context of radical changes affecting all three

factors of production — labour (shifting from industrial to service work), capital (increasingly invested in technology and its development, or increasingly detached from production in speculative finance markets), and land (which now constitutes a global terrain where bad economic stewardship can ecologically denude the face of the earth).

Thus the present study takes up the question of what means could be entertained to achieve the greatest possible participation of the entire population in the world of work, but particularly by those groups who figure disproportionately among the unemployed, namely the young and unskilled, and those whose occupational opportunities are severely hampered, particularly women and ethnic groups. One undoubted limitation of our work is its over-concentration on the developed world: a balance which it is essential to rectify in the future. Our aim in the papers which follow is to evaluate different types of contributions to the reduction of unemployment.

However, if we are to take the infrastructural transformations of economy and society seriously, then we have to consider equally radical responses to them; equally radical that is for social policy as for social teaching. Hence Part I of the volume opens with the broadest of considerations, namely that the wealth produced is no longer dependent upon the quality of work entailed in the production process and, its corollary, that the distribution of wealth cannot therefore be satisfactorily ensured by the new technological systems of production. Thus the first paper (Prof. Calvez) invites us to consider introducing a structural distinction, and a parallel ethical distinction, between the need for subsistence and the need to work. He discusses these issues by considering the introduction of a "basic wage" as a distributive mechanism that could guarantee the first need whilst directing the second towards more fulfilling outlets, and which may only be a disincentive to work which does not enhance human dignity. The same theme is taken up in the second introductory paper which reviews the effects of globalization upon employment and poverty in relation to Christian ethics (Prof. Vymetalik). Fundamentally the argument follows the United Nations' 1992 *World Report on Human Development*, in arguing that global resources are sufficient for feeding the planet. It is then maintained that gross distributive inequalities in work and wealth could be offset by two radical measures: the creation of a small percentage tax upon the gains from speculative capital to be devoted to mitigating Third World poverty in those areas which have been the losers in the process of globalization; and the introduction of a "basic income" in the developed world, to counterbalance the effects of labour market de-regulation, unemployment and attendant difficulties in funding welfare provisions. At

the individual level the "basic income" uncouples the means of subsistence from fixed employment, but at the meso-level it facilitates various forms of flexible employment and their combination with socially useful but non-remunerated activities, and at the macro-level it serves as a distribution mechanism for created value which has now lost its direct association with paid work and any ethical justification which the quantity and quality of workers' contributions could (in practice or in principle) have supplied for patterns of income distribution in the past.

The next sections, which make up the bulk of the volume, deal with existing institutions in Part II, where policies can make a significant difference to unemployment by contributing to its reduction or mitigating its consequences (through legal intervention, welfare provision or trade union reorganization). In Part III consideration is given to new practices or policies whose introduction or generalization could make work available to a much larger proportion of the population, through various ways of harnessing, combining and remunerating flexible forms of employment which are already emerging unsystematically.

The tone of the papers in Part II, which evaluate the impact of current institutional measures upon unemployment and seek to assess their potential impact, is rather sober: these can indeed make a difference, but there is little ground for the hope that any of them can introduce a "quick fix" for the unemployed. In reviewing the "right to work" Prof. Glendon shows that although this right is embedded in most of the world's constitutions, as well as featuring in the UN's 1948 Declaration of Human Rights, it is rarely enforceable, bears little demonstrable connection to labour policy or to the actual state of employment in any given country. The limits of the law in this respect are currently confined to persuasive normative reminders of the demands of justice and human solidarity. Turning to the welfare state, Prof. Zacher shows how three crises in different parts of the world have simultaneously augmented unemployment and generated a tendency towards the reduction of benefits and of social security provisions — the 1970s oil crisis in the West, the fall of Communist governments in Eastern Europe and the declining economic strength of most developing countries. Here it is worth recalling T.H. Marshall's argument in 1950, that the promise of the welfare state was not simply intended as an "economic safety-net", but was an essential plank in "social citizenship", that would reinforce democracy by strengthening social solidarity and over-riding economic class divisions. With a reduced role for the welfare state in this respect, then the probabilities of social unrest grow, since the economic marginalization of the unemployed also threatens their exclusion from political representation. The simultaneous decline in Trade

Union membership augments this concern. Although Prof. Crouch sees an enduring role for trade unions, this involves their increased contribution as sources of information and advice through which employees can up-grade their participatory role in firms whose management is increasingly informed, trained and professionalized. Although this can enhance the negotiating strength of employees, it seems to imply a parallel professionalization within union organization which, precisely through its concentration upon effective participation of the employed, may detract even further from their performing any representational function for the unemployed.

The conclusions of this section are not negative, but their very sobriety encourages an examination of new practices and whether they can realistically be expected to make more impact upon the problem of unemployment than pinning all hopes on a revival, re-adaption or a reflexive monitoring on the part of the traditional institutions discussed above. Part III is thus concerned with new forms of intervention and new initiatives which respond directly to the new socio-economic context of unemployment. To some extent these differ according to whether the strategy discussed explicitly targets particular groups who are particularly disadvantaged on the employment market, or whether the new practices in question are conceived of more universalistically. Prof. Loury's paper which evaluates "affirmative action" (negatively) in the education of black Americans falls in the first category as does Dr Matlary's, in so far as she considers the contributions of the "equity feminist" approach (again negatively) to overcoming limitations on women's occupational opportunities. However, her advocacy of flexible working agreements, especially for mothers of young children, joins the main pre-occupation of papers in this section with harnessing the growing trend towards occupational flexibility to strategies offesetting unemployment.

One of the arguments advanced in the preceding volume was that, in the immediate future, the amount of work available was extremely unlikely to afford full employment for all, if defined according to the traditional norm of a full-time job for life whose remuneration was adequate to support a family. Consequently, the remaining papers consider the implications of breaking away from this norm in order to bring the benefits of work within the range of many more of the potential active population and to introduce flexible working arrangements to offset occupational discrimination against certain large and important groups of those wanting work, especially parents of young children and older employees. The "right to work" in this context would mean distinctively different definitions of "full employment" and of working itself, whose hours, regularity and

patterning throughout the life-cycle would vary flexibly rather than being rigidly standardized.

Thus Prof. Frinking introduces a research programme which examines the effects of social practices within the European Union on the relationship between paid work and domestic work. This follows the Maastricht treaty's statement on equal opportunities and the European trend towards "flexible" occupations which has particularly important consequences for the employment of women. These considerations are extended by Prof. Drèze in his detailed examination of the contribution which reductions in working time, part-time work and work-sharing could make both to reducing mass unemployment in the short-term and to implementing equal access for men and women to paid employment and social fulfilment through work. Finally Prof. Morande Court draws together the spread of information technology and its impact upon employment and domestic activity alike, such that the concept of work becomes co-existensive with both, in order to argue that the theology of "work" is no longer confined to secular paid employment. Perhaps this serves to prompt a tentative conclusion to this volume.

Envoi

It is one which builds upon real economic tendencies towards more flexible forms of employment, but entails a more social and a less economistic notion of *radical flexibility* if a genuine impact upon reducing unemployment is to be made. This is necessary if we take seriously the caution that within the present economic framework, even the conditions deemed most propitious for competitive market growth are insufficient to promote full-time employment for all those who seek it. Therefore, in addition to specific proposals for reducing working hours and job-sharing, serious attention needs to be given to a general loosening of the boundaries between "work" and "employment", such that the whole notion of service to society is acknowledged as an authentic contribution. Given that less and less of the active employed population has even a distanced relation to production, such changed circumstances spell the end of 200 years of privileging what could then be assumed to represent productive employment and now place the emphasis on the recognition, reward and revalorization of "work".

However such a revalorization of "work" would need to be real rather than nominal. Changing labels changes nothing. The question is how to effect a real change such that proper recognition is given to those who

make a contribution to society through "work" as well as or in addition to "employment". The types of work in mind are predominantly those falling into the category of caring (children, the aged, the homeless, migrants, the environment, etc.). This neither is nor need become professionalized. Indeed one of the significant factors about it is that it utilizes "skills" which people already possess or for which they require little additional training. Therefore to revalorize their contribution would have most impact upon the category registering the highest rates of unemployment, the so-called "unskilled". Simultaneously it would facilitate women's labour market integration by providing them with family services. The question remains of how this could be paid for. Fiscal benefits and welfare payments would arouse the familiar objections about increased tax burdens in relation to economic growth.

Yet the sums can add up very differently given a radical notion of flexibility which breaks both with the fixed distinction between "work and employment" and equally with the outdated pre-war model of entry to the labour market dating from "apprenticeship" and being continuous until "retirement". Instead it would acknowledge a new concept of the division of labour, which is already coming into being, yet needs recognizing not just as a sporadic phenomenon confined to certain categories but as a generic life-cycle approach to the labour market. In other words the *majority* of people could be seen as shifting between "work" and "employment" (to use the traditional terms) at different points in the family life-cycle and in response to shifting preferences and economic circumstances. It would include some training of the unemployed for neglected social tasks but could be much more generalized (and gender unspecific) given the decline of factory-based production and the declining division between workplace and livingspace.

To build upon this for all would not only preclude it from becoming a stigmatized sector for the less qualified, but would valorize voluntary work amongst the qualified and enable values other than unbridled careerism to be expressed throughout the life course. Simultaneously it could significantly contribute to the problem presented by our top heavy demographic structures in developed countries. Here the pension bill escalates given the tendency towards earlier ages of retirement, with the old becoming the greatest consumers of welfare services and the least of market services. Yet the whole concept of retirement, applied to a younger age group who also live longer and more healthily harks back to the "industrial society model". Now 30 years of "leisure" is an intolerable burden to many who cannot fill each twenty-four hours with self-gratification but still need to make a valued social contribution. Rather than become a reserve army of

the post-employed, entry into voluntary work could be a normative expectation. This would increase the quality of auxiliary services (in schools, hospitals, prisons) where employed staff are too overstretched to supply the quality of services needed. Here a basic level of remuneration could substitute for pensions amongst a category of the population whose peak expenditure period is over. Since continued "work" would be time consuming it could reasonably be expected to boost use of market services amongst what would become a less leisured retired group. Modalities and costings would require close scrutiny, but the real key would lie in generalizing the normative expectation of making a continued social contribution. In turn this would facilitate the re-orientation of welfare state expenditure towards the skilling of the young and young unemployed adults.

The innovations discussed in this volume represent positive and creative responses to the enduring themes of social teaching about the centrality of work to human dignity and self-fulfilment and to social integration and solidarity alike — as was stressed in Prof. Schasching's 1996 paper on "Catholic Teaching on Labour, Work and Employment" which forms the background to all our Academy's discussions on this theme. In fact it would be fair to say that this volume does not have a concrete and consensual conclusion. What has been presented above merely draws together the threads and the thrust of the papers and discussion taking place in 1997. The overall conclusion will go both back and beyond this particular meeting and will be presented in the Jubilee publication for the Millennium which will represent the contribution of this new Academy of Social Sciences, to furthering the dialogue with social teaching after the year 2000 — a teaching which remains rooted in the timeless needs of incarnational humanity.

MARGARET S. ARCHER

January 1998

III PLENARY SESSION: 23-26 APRIL 1997

PROGRAMME

Tuesday 22 April

Council Meeting

Wednesday 23 April

OPENING

President's address

Report of Professor HANS ZACHER

Chairperson: Prof. JOHANNES SCHASCHING

Professor JEAN-YVES CALVEZ (Centre Sevrès, Paris)
The Social Encyclicals in the Light of Recent Changes in Labour, Work and Employment

Professor HANS ZACHER (Max-Planck-Gesellschaft, Germany)
The Living Condition of the Unemployed, their Diversity and the Effects of Alternative Welfare Provision Systems

Chairperson: Prof. RENÈ RÈMOND

Professor GERALD FRINKLING (University of Tilburg, Netherlands)
The Division of Paid and Unpaid Work in Europe: Patterns and Policies

Professor JACQUES DRÈZE (University Louvain-la-Neuve, Belgium)
Job-sharing as a Contribution to Spreading Employment

Closed session for Academicians

Thursday 24 April

Chairperson: Prof. JUAN JOSÉ LLACH

Professor GLENN LOURY (Boston University, USA)
By what Means can the Historically Disadvantaged be more Fully Integrated into the World of Work? Is "Affirmative Action" Working?

Dr JANNE MATLÁRY (ARENA, Research Council of Norway)
The Church's Social Teaching in the Light of Increased Female Participation in the Labour Market

First discussion about the Jubilee Edition

Chairperson: Prof. MARGARET ARCHER

Professor COLIN CROUCH (University of Oxford. GB/European University, Florence)
Union Re-organisation and its Contribution to Increasing Employment

Professor MARY ANN GLENDON (Harvard Law School)
The Right to Work, the Obligation to Provide Employment and the Limits of Law

Friday 25 April

Chairperson: Prof. JERZY GEORGE ZUBRZYCKI

Professor PEDRO MORANDE COURT (Universidad Católica de Chile)
The Development of a New "Culture of Work" in the Light of Reduced Social Integration through Employment?

Chairperson: Hon. Mr. Justice NICHOLAS JOHN MCNALLY

Dr. BEDRICH VYMETALIK (Czech Republic)
Labour Market De-regulation and Christian Ethics

Second discussion about the Jubilee Edition
Meeting of the "ad hoc" committee on Democracy

Saturday 26 April

Chairperson: Prof. HANNA SUCHOCKA

"Open Discussion" of the papers presented in the previous days
General discussion about the outcome of the scientific programme
Closed session for Academicians
Council Meeting

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ADDRESS OF THE PRESIDENT OF THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES TO THE HOLY FATHER *

Très Saint-Père,

Recevant l'an dernier l'Académie pontificale des Sciences Sociales, Vous avez bien voulu nous encourager à relier la Doctrine sociale de l'Eglise aux aspects scientifiques et techniques, que nos métiers nous obligent à connaître. Vous nous avez rappelé les principes de l'anthropologie chrétienne qui trouvent leur source dans une longue tradition. Vous avez insisté sur ce que l'homme de science ne devait pas fonder son action uniquement sur des principes qui, tirés des sciences positives, feraient abstraction de la personne humaine même quand sont considérés les structures et mécanismes sociaux.

Comme nous concentrions alors nos travaux sur le thème du travail, Vous avez rappelé que tout système économique devait avoir pour principe premier le respect de l'homme et de sa dignité, ce dont Vous nous avez énoncé les implications. Nous n'avons pas oublié ces paroles qui doivent orienter le choix des questions sur lesquelles nous devons concentrer notre attention, espérant ainsi contribuer dans notre domaine de compétence, à l'élaboration de l'enseignement social de l'Eglise.

Il nous est apparu l'an dernier que nous n'avions pas encore fait un tour suffisant du thème du travail. C'est pourquoi nous avons décidé d'y revenir cette année. Nous étudions donc à nouveau ici ce thème qui préoccupe tant les femmes et les hommes d'aujourd'hui. Notre objectif consiste à compléter l'examen effectué en mars 1996 et à en tirer de premières conclusions.

Vous présenter les divers sujets de nos discussions m'entrainerait trop loin. Permettez-moi, Saint-Père, de me limiter à dire que le choix de chacun

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* The following address was delivered by the President of the Academy, Prof. Edmond Malinvaud, at the Papal Audience of April 25, 1997.

de ces sujets a répondu au souci d'analyser les problèmes que les développements nouveaux des réalités sociales posent à la concrétisation de la Doctrine sociale de l'Eglise. Par exemple, nous avions déjà parlé l'an dernier du droit au travail, sur lequel Vous aviez particulièrement insisté; nous y revenons cette année.

A la suite de ces échanges de deux Sessions plénières de notre Académie, en 1996 et 1997, nous pensons pouvoir être en mesure de mettre au point une déclaration sur le thème du travail et de l'emploi. Nous voudrions y apporter le plus grand soin, car nous sommes conscients des répercussions dommageables durables que pourrait engendrer un message mal conçu ou mal rédigé.

Cette considération nous paraît d'autant plus importante que nous avons le projet de présenter ce texte dans une "édition du Jubilé" par laquelle l'Académie contribuerait modestement aux manifestations publiques que l'Eglise prépare pour l'année jubilaire. Il s'agira pour notre Académie, nous le souhaitons, de s'adresser notamment aux communautés scientifiques et de remplir ainsi une des deux fonctions que Vous avez attribuées au dialogue entre l'Eglise et nos disciplines, à savoir d'aider ces disciplines à s'ouvrir à un plus vaste horizon" (citation de *Centesimus annus* dans le *Motu proprio* instituant l'Académie).

Parallèlement à cette réflexion, nous en avons engagé une seconde sur le thème général de la démocratie. Le Comité chargé d'organiser nos activités sur ce second thème s'est réuni en décembre dernier avec le Conseil de l'Académie. Il a alors procédé à un premier tour d'horizon sur le sujet, de façon à être en mesure de bien définir le programme scientifique qui lui sera consacré à notre Session plénière de 1998. Nous en avons aussi quelque peu parlé à cette Session.

C'est après Vous avoir soumis ces projets que nous sommes prêts, Très Saint-Père, à écouter soigneusement les recommandations que Vous voudrez bien nous donner.

ADDRESS OF THE HOLY FATHER TO THE PARTICIPANTS OF THE THIRD PLENARY SESSION *

Monsieur le Président,
Mesdames et Messieurs les Académiciens,

1. Je suis heureux de vous rencontrer à l'occasion de la session plénière de l'*Académie pontificale des Sciences sociales*, consacrée à une *réflexion sur le thème du travail*, déjà amorcée l'an dernier. Le choix de ce thème est particulièrement opportun, car le travail humain "est une clé, et probablement la clé essentielle, de toute la question sociale" (*Laborem exercens*, n. 3). Les profondes transformations économiques et sociales que nous connaissons font que le thème du travail est de plus en plus complexe et qu'il a de graves répercussions humaines, car il fait naître des angoisses et des espérances dans de nombreuses familles et chez beaucoup de personnes, spécialement chez les jeunes.

Je remercie votre Président, Monsieur le Professeur Edmond Malinvaud, pour ses paroles courtoises et pour la disponibilité dont il fait preuve dans la toute jeune *Académie pontificale*. Je vous renouvelle à tous l'expression de ma gratitude pour la générosité avec laquelle vous mettez vos compétences, au sein de cette Institution, non seulement au service de la science, mais aussi de la doctrine sociale de l'Eglise (cf. *Statuts*, art. 1).

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* The following address was delivered by His Holiness John Paul II on April 25, 1997. It was published in *L'Osservatore Romano* on April 26, 1997.

2. En effet, *le service que doit rendre le Magistère* dans ce domaine, est devenu aujourd'hui plus exigeant, car il doit faire face à une situation du monde contemporain, qui se modifie avec une extraordinaire rapidité. Certes, la *doctrine sociale de l'Eglise*, dans la mesure où elle propose des principes fondés sur la Loi naturelle et sur la Parole de Dieu, ne varie pas au gré des mutations de l'histoire. Cependant, ces principes peuvent être sans cesse précisés, spécialement dans leurs applications concrètes. Et l'histoire montre que le *corpus* de la *doctrine sociale* s'enrichit en permanence de perspectives et d'aspects nouveaux, en rapport avec les développements culturels et sociaux. Il me plaît de souligner la *continuité fondamentale* et la *nature dynamique* du Magistère en matière sociale, au moment du trentième anniversaire de l'Encyclique *Populorum progressio*, par laquelle le Pape Paul VI, le 26 mars 1967, à la suite du Concile Vatican II et sur le chemin ouvert par le Pape Jean XXIII, proposait une relecture perspicace de *la question sociale* dans sa dimension mondiale. Comment ne pas rappeler le cri prophétique qu'il lançait, se faisant la voix des sans voix et des peuples les plus défavorisés? Paul VI voulait ainsi réveiller les consciences, montrant que l'objectif à atteindre était le développement intégral par la promotion "de tout homme et de tout l'homme" (cf. *Populoroum progressio*, n. 14). A l'occasion du vingtième anniversaire de ce dernier document, j'ai publié l'*Encyclique Sollicitudo rei socialis*, où j'ai repris et approfondi le thème de la solidarité. Au cours de ces dix dernières années, de nombreux événements sociaux, en particulier l'effondrement des systèmes communistes, ont considérablement changé la face du monde. Devant l'accélération des mutations sociales, il convient aujourd'hui d'effectuer de manière continue des vérifications et des évaluations. C'est là le rôle de votre Académie, qui, trois ans après sa fondation, a déjà apporté des contributions éclairantes; sa démarche est particulièrement prometteuse pour l'avenir.

3. Parmi vos recherches actuelles, l'approfondissement du *droit du travail* est d'un grand intérêt, spécialement si l'on considère la

tendance actuelle dé la "déréglementation du marché". Il s'agit d'un thème sur lequel le Magistère s'est exprimé à plusieurs reprises. Personnellement, je vous rappelais l'an dernier le principe moral selon lequel les exigences du marché, fortement marquées par la compétitivité, ne doivent pas "aller contre *le droit primordial de tout homme à avoir un travail* qui puisse le faire vivre avec sa famille" (Discours du 22 mars 1996, n. 3). Reprenant aujourd'hui ce thème, je tiens à souligner que, lorsqu'elle énonce ce principe, l'Eglise n'entend nullement condamner la libéralisation du marché en soi, mais demande qu'elle soit envisagée et mise en œuvre dans le respect de *la primauté de la personne huamine*, à laquelle doivent être soumis les systèmes économiques. L'histoire montre largement la chute de régimes marqués par la planification qui porte atteinte aux libertés civiques et économiques. Mais cela n'accrédite pas pour autant des modèles diamétralement opposés. Car, malheureusement, l'expérience fait apparaître qu'une économie de marché, laissée à une liberté inconditionnelle, est loin d'apporter le plus d'avantages possible aux personnes et aux sociétés. Il est vrai que l'étonnant élan économique de certains pays nouvellement industrialisés semble confirmer le fait que le marché peut procurer richesse et bien-être, même dans des régions pauvres. Mais, dans une perspective plus large, on ne peut oublier *le prix humain* de ces processus. On ne peut surtout pas oublier le scandale persistant des *graves inégalités* entre les différentes nations, et entre les personnes et les groupes à l'intérieur de chaque pays, comme vous l'avez souligné dans votre première session plénière (cf. *The study of the tension between human equality and social inequalities from the perspective of the various social sciences*, Vatican City 1996).

4. Il reste encore trop de personnes pauvres de par le monde, qui n'ont pas accès à la moindre parcelle de l'opulente richesse d'une minorité. Dans le cadre de la "globalisation", encore appelée "mondialisation", de l'économie (cf. *Centisimus annus*, n. 58), le transfert facile des ressources et des systèmes de production, réalisé unique-

ment en vertu du critère du profit maximum et en raison d'une compétitivité effrénée, s'il accroît les possibilités de travail et le bien-être dans certaines régions, laisse en même temps à l'écart d'autres régions moins favorisées et peut aggraver *le chômage* dans des pays d'ancienne tradition industrielle. L'organisation "globalisée" du travail, en profitant du dénuement extrême des populations en voie de développement, entraîne souvent de graves situations d'exploitation, qui bafouent les exigences élémentaires de la dignité humaine.

Face à de telles orientations, il reste essentiel que l'action politique assure une pondération du marché dans sa forme classique, par l'application des principes de subsidiarité et de solidarité, selon le modèle de l'*Etat social*. Si ce dernier fonctionne de manière modérée, il évitera aussi un système d'assistance excessif, qui crée plus de problèmes qu'il n'en résout. A cette condition, il reste une *manifestation de civilisation authentique*, un instrument indispensable pour la défense des classes sociales les plus défavorisées, souvent écrasées par le pouvoir exorbitant du "marché global". En effet, on profite aujourd'hui de ce que les nouvelles technologies donnent la possibilité de produire et d'échanger presque sans aucune limite, dans toutes les parties du monde, pour réduire la main d'œuvre non qualifiée et lui imposer de nombreuses contraintes en s'appuyant, après la fin des "blocs" et la disparition progressive des frontières, sur une nouvelle disponibilité de travailleurs faiblement rémunérés.

5. Du reste, comment sous-estimer les risques de cette situation, non seulement en fonction des exigences de la justice sociale, mais encore en fonction des plus larges perspectives de la civilisation? En soi, un marché mondial organisé avec équilibre et une bonne régulation peut apporter, avec le bien-être, le développement de la culture, de la démocratie, de la solidarité et de la paix. Mais on peut s'attendre à des effets bien différents d'un *marché sauvage* qui, sous prétexte de compétitivité, prospère *en exploitant à outrance l'homme et l'environnement*. Ce type de marché, éthiquement inacceptable, ne peut qu'avoir des conséquences désastreuses, au moins à long terme.

Il tend à homologuer, en général dans le sens matérialiste, les cultures et les traditions vivantes des peuples; il éradique les valeurs éthiques et culturelles fondamentales et communes; il risque de créer un grand vide de valeurs humaines, "*un vide anthropologique*", sans compter qu'il compromet de manière plus dangereuse *l'équilibre écologique*. Alors, comment ne pas craindre une explosion de comportements déviants et violents, qui engendrerait de fortes tensions dans le corps social? La liberté elle-même serait menacée, et même le marché qui avait profité de l'absence d'entraves. Tout bien considéré, la réalité de la "globalisation", considérée d'une manière équilibrée dans ses potentialités positives comme dans ce qu'elle fait redouter, appelle à ne pas différer une harmonisation *entre les "exigences de l'économie" et les exigences de l'éthique*.

6. Il faut toutefois reconnaître que, dans le cadre d'une économie "mondialisée", la régulation éthique et juridique du marché est objectivement plus difficile. Pour y parvenir efficacement, en effet, les initiatives politiques internes des différents pays ne suffisent pas; mais il faut une "concertation entre les grands pays" et la consolidation d'un *ordre démocratique planétaire* avec des institutions où "les intérêts de la grande famille humaine soient équitablement représentés" (*Centesimus annus*, n. 58). Les institutions ne manquent pas, au niveau régional ou mondial. Je pense en particulier à l'Organisation des Nations unies et à ses diverses agences à vocation sociale. Je pense aussi au rôle que jouent des entités comme le Fonds monétaire international et l'Organisation mondiale du Commerce. Il est urgent que, sur le terrain de la liberté, s'affermisse une culture des "règles" qui ne se limite pas à la promotion du simple fonctionnement commercial, mais qui prenne en charge, grâce à des instruments juridiques sûrs, *la protection des droits humains* dans toutes les parties du monde. Plus le marché est "global", plus il doit être équilibré par une *culture "globale" de la solidarité*, attentive aux besoins des plus faibles. Malheureusement, malgré les grandes déclarations de principe, cette référence aux valeurs est toujours plus

compromise par la résurgence *d'égoïsmes de la part de nations ou de groupes*, ainsi que, à un niveau plus profond, par un *relativisme éthique et culturel* assez répandu, qui menace la perception du sens même de l'homme.

7. Mais c'est là — et l'Eglise ne se lassera pas de le rappeler! — le nœud gordien à trancher, le point crucial par rapport auquel les perspectives économiques et politiques doivent se situer, pour préciser leurs fondements et la possibilité de leur rencontre. C'est donc à juste titre que vous avez mis à votre ordre du jour, en même temps que les problèmes du travail, ceux de la *démocratie*. Les deux problématiques sont inévitablement liées. En effet, la démocratie n'est possible que "sur la base d'une conception correcte de la personne humaine" (*Centesimus annus*, n. 46), ce qui implique qu'à chaque homme soit reconnu le droit de participer activement à la vie publique, en vue de la réalisation du bien commun. Mais comment peut-on garantir la participation à la vie démocratique à quelqu'un qui n'est pas convenablement protégé sur le plan économique et qui manque même du nécessaire? Lorsque même *le droit à la vie*, de la conception à son terme naturel, n'est pas pleinement respecté comme un droit absolument imprescriptible, la démocratie est dénaturée de l'intérieur et les règles formelles de participation deviennent un alibi qui dissimule *la prévarication des forts sur les faibles* (cf. *Evangelium vitæ*, nn. 20 et 70).

Mesdames et Messieurs les Académiciens, je vous suis très reconnaissant pour les réflexions que vous conduisez sur ces sujets essentiels. L'enjeu n'est pas seulement celui d'un témoignage ecclésial toujours plus pertinent, mais la construction d'une société qui respecte pleinement *la dignité de l'homme*, qui ne peut jamais être considéré comme un objet ou une marchandise, parce qu'il porte en soi *l'image de Dieu*. Les problèmes qui se présentent à nous sont immenses, mais les générations à venir nous demanderont des comptes sur la manière dont nous avons exercé nos responsabilités.

Plus encore, nous en sommes comptables devant le Seigneur de l'histoire. L'Eglise compte donc beaucoup sur votre travail, empreint de rigueur scientifique, attentif au Magistère et, en même temps, ouvert au dialogue avec les tendances multiples de la culture contemporaine.

Sur chacun de vous, j'invoque l'abondance des Bénédictions divines.

ACTIVITIES OF THE ACADEMY AFTER THE SECOND PLENARY SESSION NEW GUIDELINES DECIDED UPON AT THE THIRD PLENARY SESSION

REPORT BY THE PRESIDENT

During the thirteen months following the close of the Second Plenary Session and of the Council meeting of March 23, 1996, the Academy tried to implement the programme that had been chosen then. The main activities were a workshop on the theme of democracy in December 1996 and the Third Plenary Session held in April 1997 (23th-26th) again on the theme of work and employment. Plans for the future also had to be updated and made more precise. Finally, means of fostering the competence of the Academy and of improving its efficiency had to be explored. For these various tasks the Council held three meetings, respectively on December 14, 1996, April 22, 1997 and April 26, 1997.

ACTIVITIES ON THE THEME OF DEMOCRACY

Activities were in conformity with the decisions taken in March 1996 by the General Assembly and by the Council (see Report by the President in the Proceedings of the Second Plenary Session) under guidance of the relevant committee, chaired by Professor Zacher from July 1996 onwards.

Professor Schooyans undertook to write the background document on democracy in the social teaching of the Church. This was available in English and French before the workshop held on December 12th-13th, 1996. The workshop was attended by twelve Academicians, two outside experts, as well as by the Secretary and Under-secretary of the Pontifical Council for Justice and Peace. Its main task was:

— to gain a coherent overview of papal social teaching on the subject of democracy;
— to approach the diversity of democracy by studying different regions of the world;
— and in this way to gain a perspective on the questions raised by democracy in an ever more complex world, which is growing closer together.

The conclusions drawn from the papers and discussions appear in the last part of the published proceedings of the workshop.

These conclusions served as a reference point for the Committee on democracy when it met in the late evening of April 25th, 1997 in order to examine what the scientific programme of the Fourth Plenary Session (April 1998) should be. Professor Zacher had been able to draw up a list of questions which frequently arise about democracy and which would be worth studying in order to foster the social doctrine of the Church. The list contained 32 items overall, the seven main parts being : Nature and features of democracy; Societal preconditions of democracy; Values and democracy; Endangered and imperfect democracy; The interface between State and society; The international community and democracy; Christian and especially Catholic aspects of the theme.

Clearly the Fourth Plenary Session could not cover all relevant issues and had to be devoted to a selection. For this the committee established a priority list of topics under the three following main themes : 1. The value of democracy - democracy and values ; 2. "Civil society" as the essence of democratic society; 3. Supranationality, internationality and democracy. Further topics on democracy could be discussed at a later session of the Academy. At its meeting of April 26th the Council accepted the proposals of the committee and recognized that the Academy would certainly have to solicit the participation of outside experts in order to deal with a number of the topics chosen.

Scientific programme of the Third Plenary Session

The papers presented on April 23th-25th within the programme on "The right to work: towards full employment" are found in these proceedings together with abridged reports of the discussions. Academicians devoted one hour on April 26th to an exchange of views about what had been achieved and also expressed their satisfaction about the quality of the papers, their circulation in advance and the service of simultaneous interpretation.

Among the many comments made, some have implications for future activities. In particular it was deplored that, as in March 1996, so little time was devoted to the study of the major problem of unemployment in developing countries, where a number of factors are actually impeding access to work. In many cases the problem is connected with other aspects of the social context. The Academy should try to attract experts doing good analytical work on such issues in the developing world.

It was noted that some important preconditions for achieving the right to work had not been seriously considered during the two sessions devoted to the theme of work and employment. In particular speakers pointed to problems of education and training, which were mentioned many times but had not been examined directly by the Academy.

It was suggested that now, even in developed countries, transformations of the dominant triangular pattern involving work, family and income are creating situations somewhat akin to the traditional model of developing countries. In any case the social teaching of the Church ought to keep continually abreast of the main changes in this pattern.

More generally one Academician wondered whether papers and discussions had not neglected the true complexity of the subjects under examination. This would be bad practice because important consequences of such complexity might then be ignored. Still worse, it would mean that debates at the Academy were lagging behind significant scientific advances in the various disciplines; to that extent the Academy would not be playing its part well in the dialogue with the Church.

Preparation of the Jubilee edition

In March 1996, thinking about its contribution to the Jubilee year 2000, the Academy had decided to aim at editing a book, to be produced and distributed by a commercial publisher, on the outcome of its reflections about the theme of work and employment. At its meeting of December 14th, 1996, the Council considered how to start implementing this decision. The first step was to organize a discussion of the project at the Third Plenary Session in April 1997. The Council discussed a text for inclusion in a letter to all Academicians, to be sent in early 1997. The text aimed at stimulating reactions of Academicians to the project and soliciting proposals from them. It requested short written notes which would present such proposals and would be circulated before the Third Session. The set of notes could then serve as a basis for discussion.

The 1997 General Assembly indeed reviewed a number of interesting

notes and proposals. The Assembly held two long debates on the project, the first devoted to presentation of their individual views by Academicians, the second to synthesising them, so that some definite conclusions might be drawn. Here are a few general guidelines which were approved in this manner and concern the intended readership, the stance that the Academy ought to take, in view of its competence, and the overall style in which the book ought to be written.

The book will certainly be a medium for dialogue with the Church, but its main intent is to address the academic community at large, particularly but not exclusively the Catholic academic community. This is precisely why access to the diffusion network of a commercial publisher is important. The choice of addressing the academic community first is unlikely to be harmful to the service of others, such as government or industry, provided that the needs of such readers are not overlooked (in terms of style, accessibility and relevance).

What makes the Academy distinctive should be clearly apparent. Its role in representing the social sciences in their dialogue with the Church should be quite clear, but there are also some important implications of this function. The Academy is called to be universally minded, geographically representative, interdisciplinary and to work across schools within disciplines. It has to take account of all the significant facets of work in current societies. It needs to stress and more particularly to study the many interfaces and mutual interplay between the normative and the real.

The Academy is not ready, nor will it be in the immediate future, to produce a "manifesto" in which it would take sides in the most burning debates of our time. The style of the book has to be congruent with a different role, that of a learned counsellor who is normatively sensitive but does not press for conclusions, not even pretends to give answers; the function is rather to offer matters for thought about profound but inescapable dilemmas. Within such a conception of the style of the book, the presentation of guiding principles and of their direct implications will find a place. Simultaneously it must respect the pluralism that may remain in the interpretation of empirical findings which will remain.

On the more practical side, there was overall approval of a table of contents with three main parts of unequal length: the paper of Professor Schasching, published in these proceedings, will come first, reproduced *in extenso* or with few changes; then a number of extracts will be published from the papers presented at the Academy's sessions devoted to work and employment; finally a chapter will present the synthesis that the Academy is now able to draw for the Church and other readers from its study of work and employment.

The Assembly decided (April 26th) to leave further decisions to the Council which was going to meet later on the same day. The Council then delegated the detailed planning of the preparation of the Jubilee edition to an *ad hoc* committee chaired by the President with members of the committees respectively in charge of the contribution of the Academy to the Jubilee year and the scientific programme on the theme of work and employment.

Towards appointment of new Academicians

In March 1996 Academicians had been invited to present by Autumn 1996 those candidates they would recommend for appointment as members of the Pontifical Academy of Social Sciences. A "Note to presenters" had been distributed, indicating the form in which the recommendations should be submitted, accompanied by a curriculum vitae showing the scientific activities of the candidate.

At its December meeting, the Council surveyed progress but did not yet take decisions on the nominations to be proposed to the Holy Father. At the time, 14 candidates had been proposed and their files were examined. The Council agreed that it was its responsibility to evaluate "the competence (of each candidate) in social sciences" (first requirement stipulated in article 3 of the statutes), but that the Holy See ought to find independent ways to ascertain candidates' "moral integrity" (second requirement). More delicate was the evaluation of whether a candidate was likely to contribute usefully to the mission of the Academy. Involvement and dedication within the scientific community could be checked, but what part should a candidate be expected to play in the dialogue with the Catholic Church? Being a Catholic was not a pre-requisite, nor even being a Christian, but there would have to be a certain compatibility of the basic vision of society held by the candidate with that promoted by the Catholic Church. The Council expressed the wish to be better informed in this respect about each candidate at its next meeting.

The matter was examined again by the Council on April 22nd, 1997, which was the eve of the opening of the Third Plenary Session. A well documented list of 16 candidates was then available. The Council deplored not having a richer array from which it could have selected nominations for perhaps some five new appointments. Recognizing that good candidates belonged to those disciplines and regions already best represented, the Council decided to aim more modestly at the nomination of a sociologist and an economist. Before hearing possible reactions from the Assembly and proceeding to a formal vote according to the statutes ("art. 4 - To appoint

each member of the Academy, the President proposes to the Supreme Pontiff the names of three persons who have obtained a favourable vote from the Council of the Academy"), the Council focused on seven names. It then decided that the President would report the next day at a closed meeting of Academicians. He would briefly present the list of the 16 candidates with breakdowns by regions (10 from Western Europe in particular) and by disciplines (7 economists, 3 sociologists, ...). The President would then announce that the Council was planning to propose to the Holy Father to appoint one sociologist and one economist. The seven candidates who emerged from the preliminary informal selection would then be presented more fully. Academicians could reflect on the matter and comment on it again at the second closed meeting to be held on April 26.

At the two closed sessions Academicians not only gave their views about individual candidates whom they happened to know, but also discussed general criteria that should guide constitution of the list of candidates and selection of nominations. They noted the obvious lack of a proper balance in the list then available. They discussed the delicate question of ascertaining the predisposition of candidates to take part in dialogue with the Catholic Church; in this respect they agreed that being a Catholic was neither necessary nor sufficient: some of those among the natural scientists who had best contributed in the past to suich dialogues were not Catholics; also, many catholic scientists showed little interest in the social teaching of the Church; however, the documentation collected about candidates should mention their religious stance. Finally, some Academicians expressed the wish that they be more closely associated in the future with the process of election of new members.

The formal election held at the April 26th Council meeting accepted the sociology candidates and selected three names of economists, thus making up the two triads for presentation to the Holy Father with a view to two proposed appointments.

PUBLICATIONS

In March 1996 the General Asssembly had requested that the proceedings of the Second Plenary Session contain not only the papers discussed at the session (in their original language and after author's revisions) as well as a long English summary of each paper that was not in English, but also rather extensive reports of the scientific discussions that had followed each paper. The Council had then entertained the hope of finding someone who would prepare the reports in question for publication in English. But this did not turn out to be possible.

The President then decided to use transcripts of the records taken of the discussion during each session. The relevant parts of the transcripts were sent to each Academician with the request that he or she would kindly correct and somewhat abridge his or her interventions (other detailed instructions were given). Unfortunately the matter could not be followed up at the Chancellery due to lack of adequate staff. Moreover all Academicians did not respond quickly or comply fully with what had been requested from them. So the matter was much delayed and, whilst the papers themselves were in good order in April 1997, reports of the discussions were not yet complete and were unlikely to be ready soon. Under these circumstances the proceedings of the Second Session would appear late and with reports of the discussions which will be of a lower editorial quality than had been hoped.

This raised the question of what to do concerning the proceedings of the Third Session. Academicians were consulted during the closed session of April 26th, 1997. Some proposals were made in order to simplify production of the proceedings with respect to reports of discussions, but no agreement was reached. The Council later the same day decided that Professor Archer would take care of the collection of revised versions of the various papers, as she had done for the Second Session. The President would receive the transcripts of the discussions and would later make a proposal as to how reports of the discussions should be prepared and published.

Thanks to Professor Zacher preparation of the proceedings of the December 1996 workshop on democracy was well under way. The publication would be forthcoming made up of revised versions of the papers, starting with that of Professor Schooyans on the social doctrine of the Church, together with an introduction and, at the end, a "summary of common questions" inspired by papers and discussions. The introduction and summary would both be written by Professor Zacher.

In December 1996 the Council had reviewed the distribution of the proceedings of the First Plenary Session. It had then expressed concern about the fact that no proper mailing list existed for distribution of the publications of the Pontifical Academy of Social Sciences. The same concern was also voiced by an Academician at the April 1997 session.

Review of the Statutes of the Academy

In January 1994 the Statutes of the Academy were explicitly given for an experimental period of three years. Meeting in December 1996, the Council was aware that some suggestions had been made to the effect of

introducing significant changes in the then prevailing statutes. The Council agreed that no change should be proposed to the Holy Father without careful reflection and that more time was necessary for a thorough review. A specific mechanism had to be set up with formal procedures, of which the General Assembly had to be informed at the next Plenary Session. It was then decided that the President would write to the Secretary of State, reporting that the Council would like to have the validity of the provisional statutes prolonged for another year while a review process would be formally conducted. The request was accepted by the Secretary of State so that a legal vacuum was avoided.

At the Council meeting of April 22nd, 1997 Father Schasching accepted to chair a special committee in charge of surveying the various suggestions made for revisions of the Statutes and of making proposals to the Council on this matter. Academicians were informed of the existence of a review process during their closed session of April 26th, 1997.

SCIENTIFIC PAPERS

on:

THE RIGHT TO WORK: TOWARDS FULL EMPLOYMENT

I.

TOWARDS A DIALOGUE WITH SOCIAL TEACHING ON WORK AND UNEMPLOYMENT

LE CHANGEMENT DU TRAVAIL, DU TRAVAILLEUR, DE L'EMPLOI ET LES ENCYCLIQUES SOCIALES

JEAN-YVES CALVEZ

CHANGES IN LABOUR, WORK AND EMPLOYMENT AND THE SOCIAL ENCYCLICALS

SUMMARY

1. *New questions, radical questions on work today*

Wealth is no longer dependent on the quantity of work entailed in the productive process. The distribution of wealth is no longer brought about satisfactorily by the productive system. Work time has ceased to be primary, it is no longer that period which structures and polarizes all other intervals of time. Working for a wage was, until recently, an integrating factor, even politically. It made the citizen, there was no citizenship outside the exchange of work products. This situation has all but disappeared bringing with it a number of consequences. The wage contract is being replaced by contracts of a "commercial", business form which modifies patterns of social integration. This is seen in the externalised sub-contracting of many services today. These changes can be viewed positively as a growth in freedom. However, the old form of integration through employment were not only integrative through constraint but also fostered integration through association at the workplace.

The major change is high unemployment, especially among the young, and in many countries it has lasted nearly two generations. Unlike previous crises, where employment followed an upturn in production and sales, today improvements in the latter are not now accompanied by reductions in the the former. Evidence suggests that there is now a clear distinction between the crisis in employment and the crises in production.

The present unemployment crisis is different from the classical business crises in that automation deriving from information technology is the cause, a phenomenon which is not going to cease. We experienced a great shift in work activities after the second world war when agricultural employment went down from 40% to around 5% of the active population. The solution this time will

consist in the replacement of industrial work by interpersonal services, health, education, culture and related activities. But we are in a period of transition, mentalities have still to change — they must be helped to change.

Very radical and fundamental questions arise in the meantime, particularly when the possibility of a "universal allocation", a "basic income" or an "existence income" is discussed: in particular, is work so essential in human life? Note that this proposal also finds its justification in the difficulty of pinpointing the individual or singular contribution made in the present processes of economic activity. In this context of collective and often indeterminate contributions to overall productivity, actual income distribution becomes the effect of power situations, of circumstantial factors, as for instance the closeness to this or that favored situation, e.g. where much capital is involved. Through "universal allocation" then, instead of the "burden" of work, working will finally become a right, a freedom, rather than a mere duty. Advocates of this "universal allocation", like Jean-Marc Ferry, do not see it as a disincentive to work, but it would encourage people to look to interesting and fulfilling work outlets and only produce a disincentive towards taking more brutal jobs. This controversial proposal raises the key question, should we accept this relative reduction in the place of work in human life?

2. *The recent social encyclicals (Laborem exercens, Centesimus annus) in this regard*

The Church, by its recent social encyclicals, *Laborem exercens* and *Centesimus annus*, gives a vigorous answer to the question of the nature and place of work. It is "a fundamental dimension of man's existence", "the key to the social question" (John Paul II). Theologically John Paul II comments at length on the words of Genesis, on man being created in the image of God in the very act of dominating the earth (work being one of these acts and constitutive of people themselves).

A strong tenet of John-Paul II in *Laborem exercens* is that work is significant and important because man is present in it as a subject (person). Man works as a whole person, not only (externally) as a corporal being, so that work is a process of realization by man of his very humanity, a process whereby his human vocation is fulfilled. Work has thus an ethical meaning. John-Paul II insists, as a consequence, on the "priority" of work over capital. Again, in this sense work must not lose its priority for human beings.

Each day work is becoming more qualified, intelligent, penetrated by knowledge and thus more "human". There is plenty of hope for humanity in this evolution of work. The social encyclicals, particularly *Centesimus annus*, however, confess that the present economic system does not permit or favour the participation of the great majority of men in modern work. Most are rather marginalized even in developed countries largely by educational discrimination which prevents them from acquiring the knowledge necessary to use their creative, intellectual potential. The most marginalized categories in this respect are the old, the young and women in general. However, the limitation of the social encyclicals in this regard lies in the absence of precise analyses of the means through which this tragic situation could be confronted or even begin to be changed.

The same is true of the perception of unemployment (marginalization, as

described above includes unemployment among other elements). In spite of a few very strong statements on the scandal of massive unemployment and youth unemployment — in *Laborem exercens* and in the message delivered to the ILO in 1982 — little more was said in the new encyclical, *Centesimus annus*, on the means to overcome the situation. *Laborem exercens*, as has often been remarked, largely addressed the old world of work. *Centesimus annus* contains no very specific remarks about either the shift or displacement of work towards interpersonal services or the way in which new needs can be satisfied today. This corpus of social teaching has strongly reiterated the priority of labour over capital (which was not expressed so strongly and clearly in previous encyclicals), but has not systematically addressed the new issues arising from the crisis of unemployment, in particular discussions of a leisure society where work plays a more relative role.

My general conclusion is that new pratical questions have to be raised now even if one assumes that the basic anthropological tenets are endorsed and have been defended strongly in the recent encyclicals (they could of course be modernized too in their presentation, taking into account the discussions on "basic income", "allocation universelle", etc.). Thus I conclude that this is a very opportune moment for a reconsideration of the issue, at the level of social doctrine, but undertaken in as concrete a context as possible.

1. Touchant le travail, des questions neuves, même des questions radicales aujourd'hui

Voici quelque temps que l'on parle d'un "grand changement" du travail. Pas *si* longtemps, cependant. En France, dans un article de la livraison d'août-septembre 1995 de la revue *Esprit* ("Révolution informationnelle et mutation du travail"), Jean-Paul Maréchal, un économiste, rappelait, en commençant, un propos de René Passet, autre économiste, en l'année 1956: "Avec l'avènement ... de la machine électronique, le monde entre bien dans une nouvelle phase de révolution industrielle".[1] Il s'agissait, dit notre auteur, d'une annonce "précoce", d'une affirmation isolée encore. Et il a tout à fait raison, à mes yeux, sachant qu'il y eut, au début des années 50, une première vague du développement de l'automation et de la prise de conscience de ses conséquences mais qu'elle fut vite recouverte par la relative facilité avec laquelle le travail fut alors reconverti, dans une phase ascendante de la conjoncture industrielle et du besoin mondial.

Il y va de bien davantage aujourd'hui, et le changement est évoqué désormais par tous.

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[1] Dans, (1956), "Les entreprises européennes devant l'automation", *Revue juridique et économique du Sud-Ouest*. Série Economique, n. 3, p. 525.

Quand la richesse produite ne dépend plus de la quantité de travail

"La nouvelle phase, dit Jean-Paul Maréchal, se caractérise par une mutation organisationnelle des entreprises qui, *déconnectant largement la quantité de travail direct du volume de richesse produit*, appelle une nouvelle organisation économique et sociale dont les modalités de fonctionnement devront être rapidement élaborées".[2] Le travail direct, c'est le "travail immédiatement appliqué aux marchandises", selon une expression de Ricardo. On peut y ajouter une grande partie du transport et du commerce, donc des services au sens premier et traditionnel du terme. L'auteur des lignes qui précèdent parle d'"expulsion" de l'homme de la sphère productive. Là est en effet un premier point crucial.

Quand la réparitition n'est plus guère effectuée par le système productif

En même temps, "la révolution informationnelle, précise-t-il, élargissant sa considération, accroît l'efficience des systèmes de production considérés individuellement mais engendre, au niveau global, une situation inefficace d'un point de vue économique et grosse de possibles remises en cause du consensus démocratique".[3] Un des aspects de la situation nouvelle c'est que le système productif pourvoit de plus en plus mal par lui-même à la répartition du revenu, à une époque, paradoxalement, où la doctrine, plutôt libérale, dans le monde entier, attend au contraire précisément du système productif presque toute la répartition: on conteste les répartitions secondaires, ce fut le sens du "reaganisme", du "thatchérisme", c'est le sens de leurs répliques en divers pays aujourd'hui.

Le temps de travail cesserait d'être le temps dominant

A un niveau plus sociologique ou anthropologique, on fait cette constatation:

"Le travail, tel que la révolution industrielle en a fixé les traits, à savoir une activité salariée exercée à plein temps de manière continue sur plusieurs décennies, ne semble plus aujourd'hui constituer dans les faits — à défaut de continuer à l'être dans le discours — le temps dominant, c'est-à-dire un temps 'qui structure et polarise l'ensemble des temps sociaux autour de sa propre structure'".[4]

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[2] Jean-Paul Maréchal, 1995, *art. cit.*, *Esprit*, aout-septembre, p. 54.

[3] *Ibid.*, p. 55.

[4] *Ibid.*, p. 71.

Les derniers mots sont de Roger Sue dans un ouvrage *Temps et ordre social.*[5]

R. Sue fait état de cette statistique: le temps de travail, qui ne représentait déjà plus que 18% du temps de vie éveillé d'un individu moyen en 1980, approche les 14% en 1990. Une chute de 4% en dix ans, c'est évidemment quelque chose de tout à fait important. Le temps de travail par journée moyenne, pour toute la population de plus de 15 ans, peut être évalué, de plus, à 2h31 seulement, dès 1986.

Il convient assurément, à propos de tels chiffres, de se méfier de conclusions hâtives, du fait surtout que, même dans le second cas, ils concernent des personnes d'âges divers, dont le troisième et le quatrième âges, en rapide croissance. Le recul n'est pourtant pas discutable: pour la population active au sens strict, il doit avoir été en un siècle de près de la moitié. "Le temps dominant, conclut Jean-Paul Maréchal, qui fut le temps sacré dans les sociétés primitives, le temps religieux au Moyen Age et le temps de travail depuis le début de l'ère industrielle, pourrait bien être dorénavant le temps libre".[6]

Le salariat assurait l'intégration, même politique

Autre aspect de l'évolution: "En perdant son importance 'quantitative', le travail perd en même temps sa fonction d'intégration sociale, il se crée par là même, au coeur des sociétés industrielles, un 'vide cybernétique' que rien, pour le moment, ne semble devoir venir combler".[7] Vide cybernétique, entendons: vide de guidage, d'encadrement. C'est aussi le point de vue de Dominique Schnapper dans son livre *La communauté des citoyens*, en 1995: [8] dans les temps récents c'est l'intégration par le travail (salarié) qui a été le facteur d'intégration tout court, intégration "citoyenne". Qu'arrive-t-il dans le cas de mise en question de ce rôle du travail?

B. Perret ne parle pas autrement dans *L'avenir du travail*, ouvrage de la même année.[9] Il se réfère seulement, un peu plus largement, à l'idée d'échange économique: "L'affinité est évidente, dit-il, entre le caractère impersonnel du lien politique et l'intégration fonctionnelle des individus assurée par l'échange marchand ... Partout en Occident, l'Etat et le marché se sont développés parallèlement, avant de s'opposer, acompagnant dans

[5] Presses Universitaires de France, 1994, p. 29.
[6] Jean-Paul Maréchal, *art. cit.*, p. 71.
[7] *Ibid.*
[8] Ed. Gallimard, 1995.
[9] Ed. du Seuil, 1995.

leurs registres respectifs l'affirmation de l'individu".[10] Pour l'immense majorité des hommes, le marché en question est le lieu de l'échange des produits de leur travail. Et il n'y avait pas de citoyenneté hors de cela.

Le recul relatif du contrat de salaire

Un trait de la situation, qui concerne encore à sa façon l'intégration, consiste dans le recul du contrat de salaire même quand ne recule pas autant le travail de type industriel (ou le travail dans les services directement associés à l'industrie). Il y a, très largement, "externalisation" des services (maintenances multiples, nettoyage bien évidemment, etc.). Nombre d'entreprises n'ont plus de personnels pour les assurer par elles-mêmes, elles les demandent à d'autres, spécialisées. Le travail indépendant se développe en conséquence. L'entreprise gère moins de contrats de travail (et de salaire) et un plus grand nombre de contrats "commerciaux".

Heureuse évolution, pourrait-on dire, tant la condition salariale a été synonyme de dépendance. Heureux recul, pourrait-on ajouter, de la très grande organisation au bénéfice d'une multiplicité d'unités, de service comme de production. Au plan politique aussi, une évaluation relativement optimiste de cette évolution est possible. Quel mal à ce que l'intégration citoyenne ne soit plus tant affaire de travail salarié obligé, de contrainte du travail que de culture partagée, de libre choix surtout? N'y a-t-il pas là plutôt un progrès? Mais il ne faut pas omettre que le travail salarié dans la grande organisation, avec le syndicalisme ouvrier l'accompagnant, n'exerçait pas qu'un effet de contrainte intégratrice: il exerçait un effet d'intégration moins forcée, plus enrichissante, par l'association, la camaraderie du travail, la culture commune se développant dans le syndicalisme et ses luttes, la formation dispensée au sein de l'association ouvrière ou d'autres formes de l'association professionnelle.

La plus grande mutation

La mutation la plus immédiatement saisissable est le chômage, massif désormais, de longue durée, et concernant spécialement les jeunes. En Europe continentale surtout, mais aussi dans des pays dits du tiers monde du type Argentine, le phénomène a déjà affecté une génération entière, la crise ayant commencé vers 1975.

Cette crise est d'abord apparue comme une crise conjoncturelle classique: on en attendit la résolution, même celle de la crise *de l'emploi*,

[10] B. Perret, *op. cit.*, p. 204.

d'une reprise de la production et des ventes. Mais il y a eu, en bien des pays, depuis, plusieurs reprises de la conjoncture productive, sans guère d'effet sur l'emploi. On se rend ainsi peu à peu à l'évidence qu'il existe une nette distinction aujourd'hui entre crise de l'emploi et crise de la production.

L'emploi industriel de forme traditionnelle est directement en question, par suite de l'automation, fruit de l'informatique. Et celle-ci est loin encore d'avoir produit tous ses effets. Des économistes allèguent des chiffres qu'on dit "hallucinants" quant à l'avenir de l'industrie au sens strict et traditionnel du terme: en l'an 2015, 8% de la population active assureront la production de tout ce que nous mettons aujourd'hui sous cette rubrique, à l'échelle du monde! C'est impossible à vraiment calculer, évidemment. Je voudrais plutôt faire remarquer que les chiffres ne sont hallucinants que pour qui a la mémoire courte: dans nombre de pays d'Europe occidentale, y compris l'Italie, même la France, plus de 40% de la population active était employée dans l'agriculture au moment où commença dans cette activité, peu après la fin de la Deuxième guerre mondiale, une fantastique révolution des méthodes et de la productivité. Ce pourcentage est tombé à quelque 5 ou 7% en une quarantaine d'années, voire moins. Or sa grande décroissance a été, pour une longue période, fort bien compensée dans d'autres secteurs.

L'industrie, répond-on toutefois, justement ne contribuera plus désormais à la compensation, au contraire elle est elle-même l'objet du déclin de l'emploi. Mais n'est-ce pas simplement qu'il faut chercher ailleurs encore, désormais, les sources d'une compensation aux diminutions qui se manifestent? Dans les services de caractère interpersonnel de toute sorte, peu automatisables. C'est là en fait la question majeure à affronter aujourd'hui. Il s'agit d'amener des besoins nouveaux, déjà bien réels (dans le domaine de l'éducation, de la santé, de la culture, de l'accompagnement), à se transformer en "demande", c'est-à-dire à se manifester par nos préférences économiques. Nous sommes généralement bien inconséquents en ce moment, sachant déjà l'importance des besoins nouveaux mais non habitués encore à payer pour eux (que ce soit de manière individuelle ou collective). L'oeuvre à entreprendre, le plus tôt possible, concerne donc nos mentalités, en vue de permettre le déplacement du travail dans les directions nouvelles où probablement il ne manquera pas pendant un très long temps. Il est urgent que les responsables prennent à coeur ce changement des mentalités plutôt que de laisser toute l'influence à la publicité traditionnelle qui bénéficie encore indûment des profits d'hier de l'industrie.

L'exemple américain

On conteste parfois certes, et fort vivement, en Europe continentale, faut-il noter encore, le pessimisme des points de vue sur l'emploi au-

jourd'hui courants dans ce continent en alléguant l'exemple des Etats-Unis, voire de la Grande Bretagne. Les Etats-Unis en particulier ont, dit-on parfois, résolu depuis longtemps leur problème en la matière, au moyen de la dérégulation. Tout spécialement, ils ne connaissent pas de salaire minimum.

Leur exemple a, en fait, l'intérêt, je crois, de souligner le point même sur lequel j'ai déjà insisté: à savoir que l'emploi doit se développer dans les services interpersonnels — au sens large du terme, incluant santé, accompagnement, éducation, culture. Il n'est d'ailleurs nullement certain que l'emploi qui s'est accru aux Etats-Unis dans les services atteigne déjà aujourd'hui autant qu'il serait possible tous ces secteurs.

L'exemple des Etats-Unis démontre aussi, plutôt qu'il ne le dément, un autre point de vue présenté ci-dessus, à savoir que le système productif, en y incluant cette fois plus expressément la production de services, et en considérant les contrats salariaux les plus divers qui se forment aujourd'hui — tellement différents entre eux désormais — répartit par lui-même de manière peu satisfaisante, répartit *plus mal qu'hier*, le revenu. Quand se sont multipliés les emplois, on a souvent eu affaire à de faibles rémunérations. L'économie donc ne boucle pas, ne boucle plus: elle ne boucle pas quand des travailleurs réellement employables demeurent sans emploi — et vivent d'indemnisations; elle ne boucle guère mieux quand les emplois nouveaux font l'objet de rémunérations tout juste supérieures aux indemnisations. Il faut donc bien s'attaquer de façon neuve à une répartition "secondaire" du revenu plus ample qu'hier. Fût-ce provisoirement, jusqu'à ce que les services soient correctement appréciés.Tout libéral devrait ici écouter le classique John Stuart Mill écrivant en présence du paupérisme de la société manchestérienne au XIXe siècle: "Au contraire des lois de la production, celles de la distribution sont largement d'institution humaine".[11] Le sens était qu'il faut, en conséquence, non s'en désintéresser, mais beaucoup s'en occuper quand elles sont inadéquates.

Plus généralement, l'exemple américain ne contredit pas le diagnostic de "grand changement" du travail, d'un recul du temps consacré au travail comme "temps dominant" dans la vie, et d'une interrogation sur sa signification dans l'existence même de l'homme.

Des questions radicales et fondamentales viennent au jour

La conjoncture incite de plus à se poser des questions fondamentales, rarement discutées jusque là: le travail, par exemple, doit-il vraiment

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[11] *Principes d'économie politique*, tr. fr., Guillaumin, 1873, I, p. 24, cité par Jean-Paul Maréchal, *art. cit.* ci-dessus.

occuper dans la vie de l'homme — sociale comme individuelle — toute la place qu'il a occupée récemment? Question philosophique ou "anthropologique" mais capitale. Elle est posée du fait des constatations que nous venons de faire. Elle l'est aussi, et plus encore, du fait de certaines des perspectives de solution aujourd'hui discutées, celles surtout qui consistent en l'octroi à chaque personne d'un revenu d'existence "dissocié de l'exécution de tout travail".[12] Proposition défendue, disait Jean-Paul Maréchal déjà cité par moi, par des économistes tels que Keith Roberts, René Passet, Yoland Bresson. Je veux y ajouter tout de suite les noms, d'abord, de deux Autrichiens attachés depuis longtemps à l'idée, Liselotte Wohlgenannt et Erwin Büchele, puis d'un économiste et philosophe de Louvain la neuve, Philippe van Parijs, dont les écrits sont connus en France, enfin des Français André Gorz et Jean-Marc Ferry.

On parle, à peu près équivalemment, de "revenu d'existence", "revenu de base" (*Grundeinkommen*), "revenu de citoyenneté", et "d'allocation universelle". Et, en plus de la question du niveau actuel du chômage durable issu de l'automatisation, la proposition, nous est-il dit, se justifie par le triple fait que, sous l'effet de la révolution informationnelle, la production dépend de plus en plus largement d'activités menées en amont du processus de production stricto sensu, que le savoir (technique) constitue un patrimoine commun dont chacun doit pouvoir bénéficier des fruits et, enfin, qu'en tout état de cause, la part des prestations sociales représente déjà en moyenne (pour 1991) 34% du revenu disponible brut des Français. (Un chiffre approchant ou plus élevé se rencontrant chez les voisins des Français, en particulier les Allemands).

L'allocation universelle selon Jean-Marc Ferry

Prenons l'exemple de "l'allocation universelle" selon Jean-Marc Ferry.[13] "Allocation universelle, dit-il: revenu social primaire distribué égalitairement de façon inconditionnelle". On peut dire encore selon lui "revenu de citoyenneté".[14]

L'argument premier et immédiat en ce sens est, selon Ferry, la crise actuelle et très nouvelle de l'emploi:

"Même si la reprise se confirme, la croissance économique ne créera pas plus d'emplois que de chômage. Elle n'apportera par elle-même aucune solution à

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[12] Jean-Paul Maréchal, *art. cit.*, p. 73.
[13] Cerf, 1995, p. 7.
[14] *Ibid.*

l'exclusion sociale. La crise appelle (donc) à réfléchir sur un nouveau paradigme de la répartition: distribuer un revenu de base à tous les citoyens, quelle que soit leur situation dans la production: riches ou pauvres, actifs ou chômeurs, étudiants ou retraités".[15]

On pourrait certes en conclure qu'il faut (et suffit de) distribuer autrement, répartir, c'est-à-dire partager *le travail* disponible, s'inspirant d'un principe de justice, d'ailleurs très évident. Il faut cependant aller plus loin, pense Jean-Marc Ferry, en partie en raison des autres arguments évoqués plus haut. Dans une société de la complexité de celle que nous connaissons, il est devenu impossible de faire correspondre quelque niveau de revenu que ce soit avec une "contribution" ou un "apport" donnés des personnes engagés dans le processus de production. Cette "contributivité" est devenue un "mythe".

Pourquoi, plus précisément?

"Parce qu'il est impossible, dans la plupart des cas, de mesurer la productivité individuelle. Pierre Calame (un spécialiste) est largement justifié d'affirmer, dans un article d'*Esprit*, que "seule existe vraiment la productivité collective" (aout-sept. 1994). Bien sûr, cela ne signifie pas qu'un observateur averti ne serait pas capable de déceler, dans une entreprise, des différences d'efficacité productive entre les employés. Au demeurant, la nature étant ce qu'elle est, on peut bien maintenir certaines armes traditionnelles, dirais-je, de bâton et carotte, pour sanctionner les différences d'assiduité, d'efficience, de conscience professionnelle, en restant dans des limites strictement incitatives, et intuitivement correctes au regard du respect dû aux personnes employées dans l'entreprise. Egalement, on peut admettre, au nom de la souplesse, que des inégalités de rémunération ne soient pas seulement justifiées par les différences individuelles que je viens de mentionner, mais également, dans une certaine mesure, par des différences sectorielles de rendement — par exemple, entre le textile et le nucléaire. Mais l'idée de contributivité ne tient pas du point de vue général du système de répartition".[16]

Et

"non seulement, explique Ferry, il n'est pas possible d'imputer les progrès de productivité d'une économie à une catégorie d'agents déterminée, et encore moins à tels individus singuliers" — problème somme toute classique — "mais surtout, l'idée, neuve celle-ci, que la justice consisterait à donner à chacun l'équivalent de sa contribution productive néglige le fait qu'entrent dans les résultats de la production tous ces 'invisibles' que sont les innovations technologiques. Au-dela, il y a, en outre, la recherche scientifique. Au-delà, le capital culturel de la collectivité concernée, et, gravitant comme en constellation autour de ces facteurs de productivité,

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[15] *Ibid.*

[16] *Op. cit.*, p. 85-86.

il y a tout l'environnement institutionnel: le système d'enseignement, de sécurité sociale, de participation politique, de communication médiatique, sans parler des grands impondérables spirituels".[17]

Sous ce dernier terme apparaît même "le moral d'une nation ou d'une civilisation à un moment donné de l'histoire — tout ce qui, au fond, entre dans la constitution profonde d'une collectivité, et résulte largement des efforts des générations passées, des génies des peuples et de leur acculturation mutuelle".[18] Qui peut dire, dans ces conditions, que la répartition (primaire) du revenu n'est pas le résultat de simples facteurs de puissance, ou de facteurs très circonstanciels comme la proximité à des situations favorisées? Pour quelles vraies raisons sont-elles favorisées? Soit les productions où est engagé beaucoup de capital: les employés de ces secteurs, à compétence égale, en tirent un plus grand avantage que ceux qui sont occupés à des t,ches mettant en oeuvre peu de capital (le grand nombre des services en particulier); toutes choses égales d'ailleurs assurément, sachant en effet que le niveau des revenus dépend aussi de la demande, donc de la rareté (il peut bien entendu y avoir rareté de certains types de services).

Nul inconvénient, conclut ainsi Ferry, à assurer à chacun en tout premier lieu une allocation de base — tout à fait décente, entendons-le, car il ne s'agit pas d'une forme ou l'autre de "revenu minimum", tels par exemple l'actuel RMI ("revenu minimum d'insertion") français et ses analogues en maints pays européens. Un revenu, différenciel celui-la (aléatoirement différenciel d'ailleurs selon la précédente remarque), lié au travail, viendra accroître pour certains — selon leur voeu et selon l'occasion — le revenu de base.

Le trait le plus notable de la présentation que donne Ferry de l'allocation universelle consiste dans la libération qu'il envisage de ce qui est traditionnellement *contrainte* du travail. On a le plus souvent, très souvent en tout cas, *dû* gagner sa vie en travaillant. Fréquemment dans des conditions non souhaitées, mais obligées, en vue de la subsistance. Ce n'est plus nécessaire aujourd'hui.

"Il s'agit, en affirmant le droit au revenu, de le dissocier de la contrainte du travail et, ce faisant, de mieux penser le droit au travail comme tel, c'est-à-dire comme un droit et non pas comme un devoir imposé de l'extérieur par la nécessité de gagner un revenu, lequel ne fait toujours pas l'objet d'un droit indépendant".[19]

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[17] *Ibid.*, p. 86.
[18] *Ibid.*
[19] *Ibid.*, p. 46.

"Si le droit au travail était ainsi émancipé, poursuit Ferry, non seulement il supprimerait son hypocrisie (actuellement il est hypocrite de le proclamer), mais la morale du travail, qui, dans la rhétorique politique, frise parfois le ridicule, pourrait plus clairement devenir une morale autonome, c'est-à-dire une vraie morale".[20]

Il semble qu'il faille comprendre: on pourrait enfin travailler en accomplissement d'un impératif moral (de type kantien). Ou bien, on pourrait enfin travailler vraiment pour ses frères humains. Et Ferry d'accuser au contraire ceux qui doutent d'un droit au revenu indépendant du droit au travail, de trahir par là "les préjugés et présupposés d'un travaillisme *répressif*:[21] l'idée "travailliste" est répressive parce qu'elle suppose qu'hormis la contrainte pour la subsistance, les hommes ne seront guère disposés à travailler.

On parle aussi, dit Ferry, dans cette perspective, de l'effet désincitateur d'une mesure comme

"l'allocation universelle". Mais, répond-il, "pour quel type d'activités l'allocation universelle jouerait-elle un rôle désincitateur a priori? Sûrement pas les activités intéressantes, gratifiantes, à la fois enrichissantes et rémunératrices. Rappelons que l'allocation universelle ne fonctionnerait pas, par exemple, comme le Rmi, les indemnités de chômage, les allocations sociales de logement, de salaire unique, et comme toute mesure d'indemnisation et d'assistance en général. L'allocation universelle est, en effet, acquise à tous une fois pour toutes; elle ne disparaît pas avec l'entrée des ayants droit en phase active ou avec l'amélioration des revenus de leur ménage. Donc, non seulement elle ne désinciterait, en général ou en moyenne, qu'aux formes d'activités jugées socialement les plus rébarbatives, mais encore elle ne pourrait, à la différence d'autres prestations de l'Etat social, figer une situation d'assistance ou d'indemnisation sous les considérations d'un calcul comparatif d'avantages-coûts".[22]

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[20] *Ibid.*

[21] *Ibid.*, p. 47. Ils présupposent qu'il n'y a pas de société, non pas sans le travail ("l'attachement à la forme d'intégration sociale par le travail n'est pas répressif par lui-même"), mais hors "d'une société du travail assise sur la contrainte du travail-emploi" (p. 48). En d'autres termes encore, ils présupposent que, toujours du fait de la contrainte, "le travail est encore la seule 'machine de socialisation' que l'on connaisse" (p. 97). Si le soi-disant camp "moderniste" est en réalité conservateur — il s'agit de ceux qui croient à des solutions par la dérégulation et par l'intensification de la société de concurrence — le camp "travailliste" ne l'est pas moins, dit Ferry. "Il reste attaché au plein emploi salarié sur un poste offert par le système, et cela dans des secteurs et à une époque où le travail conventionnel, organisé sous une logique d'entreprise propre aux sociétés industrielles, a cessé, du fait de l'automatisation de la production, mais aussi d'une remarquable dématérialisation des économies développées, d'être la première force productive" (p. 48).

[22] *Ibid.*, p. 96-7.

Ferry ajoute:

"Tout au plus pourrait-elle atténuer l'urgence — et c'est un bienfait —, l'urgence qui porterait les exclus à accepter un emploi à n'importe quelles conditions ou presque. Ce que les syndicats n'ont su faire de manière convaincante, dans de nombreux pays: assurer durablement aux salariés une force de négociation sur le contrat de travail, l'allocation universelle le ferait d'une façon structurelle, institutionnelle, automatique, en situant le travailleur potentiel en position toujours à peu près convenable de négociation avec son employeur potentiel".[23]

On peut assurément beaucoup débattre pour savoir si les mentalités correspondent à ces perspectives. Certains, proches du sydnicalisme traditionnel, en doutent. N'empêche que des questions neuves sont posées par des auteurs comme celui que je viens d'évoquer, tenant de "l'allocation universelle". En particulier: peut-on accepter de tellement relativiser, come ils le proposent, la place et le rôle du travail dans l'existence humaine?

2. Les encycliques sociales récentes (*Laborem exercens* et *Centesimus annus*)

Premier point, le travail est constitutif de l'homme

Par rapport à cette conjoncture critique, il faut, je pense, remarquer d'abord que l'Eglise, par ses encycliques sociales récentes, spécialement *Laborem exercens*, de 1981, offre une réponse vigoureuse concernant la nature et la place du travail. Réponse dans la ligne de la philosophie traditionnelle, surtout philosophie allemande du XIXè siècle, celle de Hegel, de Marx également. Le travail est, dit et explique longuement Jean-Paul II, une "dimension fondamentale de l'existence humaine". Est ainsi récusée, et fort justement je crois, une relativisation du genre de la thèse des tenants de "l'allocation universelle".

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[23] *Ibid.*, p. 97. Il faut ajouter, autre aspect de la pensée de notre auteur, cet avantage complémentaire de l'allocation universelle: permettre, voire favoriser "l'essor d'un 'secteur quaternaire' d'activités personnelles, non mécanisables". Du travail, à portée sociale aussi, d'un autre style, dégagé, à nouveau, de l'obligation de chercher un revenu. "Je relie, insiste Ferry, l'idée d'une allocation universelle ou revenu de citoyenneté au développement d'un secteur quaternaire d'activités non mécanisables, les deux thèmes formant, dans mon esprit, une unité politique indispensable" (p. 44). Il rejoint, sur ce point, une proposition, qui a elle aussi fort retenu l'attention, de B. Delplanque, dans un article de la revue *Etudes* "Pour un tiers temps de travail neuf" (décembre 1993): un équitable partage du travail de type classique (non plus l'allocation universelle) permettrait à chacun de consacrer une part de son temps à des services personnels mutuellement rendus sur une base de gratuité dans le cadre communautaire.

Le pape y insiste, le travail a toujours été ainsi perçu dans la doctrine sociale de l'Eglise, depuis ses premières formes. "Dans le contexte de cette question, dit-il, les approfondissements du problème du travail ont connu une mise à jour continuelle, en conservant toujours la base chrétienne de vérité que nous pouvons qualifier de permanente" (ibid.). Dans la période moderne, Jean-Paul II fait état tout spécialement de l'encyclique de Léon XIII sur la condition ouvrière, *Rerum novarum* en 1891.

Il ajoute, au sujet de *Laborem exercens*:

"Si dans le présent document, nous revenons de nouveau sur ce problème [...], ce n'est pas tellement pour recueillir et répéter ce qui est déjà contenu dans l'enseignement de l'Eglise mais plutôt pour mettre en évidence — peut-être plus qu'on ne l'a jamais fait — que le travail humain est une clé, et probablement la clé essentielle, de toute la question sociale, si nous essayons de la voir vraiment du point de vue du bien de l'homme".[24]

Il faut désormais faire apparaître le travail comme central.

Le commentaire de la Genèse

La vue de l'Eglise sur le caractère fondamental du travail dans l'existence humaine, sur le fait qu'il est constitutif de l'homme, est une vue large, provenant de sources multiples: "anthropologie, paléontologie, histoire, sociologie, psychologie", dit Jean-Paul II. Toutes ces disciplines "semblent témoigner de cette réalité de manière irréfutable". "Toutefois, ajoute-t-il, l'Eglise tire cette conviction avant tout de la source qu'est la parole de Dieu révélée, et c'est pourquoi ce qui est une conviction de l'intelligence acquiert aussi le caractère d'une conviction de foi".[25]

A partir de quoi Jean-Paul II s'engage personnellement dans un long commentaire des premières pages du Livre de la Genèse. La phrase clé étant celle-ci: "L'homme est à l'image de Dieu notamment par le mandat qu'il a reçu de son Créateur à dominer la terre".[26] Il est à l'image de Dieu comme travailleur.

Pour marquer l'actualité non entamée du propos, Jean-Paul II précise :

"Si parfois on parle de périodes 'd'accélération' dans la vie économique et dans la civilisation de l'humanité ou de diverses nations, en rapprochant ces 'accélérations' des progrès de la science et de la technique et spécialement des découvertes décisives pour la vie socio-économique, on peut dire en même temps qu'aucune de

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[24] *Laborem exercens*, 3.2.
[25] *Laborem exercens*, 4.1.
[26] *Laborem exercens*, 4.2.

ces 'accélérations' ne rend caduc le contenu essentiel de ce qui a été dit dans ce très antique texte biblique. En devenant toujours plus maître de la terre grâce à son travail et en affermissant, par le travail également, sa domination sur le monde visible, l'homme reste, en tout cas et à chaque phase de ce processus, dans la ligne du plan originel du Créateur: [...] créé, homme et de femme, 'à l'image de Dieu'".[27]

L'homme sujet dans le travail

Le travail a une importance centrale dans la vie de l'homme, souligne ensuite Jean-Paul II, parce que c'est une activité où l'homme est "sujet". Si en effet le travail est d'un certain côté un processus *objectif*, où "des machines et des mécanismes toujours plus perfectionnés" jouent un puissant rôle, même à l'époque du travail toujours plus mécanisé "le *sujet* propre du travail reste l'homme".[28] Ou encore: l'homme lui-même est engagé dans le travail. Ou, c'est à travers son travail que l'homme est engagé dans l'économie. L'homme ne travaille pas par un côté extérieur, purement corporel peut-être de son être seulement, mais par toute sa personne.

"C'est en tant que personne qu'il travaille, qu'il accomplit les diverses actions appartenant au processus du travail; et ces actions indépendamment de leur contenu objectif doivent toutes servir à la réalisation de son humanité, à l'accomplissement de la vocation qui lui est propre en raison de son humanité même: celle d'être une personne".[29]

Et c'est par là que le travail a un sens "éthique", pas simplement technique ou économique. "Le travail humain a une valeur éthique directement liée au fait que celui qui l'exécute est une personne, un sujet conscient et libre, c'est-à-dire sujet qui décide de lui-même".[30]

Plus de différence à faire, d'autre part, entre un genre de travail et un autre, comme on le faisait dans l'antiquité:

"Les sources de la dignité du travail doivent être cherchées surtout, non pas dans sa dimension objective, mais dans sa dimension subjective. Avec une telle conception disparaît pratiquement le fondement même de l'ancienne distinction des hommes en groupes déterminés par le genre de travail qu'ils exécutent".[31]

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[27] *Laborem exercens*, 4.4.
[28] *Laborem exercens*, 5.3.
[29] *Laborem exercens*, 6.2.
[30] *Laborem exercens*, 6.3.
[31] *Laborem exercens*, 6. 5-6.

Le pape s'en prend ensuite, en conséquence, à tous ceux qui, ne respectant par le caractère sujectif du travail, ont cherché à le considérer et le faire considérer comme une simple marchandise: tout l'économisme et matérialisme des débuts du capitalisme. Mais il est clair que son argumentation vaut semblablement à l'encontre de qui relativise exagérément la place du travail dans la vie humaine.

Humanité toujours plus grande du travail

Jean-Paul II dit aussi, de façon répétée, une "priorité" ou une primauté du travail par rapport au capital, qui s'harmonise mal avec une telle relativisation. Surtout il fait observer qu'aujoud'hui le travail, auteur de tout capital, devient de plus en plus qualifié, intelligent, est nécessairement davantage pénétré de connaissance pour pouvoir ce servir du capital. Pas de travail sans beaucoup d'intelligence aujourd'hui.

"Au stade présent de l'avancement de la technique, l'homme, qui est le sujet du travail, quand il veut se servir de cet ensemble d'instruments modernes, c'est-à-dire des moyens de production, doit commencer par assimiler, au plan de la connaissance, le fruit du travail des hommes qui ont découvert ces instruments, qui les ont programmés, construits et perfectionnés, et qui continuent à le faire. La capacité de travail — c'est-à-dire la possibilité de participer efficacement au processus moderne de production — exige une préparation toujours plus grande et, avant tout, une instruction adéquate".[32]

Et dans *Centesimus annus*, dix ans plus tard, Jean-Paul II rejoindra plus explicitement encore le travail "moderne", le travail "d'entreprise moderne", ainsi caractérisé — le pape tient sûrement compte ici de l'actualité: "Le travail est d'autant plus fécond et productif que l'homme est plus capable de connaître les ressources productives de la terre et de percevoir quels sont les besoins profonds de l'autre pour qui le travail est fourni".[33] Aussi bien la "propriété de la connaissance, de la technique et du savoir" est-elle décisive aujourd'hui.[34]

Finalement donc: "Devient toujours plus évident et déterminant le rôle du travail humain maîtrisé et créatif et, comme une part essentielle de ce travail, celui de la capacité d'initiative et d'entreprise".[35]

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[32] *Laborem exercens*, 12.
[33] *Centesimus annus*, 31.
[34] *Centesimus annus*, 32.
[35] *Ibid.*

Il y a aujourd'hui un énorme fait de marginalisation

Mais si le pape se rapproche ainsi avec enthousiasme de la modernité du travail — ou du travail moderne, il ne faut pas se cacher qu'il nous laisse au milieu du gué tant est forte ensuite sa constatation que cette modernité est fermée à beaucoup d'hommes, à leur majorité même et que le système économique ne tend guère à leur intégration. On se souvient certainement de ces phrases:

"De nombreux hommes, et sans doute la grande majorité, ne disposent pas aujourd'hui des moyens d'entrer de manière efficace et digne de l'homme à l'intérieur d'un système d'entreprise dans lequel le travail occupe une place réellement centrale. Ils n'ont la possibilité ni d'acquérir les connaissances de base qui permettent d'exprimer leur créativité et de développer leurs capacités, ni d'entrer dans le réseau de connaissances et d'intercommunications qui leur permettraient de voir apprécier et utiliser leurs qualités. [...] S'ils ne sont pas exploités, ils sont sérieusement marginalisés; et le développement économique se poursuit, pour ainsi dire, au-dessus de leur tête".[36]

Dans les pays développés eux-mêmes,

"la transformation incessante des modes de production et des types de consommation dévalorise des connaissances acquises et des compétences professionnelles confirmées. [...] Ceux qui ne réussissent pas à suivre le rythme peuvent facilement être marginalisés, comme le sont, en même temps qu'eux, les personnes âgées, les jeunes incapables de bien s'insérer dans la vie sociale, ains que d'une manière générale, les sujets les plus faibles et ceux qu'on appelle le quart-monde; Dans ces conditions, la situation de la femme est loin d'être facile".[37]

On n'a pu que louer Jean-Paul II d'avoir parlé avec ce réalisme de la situation en vigueur. Mais on a, je pense, ressenti d'autant plus l'absence d'analyse plus précise, ensuite, de moyens qui permettraient de s'attaquer — de commencer au moins de s'attaquer — à cette énorme marginalisation. C'est l'un des problèmes qui se pose assurément dans la foulée des récentes encycliques.

Et le chômage

On peut, je le crains, constater à peu prés la même carence dans la question du chômage (question plus particulière dans le cadre de la marginalisation évoquée plus haut). Question abordée assurément par Jean-

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[36] *Centesimus annus*, 33.
[37] *Ibid.*

Paul II mais surtout dans *Laborem exercens* en 1981 et dans un message à l'Organisation internationale du travail l'année suivante, guère reprise en revanche dans *Centesimus annus* en 1991.

Abordée, faut-il même le préciser, avec ampleur dans les deux premiers documents mentionnés. Dans *Laborem exercens* on doit retenir par exemple que, pour Jean-Paul II, il n'y a pas responsabilité du seul employeur "direct", mais aussi de l'employeur "indirect", surtout l'Etat (bien que la définition soit "les nombreux facteurs différenciés qui, outre l'employeur direct, exercent une influence déterminée sur la manière dont se forment les contrats de travail").[38]

Suit cette vigoureuse recommandation, que n'osent certes guère suivre nos Etats:

"Pour faire face au danger du chômage et assurer un travail à chacun, les instances qui définies ici comme employeur indirect doivent pourvoir à une *planification* globale en fonction de ce chantier de travail différencié au sein duquel se forme la vie non seulement économique mais aussi culturelle d'une société donnée; elles doivent faire attention, en outre, à l'organisation correcte et rationnelle du travail sur ce chantier".[39]

La subsidiarité est en même temps maintenue assurément, Jean-Paul II écrivant:

"Ce souci global pèse en définitive sur l'Etat mais ne peut signifier une centralisation opérée unilatéralement par les pouvoirs publics: il s'agit au contraire de mettre en oeuvre une coordination, juste et rationnelle, dans le cadre de laquelle soit garantie l'initiative des personnes, des groupes, des centres divers, des 'ensembles de travail' locaux, en tenant compte de ce qui a été dit ci-dessus du caractère subjectif du travail humain".[40]

De toute manière, que de responsabilité sociale, collective est ici impliquée — quelque chose qui est certainement bien trop peu perçu par beaucoup aujourd'hui!

Dans son message à l'Organisation Internationale du Travail à Genève, un an après, Jean-Paul II s'est présenté avec une vision encore aggravée, peut-on dire, de la situation du chômage. Il insiste spécialement sur les lourdes conséquences du chômage des jeunes. Et il fait cet appel pressant à la solidarité:

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[38] *Laborem exercens*, 16.
[39] *Ibid.*
[40] *Ibid.*

"Je l'affirme avec force: tant au niveau national qu'au niveau international la solution positive du problème de l'emploi et de l'emploi des jeunes en particulier, suppose une forte solidarité de l'ensemble de la population et de l'ensemble des peuples: que chacun soit disposé à accepter les sacrifices nécessaires, que chacun collabore à la mise en place de programmes et d'accords visant à faire de la politique économique et sociale une expression tangible de la solidarité, que tous aident à mettre en place les structures appropriées, économiques, techniques, politiques et financières, qu'impose indiscutablement l'établissement d'un nouvel ordre social de solidarité".[41]

Surtout, c'est dans ce document de 1982 que Jean-Paul II a cette phrase pleine d'émotion qui a beaucoup frappé:

"Je me refuse à croire que l'humanité contemporaine, apte à réaliser de si prodigieuses prouesses scientifiques et techniques, soit incapable, à travers un effort de créativité inspiré par la nature même du travail humain et par la solidarité qui unit tous les êtres, de trouver des solutions justes et efficaces au problème essentiellement humain qu'est celui de l'emploi".[42]

Ces propos étaient bien faits pour secouer et réveiller, ainsi qu'on l'a remarqué. Il n'en est pas moins significatif que le pape n'a pas repris la question dans les années suivantes, en 1991 en particulier lors de *Centesimus annus* alors que la situation ne faisait que s'aggraver.

L'avenir du problème du travail

De la même manière enfin, alors que dans *Laborem exercens* il avait fortement exprimé son sentiment que les problèmes actuels eux-mêmes seraient probablement vite débordés, le pape n'y est semblablement pas revenu ensuite.

Il écrivait ceci au début de *Laborem exercens*:

"Nous célébrons le 90e anniversaire de l'encyclique *Rerum novarum* à la veille de nouveaux développements dans les conditions technologiques, économiques et politiques qui, selon nombre d'experts, n'auront pas moins d'influence sur le monde du travail et de la production que n'en eut la révolution industrielle du siècle dernier. Les facteurs de portée générale sont multiples: l'introduction généralisée de l'automation dans de nombreux secteurs de la production, l'augmentation du prix de l'énergie et des matières de base, la prise de conscience toujours plus vive du caractère limité du patrimoine naturel et de son insupportable pollution, l'apparition sur la scène politique de peuples qui, après des

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[41] Message à l'OIT, n. 12.

[42] *Ibid.*

siècles de sujétion, réclament leur place légitime parmi les nations et dans les décisions internationales. Ces nouvelles conditions et exigences requerront une réorganisation et un réaménagement des structures de l'économie d'aujourd'hui comme aussi de la distribution du travail. Malheureusement de tels changements pourront éventuellement signifier aussi, pour des millions de travailleurs qualifiés, le chômage, au moins temporaire, ou la nécessité d'un nouvel apprentissage; ils comporteront selon toute probabilité une diminution ou une croissance moins rapide du bien-être matériel pour les pays les plus développés; mais ils pourront également apporter soulagement et espoir aux millions de personnes qui vivent actuellement dans des conditions de misère honteuse et indigne".[43]

Laborem exercens demeurait cependant plutôt classique, on l'a souvent remarqué, par rapport à cela — parlant du vieux travail industriel, ont dit certains. Mais surtout, Jean-Paul II n'a pas tellement accompagné, après *Laborem exercens*, l'évolution qu'il pressentait et annonçait et qui conduit aujourd'hui déjà jusqu'à l'idée de révision radicale de la place du travail et, de même, du *genre* de travail (développement par exemple des services personnels), sauf à dire, comme nous l'avons vu, dans *Centesimus annus*, que l'entreprise moderne a une merveilleuse aptitude à faire place à du travail très qualifié, plus "humain". *Mais* que le système entier est *excluant*, en tout cas peu incluant, peu intégrateur et ceci dans les pays industrialisés comme dans le tiers monde. Ceci, je l'ai déjà noté, ne débouche pas sur beaucoup de propositions nouvelles.

Bilan de Laborem exercens en particulier

Au total, l'encyclique *Laborem exercens*, le document récent le plus important en la matière, a frappé au début par son caractère personnel — l'ouvrier de Solvay devenu pape prenait ici directement la parole! Il livrait son expérience des exigences de dignité du travail et du travailleur dans les structures économiques et industrielles traditionnelles — où du moins du travail était offert. L'encyclique a aussi formidablement confirmé les travailleurs polonais dans leur lutte. C'est le temps de Solidarnosc.

A l'Ouest, elle a dès le début été accueillie avec moins de faveur, ou de ferveur, en raison de la crise du chomâge à laquelle elle n'apportait guère de remède, ainsi qu'en raison du progrès de l'idée de civilisation du loisir, avec une certaine relativisation du travail, que l'on remarquait déjà au début des années 80. Les sociologues ont souvent dit alors qu'il s'agissait d'une vue un peu passée du travail. Guère actualisée.

Le pape a certes renforcé et confirmé, et avec pleine raison, une idée

[43] *Laborem exercens*, 1.

qui n'était sûrement pas aussi forte ou claire dans la doctrine sociale de l'Eglise auparavant (au temps de Pie XI par exemple): celle de priorité du travail sur le capital. Dans les faits, toutefois, le capital allait l'emporter plutôt, bientôt. Et l'encyclique a de ce fait été facilement oubliée. Elle ne reste présente que comme une *synthèse* sur le travail dans l'arrière-fond de la mémoire du catholicisme social. On put l'éprouver, par exemple, à la Semaine sociale de France sur le Travail à Saint-Denis en 1987.

C'était une chose forte assurément qu'un pape ait consacré toute une encyclique au sujet du travail et pris ainsi position en sa faveur. Mais l'adaptation aux problèmes nouveaux, du chomâge, comme du déplacement du travail en direction des serices inter-personnels, et des moyens d'y parvenir, semble manquer depuis. C'est, je crois, le sentiment global que l'on peut recueillir de la comparaison des changements en cours et de l'état des encycliques sociales en la matière. J'en tirerais volontiers la conclusion que serait très opportune une reprise du sujet au plan doctrinal même, dans un contexte aussi concret que possible.

Summary of the Discussion

This paper was considered very helpful in its suggestions for developing Social Teaching and the socio-economic changes which need consideration.

The presentation brought out the crucial distinction between the right to existence and the right to work. This is pressing because a recent pastoral letter from the Catholic and Protestant Churches in Germany forsaw the achievement of such a high level of productivity that no additional labour would be required and a leisured population could be sustained by means of fixed pensions/allocations. The paper presented indicated that unfortunately the encyclicals have always associated the right to work too closely with the right to subsistence. From a formal legal viewpoint, the right to work has not been articulated with sufficient clarity in the encyclicals.

If we take the priority of labour over capital seriously, then we also have to seek a new economic order which is not based on the principle of capital. Currently so much emphasis is placed on GNP that the human being is forgotten. Thus, Catholic Social Teaching has the task of reconceptualizing the right to work and the distribution of employment on the basis of a new definition of growth, which recognizes that not only does capital have its limits but so too do human beings.

The paper furnished a valuable contribution to interpreting changes in employment in less developed countries. Generally, unemployment is presented in coldly economic terms, from the capitalist point of view, but it also contributes to growing "subversive movements", especially in Latin America. Such guerilla movements, challenging established institutions have a subjective aspect, but objective factors also fuel their emergence. Situations are subversive as well as people. In the absence of an adequate social infrastructure and of democratic institutions, unemployment and dependency also precipitate intellectuals towards subversive direct action.

The significance of globalization (associated with global markets and the spread of information technology) must be underlined, because it has

taken place indiscriminately and not gradualistically. The consequences have been increased unemployment for large contingents of workers, due to automation in conjunction with the privatization of state enterprises. Particularly in developing countries such privatization has recently led to the recognition of the state as a necessary evil; indispensable, but evil in its role as a bad employer, bad and corrupt administrator. The ghost of corruption, hinted at in *Rerum novarum*, is now stalking the world.

It is indeed essential to stress that globalization constitutes one lacuna in existing social teaching, because it signals a reversal of a previous trend. Throughout industrialization and into this century, the value of labour in the developed world has been increasing. This trend is now moving to a rapid end. In the future those national economies with the lowest labour costs will generally win out in global contests, resulting in a shift in work from developed to the developing world, which seems inevitable.

A second lacuna in social teaching concerns the significance of leisure, of changed attitudes towards it compared with work, and how people have to be educated for it as much as for employment, to make their self-development worthwhile.

References to *Laborem exercens* mentioned that it had not dealt with the *general* problem of unemployment. However, it provided a fundamental starting point for discussion of how to resolve this problem which concerned the structure of the economic system. Jean-Paul II wrote not only of the primacy of labour over capital but also of the "common property of the means of production". The latter seems to have been forgotten, although it is a central point in the encyclical. The primacy of labour cannot be achieved without common property and participation in economic decision-making. This fundamental point in the encyclical has not been developed, but it is important to integrate the discussion of unemployment with a consideration of changes in the capitalist system.

Reply by Jean-Yves Calvez

It is true that earlier encyclicals have raised the issue of unemployment. *Centesimus annus* for its part contains images of the ideal modern enterprise, where work is fully valued and personal abilities are well utilized and add that the majority of people are excluded from such employment. Clearly this was an allusion to the Third World, but one which then became relevant within the developed world as well.

Thus reference has indeed been made to the problem of unemployment in the recent teachings of the Pope and the Church in general. However, these have not been accompanied by a stronger (anthropological) justification for why so much importance is attached to combating unemployment. This is because such justifications are challenged by those advocating a "universal allocation", such as Jean-Marc Ferry, and this new train of thought merits consideration.

Clearly notions of common property, participation, etc. challenge the structures of capitalist society, but they entail a rather different question in so far as they are predicated upon the availability of work for (almost) everyone. Again, it is clear that the Church has endorsed the right to work. However its declaration is made in very *general* terms. Given the magnitude of unemployment at this time, it would be necessary to attempt more precision, by specifying on which fronts, by what types of approaches and through what kinds of (research-based) concrete recommendations it could be realized.

Next, what has been termed "subversion" may not be fully justified, but it is based in complex social circumstances among which the total absence of work for many plays an absolutely central role, and one to which governments have not been significantly attentive.

In conclusion, the fact that our discussions touched upon leisure, the economy and the just wage, means that we are no longer conveying the impression that the Church only considers people in their capacity as workers.

LABOUR MARKET DE-REGULATION AND CHRISTIAN ETHICS

BEDRICH VYMETALIK

Pressure for the removal of labour market regulations has undoubtedly to be placed in a broader context. That is why this theme is treated from a somewhat more general viewpoint which involves referring to other topics as well. Hopefully this will enhance the paper by introducing a comparison of different approaches which can contribute to making optimal recommendations.

1. The world in transformation

The fall of communism in the countries of Central and Eastern Europe was generally accepted as a victory for capitalism, as a confirmation of the fact that there is no alternative version of the economy. The example of developed Western countries with their relatively high degree of material welfare seemed to confirm that no alternative version was required. Their example seemed to be an invitation for other countries to follow it — feasible for former communist countries, if they were able to cope with post-socialist planning and party dirigisme, as well as for countries of the Third World, if they were able to find suitable politicians capable of implementing the Western model. The rapid economic growth of some countries which had developed only recently also seemed to confirm this.

However, certain new factors which had already started to take effect inside the capitalist world were hardly noticed, perhaps because of the common interest in fighting against communism. These blinkers were removed after the fall of the Berlin Wall. In the course of a comparatively short time the face of our planet has changed and it keeps changing even without our perceiving it. The new society — called post-modern or post-industrial or post-capitalist — which is gradually being formed, resembles

less and less the capitalist society of those "30 happy years" of the welfare state in Western countries after World War II.

This is, however, a society capable of achieving a tremendous growth of wealth. It is characterised particularly by an explosion of new technologies in developed countries and by globalisation (or mondialisation). Here human knowledge becomes the decisive form of capital. The underlying principles are those of economism as the rational scientific approach, which is associated with the criterion of personal profit as the decisive factor for achieving maximum productivity.[1]

The technological explosion brought about and continues to bring about a rapid growth of new spheres of activity, it changes the character of labour and of work requirements and it influences working and social conditions of people.

Globalisation, made possible by the creation of world-wide data networks and rapid transport connections, in its turn makes it possible to carry business to practically any corner of the globe. An important role in this development is played by supra-national corporations which can now organise the production and exchange of goods on a world-wide scale entirely for their own interests. That is why they manufacture in countries with the lowest wages, why they sell on the markets with the most advantageous prices, and why they record their profits in countries with the most advantageous taxes.

It has been noted that in 1994 approximately 3,700 supra-national corporations with more than 200,000 subsidiary companies had at their disposal approximately one third of global private property. Their turnover reached 4,800 milliard dollars and was bigger than the total remaining volume of world trade. The governments of individual countries can only sit back and watch this undertaking.[2]

Knowledge represents the key source of wealth in this period of high scientific and technical development. If value is nowadays formed through productivity and innovation, then "both these factors represent an application of knowledge in the working process".[3] Knowledge becomes the decisive asset of the company; unlike other assets it does not wear out by being used; on the contrary it even grows.

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[1] This subject is dealt in greater detail in e.g. Drucker, P.F. (1969), *The Age of Discontinuity: Guidelines to Our Changing Society*, London: Heinemann & (1993), *Post-capitalist Society*, London: Butterworth-Heinemann.

[2] Doettinchen, L.W. (1994), "Governments Overslept on Globalisation of Economics", *Ekonom*, 44.

[3] Drucker, P.F. (1992), *Post-capitalist Society*, (Czech translation), p. 14.

Economism judges all forms of social life exclusively from the viewpoint of rational science and material productivity: it excludes ethical aspects in advance. It thus leads to the question of the purpose of the contemporary productive system and the values it should serve.[4] In combination with the criterion of personal profit, which is considered to be the most efficient source of social organisation in a market environment, it significantly influences the present world as a whole. Thus, Amitai Etzioni states that the "Neo-classic paradigm, surrounded by defences and oriented towards profit, individualism and rationality, is applied not only to economics, but to the whole spectrum of social relations from crime to the family, and is now on the move".[5]

New corporate organisational structures

These changes are also connected to the creation of a new more efficient organisational structure of companies: they influence the working conditions of employees, they create pressure for a complete opening of the market and elimination of any controls. Modern enterprises are no longer organised in the form of a pyramid in which the top management rules a large number of managers at various levels, a still greater group of workers, and where everyone follows the standard process. The modern enterprise, which valorizes the pursuit of the highest profits, is being transformed into corporate networks. Its control centre enables a strategic understanding of problems and inter-connects individual units in the network which also have considerable autonomy and can create profitable connections with other networks.

The most able specialists, on whom the company's results depend, share in the profits. They have considerable executive power over what they do and how they do it. Current functions are executed on a more and more contractual basis with external partners. Power does not depend so much as in the past on a formal hierarchy but rather on the ability of increasing the value of corporate networks. Intellectual capital — knowledge and abilities — become the most important assets, increasingly replacing tangible capital. Due to the fact that the costs of transporting standard items and data are still decreasing, modern factories can be installed almost anywhere in the world. Millions of workers all over the world thus enter the mutual competitive struggle. A cheaper and more able work force prevails.[6]

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[4] Passet, R. (1987), *Revue Economique Politique*, 5.

[5] Etzioni, A. (1988), *The Moral Dimension — Toward a New Economics*, New York: The Free Press, (Czech translation), p. 5.

[6] This subject is dealt in greater detail e.g. Reich, R. (1995), *The Work of Nations*, (Czech Edition, *Dílo národù*, Prostor).

The opening of the labour market

Opening-up the world market requires an open labour market. This is now being more and more vigorously asserted. A study of The World Bank entitled "Labour in an Integrating World" predicts that at the end of this century approximately 90% of workers will live in countries with close relations to world economics. The free flow of goods, services and capital should and does increase opportunities for all workers, both in developed and developing countries. It therefore has a positive influence upon the improvement of living conditions in the less developed areas and enables a real growth of wages in countries with growing exports. Direct foreign investment in developing countries brings new jobs with it. Supra-national corporations play a significant role in this: in the period 1985-1992 some 5 million jobs were created by supra-national corporations out of the 8 million new jobs generated in developing countries.

The comparatively high rate of unemployment in industrial/developed countries is said to be not so much the result of competition with a cheap work force in the less developed countries, but rather the result of a reduced demand for less qualified or un-qualified workers due to technological changes or inflexible economic factors.

Developing countries become a source for the further growth of developed countries. An increase in world exports by 75% during the period of 1991-1993 was realised thanks to the markets opened up in developing countries. It is presumed that by 2010 the developing countries will absorb 30% of world imports. The economic growth thus stimulated brings more employment and a greater increase in salaries and wages.[7] On the other hand, traditional social contracts between governments, enterprises and employees are being broken as a result of globalisation.

Pressure for removal of controls

Any restrictions and controls of the labour market are considered to be detrimental to an open world market. They are also considered to be detrimental to basic human freedom if we hold that people should have the opportunity to make their own decisions about the form of their work, method of their insurance and the division of time for work and leisure. However, contemporary labour problems are considered to be the result of unnecessary regulation which distorts the labour market. From this viewpoint, politicians and trade union representatives are criticised for

[7] Urban, P.A. (1995), "Working Force and Globalisation", *Ekonom*, 38.

appropriating a monopoly of decision-making concerning labour and that government; tariff and corporate controls are also criticized for being so numerous that they do not provide the necessary space for responsible citizenship. It is argued that until now we could not speak about a classical labour market since jobs were tied to a fixed working week and it was impossible to use flexible forms of employment. The market reputedly did not meet diverse regional requirements, much less satisfy individual wishes. The existing systems of social security cannot ensure the necessary funding for the future, nor ensure funding by further controls and re-distribution since this requires a greater freedom for market forces in this area as well.

Competition and freedom on the labour market are therefore considered to be "the most efficient form of policy on the labour market, as they extend in a very special way the possibilities of employment and thus bring about bigger benefits than mere fine words like the 'fight against unemployment' or 'employment programmes'".[8] In the same vein it is also argued that the ideology of a "secure" job in the company must therefore be rejected. Profound changes in the world require a mobile and flexible work force. Various legislative acts protecting employees against dismissal, or at least giving long terms of notice, are detrimental according to this approach.

Unemployment could best be reduced by market forces, not by government intervention. It is illusory to think that a general shortening of working hours would help resolve the unemployment problem. These are only considered as attempts at the "re-distribution of scarcity". The way forward is held to consist in enabling a greater freedom in the selection of work and in the full free-play of market mechanisms.

Flexibility is the password these days. Higher flexibility should be given to employers and greater freedom should be offered to employees in selecting their jobs. This would foster the development of more short-term jobs, jobs with shorter working hours, irregular working hours, etc. that allow the modification of the type of job in accordance with the needs of the company or possibly even the employee. It is necessary to separate operation time and working hours, to enable group work and other new organisational forms in the modern enterprise. The combination of a company job and employment on the side is considered to be advantageous for employees, as are home working or work at a distance, as prospective variations. Flexibility should allow workers "time possession" and better use of time in relation to the interests and needs of employee and employer. Supporters of de-regulation require the elimination of minimum wages as

[8] Then, W. (1994), *Die Evolution in der Arbeitswelt*, Inno Vatio Verlag, p. 70.

they reason that it is better to employ more people with lower wages. They would end government unemployment benefits and propose privatising social security as well. However, it is admitted that many such measures would bring about a deterioration in the status of employees. In the long-term perspective this drawback should be ironed-out, it is maintained.

Renato Ruggiero, general director of the World Trade Organisation, stresses that any restrictive measures limiting the freedom of trade would not promote an improvement in working conditions but instead would limit the possibilities for economic growth, which also constitutes social development in his view.[9] Is this really so? What is the effect of the changes we are witnessing so far? How should we regard these changes, namely the de-regulation of the labour market, from the viewpoint of Christian ethics? What are the concrete effects of these changes for labour in developed Western countries? What approaches should we follow more closely when searching for social development in accordance with the requirements of Christian ethics?

These are the questions which are more and more topical for both developed countries and for developing countries, because sooner or later development will open up similar questions there as well. Is it possible to find a satisfactory answer to those questions?

The growing gulf between wealth and poverty

According to data published at the World Summit for Social Development held in March 1995 in Copenhagen, the overall wealth of nations has increased seven-fold over the past 50 years; international trade has increased even more and the increase of wealth has further accelerated during the past years. On the other hand, the gulf between the rich and the poor in all countries deepens as well as the gap between developed and developing countries.

More than 1 milliard people in the world live in poverty, many of them at starvation level. More than 120 million people are officially unemployed and the number of under-employed is much higher.[10] Even in developed industrialised countries there are approximately 32 million unemployed: in Europe alone there are 17 million men and women who are jobless.[11] Seven

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[9] Ruggiero, R., Speech held at international conference - "Economics, For What Kind of Future", Institute Jacques Maritain, December 1995.

[10] Copenhagen Declaration and Programme of Action, March 1995.

[11] Proceedings of the Pontifical Council for the Laity "Gaudium et spes — Thirty years after".

hundred million people in developing countries do not have sufficient food to satisfy their basic daily needs.[12] According to a UNO report of 1992, the countries in which 20% of the richest peoples live have increased their share of the Gross Domestic Product from 70.2% to 82.7% in the period 1960-1984, while the share of the countries where 20% of the poorest live, has decreased from 2.3% to 1.4%.[13]

The common declaration of governments participating at the Summit in Copenhagen reads: "We witness in countries all over the world an expansion of prosperity for some together with an expansion of inexpressible poverty for others". Government representatives at the summit also stated: "Globalisation as a result of human mobility frees up communication, promotes business, the flow of capital and technological development, opens up new possibilities for permanent economic growth in developing countries. It brings about at the same time growing poverty, unemployment and social disintegration. Environmental danger is globalised as well. It is necessary to gain control over these processes so that they bring benefits and do not have a detrimental impact on people". They added that the final aim of social development must be the improvement of the quality of life of all people.

We can undoubtedly agree with such a conclusion. There is, however, the question of whether the governments which adopted this declaration genuinely have the will to enforce its realisation or whether it is even within their capabilities. That is the reason it met with a certain criticism at the meeting of representatives of the seven most developed countries in the world, held one year after the Copenhagen Summit, where there was no mention of the Summit's conclusions. So far there are no signs of a positive shift in this direction.

The enormous growth of wealth together with the proportionate increase in poverty and hunger remains one of the sad paradoxes of our so called advanced civilisation: the key question is whether this paradox can be resolved.

The practicality or non-practicality of eliminating poverty

Does the present world have sufficient means for eliminating poverty and hunger? Undoubtedly it has. According to data from the World Bank just 1% of the Gross Social Product of industrial countries, or just 20% of the world's annual expenditure on arms' programmes, are sufficient for

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[12] Data of FAO and WAO — according to *World Hunger — A Challenge For All: Development in Solidarity*, Pontifical Council "Cor Unum", 1996, p. 17.

[13] UNO (1992), *World Report of Human Development.*

providing every man in the world with an income which equals a living wage.[14]

The UNO report about human development proposes a tax on the international flow of speculative capital for the creation of a global social network protecting people against poverty and hunger. According to their calculations, a tiny rate of 0.05% can bring in some 30 milliard dollars annually for these purposes. It is generally accepted that the resources of our planet as a whole are sufficient for feeding every inhabitant.[15]

The fault therefore lies not in the incapacity of existing states or in the impossibility of eliminating the gulf between poverty and wealth; the fault is obviously due to the nature of existing societies, their values, priorities and targets. Economic growth is necessary, but if its aim is the maximisation of profit for a small minority at the expense of others, it means an inversion of values which disregards the fair distribution of wealth and it endangers itself in the process. Simultaneously it also contradicts the principles of Christian ethics by refusing to acknowledge human dignity.

2. The viewpoint of Christian ethics

The need for Christian Social Ethics

"Christian ethics consists in following Christ. Ethics in the life of a Christian is the interposition of faith into practice".[16] This definition encapsulates the approach common to various Christian denominations to the question "how should man behave and how should his behaviour relate to the structural arrangements of society in order to promote responsibility in all human relationships" (social ethics). Despite certain differences in the issues confronted, Alfred Klose maintains that the social doctrines of the various churches have a common denominator although their justifications might differ. Nevertheless, scriptural authority takes priority here.[17] [18]

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[14] Kreye, O. (1995), *Die Verwaltung der ökonomischen Krise ist nicht ihre Lösung*, Starnberger: Institut zur Erforschung globaler Strukturen, Entwicklungen und Krisen.

[15] World Hunger, p. 11.

[16] Vidal, M. (1989), *La ética cristiana*, Spain, p. 35.

[17] Klose, A. (1993), *Christliche Soziallehre: eine ökumenische Herausforderung*, Andreas Schnitzer Verlag, p. 6.

[18] It is interesting that in the Czech Republic the interest of some religiously oriented economists has, on the contrary, focused on Protestant ethics derived from Calvin's metaphysics of redemption, considering profit maximisation and wealth as proof of a greater subjective probability of redemption. It has thus substantiated a radical transformation of economics. See, for example Gerhard Ditz, "Protestant ethics and market economy" *Proceedings* "Liberální ekonomie" (Liberal economics), Prostor, 1993.

Whether social doctrine derives from natural law and a view of human nature which is also shared by humanistic non-believers (e.g. the Holy Father speaking to the diplomatic corps in 1989: "From real human nature ensues respect for life, personal integrity, religious freedom and personal freedom for every citizen"), or whether it is derived from a doctrine of hereditary sin which can only be healed by faith, hope and love (e.g. Artur Rich: *Ethics of Economics*), we can probably agree that the changes now occurring in the world should respect at least three main principles:

— the dignity and value of human beings;
— an interest in the common good;
— structural justice.

It seems that changes in the contemporary world and those affecting the world of labour, are in deep contradiction with these ethical principles and that this is one of the roots of the existing problems. The reference in economics to "the invisible hand of the market" justifies a rather ruthless neglect of the value of others. The common good is considered to be a vague, utopian term which is not sufficiently precise to allow the formulation of clear criteria for its application. Hence it is possible to dismiss considerations about the common good and human solidarity which is related to it. Finally, the enforcement of structural justice is considered dangerous to individual freedom, as it suggests a forcible re-distribution of income. It takes away the fruit of their efforts from the more successful and assigns it to others who have not contributed to it.

All three main principles, however, are related and mutually reinforcing. However, appeals to ethics, no matter how just they are, are insufficient if we leave existing structures unchallenged, which leaves intact what John Paul II calls the structures of sin.[19]

Every form of injustice is in contradiction to the spirit of evangelism and to the aim of the Divine Kingdom. It represents atheism in practice which denies God not by words but by acts. Efforts to eliminate unjust structures are therefore not only a requirement of Christian ethics, but a necessary pre-requisite for the plausibility of evangelisation.[20] An integral demand of Christian social ethics must therefore be the search for "structures of Christianisation", i.e. such structures that enable both economic efficiency and necessary justice. From this viewpoint it is also necessary to confront changes occurring in the world, including changes brought about by the de-regulation of labour market.

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[19] *Sollicitudo rei socialis*, art. 36.

[20] See Müller SJ, J. (1995), *Glaube und Gerechtigkeit*, Entschluss. Also Rich, A., *Ethics of Economics*, *op. cit.*, p. 71.

Ethics and de-regulation of the labour market

De-regulation of the labour market appears to bring about a deterioration in many rights of employees and endangers their social security, but simultaneously issues in further improvements in the welfare of the rich. In our present society of individuals elbowing each other aside for personal gain, many employers do not look for anything else. However, a critical examination of the de-regulation cannot be so unequivocal.

If we admit that contemporary society is undergoing many substantial changes, it is self-evident that the world of labour cannot remain untouched by them. The conclusion that the Western economic and social model created in the past decades has reached its limits — and data contained in the next section will fully confirm this — then it is obvious that we cannot try to preserve its structures. In post-communist countries we cannot thoughtlessly take over these structures just because they were a tempting ideal in the era of communism. The same also applies to countries of the Third World.

If we realise that human knowledge, hence human capital, becomes the main undisputed source of economic growth, then we must examine all the possibilities of how further to develop and propagate this capital. Its suppression, reduction and limitation in the interests of short-term profit alone contravenes the good of society and also contradicts ethical requirements.

The organisational structure of modern, high profit-making enterprises is being changed into global networks. Hierarchical management is being abandoned. De-centralisation, flexibility, autonomy, and team-working has come to dominate. Fixed jobs with fixed working hours become anachronistic in such a system. Is this really to the detriment of the world of labour? Does it not rather open up space for greater freedom, liberty and autonomy, but ones which if misused then suppress human dignity?

The contemporary labour market — sub-systems of which gradually become not only enterprises, but also departments, work-groups and even families with their own authority and responsibilities — offers possibilities for greater variety, freedom, better utilisation of working hours not only for the needs of employer but also for the satisfaction of the employee's own interests, for the practical use of leisure time, for sport, for culture, etc. It offers the possibility of eliminating the alienation of labour and giving fulfilment through work. However, it also makes it possible to reduce labour costs through reducing wages, eliminating paid overtime, holidays, and the dismantling of social security.

From this vantage point it is possible to evaluate particular de-regulation measures and their effects on the labour market. The flexibility of work can undoubtedly provide greater liberty and freedom for employees.

Doing away with periods of layoffs need not always be against the interests of the employee if it is replaced by appropriate financial compensation for readiness to change work and be re-trained for another job and possibly by a short-term tax-allowances during this interim. The identification of new sources of social security and its re-organisation become more and more necessary as requirements for further social development. On the other hand, unless companies go bankrupt, the elimination of the minimum wage cannot be ethically justified and cannot contribute to a real resolution of unemployment. Working at home can bring a greater freedom to employee, and it can be especially advantageous for women, who could combine gainful employment with care of the family. In practice, saving on overheads has to lead to a deterioration in the position of those employees who get much lower wages as they often do not have old-age pensions, insurance covering the spouse and they are not entitled to health benefits. One delegate at the world conference of the International Labour Organisation in 1996 identified them as the "proletarians of globalisation". This proletariat is at present estimated to include some 500 million people in the world.[21]

A system of work, which even in the context of a global market, was oriented towards qualitative economic growth, could support the autonomy and responsibility of employees, could offer, instead of fixed working hours, the possibility of earning by flexible methods of employment, could satisfy the need for quality time not only at work but also in the family, education, etc. Such a system would probably meet the requirements of Christian ethics and also of social efficiency. This perspective therefore consists in changing labour market from one of cut throat competition to one which promotes human dignity. This represents a challenge for politicians and tariff partners alike.[22]

3. Types of justification

Limitations of Western models

"Western society" developed for many years as a society based on gainful employment which safeguarded a person's financial standing, social status and identity. These served to reward the efforts connected with

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[21] Vítek, J., "World labour parliament on deal of 'proletariat of globalisation'", *Hospodáøské noviny*, (Economic News) 21.7.1995.

[22] (Compare Then, W., *Die Evolution in der Arbeitswelt*, pp. 69-70).

education and appropriation of society's norms and values. The labour market enabled young people in particular personal and family independence. Wages brought means for the free use of leisure time. Gainful employment also gave rise to contacts, provided a framework for time distribution and the means for consumption and a reputable life-style, even if strenuous manual work was the source of them. Only gainful employment was required and appreciated: other activities were considered to be less valuable. Material security in case of illness, in old-age or in emergency cases were also based on gainful employment. Full employment with comparatively high incomes enabled the financing of these social security systems.

The poverty and misery of the Third World did not touch the developed countries. On the contrary, it was known that the indebtedness of developing countries brought a further transfer of money which benefited rich countries and that were all countries to achieve the same level of development as the West, this would result in economic collapse on a global scale. Publicly it was stressed that a certain degree of unemployment in developed countries was only a temporary problem which could be solved by further economic growth. At the same time Western countries managed to master existing and potential conflicts within society on the basis of a lawful state and parliamentary democracy, as the counterparts of the labour market and civil society.

Those conflicts and injustices which manifestly existed were not considered to be decisive. Although there were different opinions concerning the assurance of economic growth, the growth of new jobs or the financing of social security systems, nevertheless there remained an unshakable faith in continuing economic expansion and in the efficient performance of society based on gainful employment. This faith was invigorated by the fact that the growth of wealth was accessible to all social strata.

The "Western" way of management did allow contemporary generations a tremendous growth in general welfare and gave hope of a permanent boom.[23] The emergence of new technologies further reinforced this expectation. There were no doubts that it brought new possibilities for the increase of social wealth. It was presumed that this would bring with it new jobs for those who had had to leave their now outdated positions. However, what escaped attention was the fact that new techniques and new technologies generated an increase in productivity with a much smaller number of

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[23] See Kitzmüller, E., "Wer kann den Weg öffnen zum Grundeinkommen", BIEN International Congress, September 1996.

workers and that advanced technology is less and less reliant upon the work of traditional workers in the primary or secondary economic sectors.

Technical progress in agriculture has already gone so far that agriculturists in developed countries represent only 3-5% of the economically active population and have become a marginal force. The countries with the highest productivity in agriculture are the countries in which the percentage employed in it is the lowest,[24] in relation to total inhabitants.

The proportion of traditional industrial workers decreases simultaneously. In 1990 it represented only one fourth of jobs in the USA and it continues to diminish. It is expected that in the year 2000, traditional workers in developed countries will represent no more than one sixth to one eighth of the labour force, and some even predict their shrinkage to a mere one tenth.[25]

This further substantially reduces the proportion of wages earned by production workers in relation to total production value. During the period 1949 to 1990, this proportion decreased from 40% to 24% in the USA. Workers' jobs represent only a small fraction of production costs for a majority of the goods produced in the USA and other developed countries. This fraction will continue its rapid decrease due to the application of computer controlled robots.[26]

It seems that Marx's vision of a victorious proletariat was thus defeated for the second time: in the first place, by the intense growth of productivity which enabled an increase of wages and improvement of workers' status, such that the proletarian revolution lost its justification, and in the second place, by the fact that the classical working class shrank in number and lost its social significance. The old class society ceased to exist. The division between rich and poor, however, continues and even deepens. It touches different social strata and groups but it does not reflect the obvious polarity of two antagonistic social classes. It can, however, be no less dangerous if the changes taking place do not result in social consensus.

Growth of unemployment

For the first time these changes seem to endanger developed western countries. The living standard of their inhabitants is still high, faith in the

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[24] Kapuscinski, R., "XXth Century is Over", *Hospodáøské noviny*, (Economic news), 21st April 1995.

[25] Hengsbach, F. (1994), "Neue Gleise für die Wirtschaft. Die Wirtschaft der Zukunft", *Publik Forum*.

[26] Data from Reich, R.B., *The Work of Nations, op. cit.*, pp. 120 and 139.

welfare state still persists, but bigger and bigger cracks are appearing. Both pillars on which the model of the welfare state rested — full employment and assistance in case of need — have crumbled and ways to strengthen them have so far been sought in vain.

Unemployment in Europe varies within two-digit numbers. Data from June 1996 show that there were 30 million unemployed, of which 12% were in France, 10.3% in Germany, 15% in Spain and 12% in Italy. Every tenth European is looking for a job.[27] Even more disturbing is the fact that basic unemployment, i.e. that part of unemployment which does not disappear with an economic recovery, has increased from 5 to 20 million during the last two decades. The search for efficient solutions to eliminate it still continues. The number of unemployed in the United Kingdom is 7.8%, which is below the European average, but more than half of the unemployed have been jobless for more than a year. According to research, 55% of European citizens consider the feeling of personal insecurity to be their most important concern about employment.[28] Attempts at reducing unemployment or at least at reducing it significantly seem to be completely ineffectual. Governments receive a declining proportion from wages for funding sickness benefits, old-age pensions or unemployment payments.

This shows that even the western model of state is slowly reaching its limits. The question of a crisis in capitalist society arising from lack of gainful employment is now openly discussed.

The deterioration of social security

Problems are brought about not only by unemployment itself but also by growing pressures to dismantle the existing social security systems. Next on the list is dismantling civil society itself.

The argument is well known: first it is necessary to strive for economic growth which would enable the provision of welfare for all. This would be best achieved by giving free play to "the invisible hand of the market". Everything that limits its activity endangers economic efficiency and human freedom.

Yet, high unemployment levels, efforts to eliminate social benefits, relentless pressure on a reduction of labour costs and the instability of

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[27] Bilmes, L. and Wetcher, K., "Wise tending in the jobs garden", *Financial Times* 3th June 1996.

[28] *Ibid.*

employment related to growing poverty — in developed countries this creates the feeling of a threat even for those who do have jobs.

In any case, there is little hope that in the event of losing a job, new work would be better paid than the existing one and that it would be long-term or permanent. That is why even employees of long standing experience a greater fear of losing their jobs; not because redundancy becomes more probable, but because of its adverse consequences.[29]

These tendencies manifest themselves in the same way in the USA. In spite of the fact that the unemployment level is below 6%, in spite of the fact that during the last 4 years some 8 million new jobs were created, fear among Americans is at the highest level since the time of the Great Depression. According to one survey, 30% of Americans state that they are afraid of losing their jobs.[30] Jobs for a "lifetime" are ending and people are looking for new jobs before losing their existing ones.

Prof. Richard Freeman of Harvard argues that as the labour market goes through long-term basic transformations these will have less effect upon the more educated employees. According to him, what is at issue is less these changes as such, but rather the increasing uncertainty which accompanies them.[31]

The paradox of the contemporary world of work

The core of the problem has been defined by Shoshana Zuboff, in *The Age of the Smart Machine*. In principle corporations (companies) now have the same technologies at their disposal, the same system of work and the same software. The only way of succeeding in competition lies in allowing the biggest asset of the corporation — its labour force — a higher degree of freedom to use technology for the creation of new products and new services which sell well. Instead of that, for decades corporate America has regarded its employees as liabilities rather than assets. However, if America wants to reap the benefits from trade expansion and technological innovations, it must master the problems of workforce transformation. This means better training programmes, greater sensitivity to the fear of redundancy and participation in management.[32]

In other words, if human knowledge has become the most important source of wealth in advanced economies, it is necessary to look for creative

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[29] Flanders, S., "Life, jobs and the safety zone", *Financial Times*, 29.4.1996.

[30] Bilmes, L. and Wetcker, K., *op. cit.*

[31] See Pennar, K., "Economic Anxiety", *Business Week*, 19.3.1996, p. 32.

[32] Flanders, S., *op. cit.*

methods of using this knowledge in the interests of competitiveness. This entails stimulating the interest and initiative of employees and creating conditions in which people feel satisfied with their positions and enjoy their work. Instead of that, many companies determinately view their employees as a negative cost item which must be reduced or preferably replaced by machinery.

We thus arrive at another regrettable paradox of the contemporary world: while the need to use the full potential of human resources "opens up the chance of the century", namely to enhance human dignity in modern economies and democratic culture,[33] the status of workers in a large number of companies is deteriorating and human dignity is being harmed. Creative human capital is thus being suppressed. This is to the detriment of economies and obviously does not correspond with the requirements of Christian Ethics.

4. The need for changing approaches

The mechanisms of economic development can be co-ordinated. Economics is not a rigid creation of nature, but rather a historic and cultural creation. It is a system of institutions which — although often appearing as an objective power, as an external force which restricts the possibilities of action — was not created without regard to man but formed by him. Man creates it himself and then obeys it.[34]

That is why it is within human reach to create structures which conform to the requirements of justice and, at the same time, support economic development. However, the pre-requisite is that there must be sufficient will to introduce them and an ethical approach must replace the ruthless quest for profit.

Market regulation

The approach to market regulation can serve as a good example. The notion that there is only a choice between a free market and a centralised one is completely false. Harvard professor and Secretary of Labour in the Clinton's administration, Robert B. Reich, states quite unambiguously: "The

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[33] Then, W. (1993), cited in *Der Mensch im Mittelpunkt*, Schatz-Roland, Innovatio Verlag, p. 226.

[34] Rich, A. (1984), *Ethics of Economics* I, p. 73.

idea of a free market which would not be influenced by laws and political decisions is pure fantasy".[35]

De-regulation of the market is justified, but it must also transform the character of government intervention, from one seeking concrete results to one dedicated to the creation and maintenance of new markets. Politicians cannot jettison their responsibilities in this context. Robert B. Reich gives several specific examples illustrating how precipitous de-regulation has had very costly consequences. At the beginning of the eighties, the government allowed mortgage banks to invest customers' savings freely. Simultaneously it insured depositors against possible losses. This enabled banks to speculate wildly without any real risk of losses. The result was that the price-tag for this "de-regulation" cost American tax-payers more than 300 milliard dollars. In this connection, Prof. Zamagni from the University of Bologna points to the paradox of freedom brought about by the functioning market. If only the most capable survive in the market, then according to market laws the others must cease to exist. As a means for resolving this paradox, he proposes introducing into the market certain requirements for solidarity, as its constitutive framework.[36]

Unemployment and the problem of inflation

High unemployment represents one of the burdens of the contemporary world. It is generally accepted that it must be eliminated, but attempts to do so have not been very successful. The argument that economic growth would bring new jobs for the unemployed has failed. Downsizing now makes more workers obsolete than can be absorbed by newly created jobs. Moreover, these new jobs often require a completely different training from the skills possessed by workers made redundant in the old industries.

The growth of productivity has been significant. In 1960 in West Germany, the production of goods and services valued at 1 million DM required 40 workers; in 1990 the same effect was achieved with only 10 workers.[37] In 1995, it is estimated that within the European Union the

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[35] Reich, R. (1995), *Work of Nations*, p. 210 of the Czech translation. Reich's arguments from pages 211-213 are used freely further on in the paper.

[36] Zamagni, S. (1992), "On the limitations of the implicit morality of the market: a perspective from a modern economic analysis", in *What Markets Cannot Do: The Problem of Economic Transition in Central-Eastern European Countries*, Nova Spes, pp. 34-5.

[37] Kessler, W. (1994), *Die Wirtschaft der Zukunft*, Publik-Forum, p. 24.

existing volume of production and services would require approximately 20-25 million less jobs by the year 2000.[38]

Does this mean that the unemployment problem is insoluble? In a situation where millions of people in the world live in poverty, where their need for goods and services is completely unmet (leaving aside population growth in LDCs), significant reductions in poverty will be a long time coming. In developed countries, there is a great potential for implementing new environmentally-friendly technologies, e.g. the use of solar energy, recycling used materials, investments in the infra-structure such as health services, schools, etc., all of which could contribute to reducing unemployment.

The real question is whether there is a genuine will to resolve the unemployment problem. Economists are persuaded that a drop in unemployment fuels inflation and this is considered to be more dangerous than unemployment. This is based on the assumption that the unemployment rate determines the level of wages in a given country. Growing unemployment reduces the purchasing power of employees and therefore reduces the price of goods: reduced unemployment, on the contrary, results in price increases. "This, however, is not good business for financial markets, not only because additional costs limit their profits, but also because this recovery is connected with the spectre of inflation, which frightens people more than anything else".[39] They recall that it was precisely the 30 years of economic recovery after World War II that brought about high inflation, the victims of which were the financiers. That is why a reduction of unemployment below a certain percentage is against their interests.

In the USA economists considered it as an "article of faith" that the natural unemployment rate must not fall below 6%, otherwise there is a threat of accelerated inflation. Ten years ago when unemployment dropped below 6%, inflation accelerated — which is used as a constant warning. However, Robert Reich points out that this thesis is no longer valid. He argues that the unemployment rate in the USA has dipped to 5.1% and been the lowest for the last seven years; yet wages are increasing and there is no threat of spiralling inflation.[40] "How low can unemployment go?" "What is the real 'natural' rate?" Robert Reich's reply is that "no one knows precisely. But whatever it is, we need not assume it is fixed at that level. It can be lowered further".[41]

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[38] Dialogues Eurosocial 65/95 from 1995, p. 3.

[39] Duboin, M-L., "The Civic Contract to manage basic income and large working time reduction" presented at the International Conference BIEN in September 1996 in Vienna.

[40] Reich, R., "Casualties of the Inflation War", *Financial Times*, 24.9.1996.

[41] *Ibid.*

Although many employers have difficulties at present in finding the employees they need, some 6.8 million Americans who want to work are unable to find a job. Another 4.4 million have part-time jobs, although they would prefer full-time work. This is because these applicants for work do not have the required knowledge or skills, or they have different skills, or because they do not know what skills are needed, or because they live in the wrong place, or just because they consider themselves to be too old. Thus Reich concludes that "the best way to reduce the 'natural' rate of unemployment is to ease the transition of these prospective workers into a workforce. This has been a central goal of this administration's labour policy".[42]

These examples show that the unemployment problem can be solved. It cannot, however, be solved if there is lack of willingness to take the necessary measures and particularly if a reasonable humane approach is ignored and personal profit is sought, to the exclusion of other considerations. References to the free action of market forces are just a pretext. The ethical approach can, on the other hand, offer a solution.

Basic income

The idea of a so-called basic income (*Grundeinkommen* in German) presents an interesting way of solving the problem of poverty and unemployment. It arises from the fact that the elimination of unemployment in the foreseeable future is unlikely and that it will be more and more difficult to finance social security given the existing form of wage distribution. The radical version of this proposal would mean that every citizen has the right to a certain income regardless of being employed or not. This income is usually construed as negative income tax. A person with no job obtains a basic income from the government. If this person gets a job, his income is reduced depending on the level of his wage. If this exceeds a certain level then the basic income will not be granted anymore and the person will obviously have to pay income tax. This idea has already gained many supporters. Nobel prize winner, British economist James Meade and American economist Milton Friedman number among its adherents. In September 1996, an international congress was held in Vienna focusing on this topic.

Implementation of basic incomes can bring many benefits. Firstly, they ensure that everyone has a certain basic income regardless of employment. Secondly, they initiate interest in less well-paid jobs or in part-time work by allowing for a combination of the wage with earnings. Thirdly, the basic

[42] *Ibid.*

income substitutes the high labour costs connected with the maintenance of social security by a simple tax. This eliminates unnecessary bureaucracy connected with monitoring benefits and their payment, etc. Fourthly, this is also beneficial to women working in households or doing useful activities which are not remunerated. Finally, by separating labour costs from social security costs, it offers an employee the possibility of holding various jobs, which he otherwise would not be offered due to the high labour costs connected with social security contributions. This would undoubtedly contribute to enhancing human dignity since people would not be pushed into working for low wages in disadvantageous conditions. It is even argued that this system could play a positive role towards the environment by not forcing people to keep working in ecologically harmful industries, but enabling them to choose healthier locales.[43]

Critics, on the other hand, fear that an entitlement to low wages would influence the regular labour market and replace normal wages. It also seems that although the basic income would reward many useful activities that are currently non-renumerated and would also give more freedom to engage in voluntary activities and suitable uses of leisure time, on the other hand it could promote idle inactivity. Avoidance of this danger seems to depend on setting a suitable level for the basic income.

New sources for social security

Even if the basic income is not introduced, it is obvious that the funding of social security must be solved by means other than wage contributions. If the proportion of wages to the price of products decreases, the proportion of tax payments derived from wages decreases as well. The sources for social security would therefore also decrease. That is why tax payments from the value created are now being proposed. Such taxes would be higher for enterprises with greater created value, greater capital and fewer employees. On the other hand, the situation of smaller companies and service providers would become easier and a better stimulus for employment in these spheres would thus be created.

There are objections that this would lead to a higher tax on employers and threaten their interest in investment, which would endanger further economic development. However, statistical data does not seem to indicate that taxes on the rich will increase. On the contrary, in the USA, for example, taxation determined for funding social security by the federal

[43] In greater detail, e.g. Ploch, R., "Basic Income: Social policy after full employment", BIEN International Conference, Vienna, September 1996.

government and local government increases VAT which drains a disproportionate amount from the incomes of the poor, not the rich. In 1979, federal and local government VAT taxes absorbed 6.1% of the incomes of 20% of the poorest Americans and 7.8% of incomes of 20% of the richest Americans. In 1990 the poorest 20% devoted 7.1% of their incomes on these taxes, whilst the richest 20% spent only 2.5%.

On the other hand, the progressive income tax introduced in 1917, whose upper rate amounted to 83% gradually decreased until it completely disappeared. The overall proportion of total taxes paid by the richest increased less than their share of total income. Simultaneously, the share of the poorest in the domestic product decreased, while their share of taxes remained the same; therefore their tax burden increased.[44]

Robert Reich regards the possible threat to investments by the rich under a system of high taxation as old-fashioned thinking. According to such thought, the public sector spends the money and the private sector makes and invests it. A higher overall standard of living is gained by such investments. It is deemed necessary to relieve the tax burden on the rich so that they will be motivated to invest. However, this picture is not valid. Increasingly the free movement of capital all over the world weakens the relation between the level of savings and quantity of capital at the national level. The value of capital in all developed countries has remained more or less the same. Reducing taxation for the rich thus has had very little influence.[45]

Investments in education and transport and communication systems

The public sector, on the other hand, increases investment in production, particularly through the education of its citizens and the development of transportation and communication systems. Any de-regulation and tolerance of market-freedom (as we often hear justified in post-communist countries) is very dangerous for the future of the nation and its citizens. In this context Gary Becker stresses that

"the productivity of modern economics depends heavily on investments in the acquisition of knowledge and skills ... Education, training on the job and in specialised institutes and expenditures to improve health all contribute to human capital. Human capital is as much a part of the wealth of nations as are factories, housing, machinery and other physical capital. In fact economists estimate that

[44] Reich, R. (1995), *op. cit.*, pages 224-225 and 274.
[45] *Ibid.*, pages 291-293.

human capital accounts for much more than half of all the wealth in the U.S. and other economically advanced nations".[46]

A well trained worker can achieve a higher productivity and thus a higher wage without the threat of inflation. For example, Anna Bartel found that companies that had introduced training programmes for their employees achieved a growth in productivity which was 19% higher than in companies with no such training programmes, at the end of the 1980's.[47]

Investments in human capital are in the interest of efficient economics; they are also indispensable to ethical requirements. Neglecting them or allowing free-play to market forces in this area is to the detriment of citizens and society alike.

Labour must lose its "minus sign"

World wide competition undoubtedly brings pressures to reduce costs. Since these costs include those of labour, their reduction is in the interest of market competition. From this point of view the strivings of employees for higher wages are in contradiction with the moving principle of the capitalist enterprise, namely profit maximisation. This principle can itself be significantly modified in favour of employees if they are allowed to share in the productive capital of the enterprise. This proposition is supported by Jaroslav Vanek who argues that the motor of the traditional capitalist company is given by the objective function: maximise profit = revenue minus "labour cost" minus all other costs. In this equation, human labour appears with a negative sign and Vanek calls this the "minus sign syndrome" (MSS). This syndrome forces the employer to reduce the proportion of labour costs because growing labour costs reduce his profit. However, if employees have a share in productive capital this helps to offset the effect of the negative syndrome. Other things being equal, it enables the reduction of labour costs in favour of bigger profits without any detriment to employees, provided that they share in the profit as well. From this viewpoint, Vanek considers full joint-ownership by the company's employees to be the best solution (e.g. manufacturing co-operatives), because in such a case the principle of profit maximisation can be expressed as a new equation:

$$\text{Maximise Net Income Per Worker} = \frac{\text{Revenue minus all other costs}}{\text{divided by the number of workers}}$$

[46] Becker, G.S., "Human Capital: One Investment Where America is Way Ahead", *Business Week*, 11.3.1996, p. 8.

[47] *Financial Times*, 24.9.1996.

Labour does not appear as a negative factor in production, but serves to benefit all who work in the co-operative. In any case, even a limited share in productive capital can positively influence the outlook and behaviour of employees and better reconcile their vested interests with corporate interests.[48] After all, if human capital has now become the decisive source of growth, it is worthwhile making this capital economically efficient. To overcome labour's alienation from ownership of capital can be a means to this end. The co-operative idea has many as yet unexplored potentials. The lack or limitation of capital resources in co-operative ventures need not be an obstacle as is demonstrated by the experience of the Spanish co-operative in Mondragon.

5. The challenge for the 21st century

Uniting economic growth with an ethical approach

The explosion in technology, the growing significance of human knowledge in economics and globalisation — all these can enable an unprecedented development of wealth on our planet, create the prerequisites for giving bread and butter to the growing number of its inhabitants, shorten distances between countries and between peoples. These changes are undoubtedly beneficial. Why then do they bring about more poverty and misery and deepen social differences?

It seems that the decisive factor is the ruthless pursuit of profit, whether it is justified by economism, neo-liberalism, radical individualism or any otherism or, even if it does not bother with any justification at all. This cannot unite people: it separates them instead. That is why we are witnessing so many separatist movements, nationalisms, local wars and conflicts. That is why the economist Lester C. Thurow stresses in *The Future of Capitalism* that capitalism needs an ideology that would unite people through common goals and values.[49] Is it not Christianity that can offer such common values, although it does not want to become a new ideology? What if these are just the values that contemporary man so desperately needs and which give new meaning to human strivings?

The Rector of LUMSA of Rome, Giuseppe Dalla Torre, rightly draws attention to the fact that the origin of the present crisis lies in the fact that

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[48] Vanek, J. (1996), "The Moving Principle (motor) of Economic Democracy", in his (ed.) *Producer Co-operatives and Labour-managed systems*, Edward Elgar, p. 2.

[49] Thurow, L.C. (?), *The Future of Capitalism — How today's economic forces shape tomorrow's world.*

"politics, economics, science and technology are unable by themselves to create the values necessary for influencing development in favour of the truth about man".[50] An approach based on profit undoubtedly contributes to this distortion. It forms structures that bring with them tremendous poverty and injustice and whose replacement is indispensable for the achievement of real economic and social growth.

Christian Social Ethics, therefore, does not reject changes happening all over the world, but recognises the positive opportunities they offer to mankind. Its critique is that these potentials are now being developed in a manner which creates inequalities rather than solidarity and generates increasing redundancy instead of distributing what is needed. At the conference of the World Movement of Christian Workers (MMCT) Marc Maesschalck's call for linking the globalisation (or mondialisation) of economics with the mondialisation of solidarity was taken up and re-echoed.[51] Thus Stefano Zamagni, emphasised that "the new social question of the 21st century will consist precisely in this, both in welfare states and in less developed countries". If the political control of development is not redirected, it will bring about unmanageable human costs, economic losses, and finally forms of "functional irrationality" in the long run.[52]

Never give up hope

We live in a period of turbulent changes and reversals. Such periods are inevitably connected with conflicts, struggles, often with threats to human communities and thus to human itself. It could become a world dominated by selfishness and hatred, or a world characterised by human solidarity. If it seems obvious that the world needs an idea that would unite people, if space for the dignified involvement of man in the economic and working process is to open-up, then we must not give up hope. Human history shows periods of upheaval when a new world of hopes and opportunities was born out of destruction. Perhaps from all contemporary reversals, changes and conflicts a new world will emerge that better suits man and his spiritual orientation, for it corresponds to current possibilities. There is, therefore, no reason to give up hope.

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[50] Dalla Torre, G., Address to the participants of the international study meeting "Economia, per quale futuro?" 30th November - 2nd December 1995, Rome.

[51] Maesschalck, M., "Mondialiser la solidarité", *MMCT*, November-December 1996.

[52] Zamagni, S. (1996), "Man: Author, Centre and End of All Social-Economic Life", *Laity Today*, (*Gaudium et spes*, Thirty Years Later), pp. 188-9.

Summary of the Discussion

The thrust of the argument is that we are looking for some way of counterbalancing the profit motive which governs the movement of capital, that is some other motive which can help to protect labour in the difficult situation in which it finds itself. By definition, labour market deregulation means the abandonment of all protection and leads to the negative effects which have been detailed for Eastern Europe. Therefore we should try to focus on how Christian social ethics can attempt to regulate the new profit-motivated ability of capital to dominate to the detriment of labour.

The market economy has been greatly restrained by its social commitments in Germany and without such restraints the stone age version of Manchester capitalism would be perpetuated. It is not in fact the aim of business to maximise capital gains but to optimize them. Capital is only half the picture: the other half is innovation, research and development with an eye to the future. Therefore the pure maximization of capital gains would be detrimental to the future of the enterprise.

As concerns the participation of workers, this should be envisaged more broadly than direct industrial involvement and should also apply to investors. In Germany 82% of capital comes from investors which means millions of people leaving their money on bank deposit. There are various new initiatives to enable citizens to have the freedom to invest directly in schools, hospitals and other projects funded from regional taxes. The involvement of citizens as investors in profit and non-profit making enterprises fosters their direct involvement and closer identification. This model is advantageous in general, for today's investment creates tomorrow's jobs.

(Prof. Vymetilik). Such participation is desirable, but it will only come about through the initiative of management for it is impossible for workers to impose it. Thus business has to be won over to this outlook which is part of Catholic social thinking. Yet it is difficult even to persuade a Catholic entrepreneur of this and there are many examples where Catholic businesses are in a worse state in this respect than their secular competitors.

Returning to the question about countries in transition from state socialism. With the end of collectivization, did privatization genuinely allow citizens a share in the ownership of companies? Secondly, although there is now a younger generation being formed according to the principles of the market economy, is it not the case that the managers of plants and enterprises are still the "old guard" who think in terms of the collective economy and expect the State to underwrite companies rather than striving for efficiency?

(Prof. Vymetilik). As far as sharing in the ownership of companies is concerned, the "coupon" privatization was potentially good but was abused in practice, with large corporations buying up coupons at a high price in order to consolidate industrial control. Secondly, it is indeed the case that present managers largely come from the ranks of old management. To them the market economy simply means, take as much for yourself as you can.

We use the term "tunnelling" for this. For example, if a bank is short of funds, but has contacts with previous managers in good positions, loans are transacted which buttress the bank. This then gives credit against a fictitious collateral to relatives and friends. Such loans are never repaid in full although the banker receives personal payments which he transfers abroad. There are many other methods such as establishing limited liability companies for the small sum needed to register them and then selling them off for vastly more as they are privatized.

Does this not mean that a certain mentality is a pre-requisite for privatization to work, for example the mentality of a shareholder who knows not to sell to the first bidder? If so, how can the mentality of the population gradually be changed so that a market economy can function?

(Prof. Vymetilik). Because more people now are taking an interest in ethical matters the need which springs from this change in attitudes is the general desire for the concept of the "market economy" to be modified. It is crucial to have concrete examples of a market which functions according to ethical principles and that these concrete exemplifications are highly visible. The concern is that, on the contrary, there is so much rank abuse in the Czech Republic. So many of the excesses of entrepreneurial capitalism are not checked because of the weakness of law enforcement. Public accountability can only be realized when more progress is made towards regulation of the market.

Nevertheless, there is something very positive about the new markets which are opening up with increasing globalization, especially in the media

and service industries. As much support as possible should be given to those entrepreneurs who are pioneering in the creation of jobs in this way.

(Prof. Vymetilik). Certainly there need to be conditions which support market development and in particular tax incentives. However, the greatest need is among the small entrepreneurs in the Czech Republic who have difficulty in obtaining the capital needed in order to expand. The problem which has been inherited from State Socialism is that the only people who can raise money are the "old gang".

The paper was important in that it examined the impact of de-regulation not only in the Czech Republic, but also raised this topic at a global level. At that level there are many variations; in Eastern Europe de-regulation is working much better than in others like Russia, Bulgaria, Romania and especially Albania; in developing countries the situation is changing fast with some emerging countries like Singapore now having a higher standard of living than in France and with this improving rapidly in Argentina, Chile and Mexico; in rich, developed countries new pockets of poverty are emerging even in Canada where the standard and quality of life is reckoned to be one of the highest in the world. This means, on the one hand, that we need to look for new tools for analysing the wealth of nations which go beyond the standard comparisons of nation states as used by the World Bank and IMF. On the other hand, this means that what are properly called "structures of sin" cannot be analyzed in terms of a simple North-South dichotomy, but need to be examined as inherent to every society, where some section of the population is being marginalized on some criterion.

Returning to the problematic transformation of Eastern Europe and its complexities, one of the basic difficulties was the need to destroy old mentalities (i.e. those advocated under the socialist/communist systems with its expectations of "full employment") and then to build up new attitudes and institutions. But transition is a long and not a direct one towards the market economy model. In Poland the term "social free market economy" is used because as yet we cannot dispense with the adjectives: similarly "privatization" had a different meaning in the Czech Republic because a national investment fund was created, comprising of various enterprises, in which people could participate by buying vouchers. The most crucial change from destruction to reconstruction concerns the meaning of the "right to full employment" and the need to educate people away from the notion of full employment without responsibility and to develop an infrastructure in which the right to work can be guaranteed.

(Prof. Vymetilik). In the quest for suitable models, I return to the success of Mondragon, which although not a pure example of the original notion of a co-operative, does provide an example of Catholic social teaching in action. It is not the only possible model but it does serve to show both that economic democracy can work and also that this form of interlinkage between banking and enterprises can foster economic development.

II.

THE CONTRIBUTION OF EXISTING SOCIAL INSTITUTIONS

THE RIGHT TO WORK AND THE LIMITS OF LAW

MARY ANN GLENDON

1. Work as a right

A "right to work", in some form, has become a standard feature of most of the world's 160 or so constitutions, as well as of United Nations human rights documents. The formulation in the U.N.'s 1948 Universal Declaration of Human Rights is fairly typical: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment".[1] The right belongs to a cluster of "social and economic rights" that began to be widely recognized, alongside traditional political and civil liberties, in the new constitutions and international human rights instruments that proliferated after World War II.[2] From their inception, the new social and economic rights were in tension with the older liberties, for the former presuppose an especially active governmental apparatus, while the latter are primarily meant to limit the power of the state.

Though the trend to make work the subject of a constitutional right did not become pervasive until the era of constitution-making that began in the late 1940s, the idea that the polity has an obligation to provide work to able-bodied citizens goes back at least to early modern times when emerging nation states began to take over social functions that had previously been performed by feudal lords or religious groups. Obligations on the part of the state to provide food, work, and financial relief to persons in need were acknowledged in several eighteenth- and nineteenth-century continental European constitutions and codes — often along with a

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[1] UNDHR Article 23 (1).

[2] Three-quarters of the world's single-document constitutions have been adopted since 1965. L. Wiehl (1990), "Constitution, Anyone? A New Cottage Industry", *The New York Times*, 2 February 1990, B6.

reciprocal duty to work.[3] Tocqueville described these ideas as "half borrowed from the Middle Ages, half bordering on socialism".[4]

In the first half of the twentieth century, a scattered group of countries embodied these notions in new constitutions, and framed them in the modern language of rights. The underlying philosophies of the Weimar Constitution of 1919, the Soviet Constitution of 1936, and the Irish Constitution of 1937, were, to say the least, quite diverse. But each in its way gave modern expression to the idea of a state with affirmative responsibilities for the basic needs of its citizens. It was also in this period that the International Labor Organization was founded and began its efforts to promote improvements in working conditions. This confluence of social democratic, Christian, Marxist, and paternalistic thinking helped to prepare the way for a much wider acceptance of social and economic rights in the wave of constitution-making and international human rights activity that followed World War II.

The United Nations commission that drafted the 1948 Universal Declaration of Human Rights, found a varied range of support for the idea that several social and economic rights, including the right to work, should be among the freedoms proclaimed to be fundamental and universal.[5] That proposition was backed not only by the socialist representatives, but by the Commission's Chair, Eleanor Roosevelt (whose husband had urged a "second bill of rights" — including the right to a job — for the United States),[6] and by Jacques Maritain (whose inspiration derived in part from

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[3] See G. Casper (1989), Changing Concepts of Constitutionalism: 18th to 20th Century, 1989, Sup. Ct. Rev. 311, 312, 319, 321. The language used regarding these matters in early constitutions is the language of obligation rather than rights, e.g., "It is incumbent on the authorities of the State to create conditions which make it possible for every person who is able to work to earn his living by his work". Norwegian Constitution of 1814, s. 110, G. Flanz (1976), "Norway", in A. Blaustein & G. Flanz (eds.), *Constitutions of the Countries of the World*, 8.

[4] de Tocqueville A. (1955) [1856], *The Old Regime and the French Revolution*, New York: Anchor Books, p. 230.

[5] The Commission's Rapporteur, Charles Malik, wrote at the time that, by including social and economic rights, the Universal Declaration "reflects the concern of the modern world with poverty and insecurity. It conceives man as born not only with certain inalienable rights and liberties which society may not encroach upon, but also with certain inherent claims on society itself which society must fulfill". Charles Malik (Dec. 1949), "The Challenge of Human Rights", *Behind the Headlines*, 9(6), p. 1.

[6] The "second bill of rights" urged in Roosevelt's 1944 State of the Union message included:

> The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;
>
> The right to earn enough to provide adequate food and clothing and recreation;

Rerum novarum and *Quadragesimo anno*).[7] Thus, the right to work became ensconced in the document that is generally recognized as the "constitution" of the international human rights movement.

The Universal Declaration in turn added impetus to the tendency to cast social and economic concerns in the language of rights in the post-World-War II period, when several countries adopted bills of rights for the first time, and established courts with varying degrees of power to review the constitutionality of legislative and administrative action. In that process, several "new" rights found their way into the constitutions of many liberal democracies, side by side with traditional political and civil liberties.[8] Social and economic rights were also prominent features of the East European socialist constitutions, and of constitutions in the many former colonies that achieved independence in the postwar years. In some of these documents, the right to work is combined with a duty to work.[9]

The countries that have not explicitly recognized a constitutional right to work remain a sizeable group that includes England (one of the few remaining nations without a single-document constitution) and the United States (where the Supreme Court has repeatedly declined to interpret the 18th century Constitution and its amendments in such a way as to "constitutionalize" social and economic rights).[10] Germany is a special case because its statutory right to work gains a certain constitutional aura from Basic Law Article 20 providing that Germany is *ein demokratischer und sozialer Bundesstaat* (a democratic and social federal state).

Yet even countries without a *constitutional* right to work have recognized the right to work as a universal *human* right by virtue of having

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> The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; ...

The full text is set forth in C. Sunstein (1987), "Constitutionalism After the New Deal", 101 *Harvard Law Review*, 421, pp. 423-24.

[7] See J. Maritain (1943), *The Rights of Man and Natural Law*, New York: Scribner's Sons.

[8] E.g., the Italian, Portuguese, and Spanish Constitutions, and the 1958 French Constitution which incorporates the 1789 Rights of Man and the Citizen along with the social and economic rights listed in the Preamble to the 1946 Constitution. For an overview, see L. Favoreu (1988), "La protection des droits economiques et sociaux dans les constitutions", in *Conflict and Integration: Comparative Law in the World Today*, pp. 691-92).

[9] E.g., Preamble to the French Constitution of 1946, incorporated by reference into the Constitution of 1958: "Everyone has the duty to work and the right to obtain gainful employment".

[10] E.g., most recently in *De Shaney v. Winnebago County Department of Social Services*, 109 S. Ct. 998, 1003 (1989), where Chief Justice Rehnquist wrote that the Constitution cannot be interpreted to provide a "guarantee of certain minimal levels of safety and security".

signed United Nations instruments.[11] In sum, then, virtually every nation on earth is committed to the idea of a "right to work", at least as a "common standard of achievement".[12]

That apparent consensus, however, is paper thin. For there is no consensus on what it means to have a right, much less on what this particular right or obligation means. Nor is there a common understanding of the relation of the right to work to other rights that can be in tension with it — such as property rights, or rights to freely pursue a trade or occupation. Nor does anyone have a clear idea of how a right which depends so heavily on economic conditions can be implemented.

2. The limits of law

How can governments guarantee a right to work, when the job supply depends upon conditions that law and government have limited ability to affect? The approach of the Soviet Constitution of 1936 to this problem represented a high-water mark of legal hubris. Today, Article 118 on the right to work has a hollow sound:

"Citizens of the USSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quality and quantity. The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment".

The legally sophisticated draftsmen of postwar constitutions in the liberal democracies grappled more forthrightly with the difficulties. They well understood that rights to work, shelter, and so on could not be "guaranteed" in the same way as, say, freedom of speech and assembly. Social and economic rights, such as the right to work, are what legal theorists call *positive* rights to emphasize that their implementation requires a rather extensive, affirmatively acting official apparatus.[13] Traditional political and civil liberties, by contrast, are primarily *negative* rights, requiring little more than that the state refrain from interfering with whatever is being protected — speech, the free exercise of religion, the precincts of the home, and so on.

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[11] E.g., the 1948 Universal Declaration, the 1966 Covenant on Economic, Social and Cultural Rights (signed but not ratified by the U.S.), and the 1993 Vienna Human Rights Convention (adopted by consensus).

[12] Preamble, U.N. Universal Declaration of Human Rights, 1948.

[13] See D. Currie, Positive and Negative Constitutional Rights, 53 U. Chi. L. Rev. 864 (1986).

This positive-negative distinction, like most other legal distinctions, is not air-tight. Traditional political and civil liberties, do, of course, require an apparatus for holding elections and the administration of justice. But that apparatus does not exist for their sake alone. What sets the social and economic rights apart is the exceptional demands they make on the state and society, as well as their heavy dependence on economic conditions.

Positive rights are thus destined from the outset to be in an uneasy relationship with negative rights.[14] Consider, for example, the tension between the right to work and the commonly protected cluster of rights that includes private property, personal liberty, and the freedom to freely pursue a trade or occupation. The right to work implies that someone — the state or society — is obliged to provide work, or at least actively to foster conditions designed to promote the supply of jobs. The similar-sounding negative right to freely pursue a trade or occupation implies that the state must interfere as little as possible with economic initiative and entrepreneurial activity. (States in practice often affirmatively foster entrepreneurial activity, but not as a matter of right or obligation).

To some philosophers, tensions among competing rights doom the ambitious modern human rights project to incoherence. The more values that are cast as rights, the more weighty that criticism becomes. But the decision by the United Nations and many countries to recognize a limited group of potentially conflicting rights implies a judgment that, as Maritain put it, "the antagonism between the 'old' and the 'new' rights of man ... which many contemporary writers take pleasure in magnifying, is not insuperable".[15] And indeed that judgment is borne out by the legal experience of constitutional democracies such as Germany where judges regularly employ the interpretive method of pragmatic reconciliation (*praktische Konkordanz*) to resolve tensions among various rights — in the light of their relation to one another, and to the design and purpose of the Constitution as a whole. The aim of this method is to give as much scope as possible to each right without undermining the others.

Many observers would even say that rights which are in tension may nevertheless be mutually reinforcing, perhaps even necessary to one another — like the elements of a geodesic dome. For example, the U.N. Committee on Economic, Social, and Cultural Rights recently stated, "Democracy,

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[14] Especially in countries within the orbit of the Anglo-American common law where, traditionally, mistrust of government played an important role in shaping the legal systems.

[15] Maritain, J. (1951), *Man and the State*, Chicago: University of Chicago Press, p. 105. For the view that such conflicts render the human rights corpus incoherent, see Villey, M. (1983), *Le Droit et les Droits de l'Homme*, Paris: Presses Universitaires de France.

stability and peace cannot long survive in conditions of chronic poverty, dispossession and neglect. Political freedom, free markets and pluralism have been embraced with enthusiasm by an ever-increasing number of peoples in recent years, in part because they have seen them as the best prospect of achieving basic economic, social and cultural rights".[16] If that is correct, however, an extraordinary degree of political art and science is required to maintain an optimal balance under constantly shifting conditions, and to keep some rights from becoming master rights to which others are regularly subordinated.

The draftsmen of postwar human rights documents typically signalled their awareness of the special difficulties attending the implementation of positive rights by formulating them differently from negative rights. Unlike negative political and civil liberties which (in most liberal democracies) can be directly enforced by the persons affected, positive rights are typically framed as what lawyers call *programmatic* rights. A programmatic right (or obligation) does not give rise to legal claims that individuals can enforce by going to court (though occasionally a court will censure a government for failing to live up to its programmatic obligations). Rather, it represents an official, high-level commitment to an ideal or goal, in short, to a program, whose implementation depends on ordinary politics and available economic resources.

The entire 1948 Universal Declaration is programmatic in this sense, for its Preamble expressly declares it to be a nonbinding "common standard of achievement". In 1966, however, most of the rights in the Declaration were made the subject of two international covenants, the Covenant on Political and Civil Rights and the Covenant on Economic, Social and Cultural Rights (ICESCR). Once signed and ratified, these covenants become part of the law of the signatory nation. But there are two major differences between the 1966 covenants: the rights in the latter are subject to the availability of resources, and the obligation it imposes is one of incremental realization.[17] Concerning the right to work, Article 6 (2) of the ICESCR provides that "The steps to be taken ... to achieve the full realization of this right shall include technical and vocational guidance and

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[16] Statement to the World Conference on Human Rights (Vienna Conference) by the Committee on Economic, Social and Cultural Rights, UN Doc. E/1993/22, Annex III.

[17] ICESCR Article 2 provides: Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

training programs, policies and techniques to achieve steady economic social, and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual". Even that modest degree of commitment was too much for some nations, including the United States (which has signed, but not ratified the ICESCR).

So far as national constitutions are concerned, the programmatic nature of social and economic rights or obligations reveals itself in various ways. In Germany, for example, the constitutional language creating an affirmatively acting "democratic and social federal state" is so cryptic as to remain meaningless without extensive legislative specification.[18] In countries where social and economic rights are more specifically enumerated in the constitution itself, the special nature of these rights is commonly indicated by presenting them as statements of political principles or goals to guide the organs of government. For example, the Swedish Instrument of Government mentions the right to work in a section titled, "The Basic Principles of the Constitution":

> Art. 2. "... The personal, economic and cultural welfare of the individual shall be fundamental aims of the activities of the community. In particular, it shall be incumbent on the community to secure the right to work, to housing and to education and to promote social care and security as well as a favorable living environment".[19]

Another method is employed in the Spanish and Portuguese Constitutions which expressly provide that the social and economic rights are not enforceable in courts.[20]

In countries where the aspirational character of these rights is not so evident from the constitutional text itself, their programmatic nature appears in other ways. In France, for example, individual claimants do not have access to the Constitutional Council which reviews legislation for conformity to constitutional norms only at the instance of the National Assembly, or a specified proportion of its members. In Japan, shortly after the adoption of the 1947 Constitution (which included much of Roosevelt's

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[18] German Basic Law of 1949, Art. 20. The treaty under which German reunification was accomplished, however, obliges the legislature to consider amending the Basic Law to add a list of affirmative "goals of the state", to the traditional political and civil rights presently enumerated in the Basic Law. See Morrison, F. (1991), "Constitutional Mergers and Acquisitions: The Federal Republic of Germany", 8, *Constitutional Commentary*, 65, 70.

[19] Flanz, G. (1985), "Sweden", A. Blaustein & G. Flanz (eds.), in *Constitutions of the World*, 9-11.

[20] Pereira-Menaut, A. (1988), "Against Positive Rights", 22, *Valparaiso Law Review*, 359, 380.

"second bill of rights"), the Japanese Supreme Court held that social and economic rights "must, in the main, be carried out by the enactment and enforcement of social legislation ... [The] state does not bear such an obligation concretely and materially toward the people as individuals".[21]

Thus, in practice, the legal situation in countries with constitutional rights or obligations regarding work is not very different from that in countries like the United States and England without any such constitutional rights. In both groups of countries, the specific content and limits of the right are basically left up to legislation. In both cases, employment policy emerges from ordinary political processes.

This does not mean, however, that constitutional rights to work have no legal effect at all. One highly important effect of programmatic rights is to endow statutes enacted to carry out the constitutional "program" with a presumption of constitutionality. For example, the German Constitutional Court has upheld labor legislation that would probably be found unconstitutional by the United States Supreme Court.[22]

Constitutional rights to work may also exert an influence on political deliberation, legislative and executive action, budgetary appropriations, and national priorities in countries where they are present. Such an effect is speculative, however, for there is no way of knowing what any given country would have done if its constitution had been different in this respect. Nor does the presence or absence of a constitutional right to work correlate in any simple or obvious way with the vigor or intelligence with which various countries at comparable levels of development pursue policies designed to minimize unemployment and maximize job opportunities. In some countries, the tradition of an affirmatively acting sovereign may have prompted adoption of the constitutional right, rather than vice versa. In others, the wish seems to have been father to the thought — as in poor nations with severe employment problems where constitutional rights to work are very common.

How then should one view this "right" that is not really enforceable, and that bears so little demonstrable connection to labor policy or to the actual state of employment in a given country? Skeptics of positive rights contend that they are not rights at all. If one can't go to court to enforce it, they say, why call it a right?

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[21] The decision is described in Osuka, A. (1990), "Welfare Rights", 53, *Law & Contemporary Problems*, 13, 16-17. According to Osuka, the 1947 Japanese Constitution "substantially incorporated the fruits of the New Deal".

[22] 50 BVerfGE 290 (1979), (upholding "codetermination" legislation giving workers the right to participate in management decisions).

Critics of positive rights go further. They assert that programmatic rights are apt to be economically counterproductive and politically dangerous. In this view, social and economic rights potentially impede the realization of fuller employment by dampening economic growth. At the same time, the argument goes, these rights tend to aggrandize the power of the state and to encourage judges to overstep the bounds of their role.[23] Explaining the traditional U.S. reluctance to recognize positive rights, a prominent federal judge (who is also a leader of the "law and economics" movement) has stated: "The men who wrote the Bill of Rights were not concerned that the federal government might do too little for the people, but that it might do too much to them".[24]

The claims of skeptics and critics of rights to work cannot be lightly dismissed. And yet, just as one can underestimate the limits of law as command, so one can overlook the power of law as persuasion. Law, especially constitutional law and human rights law, is more than the will of the sovereign. It is more than a means of avoiding or settling disputes. It is also a way in which human beings try to make sense of things, to order their lives together, to establish priorities — in other words to envision the kind of society they wish to bring into being.

Thus, it is worthwhile recalling that when we make social justice concerns highly visible in constitutions and international declarations, we are — among other things — making a statement about what kind of people we want to be, and what kind of future we hope to have together on this planet. The post-World-War II drafters understood this very well.

3. The "Risk of Solidarity"

When the framers of modern human rights declarations decided to place rights to work, education and minimum subsistence alongside traditional negative liberties, their hope was to broaden the range of officially recognized social concerns, to heighten their visibility, and to amplify what it means to ground a regime of rights upon the innate dignity and worth of every human being. A UNESCO committee appointed shortly after the founding of the U.N. to study the theoretical foundations of human rights began its report with the words: "An international declaration of human rights must be the expression of a *faith to be maintained* no less

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[23] E.g., Pereira-Menaut, *supra*.

[24] Judge Richard Posner in *Jackson v. City of Joliet*, 715 F. 2d 1200, 1203 (7th Cir. 1983).

than a program of actions to be carried out".[25] Laying the groundwork for the inclusion of social and economic rights in the 1948 Declaration, the committee went on:

"It is this faith, in the opinion of the UNESCO committee, which underlies the solemn obligation of the U.N. to declare ... the rights which have now become the vital ends of human efforts everywhere. These rights must no longer be confined to a few. They are claims which all men and women may legitimately make in their search not only to fulfil themselves at their best, but to be so placed in life that they are capable at their best of becoming in the highest sense citizens of the various communities to which they belong and of the world community".[26]

The drafters of the 1948 Universal Declaration of Human Rights proceeded along that line, but they were under no illusions about the precariousness of their enterprise. Jacques Maritain later recounted that it had been relatively easy to get the representatives of various nations to agree that a certain group of rights should be deemed fundamental — so long as no one asked why.[27] Philosopher Richard McKeon, who had served on the UNESCO Committeee on the Theoretical Bases of Human Rights, wrote, in a similar vein, that the task of the drafters of the Universal Declaration was not to achieve a doctrinal consensus, but to achieve agreement concerning rights which may be justified on highly divergent doctrinal grounds.[28]

Unfortunately, as the Declaration approaches its 50th anniversary, it is apparent that the nations of the world have kept the "faith" in a selective and, all too often, self-interested fashion. Social justice concerns in particular have so regularly been given short shrift that one might describe the social and economic rights (or obligations) as the neglected offspring of the human rights movement. The UN Committee on Economic, Social and Cultural Rights reported in 1993 that in member States, and in the international community as whole, "violations of civil and political rights continue to be treated as though they were far more serious, and more patently intolerable, than massive and direct denials of economic, social and cultural rights".[29]

In the U.N. context, where a "cafeteria" approach to human rights generally prevails, the single most consistent champion of an integrated,

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[25] *Id.* at 39 (Emphasis added).

[26] *Ibid.*

[27] Maritain, J. (1951), *Man and the State*, Chicago: University of Chicago Press, p. 77.

[28] McKeon, R. (1990), *Freedom and History*, Chicago: University of Chicago Press, p. 263.

[29] Statement to the 1993 World Conference on Human Rights.

holistic approach to the Universal Declaration has been the Holy See. The idea that social justice can and must be harmonized with political, civil, and economic liberties has been the touchstone of the Holy See's advocacy in international settings. Indeed, amidst the cacophony of special interests and power politics, the Catholic Church has often been alone in standing clearly, consistently, and unmistakably for human freedom *and* solidarity.

The social encyclicals of John Paul II have stressed that rights under *both* of these headings are grounded in the innate dignity of each and every human being. *Centesimus annus* says of the right to work: "A society in which this right is systematically denied, in which economic policies do not allow workers to reach satisfactory levels of employment, cannot be justified from an ethical point of view, nor can that society attain social peace" (53).

In 1995, Pope John Paul II took the occasion of the 50th anniversary of the founding of the U.N. to stress the essential unity of the U.N.'s human rights corpus. He reminded the nations that the promises they made in the wake of the horrors of World War II were rooted in respect for human dignity. He celebrated the freedoms of which the liberal democracies are justly proud, saying that humanity has been "inspired by the example of all those who have taken the risk of freedom". But then he asked: "Can we not recommit ourselves also to taking the risk of solidarity — and thus the risk of peace?".[30]

That question directly poses the challenge confronting the ambitious modern human rights project: it is nothing less than the challenge of bringing together the two halves of the divided soul of the human rights movement — its commitment to human liberty and its acknowledgment of common responsibility for the poor, the weak, and the vulnerable.

In retrospect, it was perhaps unfortunate that the language of rights has been used so extensively to lift up social justice concerns. Although calling work a right appropriately recognizes the dignity of the worker who "stands before his employer in a relationship of justice, and not as a child or as a servant",[31] it deflects attention from the issue of what kind of people we become, and what kind of world we are bringing into being when we fail to respect the worker's dignity. But, for better or worse, the language of human rights is the main language for cross-national discussions of these vital issues of social justice in the world today. And, for better or worse, the Universal Declaration of Human Rights has become the single most important reference point for those discussions.

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[30] Address of John Paul II to the United Nations, October 5, 1995.

[31] Maritain, J. (1951), *Man and the State*, Chicago: University of Chicago Press, p. 105.

Thus a tentative response to skeptics concerning the right to work might point out that the social and economic rights seem hollow because they haven't been taken sufficiently to heart. That they are honored more in the breach than in the observance, however, does not make them unimportant. To the contrary, as Jean Drèze and Amartya Sen point out:

"For a large part of humanity, about the only substantial asset that a person owns is his or her ability to work, i.e., labour power. If a person fails to secure employment, then that means of acquiring food ... fails. If, in addition to that the laws of the land do not provide any social security arrangements, e.g., unemployment insurance, the person will, under these circumstances, fail to secure the means of subsistence. And that can result in serious deprivation — possibly even starvation death. In seeking a remedy to this problem of terrible vulnerability, it is natural to turn towards a reform of the legal system, so that rights of social security can be made to stand as guarantees of minimal protection and survival".[32]

At a minimum, then, social and economic rights or obligations serve as reminders of the demands of justice and human solidarity.

This brings us back to the limits of law, for law cannot create solidarity. Indeed, it is the other way around: law draws most of its strength, not from the armed might of the sovereign, but from social cohesion. As Tocqueville and Max Weber have taught us, culture is the most important factor in determining whether human beings will enact wise laws and orient their conduct toward a rule of law.

But let us just suppose that the nations of the world could somehow be persuaded to adopt a more holistic approach to human rights. Suppose they decided to take the "risk of solidarity". (The Marshall Plan, whose 50th anniversary we celebrate this year, reminds us that such a thing is not impossible). Suppose they resolved to try harder to promote full employment and to relieve the misery of joblessness. Even if the political will and energy could be mustered, how could such a resolve be carried out?

It is discouraging to read in a leading treatise on international human rights law, that "even the strongest proponents of economic and social rights have rarely put forward concrete proposals for their systematic implementation at either the national or international levels".[33] Meanwhile, critics point to the failures, waste, and corruption that have occurred in the name of solidarity thus far. They predict that increased legal and governmental action would almost certainly make the situation worse — with a kind of perverse "Midas touch".

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[32] Drèze, J. and Sen, A. (1989), *Hunger and Public Action*, Oxford: Clarendon Press, p. 20.

[33] Steiner, H. and Alston, P. (1996), *International Human Rights in Context*, Oxford: Oxford University Press, p. 269.

How, then, can a right to work be realized by democratic means in complex modern economies? As Father Schasching put it to the Academy last year: "[T]his is the very point where the gauntlet, as it were, is thrown down to the social sciences".[34]

Thus, in a world with a billion adults unemployed, it is worth asking: If the right to work is ineffective, as skeptics say, is there a way to make it effective? If that route is fraught with peril, as critics say, is there a way to minimize the danger?

4. Smart solidarity

The fact is that practical and empirical knowledge is rather primitive about what kinds of social justice measures, private or public, do or do not work, and under which circumstances. We know more about what doesn't work, than about what does. Lawyers, policy makers, economists and social scientists know embarrassingly little about side effects, and unintended consequences; about what helps and what hurts. This seems due partly to a shortage of empirical work, partly to the intrinsic difficulty of the subject, and partly to the distraction of a long, sterile debate between the partisans of big government programs on the one hand and advocates of laissez-faire on the other. In an updated version of that argument, both the right and the left are using the rhetoric of "globalization" to portray ordinary politics as defunct: the left with the aim of arousing popular anxiety and unrest; the right to argue that all other values must be subordinated to the need to be "competitive".

The problem of "smart solidarity" thus directly challenges everyone who wishes not only to maintain social justice commitments in the canon of human rights, but to make them more effective. It is a hopeful sign that policy makers all over the world do seem to be thinking in a more nuanced way about the appropriate or optimal roles and relationships among government, markets, and the mediating institutions of civil society. They are beginning to ask better questions and to investigate them empirically: What does each institution do best? At what level? How can the harmful tendencies of each be checked without killing the geese that lay wholesome eggs? Many countries are grappling with a set of problems that are in a general way similar: how to achieve the optimal mix in a mixed economy; how to move forward simultaneously toward a strong economy, a regime of

[34] Schasching, J. (1996), "Catholic Social Teaching and Labor", report prepared for the Pontifical Academy of Social Sciences.

liberty, and a social safety net; how to administer social assistance without undermining personal responsibility. On our increasingly interdependent planet, each of these problems has its international dimensions and analogs.

So far as the law is concerned, this focus on the "how to do it" questions has fostered a healthy realism about the uses and limits of law, an abandonment of the myth that complex problems can be solved simply by "passing a law", and a long-overdue interest in alternatives to direct, top-down regulation. It may well be that an active government acts best by strengthening the rights and responsibilities of other institutions. Of particular interest in this respect is the nascent research on "reflexive law": forms of legal intervention that aim at setting conditions or establishing frameworks, rather than directing outcomes.[35] (An example of this type of law from labor history would be the U.S. labor legislation of 1935 which, in response to the circumstances of the time, promoted a particular type of mediating structure — unions — and tried to foster private ordering through collective bargaining, rather than minutely regulating the terms and conditions of employment as many other nations do).[36] Reflexive law aims to confine the state's role where possible to providing a structural basis for the coordination of interaction among social subsystems, and to shape procedures for participation and communication within and among these structures.

The problem has been well stated by George Weigel: "How can law and culture discipline the boisterousness of the free market, driving its energies toward the pursuit of the common good as well as the creation of wealth and profit?".[37] As for the solution, it will surely merit a Nobel prize!

Thus far, creative alternatives to laissez-faire and dirigisme have received little study in the legal academy. (Most nonlawyers would probably be surprised at how little lawyers know about how law actually works in practice, what it can do well, and what it cannot accomplish at all.). Practically everything remains to be done in investigating such questions as: What are the actual effects of employment policies and programs? How can we find out more about unintended consequences or harmful side effects?

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[35] See especially Teubner, G. (1988), *Autopoietic Law: A New Approach to Law and Society*, Berlin: de Gruyter. See also, Teubner (1983), "Substantive and Reflexive Elements in Modern Law", 17, *Law and Society Review*, 239; Kohler (1993), "Individualism and Communitarianism at Work", *Brigham Young University Law Review*, 727.

[36] See, for an example of the contrast, Glendon, M. (1984), "French Labor Law Reform 1982-1983: The Struggle for Collective Bargaining", 32, *American Journal of Comparative Law*, 449.

[37] Weigel, G. (1995), "Catholicism, Creativity, and Capitalism", *The Pilot*, May 26, p. 13.

How can law help to maintain a beneficial balance in the constantly evolving ecology of state, markets, mediating structures of civil society, and individual rights? How can government regulate without co-opting or injuring what it touches? Progress with these questions will require intensified collaboration among disciplines, and acceptance of the fact that theory and practice are two blades of the same scissors.

The bad news is that the work is at such a primitive stage. Both in difficulty and promise, this sort of social science is comparable to the emerging science of complexity. But the good news is that serious attention to these kinds of questions is increasing, and that there are so many resources to draw upon — including the wisdom and experience contained in the rich storehouse of Catholic social teaching.

Among the ways in which Catholic social thought has already made important contributions to the discussion of the right to work are:

— its integrative approach to parts of the human rights corpus that critics deem incompatible with one another;
— its insistence on the ethical principles of human dignity, solidarity, the common good, the primacy of the person over things, and the dignity of all forms of legitimate work including unpaid labor;
— its emphasis on the importance of the mediating structures of civil society, including workers' associations;
— its articulation of the doctrine of subsidiarity which has already stimulated much creative thinking among policy-makers;
— its demonstration that rights language can be used with an appropriate sense of the way rights limit one another, as well as their links to responsibilities;
— and underlying all the above, its insistence on the importance of a correct understanding of the human person.

All of these themes converge in *Centesimus annus*, where John Paul II exhorts governments to promote "an authentic culture of work". He wisely notes, however, that "the Church has no models to present", since effective models can only arise within the framework of different "historical situations" (43). The Church, he continues, "is not entitled to express preferences for this or that institutional or constitutional solution", the devising of which is a task usually best carried out by people on the spot.

Though the social encyclicals refrain from prescribing solutions, they do offer a general, principled, framework for analyzing and acting on social questions, among which labor has always figured prominently. But as St. Paul told the Corinthians, "the world as we know it is always passing away". Nearly everything we once knew about the organization of human

work now seems to be in flux. Thus, Catholic social teaching is constantly obliged to reflect on the application of its principles "ever old and ever new" to evolving, novel situations. Where work is concerned, one area that seems ripe for further development is the integration of what has recently been written to and about women with the social doctrine concerning the family and the dignity of work.

The task for the Academy then, is both to hear and challenge the various human sciences: to enter into dialogue with them, to assimilate what they have to offer, and to open them up to a broader horizon and to further questions.[38]

Such a daunting assignment calls to mind the following observation of the Jesuit philosopher Bernard Lonergan about intellectual work in turbulent times:

"There will always be a solid right determined to cling to a past that can never be recaptured, and a scattered left following now this, now that new idea. But what will count is a perhaps not numerous center — sufficient numbers of men and women who are knowledgeable enough to be at home in the old as well as the new, imaginative enough to recognize the possibilities in the current situation, and painstaking enough to work out the transitions a step at a time".[39]

[38] Cf. *Centesimus annus* (59): the social doctrine of the Church "enters into dialogue with the various disciplines concerned with man, assimilates what these disciplines have to contribute, and helps them to open themselves up to a broader horizon".

[39] Lonergan, B. (1967), "Dimensions of Meaning", *Collection: Papers by Bernard Lonergan*, F. Crowe (ed.), London and New York: Herder & Herder, 252, 267.

Summary of the Discussion

The presentation clearly disabuses us of the lay reaction to social problems, namely that "there should be a law against this". Given that we do not know very much about how law works in practice, could you give any guidelines about "smart" legal manoeuvres in relation to reducing unemployment which would do more than merely increasing the public visibility of this objective?

(Prof. Glendon). Lawyers themselves have unintentionally contributed to the idea that a problem can be solved by passing a law or bringing a lawsuit! Since the 1960s there has been a gradual realization that the role of litigation in the area of social justice has all-too-often been ineffective or counter-productive. The best way forward is to be attentive to the concrete and to foster creative, limited, experiments. That means promoting limited pilot programmes rather than introducing big regulatory schemes from the top-down.

It is intriguing why there is such a concentration on rights in political discourse. It seems that politically there is a premium in getting the term "rights" attached to some particular goal, which in one sense then de-politicises these objectives. This underpins the trend in international politics where new rights are constantly being defined, as part of the politics of global persuasion. The crucial problem is to ensure that the various rights recognized are integrated with one another. Such integration must hinge on their common grounding in the human person, whose universality overrides the particularism of the interests driving the political process. This is where the universalistic tradition of Catholic social teaching has a vital role to play in the international arena, where the decisions taken then act back on national politics.

In relation to the possibility of enforcing social and economic rights, there are examples where this has not been empty, as in the recent Swiss Federal Court's condemnation of the relevant authorities for not having ensured a person's right to the minimum necessary for subsistence (and this was an illegal immigrant). It is more difficult to move from condemnation

to corrective action if rights are to be realized. However, such difficulties should not give leverage for annulling rights (as was recently attempted by the US and the European Union in relation to the right to housing). Upholding the rights to which commitments have been made is important as a statement of legitimate personal aspirations and of governmental responsibilities in these areas. Implementing such commitments cannot be achieved by fiat on the part of governments, if only because other factors come into play. It seems more fruitful to identify what facilitating role governments can play, so that the right will be realized for as many people as possible in a process of progressive implementation of the original covenant, based on learning about appropriate means of enacting it.

(Prof. Glendon). The US resistance to recognizing such rights as those to housing is related in great part to pathologies in the American civil litigation system. There is a fear that if social and econimic rights become part of customary international law, then they could become the basis for private individuals bringing private damage actions against the government — as when Civil Rights Law generated a tenfold increase in case loads in the US federal courts over a ten year period.

In the twentieth century many rights are legally acknowledged, but it is necessary to convince our world of the value of solidarity. In certain African countries, solidarity is part of the normative framework and the Ivory Coast is currently considering the creation of a Ministry of Solidarity with appropriate responsibilities, but how can this kind of solidarity become global?

(Prof. Glendon). If we understand the concept of "right" properly, this reduces the tension between rights and solidarity. The key lies in how the human person is conceptualized: if seen as a radically autonomous individual, which is common in economically developed countries, this is bound to conflict with the notion of solidarity. However, in Catholic social teaching the individual is seen as unique but not radically autonomous; s/he is also constituted by relationships with others and with God. With this more appropriate notion, encompassing the social and spiritual dimensions of personhood, then rights and solidarity are complementary and mutually reinforcing.

If we introduce the important social dimension of the "right to work", then the latter may not be possible in a given social situation. Catholic social teaching needs to explore these implications further because *Laborem*

exercens insisted upon full employment in any given economic system. When the economy does not function in this way then we have to stress that the social dimension of work is an ethical principle and not simply an economic option.

(Prof. Glendon). As an ethical principle embedded in Catholic social teaching it has considerable support from secular legal traditions such as the Universal Declaration of Human Rights. Far from being based on individualism, the Declaration recognizes the need to protect surrounding institutions (the family and religious associations) which are necessary for individuals to flourish. Similarly the German Constitution has provided a good example of an integrated approach to rights, through the process of interpretation (*praktische Konkordanz*) which gave each constitutional value maximal scope.

My concern is about whether too much state intervention and social engineering are required in order to implement "reflexive law", by setting conditions and securing the functioning of intermediate structures. Equally, such law is opposed by the dark forces of individualism which are clearly enshrined in the prevailing orthodoxy of economic rationalism. How can these two powerful forces be countered to achieve the desired outcome?

(Prof. Glendon). This is extremely difficult, but it seems to me that the key to it is the role played by the mediating structures of civil society, in order to avoid the stark opposition between market and state. Many countries seem to be recognizing that such institutions (unions, religious associations, the family and combinations of them) may be able to deliver certain types of services better, more cheaply and more humanely than government.

This prompts the thought that we have to go beyond concepts of unemployment or full employment which are actually administrative artifacts without social meaning. Perhaps we should build on what we have managed to develop, namely a series of rights *not* to work — and to have a decent standard of living without working — for the old, the sick, students, mothers and those who cannot find work compatible with human dignity. Each of these can be contested and is constantly debated. But these debates are concrete ones, about who has the obligation to preserve these rights; whether work of a different kind be provided; under which specific employment policies, etc. This via *negativa* may prove much more useful than thinking about the "right to work".

Returning to the question of *who* is the subject of rights we confront the long debate about individualism versus collectivism. For example, the Italian Constitution recognizes man as an individual "singular being", in the French revolutionary tradition, but it also acknowledges social rights. Now are the latter of a different nature and who is their subject? The Italian Constitution recognizes social groups or organizations as the subjects of rights because these are necessary for the formation of human personalities, the two being interdependent because humanity is naturally social. So too does the social doctrine of the Church, because when it speaks of social rights, these are those which acknowledge that human beings are necessarily social beings and it is this which differentiates our outlook from any kind of individualistic conception. Thus we cannot talk about work as a social right without also referring to the family, as a social subject, for whose well-being work is essential.

The history of human rights has not primarily been one where those rights were legally enforceable. It entails a distinctive series of propositions about the relationships between the individual, state and community. Within this complex only certain rights such as freedom can be legally enforced: thus it is imperative to be clear about which rights are under discussion. However where one is dealing with rights which entail relations between the individual and the community, which need spelling out in detail, it is dangerous to argue that these are only minimally enforceable because then they tend automatically to be reduced to a bare minimum, with the effect of reducing the concept of "rights" correspondingly.

DIE LEBENSBEDINGUNGEN DER ARBEITSLOSEN UND DIE WIRKUNGEN ALTERNATIVER SOZIALLEITSTUNGSSYTEME IN HISTORISCHER UND VERGLEICHENDER PERSPEKTIVE

HANS ZACHER

THE LIVING CONDITIONS OF THE UNEMPLOYED, THEIR DIVERSITY AND THE EFFECTS OF ALTERNATIVE WELFARE PROVISION SYSTEMS

SUMMARY

I. WORK — SOCIAL INTERVENTION — UNEMPLOYMENT

1. WORK

Work denotes income, productiveness and social position. It is associated with performance and responsibility. The nature of work involves (a minimum degree of) freedom. When speaking of work for the purpose of earning a living, the income aspect acquires special importance. Gainful work can be performed in a self-employed capacity, within co-operative structures or in dependent employment.

2. SOCIAL INTERVENTION — SOCIAL PROTECTION — SOCIAL SECURITY AND SOCIAL ASSISTANCE

a) *Social intervention*

The social care provided by the state and society is based on a social norm, according to which every adult possesses, and makes use of, the possibility of earning a living for himself and his family by working. Such a norm is embedded in the activities and problem areas relating to work and income, the definition of needs and of the unit of support. Social protection (e.g. provided under labour law) serves to counteract risks that may pose a threat to those living within the framework of this norm. Benefit and service schemes providing social security, social promotion and social assistance aim to reduce or compensate for any deficits as may arise in the context of this norm. A number of different techniques are employed to different ends, resulting in a comprehensive framework of social benefits and service schemes. These complex structures reflect a high degree of national variation.

b) *Implications for work*

With the introduction of social benefit and social service schemes, the "natural" meaning of this normative framework, i.e. that every adult possesses, and makes use of, the possibility of earning a livelihood for himself and his family by working, has been subject to sweeping and multifarious changes. In particular, these schemes have created new degrees of freedom in the ways in which individuals organise their lives. Social security institutions have added a new dimension to gainful work (notably dependent employment) in that they secure a certain standard of living even in times in which no work can be performed.

3. UNEMPLOYMENT

a) *The phenomenon of unemployment*

Unemployment in the socio-political sense constitutes the opposite of gainful work. However, taking into account the responsibility particular to the welfare state for the protection of workers in dependent employment, the term "unemployment" focuses on lacking the possibility of earning an income through dependent work.

Unemployment is a general phenomenon which is inherent in the disproportion between the (larger) number of those who wish to and/or should participate in working life, and the (smaller) number of those who actually perform gainful work. Work is also an individual phenomenon which is reflected in the discrepancy between individual interests and possibilities of taking up gainful work and the opportunities available for them to do so.

b) *Unemployment and social intervention*

i) All regulative mechanisms relating to social protection and all schemes providing social security, social promotion or social assistance bring about changes in the conditions of unemployment — influencing both its causes and its effects. The various schemes which are targeted at the individualís working capacity and at his or her qualifications in particular (e.g. social security benefits in the events of invalidity and old age) thus attain additional importance.

ii) Other benefit and service schemes are geared specifically to unemployment. Thus, for instance, those based on an active employment policy seek to avoid or end unemployment, whilst those based upon a passive employment policy seek to compensate for the loss of income due to unemployment.

II. THE FORMER ORDER OF INEQUALITY — FROM THE END OF THE SECOND WORLD WAR UNTIL THE 1980S

1. GENERAL ELEMENTS, COMMON FEATURES AND DIFFERENCES

Since the Second World War, the international community has endorsed the fundamental ideals of the right to work, full employment, social security (notably in the event of unemployment) and social welfare provisions for those in need. However, the realisation of these basic ideals differed significantly among the "blocs" into which the world was divided: the industrialised market economies of the "western" type, the socialist countries and the developing countries.

2. Developments in the industrialised market economies of the "western" type

The social orders in these countries focused more and more on dependent work in the context of the normal employer-employee relationship, the protection of which was enhanced. In addition, the overall structure of social benefit and service schemes was extended to an ever increasing extent. Thus working life was, to a large degree, "formalised" through the predominance of "normal" employment relationships.

This system led to full employment in the 1950s and 1960s. However, following the 1973 oil crisis it was increasingly accompanied by the growing phenomenon of unemployment, which only eased off again in the course of the 1980s. Employment policy measures were developed, and other social benefit and service schemes were progressively adapted to the situation of the unemployed. Nevertheless, national distinctions were great — in terms of the extent of social protection (and the attendant service and benefit schemes) as well as in terms of unemployment itself, notably with regard to the groups which were especially disadvantaged (young, old and disabled persons, etc.) and to the (active or passive) employment policies adopted. In spite of the burdens imposed on it by persisting unemployment, the system was, in principle, approved of on the grounds of its advantages.

3. The socialist countries

In the socialist planned economy, the central plan defined the number of jobs available. It was tailored to the size of the labour force, thus formally eliminating the general phenomenon of unemployment. Occasional unemployment was a marginal problem and was therefore covered for only a short period of time.

4. The developing countries

The situation in developing countries was, and continues to be, of a fundamentally different nature. A working world comparable to the one found in the industrialised market economies of the "western" type exists only in the urban formal sector. All other forms of work take place in the informal sectors — located in both urban and rural areas as well as in the traditional village or the traditional family. Between these sectors, there are many links and transitional stages. Unemployment in the urban formal sector (in so far as it is not counterbalanced by private networks, most notably the family) means incursions into the informal sectors. In many countries both sectors of work entail conditions of poverty to which the norm of work whose earnings are sufficient to cover a familyís needs does not apply.

III. The complexity of the new inequality

1. General remarks

In the 1990s, a host of new developments have increasingly come to the fore which have significantly modified these three divisions. The collapse of com-

munism brought down the last great barrier to the unity of the global economy. Globalisation is connected with the increased migration of labour. Above all it allows capital to seek the location yielding the most profitable investment on a worldwide basis. Moreover, it allows world trade to profit from the most favourable production conditions in global competition. All these factors pose new challenges to welfare states, their politics and policies as well as to the social consensus and conventions prevalent in welfare state societies.

2. The dilemma of the First World

a) *Mounting unemployment and changes in structures of work and unemployment*

In "western" countries, changed circumstances have manifested themselves in a rapid and persistent rise in unemployment. The latter is reflected not only in explicit unemployment, but also in its implicit forms (e.g. employment relationships made possible through benefits and services provided under passive employment policies; the absorption of unemployment through schemes such as social protection provided in the case of invalidity or old age; "silent reserves", made up of people who have resorted to other forms of earning and/or work, etc.). In parallel to this, the predominance of the "normal" employment relationship has been displaced. It has been supplemented by various new forms of work (e.g. temporary employment contracts, part-time employment relationships, loan employment, homeworking and dependent self-employment).

b) *The situation of those concerned*

These developments have led to the erosion or loss, in varying combinations, of the features intrinsic to the "normal" employment relationship (genuine productiveness, social position, protection in terms of labour law, social security, etc.).

Generally speaking, we are witnessing a tendency towards the reduction of benefits and services in the fields of social security, social promotion and social assistance. The associated possibility of social decline is thus accepted.

c) *Development perspectives*

In the light of the employment deficit, there has been renewed discussion of questions relating to work in the family, as well as work in the service of others or of the public at large (i.e. the "third sector").

National distinctions become very apparent in the highly diversified approaches taken towards solving these problems: in relation to a new overall societal consensus; in a greater readiness to accept an unequal division of work — in particular between full-time and part-time work; in seeking to maintain "normal" employment relationships, even at the cost of higher unemployment rates; or in the increasing stratification of workers life through the payment of higher wages to the more qualified and lower wages to the less qualified.

3. The particular burden of the post-socialist countries

In the post-socialist countries, the factors of production, i.e. work, capital and land, have to be realigned with one another to meet entrepreneurial and market

economy criteria. This process of realignment involves a relatively high degree of unemployment. It goes hand in hand with the temptation to cling to the socialist illusion of full employment at the price of productivity. Where it is resisted, the economy which is burdened by the cost of transformation finds it difficult to procure the benefits and services needed to provide coverage in the event of unemployment. Hence, special priority must be given to programmes which seek to adjust labour to new possibilities of work.

4. Disparities among developing countries

The economic strength of developing countries has meanwhile declined still further, with the exception of the leading position of certain Southeast Asian countries. Yet their elementary social structures have changed much more in quantitative than in qualitative terms. The urban formal sector, in most cases, continues to exist alongside a number of informal sectors. The phenomenon of unemployment continues to be regarded as a fundamental problem of the informal sectors, which thus constitute a large reservoir for employment in the urban formal sector.

IV. Final remarks

In spite of global economic interdependencies, the situation of the unemployed is governed primarily by the pattern of the worldís division into three. Nevertheless, these interdependencies have growing effects, not only in economic terms, but also in relation to working life: national policy hence faces a further challenge.

I.

Arbeit — Soziale Intervention — Arbeitslosigkeit

1. Arbeit

Arbeitslosigkeit bedeutet, daß jemand, der arbeiten will, keine Gelegenheit dazu findet. Er trägt *nicht die Last der Arbeit.* Aber er findet *auch keinen Zugang zu den Werten, die mit der Arbeit verbunden* sind.[1] Die Bedeutung der Arbeitslosigkeit erschließt sich deshalb von diesem Wert her.[2] Im Vordergrund steht die Dimension des *Erwerbs*: Der Wert, sich ein Einkommen zu verdienen und damit seine Bedarfe — auch die Bedarfe

[1] Sinfield, A. (1981), *What Unemployment Means.*

[2] Müller, S. u.a., Art. "Arbeit", Staatslexikon, 7. Aufl., 1. Bd. 1985, Sp. 198 ff.; Schasching, J., "Catholic social teaching on labour, work and employment", Pontifical Academy of Social Sciences, Plenary Meeting 1996, in print.

derer, die vom Verdiener abhängen — decken zu können. Arbeit bedeutet auch *Wirksamkeit*: die Möglichkeit, sich zu verwirklichen; aber auch die Möglichkeit, etwas in der Welt zu verändern, sei es in der Welt der Dinge, sei es in bezug auf die eigene Befindlichkeit oder auf die Befindlichkeit anderer Menschen. Arbeit heißt in der Regel schließlich, sozial eingebunden zu sein — in einem *sozialen Zusammenhang* zu stehen: in einem Zusammenhang der Kommunikation, der Interaktion, der wechselseitigen Einschätzung und der sozialen Geltung.[3] Unter diesen Dimensionen des Sinnes der Arbeit erweist sich *die Dimension des Erwerbs als dominant. Losgelöst von der Dimension des Erwerbs* führen die Dimensionen der *Wirksamkeit* und der *sozialen Einbindung* zu je eigenen Möglichkeiten menschlicher Lebensweise, aber auch zu je eigenen Problemen. Die wichtigsten Beispiele sind die *Arbeit in der Familie und die unentgeltliche Arbeit im Dienst des Nächsten oder der Allgemeinheit.*

Die andere Seite der Arbeit ist die *Leistung*, durch die Wirksamkeit entfaltet wird, durch die soziale Zusammenhänge erschlossen werden und durch die Einkommen verdient wird. Und schließlich liegt in der Arbeit — in der Chance der Arbeit ebenso wie im Vollzug und im Ertrag der Arbeit — *auch Verantwortung*: Verantwortung für die Wirksamkeit, die durch Arbeit entfaltet werden kann und entfaltet wird; Verantwortung für das soziale Miteinander, in dem die Arbeit geschieht; Verantwortung vor allem dafür, durch Arbeit den eigenen Unterhalt und den der Familie zu verdienen.

Der Sinn der Arbeit setzt Freiheit voraus: freie Übernahme der Arbeit, auch eine gewisse Freiheit in der Arbeit. Die Verantwortung, die mit der Arbeit verbunden ist, ist ohne Freiheit nicht denkbar. Aber diese Freiheit steht in einem Spannungsverhältnis zu den gesellschaftlichen Bedingungen, unter denen die Arbeit ermöglicht wird.

Erwerbsarbeit kann *selbständig* geleistet werden: vom *Kleinselbständigen*, der im wesentlichen über nichts als über seine Arbeitskraft verfügt, damit aber selbständig Leistungen anbietet und erbringt, über den *freiberuflich Tätigen* (den Arzt, den Anwalt usw.), der seine besondere Kompetenz in der Regel seinerseits wieder mit der Hilfe fremder Arbeitskräfte einsetzt, und den *Kleinunternehmer*, der nicht ohne ein Mindestmaß an Kapital auskommt, bis schließlich hin zum *typischen Unternehmer*, der die Arbeit anderer, Kapital und vielleicht auch Grund und Boden so organisiert, daß Leistungen angeboten und mit Gewinn erbracht werden

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[3] Vymetalik, B., "Employment and the Quality of Human Relationships at Work: The working expression of Christian values", Pontifical Academy of Social Sciences, Plenary Meeting 1996, in print.

können. Arbeit kann sodann in *Genossenschaften* erbracht werden: z.B. in Zusammenschlüssen von Bauern oder von Handwerkern (aber auch in geistlichen Gemeinschaften: Orden, Klöstern usw.). Die *Masse der Arbeit* aber wird *abhängig* geleistet. Der Arbeitgeber bestimmt den Inhalt und die Bedingungen der Arbeit. Und der Lohn, den er zahlt, ist der Erwerb, den die Arbeit einbringt. *Diese "Beschäftigung"* ist in den modernen, industrialisierten Gesellschaften die Regel aller Erwerbsarbeit.

2. Soziale Intervention — sozialer Schutz — soziale Sicherheit — soziale Hilfe

a) *Die Soziale Intervention*

Als sich im Laufe der Neuzeit die moderne, arbeitsteilige industrielle Gesellschaft herausbildete, zeigte sich zugleich, wie viele soziale Nöte mit dieser Entwicklung einhergingen. Gleichwohl erschien es — von utopischen, radikalen und revolutionären Forderungen abgesehen — nicht sinnvoll, die zentrale Stellung der Arbeit für das Leben der modernen Gesellschaft in Frage zu stellen. Nicht die Arbeit — auch nicht die abhängige Arbeit — konnte in Frage gestellt werden. Die Probleme, die mit ihr verbunden sind, mußten angegangen werden. Die *Normalität, daß jeder Erwachsene die Möglichkeit hat und wahrnimmt, den Lebensunterhalt für sich und seine Familie durch (abhängige oder selbständige) Arbeit zu verdienen*, wurde zu einem *Denkmuster*, anhand dessen der *sozialen Verantwortung des einzelnen die soziale Verantwortung des Staates* gegenübergestellt wurde.[4] Immer deutlicher wurde gesehen, daß die einzelnen beim Vollzug jener Regel *Gefährdungen* ausgesetzt sind und daß die Verwirklichung der Regel an Grenzen stößt, so daß *Defizite* entstehen. Diese sozialen Gefährdungen und sozialen Defizite wurden als die Herausforderungen der sozialen Intervention letztlich und vor allem des Staates begriffen.

Drei Wirkungs- und Problemfelder sind zentral.[5] (1) *Arbeit und Einkommen*: Die gesellschaftliche Organisation von Arbeit und die Vermittlung von Einkommen durch Arbeit. (2) *Bedarfsdeckung*: Die privatwirtschaftliche und administrative Bereitstellung von Gütern zur

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[4] Zacher, H.F. (1993), "Das soziale Staatsziel", in H.F. Zacher (ed.), *Abhandlungen zum Sozialrecht*, S. 3 ff. (21 ff.).

[5] Zacher, H.F. (1984), "Verrechtlichung im Bereich des Sozialrechts", in F. Kübler (Hrsg.), *Verrechtlichung von Wirtschaft, Arbeit und soziale Solidarität*, S. 11 ff. (23 ff.) = (1987), "Juridification of the Field of Social Law", G. Teubner (ed.), *Juridification of Social Spheres*, European University Institute Florence, Series A: Law Vol. 6, pp. 373 e.s. (379 e.s.).

Deckung der Bedarfe. (3) *Der Unterhaltsverband*: In ihm wird nicht nur Einkommen als Unterhalt weitergereicht; in ihm werden auch emotionale, geistige und praktische "Dienste" — der Verköstigung, der Bekleidung, der Beherbergung, der Erziehung, der Pflege, der Zuwendung usw. — geleistet. Im Laufe der Zeit wurde in diesen Wirkungs- und Problemfeldern und zwischen ihnen eine immer dichtere Folge neuralgischer Punkte entdeckt, an denen die soziale Verantwortung anderer Menschen, der Gesellschaft, vor allem aber des Staates gebietet, zu intervenieren.

Dabei zeigte sich eine *grundlegende Alternative*.[6] *Der Staat kann intervenieren, indem er die Lebens- und Rechtsverhältnisse, in denen sich jene Normalität von Arbeit, Einkommen, Bedarfsdeckung und Unterhalt vollzieht, im Sinne sozialen Schutzes* verändert — anders ausgedrückt: indem er die Lösung des sozialen Problems in diese Lebens- und Rechtsverhältnisse hinein *internalisiert*. Der Staat kann aber auch, indem er *soziale Leistungen und Dienste einrichtet* (sie selbst übernimmt, sie anderen Trägern öffentlicher Verwaltung überträgt, besondere Träger dafür schafft usw.), die Lösung sozialer Probleme aus den vorfindlichen Lebens- und Rechtszusammenhängen, in denen die Probleme entstehen, herauslesen: sie *externalisieren*. Im Wirkungs- und Problemfeld (1) *der Arbeit und des Einkommens* wird Gefährdungen *internalisierend* durch das Arbeitsrecht begegnet, das der Gestaltung der Arbeitsbedingungen schätzende Grenzen setzt (durch Mindestlöhne, durch Vorschriften über die Arbeitszeit, durch die Regulative und Institutionen des Gesundheitsschutzes und der Unfallverhütung, durch den Kündigungsschutz usw.). Dagegen greifen grundsätzlich *externalisierende* Lösungen, wenn der Arbeitgeber zahlungsunfähig wird (Konkursausfallgeld), wenn sich kein Arbeitgeber findet (Arbeitslosigkeit) oder wenn die Arbeitskraft teilweise oder ganz, auf Zeit oder auf Dauer mangelt oder nicht eingesetzt werden soll (Krankheit, Invalidität, Alter usw.). Im Wirkungs- und Problemfeld (2) *der Bedarfsdeckung* finden sich *internalisierende* Lösungen vor allem in der Gestalt von Preisbindungen und anderen Vorschriften zum Schutz der Mieter, der Verbraucher usw. (vor allem für Wohnungen, Grundnahrungsmittel usw.), *externalisierende* Lösungen dagegen dort, wo Leistungen (etwa der Krankenbehandlung oder der Pflege) von spezifischen öffentlichen Systemen erbracht oder bezahlt werden. Im Wirkungs- und Problemfeld (3) des *Unterhaltsverbandes* kontrollieren *internalisierende* Lösungen vor allem, ob der Unterhaltspflichtige seinen materiellen und immateriellen Pflichten gegenüber seinen Angehörigen genügt. *Externa-*

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[6] S. Zacher, ebenda (Anm. 5), S. 25 ff. = pp. 381 e.s.

lisierend begegnen Familienleistungssysteme einem Mißverhältnis zwischen der materiellen Leistungsfähigkeit des Verdieners und der Zahl und den Bedarfen seiner Kinder, begegnen Dienste der Erziehungshilfe einem Mißverhältnis zwischen der immateriellen Leistungsfähigkeit des Unterhaltspflichtigen mit dem Recht seiner Kinder auf Erziehung oder begegnen schließlich Unterhaltsersatzleistungen (Renten) an die Hinterbliebenen dem elementaren Defizit des Verlustes des Unterhalts, das durch den Tod eines Verdieners über eine Familie hereinbricht.

Als man sich — vor allem im 19. Jahrhundert — dieser sozialen Problematik bewußt wurde, gab es vielfach schon Sozialleistungssysteme, die den *Armen* ein Mindestmaß an Hilfe geben sollten. Nicht selten waren sie diskriminierend, zuweilen waren sie mit Einschränkungen der persönlichen Freiheit, mit Arbeitszwang usw. verbunden. Zum Besonderen an der "Arbeiterfrage" gegenüber der "Armenfrage" gehörte es dann, daß die Arbeiter, sofern sie einen gerechten Lohn erhielten, imstande schienen, selbst zur Bekämpfung der sozialen Defizite, die sie bedrohten, beizutragen. Die harten Gesetze der Privatversicherung wurden jedoch den sozialen Bedingungen und Bedürfnissen der Arbeiter nicht gerecht. Der reinen *Versicherung* mußte die *Sozialversicherung* zur Seite gestellt werden.[7] Sie sollte gegen die typischen sozialen Risiken dessen schützen, der vom Ertrag abhängiger Arbeit lebt: Krankheit, Arbeitsunfall, Invalidität, Alter, Tod unter Zurücklassung Abhängiger. Später wurden die Elemente der Versicherung als immer weniger wesentlich angesehen, während der Schutz gegen die typischen sozialen Risiken blieb. Der allgemeine Begriff der "*sozialen Sicherheit*" trug dem Rechnung.[8]

Die Wohlfahrtsstaaten des 20. Jahrhunderts konnten freilich bei diesem Eintreten für den sozialen Schutz und die soziale Sicherheit der abhängig Beschäftigten ebensowenig stehenbleiben wie bei dem Minimalismus der klassischen Armenfürsorge. *Immer neue Ungleichheiten* forderten die Politik heraus, durch Regulative des sozialen Schutzes sowie durch soziale Leistungen und soziale Dienste zu intervenieren: *Ungleichheiten der persönlichen Situation* (Kinder, Jugendliche, Eltern, kinderreiche Familien,

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[7] Zacher, H.F. (Hrsg.), (1979), "Bedingungen für die Entstehung und Entwicklung von Sozialversicherung", *Schriftenreihe für Internationales und Vergleichendes Sozialrecht*, Bd. 8; Köhler, P.A. & Zacher, H.F. (1981) (Hrsg.), "Ein Jahrhundert Sozialversicherung", *Schriftenreihe für Internationales und Vergleichendes Sozialrecht*, Bd. 6, = Köhler, P.A., Zacher, H.F. & Partington, M. (eds.) (1982), *The Evolution of Social Insurance, 1881-1981*, = Köhler, P.A., Zacher, H.F. & Hesse, P-J. S. (eds.) (1982), *Un Siècle de Sécurité Sociale, 1881-1981*.

[8] Schmid, F. (1981), "Sozialrecht und Recht der sozialen Sicherheit", *Schriftenreihe für Internationales und Vergleichendes Sozialrecht*, Bd. 5, insbes. S. 43 ff.

Behinderte usw.), *Ungleichheiten in bezug auf besondere Bedarfe* (Wohnung, Bildung, Gesundheit usw.), *Ungleichheiten in bezug auf Gruppen* (Kleinbauern, Fischer usw.). Immer differenzierter und immer dichter wurde so das Netz dieser Interventionen.[9] Die Armenfürsorge entwickelte sich daneben weithin zu der Gewährleistung eines konventionellen Existenzminimums.[10] Zusammen mit den (1) an die *individuelle Erwerbsgeschichte* anknüpfenden *Systemen der sozialen Sicherheit*, mit den (2) an *Verantwortlichkeiten* des Staates (z.B. für Kriegsschäden) oder Privater (z.B. der Arbeitgeber für Arbeitsunfälle) für *Schäden anknüpfenden Entschädigungssystemen* bildeten (3) die *situationsbezogenen* — an typische Bedarfe (demogrants) oder an konkret ermittelte Bedarfe (means-tested) anknüpfenden — *Systeme ein weit ausgreifendes, vielfältiges Gefüge sozialer Leistungen.*[11]

Im einzelnen wies und weist freilich diese Entwicklung der *Gesamtheit* internalisierenden sozialen Schutzes und extemalisierender sozialer Sicherung, Förderung und Hilfe einen *hohen Grad an nationaler Eigenart* auf in der Verteilung der Gewichte, in den Strukturen und Techniken, aber auch im Niveau. Was der Wohlfahrtsstaat für einen einzelnen, eine Gruppe, ein Problem usw. bedeutet, kann nur konkret festgestellt und bewertet werden.

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[9] S. Zacher, "Das soziale Staatsziel" (Anm. 4), S. 24 f.

[10] S. Eardley, T., Breadshaw, J., Ditch, J., Gough, I. & Whiteford, P. (1996), *Social Assistance in OECD Countries*, Vol. I, Synthesis Report, Department of Social Security Research Report No. 46.

[11] Zum System s. Zacher, H.F. (1993), "Grundtypen des Sozialrechts", in Zacher, H.F., *Abhandlungen zum Sozialrecht*, S. 257 ff.; Zacher, H.F. & Kessler, F. (1990), "Rôle respectif du service public et de l'initiative privée dans la politique de sécurité sociale", *Revue Internationale de Droit Comparé*, pp. 203 e.s. = "Die Rolle der öffentlichen Verwaltung und der privaten Träger in der sozialen Sicherheit", *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht*, 4. Jg. (1990), S. 97 ff. Internationale Gesamtvergleiche und Gesamtdarstellungen für diesen von Land zu Land äußerst ungleich abgegrenzten Gesamtkomplex fehlen. Die meisten Darstellungen der *Leistungsysteme der sozialen Sicherheit* (s. insbes. US-Department of Health and Human Services, Social Security Programs throughout the World - 1993) knüpfen an den Begriff der sozialen Sicherheit an, der durch das Übereinkommen 102 - Übereinkommen überdie Mindestnormen der sozialen Sicherheit - v. 28. Juni 1952 der Internationalen Arbeitsorganisation geprägt wurde und die international wichtigsten Leistungszweige zusammenfaßt: ärztliche Betreuung, Krankengeld, Leistungen bei Arbeitslosigkeit, Leistungen bei Alter, Leistungen bei Arbeitsunfällen und Berufskrankheiten, Familienleistungen, Leistungen bei Mutterschaft, Leistungen bei Invalidität, Leistungen an Hinterbliebene.

b) *Die Bedeutung für die Arbeit*

Allgemein aber kann gesagt werden, daß die Lage der Erwerbstätigen, insbesondere der abhängig Erwerbstätigen, nicht nur durch die Systeme der sozialen Sicherung und der sozialen Entschädigung, sondern auch durch die situationsbezogenen Systeme der sozialen Förderung und der sozialen Hilfe verändert — gemeinhin verbessert — wurde. Die *"natürliche" Bedeutung der Normalität*, daß jeder Erwachsene die Möglichkeit hat und wahrnimmt, den Lebensunterhalt für sich und seine Familie durch Arbeit zu verdienen, wurde dadurch *umfassend und vielfältig verändert*. Sie wurde in politische Verantwortung genommen. Dabei wurden *nicht nur Zwangsläufigkeiten* (z.B. dem Tod eines Familienvaters und der Kompensation seines Unterhalts durch eine Rente) Rechnung getragen. Vielmehr entstanden auch *neue Spielräume der Freiheit* — Alternativen des Verhaltens in allen drei Problemfeldern: der Arbeit und des Einkommens, der Bedarfsdeckung und des Unterhaltsverbands. Vor allem auch die Freiheit, eine gewisse Arbeit anzunehmen oder nicht, weitete sich.[12]

Am Anfang dieser Entwicklung stand die soziale Sorge für die Arbeiter. Im Laufe der Zeit weitete sich der Kreis derer, die geschützt wurden, aus: *auf alle abhängig Beschäftigten*, insbesondere also auch auf die Angestellten, *aber auch auf selbständig Erwerbstätige*, vor allem auf Kleinselbständige, Kleinunternehmer, Kleinbauern usw. Während jedoch der Schutz der selbständig Erwerbstätigen von Land zu Land sehr unterschiedlich blieb, wurde der *Schutz der abhängig Beschäftigten ein allgemeines Prinzip*.[13] Der Staat — und mit ihm die ganze Gesellschaft — übernahm für sie eine Verantwortung für die Entwicklung der Lebensverhältnisse, wie sie anderen Gruppen der Bevölkerung nicht mit der gleichen Allgemeinheit zuteil wurde. Der Umstand wurde für die Entwicklung der "Arbeitsgesellschaft"[14] von wesentlicher Bedeutung. Auf der einen Seite schritt der Ausbau des sozialen Schutzes vor allem durch das Arbeitsrecht voran, so daß die Last, die mit der abhängigen Arbeit verbunden war und ist, — wenn auch mit

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[12] Esping-Andersen, G. (1990), *The Three Worlds of Welfare Capitalism*, hat dafür den Begriff der *"De-kommodifizierung"* geprägt, der — möglicherweise wegen seiner Häßlichkeit — rasch allgemein akzeptiert wurde. Gemeint ist, daß die zusätzliche Freiheit, die durch den (internalisierenden) sozialen Schutz und die (externalisierenden) Sozialleistungssysteme des Wohlfahrtsstaates eingeräumt wird, der Forderung entspricht, daß die menschliche Arbeit keine "Ware" (commodity) ist.

[13] Zu diesem Schwerpunkt des Wohlfahrtsstaates s. Ritter, G.A. (1991), "Der Sozialstaat", *Entstehung und Entwicklung im internationalen Vergleich*, 2. Aufl. Dazu als Schwerpunkt der Sozialpolitik s. etwa Lampert, H. (1996), *Lehrbuch der Sozialpolitik*, 4. Aufl.

[14] S. z.B. Zuleger, T. (1985), *Hat die Arbeitsgesellschaft noch eine Chance?*, S. 17 ff.

großen Unterschieden — mehr und mehr gemildert wurde; auf der anderen Seite trat der Vorteil, daß mit der abhängigen Arbeit ein relativ hohes Maß an sozialer Sicherung verbunden war und ist, immer deutlicher hervor.

Ganz besonders erhielt der *Arbeitslohn* eine ganz *neue Bedeutung*. Er verschaffte — in der Regel über die Beitragspflicht — Zugang zur sozialen Sicherung. Und er bestimmte — in der Regel wiederum vermittels der Proportionalität zwischen Arbeitslohn und Beitrag — die Höhe des Einkommensersatzes durch Leistungen, etwa des Krankengeldes, der Invaliditäts- und Altersrente, des Arbeitslosengeldes. Aus einem anderen Gedanken, dem des Schadensersatzes, heraus reflektieren auch die Renten, die infolge von Arbeitsunfällen und Berufskrankheiten gezahlt wurden, die Höhe des entgangenen Arbeitslohnes. Die soziale Sicherheit schreibt so den durch den Arbeitslohn gegebenen Lebensstandard — relativ — in die Zeiten hinein fort, in denen, weil sich ein soziales Risiko verwirklicht hat, kein Arbeitslohn verdient wird. *Was Arbeit bedeutet*, muß also ergänzt werden: Arbeit bedeutet nicht nur Erwerb, Wirksamkeit und soziale Einbindung; *Arbeit ermöglicht* — je nach der Entwicklung der Systeme sozialer Sicherheit — *auch den Schutz des durch den Erwerb vermittelten Lebensstandards*.

Die soziale Intervention hat schließlich Bedeutung nicht nur für die Erwerbsarbeit. Gerade die (externalisierenden) Sozialleistungssysteme haben größte Bedeutung auch für die reale Gestalt und die Bedeutung, die der *Nichterwerbsarbeit* (insbesondere der *Familienarbeit* und der *Arbeit für soziale Zwecke*) in einer Gesellschaft zukommen kann.

3. Arbeitslosigkeit

a) *Das Phänomen der Arbeitslosigkeit*

Arbeitslosigkeit im allgemeinsten Sinne heißt: keine Arbeit zu haben, weder eine Erwerbsarbeit noch eine Nichterwerbsarbeit, weder eine selbständige, noch eine abhängige Arbeit; Arbeitslosigkeit in diesem Sinne ist jedoch ein zu allgemeines Phänomen.

Die Strukturen des Wohlfahrtsstaates verweisen uns demgegenüber auf eine Einengung. Dabei ist einmal mehr an die elementare Normalität anzuknüpfen, daß ein jeder die Möglichkeit hat und Verantwortung dafür trägt, durch Arbeit Einkommen zu verdienen und damit seine Bedarfe und die seiner Familie zu decken. *Arbeitslosigkeit ist die Ausnahme von jener Normalität, in der die Möglichkeit, zu arbeiten und dadurch Einkommen zu verdienen, nicht besteht.* Dieses Defizit ist das Problem, das mit dem Begriff

der Arbeitslosigkeit im Wohlfahrtsstaat gemeint ist. Arbeitslosigkeit ist also das *Gegenstück zur Erwerbsarbeit.*[15] Und der Zustand der Arbeitslosigkeit ist dadurch definiert, daß er in den Zustand der Erwerbsarbeit übergehen soll. Dabei freilich ist das Ziel der selbständigen Erwerbsarbeit dem Ziel der abhängigen Erwerbsarbeit nicht gleichgestellt. Selbständige Erwerbsarbeit steht in der freien Wahl und auch in einem gesteigerten Risiko dessen, der sie sucht und übernimmt. Für die abhängige Arbeit dagegen hat der Wohlfahrtsstaat eine gesteigerte Verantwortung übernommen. Deshalb steht auch der einzelne hinsichtlich der *Verantwortung, auch abhängige Erwerbsarbeit anzunehmen* in einer besonderen Pflicht. Auf diese Weise ist der Begriff der Arbeitslosigkeit *eingefügt in die Konzentration des Wohlfahrtsstaates auf die Problematik der abhängigen Arbeit*, auf den sozialen Schutz der abhängig Beschäftigten und auf die Vorsorge gegenüber den Risiken, die mit der abhängigen Arbeit verbunden sein können.

Arbeitslosigkeit in dem so eingeschränkten Sinne ist ein *allgemeines Phänomen*; und sie ist ein *individuelles Phänomen. Als allgemeines Phänomen* ist Arbeitslosigkeit das *Mißverhältnis zwischen der — größeren — Zahl der Personen, die sich durch Arbeit am Erwerbsleben beteiligen wollen und/oder sollen (Erwerbsbevölkerung) und der — kleineren — Zahl derjenigen, die eine Erwerbstätigkeit ausüben.* Diese Differenz resultiert aus einer Reihe makrokosmischer Bedingungen: der Zahl selbständiger und abhängiger Erwerbspositionen, die das politisch-administrative System, die gesellschaftliche Struktur und vor allem die wirtschaftlichen Verhältnisse ergeben; die Arbeitsbedingungen und die Arbeitskosten, die durch die Gestaltungsfaktoren des Arbeitslebens bestimmt werden; die Zahl der Erwerbsfähigen und die Zahl derer, die eine Nichterwerbsarbeit (in der Familie oder in anderen unbezahlten Tätigkeiten) ausüben und somit nicht zu den Erwerbsbeteiligten zählen; der Entsprechung zwischen den physischen, psychischen usw. Qualifikationen der Erwerbsbeteiligten, ihrer beruflichen Flexibilität und ihrer räumlichen Mobilität und dem gegebenen Angebot an Erwerbstätigkeit. Als *individuelles Phänomen* resultiert Arbeitslosigkeit aus dem Verhältnis zwischen den individuellen Interessen und Möglichkeiten, Erwerbsarbeit anzunehmen, und den Gelegenheiten hierzu, nicht zuletzt auch aus der Bereitschaft, die individuellen Interessen und Möglichkeiten dem Angebot an Erwerbstätigkeit — im positiven Sinne — anzupassen. Daß die beiden Phänomene sich — in einer nicht berechenbaren Weise — wechselseitig beeinflussen, liegt auf der Hand.

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[15] S. Külp, B. & Peters, H. (1985), Art. "Arbeitslosigkeit", *Staatslexikon*, 7. Aufl., 1. Bd., Sp. 274 ff.

b) *Arbeitslosigkeit und soziale Intervention*

Welche *Rolle* spielt in diesem Zusammenhang die *soziale Intervention des Staates? Eine* grobe Unterscheidung verläuft zwischen den (i) unspezifischen und den (ii) spezifischen Wirkungen der sozialen Intervention.

i) *Der allgemeinste Rahmen unspezifischer Wirkungen* der sozialen Intervention ergibt sich daraus, daß *alle Regulative sozialen Schutzes und alle Systeme der sozialen Sicherung, Förderung oder Hilfe* die Wirksamkeit der Normalität, daß jedermann die Möglichkeit hat und die Verantwortung dafür trägt, durch Arbeit Einkommen zu verdienen und damit seine Bedarfe und die Bedarfe seiner Familie zu decken, verändert. Die Effekte können — je nach den Umständen — dahin gehen, die *Last der Erwerbsarbeit*, die mit jener Grundregel von Arbeit, Einkommen, Bedarfsdeckung und Unterhalt verbunden ist, zu reduzieren. Das kann auch der Absicht entsprechen, Konflikte wie etwa den zwischen der Erwerbsarbeit und der Familienarbeit zu entschärfen. Die Wirkung kann — wiederum je nach den Umständen — auch dahin gehen, daß (z.B. indem Sozialleistungen das Arbeitseinkommen ergänzen) *Anreize* geschaffen werden, jener Grundregel der Normalität durch die *Übernahme von Arbeit zu* entsprechen. Vor allem aber hängt von der Gesamtheit der Interventionen auch ab, *welche Wirkungen mit der Arbeitslosigkeit* und dem Verlust des Erwerbseinkommens verbunden sind.

Gewisse Sozialleistungssysteme haben jedoch für *die Realität des allgemeinen wie des individuellen Phänomens der Arbeitslosigkeit besondere Bedeutung.* Arbeitsrechtliche Vorkehrungen des (internalisierenden) sozialen Schutzes etwa regeln die Umstände des Eintritts in ein Arbeitsverhältnis, die Dauer eines Arbeitsverhältnisses und die Beendigung eines Arbeitsverhältnisses. Aber auch (externalisierende) soziale Leistungen sind zu nennen. So Systeme, welche die *Erziehung und Ausbildung* fördern und damit dazu beitragen, die Qualifikation der individuellen Arbeitskraft ebenso wie des gesellschaftlichen Arbeitsangebots zu definieren. Eine ähnliche Wirkung haben Systeme, die der Erhaltung und *Wiederherstellung der Gesundheit* und damit der Arbeitskraft dienen (insbesondere Systeme der medizinischen Versorgung, Systeme der Wiederherstellung und eventuellen Neuorientierung der Arbeitskraft nach Arbeitsunfällen und Berufskrankheiten, Leistungen der Rehabilitation im Falle drohender Invalidität). An anderer Stelle setzen die Systeme an, die durch Sozialleistungen Arbeitseinkommen ersetzen: Leistungen der *Ausbildungsförderung*, Leistungen des *Einkommensersatzes im Falle der Krankheit, Rentenleistungen bei Invalidität oder im Alter.* Vor allem Renten für den Fall

der Invalidität[16] oder des Alters[17] sind der gezielten Gestaltung oder einer entsprechenden Praxis dahin zugänglich, daß sie das allgemeine Phänomen der Arbeitslosigkeit entlasten und individuell eine Alternative zu Arbeitslast und/oder Arbeitslosigkeit darstellen (Rücksicht auf den Arbeitsmarkt bei Feststellung der Invalidität; flexible Altersgrenzen, insbesondere Rücksicht auf die individuelle Arbeitslosigkeit bei Altersrenten).

ii) Gewisse externalisierende *Sozialleistungssysteme* stehen demgegenüber in einem *direkten Bezug zur Arbeitslosigkeit.*

— Leistungen der *aktiven Beschäftigungspolitik*:[18] Dienste der Arbeitsberatung und der Arbeitsvermittlung, Maßnahmen zur Qualifikation und zur Neuorientierung, Hilfen zur Eingliederung Arbeitsloser (Anreize an Arbeitgeber oder an Arbeitnehmer). Diese Leistungen sind primär auf das individuelle Phänomen der Arbeitslosigkeit hin orientiert. Sie stehen aber in Komplementarität zu Politiken, die sich auf das allgemeine Phänomen der Arbeitslosigkeit richten: strukturelle, regionale, konjunkturelle Wirtschaftspolitiken.[19]

— Leistungen der *passiven Beschäftigungspolitik*: Einkommensersatzleistungen im Falle der Arbeitslosigkeit; Einkommensergänzungsleistungen bei Kurzarbeit usw.

Die Leistungen *der passiven Beschäftigungspolitik*[20] — in der Regel der *Arbeitslosenversicherung* — stehen vor spezifischen Problemen. Auf der einen Seite haben sie der Idee Rechnung zu tragen, daß Arbeit auf Freiheit beruht und daß es zum Auftrag des Wohlfahrtsstaates gehört, diese Freiheit zu sichern, wenn nicht zu mehren; auf der anderen Seite aber auch der Verantwortung eines jeden, für sich und die Seinen durch seine Arbeit aufzukommen. Darum bedarf es der besonderen Abgrenzung. Sie geschieht etwa durch die Definition des Leistungszuganges: verschuldeter Verlust des

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[16] S. Pflüger-Demann, A. (1991), "Soziale Sicherung bei Invalidität in rechtsvergleichender und europa-rechtlicher Sicht", *Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht*, Bd. 13, S. 77, 176 ff., 259.

[17] Schmähl, W., (1988) (Hrsg.), *Verkürzung oder Verlängerung der Erwerbsphase*, S. 15 ff.

[18] S. z.B. OECD (1988), *Employment Outlook*, pp. 53 e.s.

[19] S. z.B. Huckemann, S. (1994), "Beschäftigungspolitik im internationalen Vergleich: Länder ranking 1980-1993", *Eine Studie der Bertelsmann Stiftung.*

[20] Ein weltweiter, jedoch auf die Leistungen der typischen sozialen Sicherheit beschränkter Überblick findet sich in *Social Security Programs throughout the World* - 1993 (Anm. 11), insbes. pp. XXV e.s. Ein in der Sache weiter ausgreifender, intensiverer, jedoch auf die Länder der OECD beschränkter Überblick findet sich in: Eardley, T., u.a., *Social Assistance in OECD Countries* (Anm. 10), pp. 140 e.s., 165. Zu Europa s. auch: Europäische Kommission, Generaldirektion Beschäftigung, Arbeitsbeziehungen und soziale Angelegenheiten, Soziale Sicherheit in den Mitgliedsstaaten der Europäischen Union: MISSOC 1995, S. 345 ff., 383 ff.

Arbeitsplatzes steht in der Regel der Leistung entgegen; "unzumutbare" Arbeit kann ohne Nachteil abgelehnt werden, "zumutbare" Arbeit dagegen nicht. Eine andere Sicherung wird in der Dauer der Leistungen gesehen: Ohne Überprüfung der Bedürftigkeit (means-test) wird Arbeitslosengeld nur auf kurze oder mittlere Dauer gezahlt. Jedenfalls längere Leistungsgewährung setzt eine Bedürftigkeitsprüfung voraus. Im einzelnen ist der Grad, in dem Arbeitslosenleistungen das Arbeitseinkommen ersetzen, insbesondere auch die Fähigkeit zum Unterhalt der Familie, sehr unterschiedlich.[21] In der Regel spielen die Beiträge zur Arbeitslosenversicherung und das in ihnen zum Ausdruck kommende Arbeitseinkommen eine Rolle. Nur ausnahmsweise werden einheitliche Sätze (flat rates) gezahlt. Besteht kein Anspruch auf Arbeitslosenversicherung (mehr), so können — je nach den nationalen Verhältnissen — steuerfinanzierte *Systeme der sozialen Hilfe* eingreifen. Sie können Bestandteil des Systems sozialer Sicherheit sein, das im allgemeinen als Sozialversicherung gestaltet ist. Sie können auch als Systeme der sozialen Hilfe gestaltet sein. Nicht selten ergibt sich daher eine Abfolge von Sozialversicherung über ergänzende steuerfinanzierte soziale Sicherung zu sozialer Hilfe, wobei der Übergang zur Bedürftigkeitsprüfung (means-test) im allgemeinen in der mittleren Stufe liegt. Jedenfalls sinken die Leistungen von Stufe zu Stufe. Und jedenfalls die Systeme der sozialen Hilfe sind grundsätzlich auf eine bloße Existenzsicherung hin orientiert. Sie können ein gewisses Mindestmaß an Einkommensersatz und damit auch Familienunterhalt leisten.

Die Sorge, daß der Wechsel von einem aktiven Arbeitsleben zu einer Einkommensersatzleistung — sei es das Arbeitslosengeld, sei es eine Leistung sozialer Hilfe — zu einer "Falle" werden könnte, in welcher der Arbeitslose gefangen bleibt (oder sich selbst gefangenhält), ist verbreitet und berechtigt. Darum wird nach Verbindungen zwischen Techniken der "passiven Beschäftigungspolitik" und der "aktiven Beschäftigungspolitik" gesucht, sei es um Arbeitslosigkeit zu vermeiden, sei es, sie so bald als möglich zu beenden.[22] Auch die Leistungen der sozialen Hilfe werden deshalb von Maßnahmen hergeleitet, die spezifisch der (Wieder-) Eingliederung in den Arbeitsmarkt dienen. Vielfach werden aber gerade die Arbeitspflichten im Rahmen der sozialen Hilfe im Sinne einer bloßen

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[21] Eine westeuropäische Studie hierzu s. bei Gillion, C. (1996), "Labour market changes and social security Western Europe, 1975 to 1995", *European Institute of Social Security, Yearbook 1996* (in print).

[22] Zum Verhältnis von aktiver und passiver Beschäftigungspolitik s. Schmid, G. u.a. (1992), Unemployment Insurance and Active Labour Market Policy: An International Comparison of Financing Systems.

Kontrolle der Arbeitsbereitschaft und als Erfordernis der ausgleichenden Gerechtigkeit gesehen, daß wer von der Allgemeinheit lebt, für sie auch arbeiten, zumindest nicht das Ärgernis des Müßiggangs geben soll.[23]

II.

Die alte Ordnung der Ungleichheit — vom Ende des Zweiten Weltkrieges bis in die 80er Jahre

1. Allgemeine Grundlagen: Gemeinsamkeiten und Unterschiede

Als sich der Zweite Weltkrieg seinem Ende zuneigte, begann die Welt, sich neu zu ordnen. Dabei trat eine große Gemeinsamkeit hervor: die soziale Dimension aller Politik. Die Staaten fingen an, sich als Wohlfahrtsstaaten zu legitimieren. Auch Arbeit, soziale Sicherheit und soziale Hilfe wurden zu wesentlichen Themen der internationalen Politik. Elementare Konsense wurden artikuliert: das *Recht auf Arbeit* (Art. 23 Ziff. 1 der Allgemeinen Erklärung der Menschenrechte der Vollversammlung der Vereinten Nationen vom 10.12.1948);[24] das politische Ziel der *Vollbeschäftigung* (so schon Abschnitt 111 Buchst. a der Deklaration über die Ziele und Aufgaben der Internationalen Arbeitsorganisation — Erklärung von Philadelphia — vom 10. Mai 1944, Art. 55 Buchst. a der Charta der Vereinten Nationen vom 26. Juni 1945),[25] das Recht auf *soziale Sicherheit, insbesondere* für den Fall der *Arbeitslosigkeit*, und auf *soziale Fürsorge* (Art. 22, 25 Ziff. 1 der Allgemeinen Erklärung der Menschenrechte der Vereinten Nationen).[26]

Zugleich aber begann damals auch die Spaltung der Welt: in die —

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[23] S. Eardly, T., u.a., *Social Assistance in OECD Countries* (Anm. 10), pp. 140 e.s.

[24] Zum Recht auf Arbeit s. z.B. auch Art. 6 Abs. 1 des Internationalen Paktes über wirtschaftliche, soziale und kulturelle Rechte 9.12.1966; Art. 1 der Europäischen Sozialcharta v. 18. Oktober 1961. Die Gemeinschaftscharta der sozialen Grundrechte der Arbeitnehmer v. 9. Dezember 1989 spricht demgegenüber von einem Recht auf freie Wahl und Ausübung eines Berufs (Art. 4).

[25] Zum Ziel der Förderung der vollen, produktiven und frei gewählten Beschäftigung s. auch Art. 1 Abs. 1 des Übereinkommens der Internationalen Arbeitsorganisation über die Beschäftigungspolitik v. 9. Juli 1964; zum Beschäftigungsziel s. ferner Art. 1 des Übereinkommens über die Organisation für Wirtschaftliche Zusammenarbeit und Entwicklung v. 14. Dezember 1960. Zu den Zielen der Stabilität, des Wachstums und der Vollbeschäftigung s. die Richtlinie 74/12 1/EWG des Rates über die Stabilität, das Wachstum und die Vollbeschäftigung in der Gemeinschaft v. 18. Februar 1974.

[26] Zu dem Recht auf soziale Sicherheit und Sozialversicherung s. Art. 9 des Internationalen Paktes über wirtschaftliche, soziale und kulturelle Rechte v. 19. Dezember 1966; zu den Rechten

zumeist schon seit langem — *industrialisierten Länder*, welche die wirtschaftliche Entwicklung weitgehend *der Marktwirtschaft* anvertrauten und das politische System auf den Grundlagen des *Rechtsstaats* und der *Demokratie* gestalteten; in *die sozialistischen Länder* — weitgehend des sowjetischen Machtbereichs; und in die *Entwicklungsländer*, deren historische, ökonomische, soziokulturelle und politische Unterschiede zwar extrem groß waren, gleichwohl letztlich hinter die Gemeinsamkeit spezifischer Schwierigkeiten zurücktraten. Die Dreiteilung der Welt beherrschte die politischen und die sozialen Verhältnisse für Jahrzehnte. Was Arbeit, soziale Sicherheit und Arbeitslosigkeit für die Menschen bedeuteten und bedeuten konnten, folgte den der Ersten, Zweiten und Dritten Welt je eigentümlichen Bedingungen.[27] Das minderte jedoch nicht die spezifische Bedeutung der Nationalstaaten. Im Gegenteil: Trotz aller internationalen Zusammenarbeit und Gruppenbildung, trotz aller Bemühungen um die Europäische Integration, trotz aller Dominanz der Sowjetunion über Ost- und Mitteleuropa erlebten die Nationalstaaten eine Zeit größter Bedeutung. Sei es als freiheitliche Sozialstaaten "westlicher" Prägung, sei es als sozialistische Staaten osteuropäischen Typs, sei es sonstwie: die staatliche Herrschaft bestimmte gerade mit den Mitteln der Sozialpolitik auf eine vordem unbekannte Weise über die Lebensbedingungen der Menschen.

2. Die Entwicklung in den industrialisierten, marktwirtschaftlichen Ländern "westlicher" Prägung

Die Erste Welt dieser Länder ist der Raum, in dem sich das eingangs gezeichnete Bild von Arbeit und sozialer Sicherheit in typischer Weise verwirklichte. Die Länder strebten nach einem möglichst hohen materiellen und immateriellen Lebensstandard für möglichst breite Bevölkerungsschichten. Und die Marktwirtschaft führte, zusammen mit entsprechenden politischen und gesellschaftlichen Rahmenbedingungen, aber auch wegen beträchtlicher Vorteile der weltwirtschaftlichen Chancenverteilung, dieses Streben zum Erfolg. Das *wichtigste Mittel des einzelnen*, an diesem Erfolg zu partizipieren, war und ist die *Erwerbsarbeit*. In dem Maße, in dem sie

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auf soziale Sicherheit und soziale Fürsorge s. Art. 12, 13 der Europäischen Sozialcharta v. 18. Oktober 1961; zum Recht auf sozialen Schutz und soziale Sicherheit s. Art. 10 der Gemeinschaftscharta der sozialen Grundrechte der Arbeitnehmer v. 9. Dezember 1989. Grundlegend für das internationale Recht der sozialen Sicherheit ist das Übereinkommen 102 der Internationalen Arbeitsorganisation über die Mindestnormen der sozialen Sicherheit v. 28. Juni 1952.

[27] S. International Labour Office (1989), *World Labour Report*, No. 1, 1984, No. 4.

neben Einkommen auch reale Wirksamkeit und soziale Einbindung ermöglicht, hat sie zudem den Vorteil komplexer Sinnhaftigkeit. Dabei spielte die *abhängige Arbeit eine immer größere Rolle.* Auf der einen Seite ergab sich das aus der Organisation der Arbeit in immer größeren Unternehmen, in der öffentlichen Verwaltung und in gesellschaftlichen Institutionen. Auf der anderen Seite ermöglichte die doppelte Gruppenmacht der Arbeitnehmer — die einerseits mit den Arbeitgebern und ihrer Gruppenmacht regelbildend zusammenwirkte, andererseits als stets wachsendes Wählerpotential von großem Einfluß auf die demokratische Politik war — eine als angemessen angesehene "Normalisierung" der Arbeitsbedingungen, insbesondere der Arbeitszeit und der Stabilität der Arbeitsverhältnisse. Zudem konzentrierte sich auf die abhängige Arbeit die (externalisierende) soziale Sicherheit. Als ein relatives Optimum, das Vor- und Nachteile abhängiger Arbeit in ein ausgeglichenes Verhältnis brachte, entwickelte sich das *Normalarbeitsverhältnis.*[28] Kennzeichnend dafür war, daß seine Tages-, Wochen- und Jahresarbeitszeit so definiert wurde, daß das *Arbeitszeitpotential*, das der Erwerbstätige für abhängige Arbeit kraft gesellschaftlicher Konvention einsetzen konnte und sollte, *ausgeschöpft*, im allgemeinen *aber nicht überbeansprucht* wurde. Kennzeichnend für das Normalarbeitsverhältnis war weiter, daß es auf *Stabilität* angelegt war: auf unbestimmte Zeit, meist mit dem Vorbehalt, daß der Arbeitgeber, um es auflösen zu können, einer bestimmten Rechtfertigung bedarf. Das Normalarbeitsverhältnis wurde auch zur *Grundlage für die Techniken der sozialen Sicherung.*[29] So wie der Arbeitslohn des Normalarbeitsverhältnisses die Lebensgrundlage des Arbeitnehmers (und seiner Familie) sein sollte, wurden die Lohnersatzleistungen der sozialen Sicherheit so bemessen, daß auch sie eine dem Normalarbeitsverhältnis — in dessen Belastung und in der Gewährleistung des Lebensstandards — entsprechenden Lebensgrundlage substituieren konnten.

Im Laufe der Zeit steigerten sich die Vorteile, die dieses System den Arbeitnehmern bot.

Der verbesserte (internalisierende) *soziale Schutz* im Arbeitsverhältnis und vor allem die Verkürzung der Arbeitszeit[30] vermehrten die individuelle

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[28] Zur Herrschaft des Normalarbeitsverhältnisses s. Mückenberger, U. (1985), "Die Krise des Normalarbeitsverhältnisses — Hat das Arbeitsrecht noch eine Zukunft?", *Zeitschrift für Sozialreform*, 31. Jhg., S. 415 ff., 457 ff.

[29] S. z.B. Bäcker, G. (1988), "Normalarbeitsverhältnis und soziale Sicherung: Sozialversicherung und/oder Grundsicherung?", *Zeitschrift für Sozialreform*, 34. Jhg., S. 495 ff.

[30] S. International Labour Office, *World Labour Report*, No. 1, 1984, No. 2, 1985, No. 3, 1987, No. 4, 1989.

Freiheit, während der Anteil der — insbesondere der qualifizierteren — Arbeitskräfte am wachsenden Wohlstand wuchs. Parallel dazu wurden die (externalisierenden) *Sozialleistungssysteme weiterentwickelt.*[31] Immer mehr Personengruppen (Landwirte, Schüler, Studenten) wurden einbezogen. Immer mehr Lebenssituationen (z.B. familiäre Last des Unterhalts an Kinder, aber auch Ausbleiben des Unterhalts eines Elternteiles an Kinder, Konkursausfall) wurden als schutzbedürftig (an)erkannt. Die Regelung der einsetzenden Sozialleistungen wurde immer weiter verbessert. Damit *mehrten sich* auch *die Freiheitsgrade*, die dem einzelnen für die Entscheidung, eine gewisse Arbeit abzulehnen oder aufzugeben, offenstanden. Mehr und mehr wurde die Freiheit in der Normalität zur Überwindung der Normalität *durch Individualisierung.*[32]

Die 50er und 60er Jahre waren durch *Vollbeschäftigung und geringe Arbeitslosigkeit* gekennzeichnet. Von der "Erdölkrise" des Jahres 1973 an *nahm die Arbeitslosigkeit* in den Ländern der OECD freilich fast unablässig *zu*. Von da an zumeist steil ansteigend erreichte sie in der ersten Hälfte der 80er Jahre einen ersten Höhepunkt. Das System erholte sich in den 80er Jahren noch einmal. 1990 — gleichsam zum Abschied von der Ära — war die Arbeitslosigkeit wieder auf die Durchschnittsrate etwa von 1981 gesunken.[33]

Die Gründe für die Schwankungen sind in den konjunkturellen Gezeiten des Wirtschaftswachstums zu sehen, ferner in strukturellen Entwicklungen (nicht zuletzt auch in Entwicklungen der Produktivität und in der Zeit, der unterschiedlichen Art und Weise und vor allem auch dem unterschiedlichen Ausmaß, in dem der damit frei werdende ökonomische Spielraum für neue Angebote und somit auch Arbeitsnachfragen genutzt wurde), in den Veränderungen der Arbeitsnachfragen des Staates (und seiner Untereinheiten), in der demographischen Entwicklung der Erwerbsbevölkerung, im Anteil der — Arbeit nachfragenden — Erwerbsbeteiligten an der erwerbsfähigen Bevölkerung. Alle diese Umstände wirkten sich nicht nur im Zeitverlauf aus, sondern auch in nationalen und regionalen Unterschieden.[34] Diese finden weitere Erklärungen etwa in der Entwick-

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[31] S. Flora, P., (ed.) (1986/87), *Growth to Limits, The Western European Welfare States since World War II*, 4 Vol. Zur quantitativen Dimension s. OECD, Social Expenditure 1960-1990. Problems of growth and control, 1985.

[32] S. Zapf, W. (1987), *Individualisierung und Sicherheit*; Hoffmann-Nowotny, H-J. (1988), "Gesamtgesellschaftliche Determinanten des Individualisierungsprozesses", *Zeitschrift für Sozialreform*, 34. Jhg., S. 659 ff.

[33] S. International Labour Office, *World Labour Report*, No. 1, 1984, No. 4, 1989; *World Labour Report*, No. 6, 1993; OECD, Employment Outlook, 1984. e.s. (annual).

[34] International Unemployment Indicators, 1983-1993, Monthly Labor Review, 118. Vol. (1995), pp. 31 e.s.

lung des Ausbildungssystems, in der Flexibilität der Invaliditätssicherungssysteme für Grenzfälle der Invalidität und ebenso in der Flexibilität der Alterssicherungssysteme für Grenzfälle des Alters. Ganz allgemein ist die Arbeitslosigkeit aber auch eine Auswirkung der Spielräume, welche die Gesamtheit der Systeme der sozialen Sicherung, der sozialen Förderung und der sozialen Hilfe für eine freie Wahl zwischen Arbeit und Nichtarbeit läßt.

Die Entwicklung der Arbeitslosigkeit brachte neue Bewegung in die Beschäftigungspolitik: in die aktive Beschäftigungspolitik[35] ebenso wie in die passive der kompensatorischen Leistungen,[36] vor allem aber auch in die Frage nach der zweckmäßigen Verbindung zwischen beiden.[37] Die Probleme der einzelnen Gruppen (der Langzeitarbeitslosen,[38] der Jugendlichen,[39] der Alten, der Behinderten, der Minderheiten usw.) traten dabei spezifisch heraus. Dabei zeigte sich eine sehr wichtige Gesetzmäßigkeit: Dem Satz, daß die soziale Sicherheit das Arbeitseinkommen in Zeiten der Nicht-Arbeit hinein "verlängert", entspricht, daß der Ausschluß von der Arbeit nicht nur vom Arbeitseinkommen, sondern auch von *der* sozialen Sicherheit ausschließt, die an die Arbeit anknüpft — auch und gerade von der sozialen Sicherheit für den Fall der Arbeitslosigkeit. Die soziale Intervention muß deshalb gerade darauf dringen, daß potentiell Benachteiligte am Gut "Arbeit" teilhaben. In diesem Zusammenhang gewannen die unterschiedlichen Konzepte des Wohlfahrtsstaats[40] gerade im Umgang mit der Beschäftigung und der Arbeitslosigkeit Relevanz.[41]

Eine wichtige Entwicklung betraf die *Rolle der Frauen* und die *Situation der Familien*. Schlechthin kann gesagt werden, daß immer mehr Frauen von der familiären Arbeit weg eine abhängige Erwerbsarbeit aufnahmen.[42] Die Gründe waren vielschichtig: Rückgang der Ehen,

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[35] S. Anm. 18, 19.

[36] S. Sinfield, A. (1983), "Unemployment", in P.A. Köhler & H.F. Zacher, *Beiträge zur Geschichte und aktuellen Situation der Sozialversicherung*, Schriftenreihe für Internationales und Vergleichendes Sozialrecht, Bd. 8, S. 415 ff.

[37] S. Anm. 22.

[38] OECD (1988), *Measures to assist the long-term unemployed.*

[39] OECD (1980), *Youth Unemployment? Causes and Consequences*; OECD (1984), *The nature of youth unemployment*; OECD (1985), *New Policies for the Young.*

[40] S. insbes. die Typologie v. Esping-Andersen, *Three Worlds of Welfare Capitalism* (Anm. 12): Die Einteilung in Wohlfahrtsstaaten sozialdemokratischen, konservativen/korporatistischen und liberalen Stils.

[41] S. Aust. A & Bieling, H-J. (1996), "Arbeitsmarkt- und Beschäftigungspolitik in Westeuropa — Zwischen strategischer Konvergenz und institutioneller Vielfalt", *Zeitschrift für Sozialreform*, 42. Jhg. S. 141 ff.

[42] OECD (1985), *The Integration of Women into the Economy.*

Rückgang der Kinderzahlen, technische Erleichterungen der Hausarbeit, die Erfordernisse angemessener Wohlstandsteilhabe, neue Wertvorstellungen der Gesellschaft und vor allem der Frauen selbst. Anders als die Familienarbeit verschaffte ihnen die Erwerbsarbeit — insbesondere das Normalarbeitsverhältnis — eine komplexe Position eigenen Rechts: Einkommen, Wirksamkeit und soziale Einbindung jenseits der Familie, soziale Sicherheit. Zugleich entstand damit freilich die Frage: Wer sollte nun die Familienarbeit, insbesondere die Sorge für die Kinder und für Pflegebedürftige, übernehmen? Überhaupt führte die Konzentration des Arbeitslebens auf die Erwerbsarbeit zu spürbaren *Defiziten an Nichterwerbsarbeit*, insbesondere an nichterwerbswirtschaftlich geleisteten Diensten. Gerade die Reaktionen hierauf weisen beträchtliche nationale Unterschiede auf. Auf der einen Seite stehen die Versuche, entsprechende Dienste marktwirtschaftlich oder administrativ neu zu organisieren.[43] Auf der anderen Seite stehen Konzepte, welche die Bedingungen der Nichterwerbsarbeit vor allem mittels der Sozialleistungssysteme an die Bedingungen der Erwerbsarbeit anzunähern suchen (so etwa durch Sozialleistungen an Elternteile, die in der Familie arbeiten, Anrechnung dieser Arbeit bei der sozialen Sicherung usw.).[44]

Alles in allem wurde immer deutlicher: Das Phänomen der Arbeitslosigkeit ist untrennbar mit dem Konzept von Arbeit verbunden, das die Gemeinschaft hat und in ihrer Politik Ausdruck findet. Es geht darum, wie die Gemeinschaft die Chancen und Vorteile, die mit dem Wert Arbeit verbunden sind — Einkommen, Wirksamkeit, soziale Einbindung und soziale Sicherheit — aber auch die Lasten der Arbeit auf ihre Mitglieder verteilt sehen möchte. Die Gestalt der Arbeit und die Gestalt der Arbeitslosigkeit erweisen sich als komplementäre Elemente dieses Gesamtgefüges.

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[43] OECD, *Employment Outlook 1990*, pp. 123 e.s.; International Labour Office, World Labour Report, No. 7, 1994, pp. 30 e.s.; Esping-Andersen, G., "Welfare States and Unemployment: Safety Net or Culture of Dependency?", Pontifical Academy of Social Sciences, Plenary Session 1996 (in print).

[44] S. Halfar, B. u.a. (1996), "Strukturelle Unterschiede in der Ausgestaltung sozialer Sicherungssysteme in Industrieländern in Hinblick auf ihre Bedeutung für die Familien", *Materialien zur Bevölkerungswissenschaft*, Heft 87. Bedauerlicherweise behandelt dieser Bericht nicht die Frage, inwieweit die Sicherungssysteme für den Fall der Invalidität oder des Alters die Familienarbeit berücksichtigen. Hohnerlein, E-M., "Kompensatorische Regelungen dergesetzlichen Alterssicherungssysteme bei durchbrochenen Erwerbsbiographien — Ansätze zur Anerkennung unbezahlter Familienarbeit in den Ländern der Europäischen Gemeinschaft, Ebenda, S. 589 ff.; Gesellschaft für Versicherungswissenschaft und- gestaltung, Die Stellung der Frau in den Alterssicherungssystemen des Auslands, 1992.

3. Die sozialistischen Länder

Grundlegend anders war die Situation während der gleichen Zeit in den sozialistischen Ländern vor allem Mittel- und Osteuropas. Die Negation des Privateigentums an Produktionsmitteln und die Herrschaft der Planwirtschaft hoben die Grenzen zwischen den partikularen Wirtschaftseinheiten (Unternehmen) und der Gesamtwirtschaft auf. Damit wurde auch der Dialektik zwischen den internalisierenden Regeln des sozialen Schutzes und den externalisierenden Institutionen der sozialen Sicherheit, der sozialen Förderung und der sozialen Hilfe ihr wesentlicher Sinn genommen: daß internalisierender sozialer Schutz mit dem wirtschaftlichen Eigenleben des Unternehmens, seiner Kosten-Nutzen-Rechnung, schließlich seiner Rentabilität grundsätzlich vereinbar bleiben muß, während externalisierende Sozialleistungssysteme das zu tun haben, was danach Sache der Allgemeinheit (der Gesellschaft, des Staates) ist. Der Plan teilte den Betrieben sowohl die Mittel zu, die sie für das Wirtschaften brauchten, als auch die Mittel, die sie für die sozialen Leistungen brauchten.[45] Dieses System hatte keine Probleme, das *allgemeine Phänomen der Arbeitslosigkeit in der Planwirtschaft aufgehen* zu lassen.[46] Die Betriebe konnten und mußten so viele Arbeitskräfte beschäftigen, wie erwerbsbeteiligte Personen vorhanden waren. Arbeitslosigkeit als allgemeines Phänomen war nur als Planungsfehler denkbar. Wieviel Arbeit nötig war, um die Leistungen des Gesamtsystems *wirtschaftlich* zu erbringen, wurde nicht ausgerechnet. Anders gewendet: wieviel Indoor-Arbeitsosigkeit im Plan steckte, wurde nicht evident.[47]

Um Nuancen anders lag es hinsichtlich des *individuellen Phänomens der Arbeitslosigkeit*. Der einzelne konnte arbeitslos werden, indem er und diejenigen, die den Plan zu vollziehen hatten, dann, wenn ein Arbeitsverhältnis beendet worden war, nicht rechtzeitig herausfanden, welche neue Stelle der Plan ermöglichte. Im äußersten Fall: Arbeitslosigkeit konnte entstehen, wenn ein Planungsfehler nicht rechtzeitig entdeckt und korrigiert worden war. Alles in allem: Individuelle Arbeitslosigkeit war denkbar, aber nur als ein vorübergehendes Phänomen. Das lohnte keinen eigenen Zweig sozialer Sicherung. Wenn es überhaupt eine Kompensation gab, dann geringfügige, zeitlich eng begrenzte Leistungen, die vom Betrieb

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[45] International Labour Office, *World Labour Report*, No. 1, 1984, pp. 75 e.s.

[46] Ebenda (Anm. 45). pp. 79 e.s.

[47] Zu den Reformversuchen, aber auch zu den Schwierigkeiten gegen Ende der Ära s. (1991), *World Labour Report*, (Anm. 30), pp. 15 e.s.

oder einer anderen Stelle gezahlt werden mußten.[48] Daß mit all dem nur ein geringes Maß an freier Wahl des Berufs und des Arbeitsplatzes vereinbar war, ist offensichtlich.

Zu den Eigenarten jenes Systems zählte, daß es für den Konflikt zwischen der *Familienarbeit* (vor allem der Kindererziehung) und der Erwerbstätigkeit von Eltern (insbesondere der Frauen) eine einfache Lösung anbot: die Kinderbetreuung in betrieblichen oder überbetrieblichen Einrichtungen. Auch die Bereitstellung von Leistungen der Kinderbetreuung war eine Sache des Plans. Das ging mit einer hohen Rate der Frauenerwerbstätigkeit Hand in Hand.[49]

4. Entwicklungsländer

Unendlich komplizierter ist die Frage nach Beschäftigung und Arbeitslosigkeit für die Entwicklungsländer.[50] Das Arbeitsleben ist dort eingespannt zwischen der Modernität des *urbanen formellen Sektors*, in dem das Arbeitsleben analog zu den entwickelten industrialisierten Ländern organisiert ist (des öffentlichen Dienstes, großer Unternehmen und je nach den Verhältnissen auch mittlerer und kleiner Unternehmen), auf der einen Seite und den *archaischen Verhältnissen* der vormodernen Dorfgemeinschaft, des vormodernen Familienverbandes, des vormodernen Haushalts, wo jeder nach Maßgabe seiner Rolle zum Unterhalt aller beiträgt und die Bedarfe eines jeden nach Maßgabe der gemeinsamen Normen, der gemeinsamen Möglichkeiten und seiner Rolle gedeckt werden, auf der anderen Seite. Die Wirkungs- und Problemfelder von Arbeit und Einkommen, Bedarfsdeckung und Unterhalt sind nicht voneinander geschieden, sondern fallen zusammen.[51] Zwischen diesen Extremen liegen der *urbane informelle Sektor* (Dienste aller Art gegen Entgelte aller Art, Kleinproduktionen usw.) und der *ländliche informelle Sektor* (vor allem im Bereich der Kleinbauern). Und zwischen diesen Typen, denen a priori jede Art von Geschlossenheit fehlt, finden sich die vielfältigsten Verbindungen und

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[48] Zacher, H.F. (1982), "Sozialrecht in den sozialistischen Ländern Osteuropas", *Jahrbuch für Ostrecht*, Bd. XXIII, S. 331 ff. (S. 336).

[49] International Labour Office (1984), *World Labour Report*, No. 1, pp. 85 e.s.

[50] International Labour Office (1984), *World Labour Report*, No. 1, pp. 1 e.s., No. 4, 1989, pp. 20 e.s.

[51] von Benda-Beckmann, F. u.a. (ed.) (1988), "Between Kinship and the State", *Social Security and Law in Developing Countries*; Zacher, H.F., "Traditional solidarity and modern social security. Harmony or conflict?", ebenda, pp. 31 e.s.

Übergänge. Und alle können sie umgeben sein von Armut — einer Armut, die mit allen diesen Kategorien nicht mehr zu fassen ist.[52]

"Arbeit" und "Arbeitslosigkeit" haben hier auf elementare Weise einen anderen Sinn als in den entwickelten, industrialisierten Ländern.[53]

— Arbeit im *urbanen formellen Sektor* kann zwar auch hier von den Dimensionen des Einkommens, der Wirksamkeit und der sozialen Einbindung her verstanden werden. Aber alles ist doch von anderer Bedeutung. Vor allem aber: die Normalität, daß mit Arbeit Einkommen verdient wird, das dem Unterhalt nicht nur des Verdieners, sondern auch seiner Familie dient, verläuft vielfach im Unendlichen einer potentiellen Großfamilie, deren Mitglieder im urbanen informellen Sektor, im ländlichen Sektor oder in der archaischen Befindlichkeit vormoderner Verhältnisse außerstande sind, selbst eine analoge geschlossene und autonome Struktur von Arbeit, Einkommen, Bedarfsdeckung und Unterhalt aufzubauen. Entsprechend wird der Sinn der sozialen Sicherung relativiert, das Arbeitseinkommen in den Zeiten zu ersetzen, in denen es nicht durch Arbeit verdient werden kann.

— Dem *urbanen informellen Sektor* fehlen dagegen a priori die Elemente der Typisierung und der Stabilisierung, die das moderne Arbeitsleben auszeichnen.

— Im *ländlichen informellen Sektor* finden wir ferner ein schwieriges Verhältnis zwischen der Arbeit, dem "Kapital" (von Tieren, von Geräten usw.) und dem Grund und Boden.

— *Im archaischen Bereich* werden die Verhältnisse vollends unvergleichbar.

In welchem Maße aber sind die, die im urbanen informellen Sektor arbeiten oder arbeiten möchten, die im ländlichen Sektor arbeiten oder arbeiten möchten, die noch eingebunden sind in einen archaischen Verband, "*Arbeitslose*" des urbanen formellen Sektors?[54] Wie ist diese "Reservearmee" des nationalen Arbeitsmarktes zu zählen und zu bewerten? Und umgekehrt: Ist der ein "Arbeitsloser", der dem urbanen formellen Sektor (durch Ausbildung, Arbeit, frühere Arbeit) zugehört, ein Auskommen im urbanen informellen Sektor, im ländlichen Sektor oder in seinem archaischen Unterhaltsverband finden kann? So wundert es nicht, daß

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[52] World Bank, World Development Report 1990, "Poverty", 1990.

[53] Llach, J.J., "An overview on employment and unemployment on an inter-continental basis (Statistical Summary)", Pontifical Academy of Social Sciences, Plenary Meeting 1996 (in print).

[54] Turnham, D. & Erlcal, D. (1990), *Unemployment in Developing Countries. New Light on an old Problem*, OECD Development Center, Technical Papers no. 22.

unter allen Entwicklungsländern im weitesten Sinne nur einige wenige Länder — meist Schwellenländer — eine — wie auch immer begrenzte und gestaltete — Version einer *sozialen Sicherung für den Fall der Arbeitslosigkeit* kennen.[55] Daß die somit offengelassenen sozialen Probleme der "Arbeitslosigkeit" auch nicht durch Systeme der sozialen Hilfe und nur sehr begrenzt durch Maßnahmen einer aktiven Beschäftigungspolitik (Programme der Qualifikation usw.) aufgefangen werden können,[56] ist offensichtlich.[57] Die Verhältnisse führen auch dazu, daß sowohl Regulative (internalisierenden) sozialen Schutzes[58] im Arbeitsverhältnis als auch staatliche Systeme der sozialen Sicherheit nur sehr begrenzt geschaffen werden. Der Ausnahmestellung des urbanen formellen Sektors entspricht weitgehend eine besondere Bedeutung der autonomen Selbstregulierung der — vor allem der multinationalen — Unternehmen und der betrieblichen Systeme der sozialen Sicherheit.[59] Insgesamt tragen alle diese Umstände dazu bei, daß das Phänomen der Erwerbsarbeit in den Entwicklungsländern offen und facettenreich bleibt.

III.

Die Unübersichtlichkeit der neuen Ungleichheit

1. Allgemeines

In den 90er Jahren dieses Jahrhunderts bricht diese Dreiteilung der Welt weithin zusammen. Zwar sind viele der Entwicklungen, die dabei wirksam werden, schon in den Jahrzehnten vorher spürbar und sichtbar geworden. Vieles hat sich seit langem angebahnt: die immer größeren Schwierigkeiten der Ersten Welt, Vollbeschäftigung darzustellen, das immer größere Interesse an einer individualisierenden Auflösung des Monopols

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[55] S. dazu Maximilian Fuchs, Soziale Sicherheit in der Dritten Welt, Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht, Bd. 2, 1985, S. 23 f. Zur aktuellen Übersicht s. etwa Social Security, Programs throughout the World — 1993 (Anm. 35), pp. XXXIII e.s.

[56] International Labour Office (1989), *Urban Poverty and the Labour Market. Access to Jobs and Incomes in Ancient and Latin American Cities*, G. Rodgers (ed.).

[57] Salomé, B., (ed.) (1989), *Fighting Urban Unemployment in Developing Countries*, OECD Development Center.

[58] Standing, G. & Tokman, V., (eds.) (1991), *Towards Social Adjustment. Labour Market Issues in Structural Adjustment.*

[59] S. Fuchs, *Soziale Sicherheit in der Dritten Welt*, (Anm. 55), S. 80; Zacher, *Traditional Solidarity and modern social security*, (Anm. 51), pp. 32 e.s.

des Normalarbeitsverhältnisses; in der Dritten Welt die immer intensivere Industrialisierung einer Reihe von Entwicklungsländern und ihr — im Verhältnis zu den frühindustrialisierten Ländern — ebenbürtiges Eintreten in die Weltwirtschaft. Den letzten Ausschlag aber dafür, daß die grundsätzliche Bedeutung dieser Veränderungen ganz sichtbar wurde, war der Zusammenbruch des Kommunismus. Die Zweite Welt hat ihre blockhafte Abgeschlossenheit verloren. Sie fügt sich — mehr oder minder entschlossen und erfolgreich — in die allgemeine marktwirtschaftliche, rechtsstaatliche und demokratische Entwicklung der Welt ein.

Getragen durch die postmodernen Möglichkeiten der Kommunikation und des Verkehrs führt diese prinzipielle Gleichheit, oder doch zumindest Ähnlichkeit, jedenfalls aber Kompatibilität der wirtschaftlichen Systeme, eingerahmt durch eine — trotz aller Schwächen und Enttäuschungen bedeutsame — Weltrechtsordnung, zum Phänomen der *Globalität*. Diese Globalität erlaubt es dem Kapital, auf der ganzen Welt den Ort seiner rentabelsten Investition zu suchen. Und sie erlaubt dem Welthandel, die günstigsten Produktionsbedingungen vermittels der Qualität und des Preises der Produkte in einem weltweiten Wettbewerb zur Geltung zu bringen. Sie erleichtert es vielfach auch den Menschen, zu wandern: den Arbeitsuchenden zur Arbeit; denen, die Not leiden, zu einer Chance des Überlebens. Damit ist ein weltweiter Wettbewerb um die Chance der Arbeit entstanden, der in geringerem Maße durch die Wanderung des Faktors Arbeit, in weitaus größerem Maße aber dadurch geführt wird, daß der Faktor Arbeit dort, wo er sich befindet, sich den Bedingungen des Wettbewerbs anpassen muß.[60] Dabei entscheiden Qualität und Preis der Arbeit so gut wie nie für sich allein über das Investitionsinteresse des Kapitals und über die Wettbewerbsfähigkeit der Produkte. Vielmehr gehen Qualität und Kosten der Arbeit in eine komplexe Gesamtrechnung von Investitions- und Produktionsbedingungen ein.[61]

Diese Globalität ist für die *Politik der Wohlfahrtsstaaten* und für die Weiterentwicklung der Konsense und Konventionen der *wohlfahrtsstaatlichen Gesellschaften* von der größten Bedeutung.[62] Zwei wesentliche Elemente der Situation sind hervorzuheben.

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[60] International Labour Office (1995), *World Employment*, 1995; International Labour Office, *World Labour Report*, No. 5, 1992, No. 6, 1993, No. 7, 1994, No. 8, 1995; OECD (1992), *Employment Outlook*, e.s. (annual).

[61] S. z.B. Neyer, J. & Seeleib-Kaiser, M. (1996), "Arbeitsmarktpolitik nach dem Wohlfahrtsstaat. Konsequenzen der ökonomischen Globalisierung", *Aus Politik und Zeitgeschichte*, Bd. 26/96.

[62] S. Schmähl, W. & Rische, H., (Hrsg.) (1995) *Internationalisierung von Wirtschaft und Politik — Handlungsspielräume der nationalen Sozialpolitik*, 1995; Aust/Bieling, *Arbeitsmarkt und Beschäftigungspolitik in Westeuropa* (Anm. 41).

Erstens: Bisher waren die staatlichen Politiken ebenso wie die Politiken der gesellschaftlichen Kräfte von der Maßgeblichkeit der nationalen (in Westeuropa: auch der europäisch-supranationalen) Rahmenbedingungen gekennzeichnet. Durch die Globalisierung wurde die Herrschaft der Nationalstaaten über die wirtschaftlichen und sozialen Verhältnisse in einer Weise gemindert, die historisch ohne Vorbild ist. Zweitens: alle Anpassungen, die Kosten des Faktors Arbeit sind unter der Last der Ungewißheit zu treffen, ob sie im Verhältnis zu den anderen im Wettbewerb zu vergleichenden Investitions- und Produktionsbedingungen und im Verhältnis zwischen verschiedenen Gruppen von Arbeitnehmern (Qualifiziertere versus weniger Qualifizierte, Jüngere versus Ältere, Einheimische versus Zugewanderte usw.) gerechtfertigt, notwendig und sinnvoll sind. Und jede Interessengruppe steht vor der Frage, welche Verteilung der Chancen und Opfer die je eigene Gruppenmacht durchsetzen könnte. Die alten nationalgesellschaftlichen Konventionen über das Normalarbeitsverhältnis, die damit verbundene Arbeitsleistung und- belastung, den damit verbundenen (internalisierenden) sozialen Schutz, die damit verbundene (externalisierende) soziale Sicherung und schließlich über das die Problemfelder von Arbeit und Einkommen, Bedarfsdeckung und Unterhaltsverband umgebende und durchdringende Gesamtgefüge der Sozialleistungssysteme aber sind elementar in Frage gestellt.[63] Und die nationalen Gesellschaften ringen zusammen mit ihren Medien, Verbänden und Parteien, Parlamenten und Regierungen um eine Neuorientierung.

2. Die Irritation der Ersten Welt

a) *Der Anstieg der Arbeitslosigkeit und die Veränderungen der Erscheinungsformen der Arbeit und der Arbeitslosigkeit*

In den industrialisierten Marktwirtschaften des alten "Westens" äußerte sich die Entwicklung in nichts so nachdrücklich wie darin, daß die Tendenz zur *Arbeitslosigkeit*, die schon seit den 70er Jahren deutlich war, in den 90er Jahren einen *stürmischen Auftrieb* bekam. Die durchschnittliche Arbeitslosenrate der OECD-Länder stieg bis zur Mitte des Jahrzehnts auf mehr als 10 v.H., was in einzelnen Ländern sogar Raten um 20 v.H. bedeutet.[64] In vielen Ländern gab diese Entwicklung Anlaß, die Leistungen

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[63] Dumont, J-P., (1986), *L'impact de la crise économique sur les systèmes de protection sociale*; International Social Security Association, Responding to Changing Needs, 1990-1992, 1993.

[64] OECD (1996), *Economic Outlook 60*, December 1996, pp. A 24 e.s.

an Arbeitslose (passive Beschäftigungspolitik) zu regeln — insbesondere sie den Belastungen der öffentlichen Haushalte anzupassen und also meist zu kürzen.[65] Zugleich wurden auch die Maßnahmen der aktiven Beschäftigungspolitik[66] und ihr Verhältnis zur passiven Beschäftigungspolitik überprüft.[67]

Die statistischen Zahlen über die Arbeitslosigkeit geben jedoch — über alle Problematik der Arbeitslosenstatistik hinaus — nur einen sehr unvollständigen Eindruck von der *Gesamtheit der Veränderungen*, die eingetreten sind. Sie verbergen auf vielfältige Weise das volle Maß der Unterbeschäftigung. *Neben den "formell" Arbeitslosen*, die — je nach den nationalen Verhältnissen — der Arbeitsvermittlung zur Verfügung stehen und/oder Leistungen wegen Arbeitslosigkeit beanspruchen, stehen die Personen,[68]

— deren *Arbeitsverhältnis durch Leistungen der aktiven oder passiven Beschäftigungspolitik* ermöglicht werden: "Kurzarbeiter" (vorübergehend teilzeitbeschäftigte Personen, deren Lohn im Rahmen einer spezifischen Sozialleistung ergänzt wird), Personen, deren Beschäftigung (insbesondere deren Wiedereingliederung in die Erwerbsarbeit), aus öffentlichen Mitteln unterstützt werden; Personen, deren Einkommen während einer Maßnahme der Aus- oder Weiterbildung oder einer sonstigen Qualifikation als Sozialleistung gewährt wird.[69]

— Dazu kommen die Personen, die in *"angrenzenden" Sozialleistungs-*

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[65] S. Anm. 10 und Anm. 20. S. ergänzend Seeleib-Kaiser, M. (1995), "The Development of Social Assistance and Unemployment Insurance in Germany and Japan", *Social Policy and Administration*, Vol. 29, pp. 269 e.s.

[66] S. Walwei, U. (1996), "Aktive Arbeitsmarktpolitik in den OECD-Ländern — Entwicklungstendenzen und Effekte", *Mitteilungen aus der Arbeitsmarkt- und Berufsforschung*, 29. Jhg., S. 349.

[67] Schmid, G. (ed.) (1994), *Labour Market Institutions in Europe. A Socio-Economic Evaluation of Performance*; ders. (1995), "Institutional Incentives to Prevent Unemployment: Unemployment Insurance and Active Labor Market Policy in A Comparative Perspective", *The Journal of Socio-Economics*, Vol. 24 pp. 51 e.s.; ders. (1994), "Reform der Arbeitsmarktpolitik. Vom fürsorgenden Wohlfahrtsstaat zum kooperativen Sozialstaat", Discussion Paper FS I 96-204, Wissenschaftszentrum Berlin für Sozialforschung.

[68] Clement, W. & Badelt, C. (1985), "Die Fragmentierung des Arbeitsmarktes. Beispiele neuerer Formen der Beschäftigung und der Arbeitsmarktpolitik in Frankreich und den USA", *Beiträge zurArbeitsmarkt- und Berufsforschung*, Heft 91. S. dazu auch Mutz, G. (1995), "Struktur und Bedeutung postindustrieller Arbeitslosigkeit", *Gegenwartskunde*, S. 287 ff.; Mutz, G. u.a. (1995), "Diskontinuierliche Erwerbsverläufe", *Analysen zur postindustriellen Arbeitslosigkeit*.

[69] Zum deutschen Beispiel s. Kommission für Zukunftsfragen der Freistaaten Bayern und Sachsen, Erwerbstätigkeit und Arbeitslosigkeit in Deutschland. Entwicklung, Ursachen und Maßnahmen, Teil 1 Entwicklung von Erwerbstätigkeit und Arbeitslosigkeit in Deutschland und anderen frühindustrialisierten Ländern, 1996, S. 64, 70.

systemen "untergekommen" sind: insbesondere Invalide und Personen an der Altersgrenze des Alterssicherungssystems.[70] Dabei ist es besonders schwierig, zu ermitteln, in welchem Maße die Bewilligung einer Invaliditätsrente auf die Flexibilität des Systems und seiner Handhabung gegenüber dem Stand der Arbeitslosigkeit zurückzuführen ist.[71] Entsprechend ist es schwierig, die Ausnutzung flexibler Altersgrenzen dem Stand der Arbeitslosigkeit zuzurechnen. Wo besondere Regulative bestehen, die einen vorzeitigen Eintritt in die Alterssicherung fördern, ist eine genauere Beobachtung denkbar.[72]

— Hinzu kommt *die "Stille Reserve"* von Personen, die Erwerbsarbeit durchaus anstreben, jedoch nicht unter den gegebenen Arbeitsmarktbedingungen,[73] und die,

* weil sie sich *nicht für* Sozialleistungen aus Anlaß der Arbeitslosigkeit *(Arbeits-losengeld) qualifiziert* haben, keinen Sinn darin sehen, ihre Arbeitslosigkeit geltend zu machen oder/und

* wegen *anderer Einkünfte* (z.B. aus Kapitalvermögen) keinen Anlaß haben, auf Sozialleistungen wegen der Arbeitslosigkeit zu bestehen oder

* unter den gebenenen Verhältnissen der *Familienarbeit* den Vorzug geben. Das kann bei Bestehen der Ehe durch den Unterhalt des anderen Ehepartners erleichtert werden, bei alleinstehenden Personen durch Witwen-/Witwerrenten, durch Leistungen an alleinerziehende Mütter usw. In jedem Falle kommen Sozialleistungen aus Gründen der Unterhaltslast (Kindergeld) oder Sozialleistungen zur Deckung gewisser Bedarfe (z.B. Wohngeld) als Rahmenbedingungen für dieses Verhalten in Betracht.

Aber auch dort, wo Erwerbsarbeit geleistet wird, ist die *Dominanz des Normalarbeitsverhältnisses* gebrochen.[74] Auch hier sind die Erscheinungsformen vielfältig.

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[70] S. Burdillat, M. & Outin, J-L. (1995), "Die Interaktion von Beschäftigung, Arbeit und sozialer Sicherung", *Zeitschrift für Sozialreform*, 41. Jhg., S. 838 ff.

[71] OECD, "Employment Outlook", Juli 1992, pp. 222 e.s.; zum deutschen Beispiel s. Kommission für Zukunftsfragen der Freistaaten Bayern und Sachsen (Anm. 69).

[72] OECD, loc. cit. (N 71), pp. 213 e.s.; s. auch Bäcker, G. (1993), "Im Übergang vom Erwerbsleben in den Ruhestand", *Aus Politik und Zeitgeschichte*, B 44/93. Naschold, F. & de Froom, B. (eds.) (1994), *Regulating Employment and Welfare. Company and National Policies of Labour Force Participation at the End of Worklife in Industrial Countries*. Zu weiteren Formen der "Altersarbeit" s. Kohli, M. (1996), "Erwerbsarbeit und ihre Alternativen", in: Baltes, M. & Montada, L. (Hrsg.), (1996), *Produktives Leben im Alter*, S. 154 ff.

[73] Zum deutschen Beispiel s. Kommission für Zukunftsfragen der Freistaaten Bayern und Sachsen (Anm. 69), S. 29 ff., 53 ff.

[74] Walwei, U. (1993), *Atypische Beschäftigungsformen in EG-Ländern*, WSI Mitteilungen, S. 584 ff.; Delsen, L. (1995), *Atypical Employment. An International Perspective. Causes, Consequen-*

— Neben die unbefristete Dauerbeschäftigung tritt vermehrt das *befristete Arbeitsverhältnis*.

— Neben das Vollzeitarbeitsverhältnis tritt vermehrt die *Teilzeitarbeit*. Dabei ist wiederum zu unterscheiden zwischen

* Teilzeitarbeitsverhältnissen, die — in der Regel als Halbzeitarbeit oder als mehr als Halbzeitarbeit — eine Lebensgrundlage erbringen sollen, — vielleicht vorübergehend, vielleicht in Hinblick auf andere Prioritäten (wie Familienarbeit, altruistische oder gemeinnützige Arbeit, Freizeit), vielleicht in Hinblick auf Vermögen oder anderes Einkommen, vielleicht (auch) aus sozialer Einsicht — in Kauf genommen werden, und

* extrem reduzierter Teilzeitarbeit, deren Entgelt unter normalen Verhältnissen nicht als Lebensgrundlage betrachtet werden kann — gleichwohl eventuell aus Not angenommen wird. Diese "geringfügige Beschäftigung" wird in einzelnen Ländern (insbesondere Deutschland) von der sozialen Sicherung, die normalerweise mit dem Arbeitsverhältnis verbunden ist, ausgenommen.[75]

— Von den herkömmlichen Formen der täglich und/oder wöchentlich dimensionierten Teilzeitarbeit unterscheidet sich die *Langfrist-Teilzeitarbeit*, wie sie in Mehr-Monats-Rhythmen, in Sabbatjahren oder ähnlichen Erscheinungsformen zum Ausdruck kommen kann.

— Irreguläre Arbeitsverhältnisse finden sich weiter in Gestalt der *Leiharbeit*.

— Eine klassische Besonderheit ist die *Heimarbeit*, für die sich vermehrt neue Möglichkeiten ergeben.

— Von besonderer Aktualität ist die *Zunahme der abhängigen Selbständigkeit (Scheinselbständigkeit)*.[76] Dieses Phänomen scheint noch keine typisierende Ordnung gefunden zu haben. Die Grenzen sowohl zum echten Arbeitsverhältnis als auch zur echten Selbständigkeit sind vage. Auch die Frage, inwieweit soziale Sicherung der Arbeitnehmer sich auf "abhängig Selbständige" erstreckt, ist deshalb noch weitgehend ungeklärt.

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ces and Policy, S. ferner Hinrichs, K. (1996), "Das Normalarbeitsverhältnis und der männliche Familienernährer als Leitbilder der Sozialpolitik. Sicherungsprobleme im sozialen Wandel, *Sozialer Fortschritt*" 45. Jhg., S. 102 ff. — Zum Folgenden s. OECD (1989), Employment Outlook July 1989, pp. 22 e.s.; Employment Outlook July 1990, pp. 18 e.s., 179 e.s.

[75] Bieback, K-J. (1993), "Der Schutz der atypischen Arbeit in den australischen, britischen und deutschen Systemen der sozialen Sicherheit", *Internationale Revue für Soziale Sicherheit*, Bd. 46, S. 25 ff.

[76] Steinmeyer, H-D. (1996), "Die Problematik der Scheinselbständigkeit", *Zeitschrift für Sozialreform*, 42. Jhg., S. 348 ff.

In einer Reihe von Ländern hat die Entwicklung des Arbeitsmarktes aber auch dazu beigetragen, daß auch der Weg in die *echte Selbständigkeit* wieder öfter gegangen wurde.[77]

— Und hinter allem steht schließlich das Phänomen der *Schwarzarbeit.*

Insgesamt hat diese neue *Vielgestaltigkeit von Arbeit und Arbeitslosigkeit das Arbeitsleben de-formalisiert.* Mehr und mehr ist auch in "westlichen" Ländern (wieder) ein informeller Sektor zu beobachten.

b) *Zur Situation der Betroffenen*

Was bedeuten diese Entwicklungen für die Betroffenen? Auszugehen ist davon, daß das Normalarbeitsverhältnis ein konventionelles Maximum dessen erschließt, was individuell Erwerbsarbeit bedeutet: Einkommen, Wirksamkeit, soziale Einbindung und soziale Sicherheit. Unterbeschäftigung bedeutet, daß dieses konventionelle Maximum reduziert wird, wobei die verschiedenen Elemente des Wertes Arbeit unterschiedlich betroffen sein können. Anders gewendet: Der herkömmliche Begriff der Arbeitslosigkeit ist das Gegenstück zum Normalarbeitsverhältnis. Mit der Entwicklung einer Vielfalt von Formen der Arbeit nimmt auch die Arbeitslosigkeit vielfältige Gestalt an. Im ganzen hier skizzierten *Zwischenraum* zwischen Normalarbeitsverhältnis und totaler Arbeitslosigkeit finden wir die *unterschiedlichsten Mischungen von Implikationen der Arbeit und Implikationen der Arbeitslosigkeit.*[78]

— Unter den irregulären Arbeitsverhältnissen bedeutet das *Zeitarbeitsverhältnis* für die Zeit, in der es besteht, die geringste Einschränkung. Freilich beeinträchtigt das Fehlen einer längerfristigen Verläßlichkeit den Wert des Arbeitsverhältnisses.

— *Das Teilzeitarbeitsverhältnis* verschafft grundsätzlich Zugang zu allen Elementen des Wertes Arbeit: Einkommen, Wirksamkeit, soziale Einbindung und soziale Sicherheit. Aber es verschafft diesen Zugang doch

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[77] Döse, A. u.a. (1994), "Neue Formen und Bedingungen der Erwerbsarbeit in Europa", *Schriftenreihe des Zentrums für Europäische Rechtspolitik,* Bd. 19, 1994; Pfeiffer, F. (1994), *Selbständige und abhängige Erwerbstätigkeit. Arbeitsmarkt und industrieökonomische Perspektiven.*

[78] Zu den Konsequenzen für die Systeme der sozialen Sicherheit s. etwa McLaughlin, E. (1991), "Work and Welfare Benefits: Social Security, Employment and Unemployment in the 1990s", *Journal of Social Policy,* Vol. 20, pp. 485 e.s.; s. auch Hinrichs, K. (1989), "Irreguläre Beschäftigungsverhältnisse und soziale Sicherheit. Facetten der 'Erosion' des Normalarbeitsverhältnisses in der Bundesrepublik", in Prokla, *Zeitschrift für kritische Sozialwissenschaft,* Heft 77, S. 7 ff.

nur mit den Einschränkungen, die sich aus der geringen Arbeitszeit ergeben. Was das real bedeutet, hängt von den konkreten Umständen ab. Besonders problematisch kann die Konsequenz für die soziale Sicherheit sein. Sie kann proportional ausgestattet werden, wo es um Einkommensersatzleistungen geht. Wo es — wie etwa bei der sozialen Gewährleistung der medizinischen Versorgung im Falle der Krankheit — um die Deckung eines gewissen Bedarfes geht, kann diese Leistung nur entweder ganz oder gar nicht gewährt werden. Aber auch dort, wo Leistungen proportional angepaßt werden könnten, stellen sich soziale Probleme: Gibt es Gründe, die soziale Sicherung — etwa um des Zweckes, Einkommen zu sichern, willen — überproportional aufzubessern? Oder gibt es Gründe, eine *zu* geringfügige Teilzeitbeschäftigung aus der sozialen Sicherung auszuklammern? Etwa weil weder der Lohn noch die soziale Sicherung als Existenzgrundlage in Betracht kommen? Diese Fragen finden von Land zu Land sehr unterschiedliche Antworten.

— Der *abhängig Selbständige (Scheinselbständige)* kann in seiner Erwerbsarbeit Einkommen, Wirksamkeit und soziale Einbindung finden. Doch fehlt ihm der (internalisierende) soziale Schutz und zumeist auch die (externalisierende) soziale Sicherung. Die Frage ist, ob das in einem angemessenen Verhältnis zu seiner Abhängigkeit von einem Unternehmer steht. Auch die Zunahme *echter Selbständigkeit* mag eine Vielfalt von Einzelfällen hervorbringen, die der sozialen Intervention bedürfen.

— Wird ein *Sozialeinkommen* — spezifisch wegen Arbeitslosigkeit, unspezifisch wegen Invalidität, Alter usw., letztlich als Mindestleistung der sozialen Hilfe — gewährt, so tritt das Element des Einkommens in den Vordergrund. Weitgehend wird — den sozialen Einkommensersatz ergänzend — auch soziale Sicherheit gewährleistet. Die Elemente der Wirksamkeit und der sozialen Einbindung aber hängen dann von den privaten Verhältnissen und dem gesellschaftlichen Umfeld ab. In der Verbindung aktiver Beschäftigungspolitik mit Leistungen der Arbeitslosenversicherung findet dieses Problem ebenso Ausdruck wie darin, daß Leistungen der Sozialhilfe, die wegen Arbeitslosigkeit gegeben werden, in vielen Ländern an die Bereitschaft geknüpft werden, Arbeit für das Gemeinwesen zu übernehmen. Das Vereinigte Königreich hat neuerdings auch die Leistungen der sozialen Sicherheit für den Fall der Arbeitslosigkeit durch ein entsprechendes "workfare system" abgelöst. Dies mag, um den mit der Arbeitslosigkeit verbundenen Gefahren der Entfremdung zwischen Individuum und Arbeitswelt vorzubeugen, sinnvoll sein. Daß Wirksamkeit und soziale Einbindung im Rahmen frei gewählter Arbeit anders empfunden werden und anders wirken als im Rahmen einer Arbeitspflicht, ist jedoch nicht zu verkennen.

— Wer von *Schwarzarbeit* lebt, erfährt zwar mit Ausnahme der sozialen Sicherheit alle Elemente des Wertes Arbeit — aber doch unter dem Vorbehalt und der Belastung, die mit der Illegalität einhergeht. An die Stelle der sozialen Sicherheit (so diese nicht durch Umgehungen erschlichen wird) tritt im Notfall meist die soziale Hilfe.

— *In allen anderen Fällen* entfällt mit der Arbeit jedenfalls das Einkommen. Daß die privaten Verhältnisse oder das gesellschaftliche Umfeld reale Wirksamkeit und soziale Einbindung auch außerhalb eines Arbeitsverhältnisses ermöglichen, kann sein. Es ist mit Wahrscheinlichkeit dort anzunehmen, wo entsprechende Aktivitäten das Motiv des Verzichts auf ein Arbeitsverhältnis sind.

Der Dominanz des Normalarbeitsverhältnisses und der Prämisse der Vollbeschäftigung entsprach die Tendenz, Arbeitslose vor dem "sozialen Abstieg" zu bewahren. Struktur und Niveau der sozialen Leistungen waren weitgehend darauf eingerichtet. Der Auflösung jener Normalität folgt nunmehr auch die Frage, ob, wenn sich die *Erscheinungsformen des Arbeitslebems "nach unten" öffnen*,[79] nicht auch die *sozialen Leistungen fiir den Fall der Arbeitslosigkeit "nach unten" geöffnet* werden sollen.[80] Dem entspricht ganz allgemein die Minderung der Leistungen der sozialen Sicherheit, der sozialen Förderung und der sozialen Hilfe[81] und die Reduktion der Freiheitsgrade, die mit diesen Leistungen eröffnet wurden.[82] Diese Minderung ergibt sich nicht nur aus den Konsequenzen, welche die Gesetzgeber explizit aus der wirtschaftlichen Entwicklung ziehen. Sie ist dem voraus schon eine Folge der Korrespondenz zwischen den Systemen der sozialen Sicherheit und dem Normalarbeitsverhältnis: in dem Maße, in dem das Normalarbeitsverhältnis zerfällt oder sonstwie an Wirkung verliert, verlieren auch die Institutionen der sozialen Sicherheit, die daran anknüpfen, an Kraft und Bedeutung. Dieser "Öffnung nach unten" entsprechen ganz spezifisch aber Einschränkungen der sozialen Sicherung für den Fall der Arbeitslosigkeit. Schließlich und vor allem entspricht ihr auch, wenn

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79 S. Neyer & Seeleib-Kaiser, *Arbeitsmarktpolitik nach dem Wohlfahrtsstaat* (Anm. 61).

80 S. die Hinweise in Anm. 20 und Anm. 65.

81 S. Hohnerlein, E-M. & Kötter, U. (1996), "Ausbau und Umbau des Sozialstaates — Bericht über die Korrespondententagung des Max-Planck-Instituts für ausländisches und internationales Sozialrecht", *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht*, 10. Jhg., S. 372 ff; von Maydell, B. u.a. (1997), "Die 'Krise des Sozialstaats' in internationaler Perspektive — Denkanstöße für die Bundesrepublik Deutschland", *Sozialer Fortschritt*, 46. Jhg., S. 1 ff.

82 Im Sinne Esping-Andersens (Anm. 12) ist demnach von einer *Rekommodifizierung* zu sprechen. S. dazu auch Neyer & Seeleib-Kaiser (Anm. 61), S. 40.

Leistungen der sozialen Sicherheit oder der sozialen Hilfe, die wegen Arbeitslosigkeit gewährt werden, nur unter der Bedingung erbracht werden, daß dafür — sei es im Rahmen aktiver Beschäftigungspolitik, sei es als Gegenleistung für die soziale Hilfe — Arbeit geleistet wird.[83] Regelungen dieser Art können für sich in Anspruch nehmen, soziale Leistungen mit aller Entschlossenheit mit Maßnahmen zu verbinden, die den Betroffenen im Arbeitsleben halten oder dorthin zurückführen.[84] Sie geben aber auch der Bereitschaft Ausdruck, denjenigen, der die Hilfe zur Arbeit verweigert, auch hinsichtlich seiner wirtschaftlichen Lebensgrundlagen ins Nichts fallen zu lassen.

c) *Perspektiven der Entwicklung*

Die Entfernung von der Vollbeschäftigung, die Tendenzen zur Auflösung des Normalarbeitsverhältnisses und die Ausdifferenzierung unterschiedlicher Formen der offenen und der verdeckten Arbeitslosigkeit stellen erneut das Problem der *Familienarbeit* zur Diskussion. Was kann und was soll getan werden, um die Unterschiede zwischen Erwerbsarbeit und Familienarbeit — etwa durch Regelungen des Arbeitsrechts und durch das Recht der sozialen Leistungen — zu mindern, so daß die Freiheit der Eltern, auf Erwerbsarbeit zugunsten der Familienarbeit zu verzichten, erhalten oder ausgeweitet wird?[85] Oder ist die Alternative entsprechender — marktwirtschaftlicher oder administrativer — Dienste die bessere Lösung?[86] Gibt es eine Möglichkeit, beide Freiheiten, die Freiheit zur Familienarbeit und die Freiheit, allgemeine Dienste in Anspruch zu nehmen, nebeneinander herzustellen? Oder bleibt nur die Entprivatisierung des Privaten durch — marktwirtschaftliche oder administrative — Dienste?[87]

Noch nachdrücklicher wird die Frage gestellt, wie *altruistische und*

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[83] Zur Vielfalt der Ausgestaltungen s. noch einmal Eardly u.a., *Social Assistance in OECD-Countries* (Anm. 10), pp. 149 e.s., 169 e.s., 171 e.s., insbes. 174 e.s. Zur Technik der Anreize s. etwa Gilbert, N. (1992), "Von Ansprüchen zu Anreizen: Wandel in der Auffassung des Sozialschutzes", *Internationale Revue für soziale Sicherheit*, Bd. 46, 1992, S. 5 ff.

[84] Für die Konzentration der Hilfen auf den Aspekt der Arbeit wurde der Ausdruck "workfare" geprägt. S. Jessop, B. (1992), "Thatcherismus und die Neustrukturierung der Sozialpolitik — Neoliberalismus und die Zukunft des Wohlfahrtsstaates", *Zeitschrift für Sozialreform*, 38. Jhg., S. 709 ff.

[85] S. OECD (1988), *Employment Outlook September 1988*, pp. 129 e.s.; (1995), *Employment Outlook September 1995*, pp. 171 e.s.

[86] S. OECD (1990), *Employment Outlook July 1990*, pp. 123 e.s.; International Labour Office (1994), *World Labour Report*, No. 7, 1994, pp. 27 e.s.

[87] S. noch einmal Esping-Andersen, *Welfare State and Unemployment* (Anm. 43).

gemeinnützige Dienste organisiert werden könnten, in denen Menschen ohne Entgelt oder gegen geringere Entgelte, als sie im Arbeitsleben üblich sind, tätig werden.[88] Das Stichwort ist der "Dritte Sektor".[89]

Doch können Familienarbeit und sonstige Nichtvollerwerbsarbeit die Problematik des Arbeitsmarktes für sich allein auf keinen Fall lösen. Aber welcher Weg liegt im übrigen vor dem Arbeitsmarkt der industrialisierten marktwirtschaftlichen Länder?

Ist es denkbar, daß eine *neue gesamtgesellschaftliche Konvention* ein neues Normalarbeitsverhältnis hervorbringt, das Arbeitszeit[90] und Arbeitseinkommen so verteilt, daß somit *alle* Erwerbsfähigen an der Erwerbsarbeit angemessen teilhaben können — daß also eine *neue* Vollbeschäftigung entsteht?[91]

Kann es eine allgemeine Hoffnung sein, daß die Gesellschaft in freier Übereinkunft die *Arbeit ungleich aufteilt*, so daß eine entsprechende Bereitschaft zur Teilzeitarbeit das Problem löst? Welche Rahmenbedingungen wären dafür zu schaffen?[92]

Ist es richtig, die Wettbewerbsfähigkeit durch eine *weite Spreizung des Arbeitsmarktes* zu sichern, der die Leistungsfähigsten, deren Produktion die Überlegenheit im Wettbewerb sichert, maximal bezahlt, während die Löhne der Leistungsschwächeren dem Wettbewerb nach unten mit den Kosten des Faktors Arbeit in leistungsschwächeren Ländern ausgesetzt werden?[93]

Ist es möglich und sinnvoll, am *herkömmlichen Normalarbeitsverhältnis* festzuhalten, damit den produktivsten Beschäftigungsbereichen eine maximale Leistungsfähigkeit zu erhalten, im übrigen aber auf Sozialleistungen und/oder auf irreguläre Beschäftigungsverhältnisse — vielleicht auf einen informellen Sektor auch in den entwickelten Ländern — zu verweisen? Im

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[88] Riedel, B. & Strümpel, C. (1996), "Neuere Formen ehrenamtlicher Tätigkeit: internationale Entwicklungen", *Eurosozial*, Heft 59, S. 11 ff.

[89] Anheier, H.K. & Seibel, W. (1990), *The Third Sector: Comparative Studies of Non-Profit Organisations*, Rifkin, J. (1995), *The End of Work*, pp. 249 e.s.

[90] Roche, W.K. *et al.*, "Working Time and Employment: A Review of International Evidence", *International Labour Review*, Vol. 135, pp. 129 e.s.

[91] S. die Vision von Günther Schmid in seiner — soweit zu sehen — unveröffentlichten Rudolf-Meidner-Lecture (1994), "A New Approach to Labour Market Policy: A Contribution to the Current Debate on Efficient Employment Policies. Is Full Employment Still Possible? Transitional Labour Markets as a New Strategy of Labour Market Policy".

[92] Das Muster dafür scheinen die Niederlande zu sein. S. dazu Schmidt, G. & Helmer, M. (1996), "Beschäftigungswunder Niederlande? Ein Vergleich der Beschäftigungssysteme in den Niederlanden und in Deutschland", Discussion Paper FS I, 1996-206, Wissenschaftszentrum Berlin für Sozialforschung.

[93] S. dazu Aust & Bieling, *Arbeitsmarkt- und Beschäftigungspolitik in Westeuropa* (Anm. 41), insbes. S. 147 ff.

wesentlichen wäre das der Versuch, an dem "Normalzustand" der letzten Jahrzehnte bis zu einer wirtschaftlichen "Heilung" festzuhalten. Wird der Versuch gesellschaftlich und politisch machbar, wird er wirtschaftlich sinnvoll sein?

Warum diese Fragen hier aufgeworfen werden? Weil der Umgang mit der Arbeitslosigkeit davon abhängt, welche Vision Gesellschaft und Politik von der gesellschaftlichen Verteilung der Arbeit haben und haben wollen.[94]

3. Die besondere Last der postsozialistischen Länder

Die Dominanz der wirtschaftlichen Strukturen wird auf das Dramatischste an der Situation der früheren sozialistischen Länder deutlich. Ist die Wirkung der Globalisierung aus den neuen Aktionsräumen und Aktionsweisen der klassischen Produktionsfaktoren Arbeit, Kapital und Boden und aus der weltweiten Vergleichbarkeit der Qualität und der Preise der Produkte zu erklären, so wird die elementare Schwierigkeit der Transformationsländer[95] deutlich. Arbeit, Kapital und Boden waren im Sozialismus einander nicht in der Weise zugeordnet, daß sie im Rahmen einzelner Unternehmen Gewinn zu erwirtschaften hatten. Und die Produkte waren allenfalls selektiv auf einen weltweiten Wettbewerb eingerichtet. Arbeit, Kapital und Boden müssen erst neu zu wirtschaftlich rentablen Einheiten zusammenfinden. Das setzt ein entsprechend kompetentes Management voraus. Das setzt Arbeitskräfte voraus, die einer auf weltweiten Wettbewerb eingerichteten Produktion gerecht werden. Und es setzt voraus, daß das nötige Kapital investiert wird.[96] Gerade im Wettbewerb um das Kapital aber sind die Wirtschaftseinheiten einer Reihe von Ländern durch Probleme der Infrastruktur, der Rechtsordnung und — praxis[97] und des politischen Systems behindert.[98]

Diese Schwierigkeiten stellen die Transformationsländer vor die Versuchung, von einer unternehmerisch-marktwirtschaftlichen Reorganisation der Produktion abzusehen und damit das Unmaß der Friktionen, die

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[94] S. noch einmal Aust & Bieling, ebd.

[95] World Bank (1996), "From Plan to Market", World Development Report 1996; Wollmann, H. u.a. (Hrsg.), (1995), "Transformation sozialistischer Gesellschaften: Am Ende des Anfangs Leviathan", *Sonderheft*, 15.

[96] Pankov, V. (1994), *Ökonomie der Reformländer. Der gegenwärtige Wandel und die Prognosen für die Transformation.*

[97] Frankowski, S. & Stephan, P.B. (eds.) (1995), *Legal reform in postcommuniste Europe. The view from within.*

[98] Brunner, G. (Hrsg.) (1996), *Politische und ökonomische Transformation in Osteuropa.*

mit der Neuorganisation der Wirtschaft verbunden sind, zu vermeiden.[99] Das bedeutet weitgehend jedoch ein Defizit an Produktivität.[100] Der *Leistungsschwäche der Wirtschaft* entspricht die *Leistungsschwäche des Staates*. Und beide zusammen führen zu einer Zersetzung des Arbeitslebens und zu einer verbreiteten *Armut* aller, die auf staatliche Leistungen angewiesen sind.[101] Was die Politik damit erkauft, ist eine niedrige Arbeitslosigkeit. Reorganisation der Wirtschaft dagegen führt in der Regel zu einer hohen *Arbeitslosigkeit*,[102] die mit der Umstellung der Arbeitskräfte auf die neuen unternehmerischen Konstellationen und das neue Produktionsgeschehen einhergeht. Freilich geht auch sie mit Armut einher.[103]

Entsprechenden Herausforderungen ist die Politik der *sozialen Leistungen*, insbesondere der sozialen Sicherheit, ausgesetzt.[104] Sie muß der Notwendigkeit Rechnung tragen, zwischen dem internalisierenden Schutz, der dem Arbeitgeber zuzumuten ist, ohne die unternehmerische Rentabilität grundsätzlich in Frage zu stellen, und den externalisierenden Systemen der sozialen Sicherheit, der sozialen Förderung und der sozialen Hilfe zu unterscheiden. Das heißt: Sie muß der Wirtschaft, obwohl diese ihre Produktivität erst entwickeln kann, die Finanzierung der Sozialleistungssysteme durch Beiträge und Steuern abverlangen. Von der anderen Seite gesehen: Sie muß den Sozialleistungsempfängern zumuten, sich mit den Leistungen zu begnügen, die von einer Wirtschaft, die erst reorganisiert wird, durch Beiträge und Steuern aufgebracht werden können.

Alle Länder haben jedenfalls Systeme des *Schutzes gegen Arbeitslosigkeit* geschaffen.[105] Und einige von ihnen haben — teils[106] noch in der

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[99] In diesem Sinne Jackman, R. (1994), "Economic Policy and Employment in the Transition Economies of Central and Eastern Europe: What have we learnt?", ed. by *International Labour Review*, Vol. 133, pp. 327 e.s.

[100] International Labour Office (1995), *World Employment*, pp. 108 e.s.

[101] Tschernina, N.V. (1994), "Unemployment and the Emerge of Poverty During Economic Reform in Russia", *International Labour Review*, Vol. 133, pp. 597 e.s.

[102] Zur Arbeitslosigkeit s. allgemein World Employment 1995, pp. 105 e.s. S. ferner OECD (1994), *Unemployment in Transition Countries: Transiant or Persistent*; OECD (1995), *The regional dimension of unemployment in transition countries*.

[103] *World Employment* 1995, pp. 111 e.s.

[104] International Social Security Association (1994), *Restructuring Social Security in Central and Eastern Europe. A Guide to Recent Developments, Policy Issues and Objects*; von Maydell, B. & Hohnerlein, E-M. (1993), "Die Umgestaltung der Systeme sozialer Sicherheit in den Staaten Mittel- und Osteuropas. Fragen und Lösungsansätze", *Schriftenreihe für Internationales und Vergleichendes Sozialrecht*, Bd. 13, Heinrich, R.P. & Koop, M.J. u.a. (1996), *Sozialpolitik im Transformationsprozeß Mittel- und Osteuropas*.

[105] OECD, *Employment Outlook* 1992, pp. 258 e.s.

[106] So jedenfalls Polen und die Tschechoslowakei.

sozialistischen Zeit — Basissysteme der *sozialen Hilfe* eingerichtet.[107] Welchen realen Schutz dies alles bietet, ist zumindest sehr unterschiedlich. Empirie ist nicht greifbar. Sichtbar ist freilich, daß der *aktiven Beschäftigungspolitik* besondere Bedeutung zukommt,[108] ie muß helfen, den Faktor Arbeit für seine neue Rolle in einer neuen Wirtschaft zu qualifizieren. Doch konnten alle diese Maßnahmen noch nicht den *Wanderungsdruck* mindern, der auf den Menschen in diesen Ländern zu liegen scheint.[109]

4. Die Disparitäten der Entwicklungsländer

Die Wege der Entwicklungsländer[110] trennten sich in den 80er und 90er Jahren mehr als je vorher.[111] Genauer: Die Länder Ost- und Südostasiens traten in einer Reihe von Leistungskriterien an die Spitze der Weltwirtschaft und gaben so deren Globalisierung einen mächtigen Schub. Die anderen Regionen blieben weit dahinter zurück. Doch sind die Unterschiede auch zwischen ihnen — Südasien, Lateinamerika und Karibik, schließlich Afrika südlich der Sahara — beträchtlich.

Südostasien[112] erlebte nicht nur eine eindrucksvolle Wachstumsdynamik, sondern auch einen einzigartigen Beschäftigungsanstieg — insbesondere auch eine nachhaltige Verlagerung der Beschäftigung vom informellen Bereich in den formellen industrialisierten Bereich, in dem es zuweilen (in Malaysia, Singapur, Taiwan und China) zu Arbeitskräftemangel kam. Der Ausbau der Systeme sozialer Sicherheit[113] ging mit dieser Entwicklung erst allmählich einher und blieb auf einfache Techniken begrenzt. Auch hier stellen betriebliche Systeme eine wesentliche Ergänzung — und ebenso eine besondere Verbindung zwischen dem Unternehmen und seinen Arbeitnehmern — dar. Ein spezifisches System

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[107] Eine verläßliche und umfassende Studie zu Mindestsicherungssystemen (Sozialhilfesystemen) in Transformationsländern fehlt.

[108] S. OECD (1995), *Social and Labour Market Policies in Hungary*; Godfrey, M. (1995), "The struggle against unemployment: Medium-term policy options for transitional economies", *International Labour Review*, Vol. 134, pp. 3 e.s.; *World Employment 1995*, pp. 114 e.s.

[109] International Labour Office (1992), *World Labour Report*, No. 5, pp. 45 e.s.

[110] Weltbank, Weltentwicklungsbericht 1995: "Arbeitnehmer im weltweiten Integrationsprozeß", 1995.

[111] International Labour Office, *World Employment 1995*, pp. 61 e.s.

[112] Ebenda, pp. 62 e.s.

[113] Zum Aspekt der sozialen Sicherheit s. auch zum folgenden: International Labour Office, *World Labour Report*, No. 6, 1993, pp. 57 e.s.; Klemp, L. (1992), "Soziale Sicherheit in Entwicklungsländern", *Aus Politik und Zeitgeschichte*, B 50/92, S. B 50 ff.

der Sicherung für den Fall der Arbeitslosigkeit besteht nur — und extrem selektiv — in der Volksrepublik China.[114]

Südasien[115] machte vergleichsweise moderate Fortschritte. Dabei lag das Gewicht der Entwicklung mehr auf dem urbanen informellen Sektor als auf dem urbanen formellen Sektor. Auch hier ist der Ausbau sowohl des (internalisierenden) sozialen Schutzes als auch der (externalisierenden) Sozialleistungssysteme ein sehr allmählicher und zurückhaltender. Systeme zum Schutz für den Fall der Arbeitslosigkeit fehlen.[116]

Lateinamerika[117] bietet ein sehr vielfältiges Bild. Die Beschäftigung im urbanen formellen Sektor ging, nachdem sie in den 50er, 60er und 70er Jahren beträchtlich gewachsen war, in den 80er und 90er Jahren wieder leicht zurück. Auch hier wuchs der urbane informelle Sektor. Die Arbeitslosigkeit, deren Zählung in Hinblick auf die verschiedenen Sektoren der Beschäftigung ein hohes Maß an Unsicherheit aufweist, war sehr unterschiedlich. Kennzeichnend für Lateinamerika ist eine intensive arbeitsrechtliche Regulierung des formellen Sektors. Auch im Bereich der sozialen Sicherheit gehört es zu den Eigentümlichkeiten dieses Erdteils, daß sie eher die Mittelschichten betrifft als die bedürftigeren Bevölkerungsteile.[118] Besondere Systeme der sozialen Sicherheit für den Fall der Arbeitslosigkeit gibt es nur sehr ausnahmsweise.[119]

Die meistbenachteiligte Region ist *Afrika südlich der Sahara.*[120] Die Beschäftigung im urbanen formellen Sektor ging in den 80er Jahren nachhaltig zurück. Nur in einigen Ländern (Botswana und Mauritius) kam es zu einer Zunahme. Der Rückgang des urbanen formellen Sektors im Verein mit massiven Tendenzen der "Landflucht" führten dazu, daß vor allem der urbane informelle Sektor wuchs. Es wird geschätzt, daß in ihm 60 v.H. der in den Städten arbeitenden Bevölkerung tätig sind. Arbeitslosigkeit ist in dieser Situation schwerlich zu definieren und zu errechnen. Systeme der sozialen Sicherheit und andere Sozialleistungssysteme sind ungleich, im allgemeinen jedoch schwach ausgebaut. Systeme der sozialen Sicherheit für den Fall der Arbeitslosigkeit fehlen.

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[114] *Social Security Programs throughout the World - 1993* (Anm. 20), pp. XXXIII e.s., 72 e.s.

[115] *World Employment 1995*, pp. 63 e.s.

[116] *Social Security Programs throughout the World - 1993* (Anm. 20), pp. XXXIII e.s.

[117] *World Employment 1995*, p. 66.

[118] Grundlegend Mesa-Lago, C. (1978), *Social security in Latin America: Pressure Groups, Stratification and Inequality*. Zur aktuellen Situation s. ders. (1994), *Changing social security in Latin America. Toward alleviating the social costs of economic reform.*

[119] Mesa-Lago, *Changing social security in Latin America* (Anm. 118), pp. 29 e.s., 183 e.s.

[120] International Labour Office (1992), *World Labour Report*, No. 5, pp. 37 e.s.; *World Employment 1995*, pp. 65 e.s.

Die Frage, wie *Arbeit*[121] und *Arbeitslosigkeit* aussehen, was sie gesellschaftlich und individuell bedeuten und in welcher Lage sich der Arbeitslose befindet, hat also auch, ja ganz besonders, über die Dritte Welt hin ein sehr vielfältiges Gesicht. Gemeinsam aber ist ihr, daß der Arbeitslose grundsätzlich nicht aufgefangen wird in einem System der sozialen Sicherheit. Seine Zuflucht und Chance sind die "subformellen" Sektoren. Dort mag er auf eigenen Beinen stehen. Dort mag ihm geholfen werden. Dort mag er auch untergehen. Oder er mag schließlich in den sozialen Raum der Armut fallen. Die Sorge für den Arbeitslosen ist grundsätzlich keine unmittelbare und explizite Last für das wirtschaftliche System. Umgekehrt aber sind die formellen Sektoren ein weites Reservoir für die Ergänzung des Faktors Arbeit auch im urbanen formellen Sektor.

Das kann nicht bedeuten, daß die Situation der Menschen in "subformellen" Bereichen nicht doch sozialpolitische Verantwortung abverlangt.[122] Nur: Sie kann nicht mit den herkömmlichen Methoden sozialer Sicherheit, sozialer Förderung und sozialer Hilfe geleistet werden, die in der "formellen" Arbeitswelt der altindustrialisierten Länder entstanden sind. Die Methode der Wahl sind nicht Einkommensleistungen, sondern konkrete Hilfen und Dienste. Und unter diesen Diensten kommt denen, die für das Arbeitsleben qualifizieren, eine besondere Bedeutung zu.[123]

IV.

Schlußbemerkungen

Der freiheitliche Wohlfahrtsstaat hat nicht ein festes, klares Programm. Er hat eine Rahmenverantwortung, um die Widersprüche, die sich mit der Vorstellung sozialer Gerechtigkeit verbinden,[124] zu einem angemessenen Austrag zu bringen. Es sind die Widersprüche zwischen Leistungsgerechtigkeit, Besitzstandsgerechtigkeit und Bedarfsgerechtigkeit, die nur zusammen eine soziale Gerechtigkeit ergeben.[125] Es sind die Widersprüche

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[121] S. Horton, S. u.a. (eds.), (1994), *Labour Markets in an Era of Adjustment.*

[122] Jenkins, M. (1993), "Erstreckung des Schutzes der sozialen Sicherheit auf die gesamte Bevölkerung: Probleme und Fragen", *Internationale Revue für Soziale Sicherheit*, Bd. 46, S. 3 ff.

[123] International Labour Office (1989), *Training for Work in the informal sector*, ed. by Fred Fluitman.

[124] S. Zacher, *Das soziale Staatsziel* (Anm. 4).

[125] S. Kerber, W., Westermann, K. & Spöhrlein, B. (1981), "Gerechtigkeit" in: *Christlicher Glaube in moderner Gesellschaft*, Teilbd. 17, 2. Aufl., S. 44 ff.; Zacher, H.F. (1993), "Sozialrecht und Gerechtigkeit", in: *Abhandlungen zum Sozialrecht*, 1993, S. 308 ff.

zwischen den praktischen Erwartungen, die sich an ihn richten: daß er ein Existenzminimum für jeden gewährleistet, daß er sich um mehr — nicht aber um absolute — Gleichheit unter seinen Bürgern bemüht, daß er sie gegen die Wechselfälle des Lebens sichert (auch wenn er damit Ungleichheiten perpetuiert) und daß er für eine Entwicklung der Wirtschaft sorgt, die dafür die Voraussetzungen schafft.[126] Und es ist der Widerspruch, der darin liegt, daß im freiheitlichen Wohlfahrtsstaat es primär die Sache der einzelnen, ihrer Gruppen und der gesellschaftlichen Kräfte ist, seine Ziele zu erreichen, daß er gleichwohl — der Idee der Subsidiarität folgend — die Verantwortung nicht nur dafür trägt, daß einzelne Gruppen und gesellschaftliche Kräfte auch untereinander die Ziele des Wohlfahrtsstaates achten, sondern unmittelbar auch für die richtige Politik dort, wo a priori der Staat zuständig ist.[127] Diese Struktur seiner Aufgaben bewirkt, daß der Wohlfahrtsstaat ein weites Ermessen darin hat, seinen Auftrag zu konkretisieren. Nur so kann er mit der Fülle der Widersprüche zurechtkommen, die sein Wesen ausmachen. In der Tat hat der Wohlfahrtsstaat viele Ausformungen gefunden.[128]

Dieses spezifische weite Ermessen hat der Wohlfahrtsstaat auch in bezug auf die Probleme der Arbeit und der Arbeitslosigkeit. Daß die "Arbeiterfrage" seiner Geschichte, die mit der "Armenfrage" begonnen hatte, erst die große politische Kraft gab, und daß das "goldene Zeitalter" der Wohlfahrtsstaaten, das hinter uns zu liegen scheint, vor allem die Stellung der abhängig Beschäftigten, nicht zuletzt auch der Arbeitslosen, die ja abhängig Beschäftigte sein wollten, verbesserte, kann den Eindruck vermitteln, als stehe der Wohlfahrtsstaat insofern unter festen Normen. Die umwälzenden Entwicklungen, vor denen die Gestalt der Arbeit ebenso wie die Politik der Wohlfahrtsstaaten in dieser Zeit jedoch stehen, beweisen das Gegenteil. Dürfte der Wohlfahrtsstaat nur die bisherigen Lösungen fortschreiben, so würde er sich selbst gefährden. Im Gegenteil: Dem Wohlfahrtsstaat ist situationsgerechte Innovation abverlangt. Freilich bleibt er seinem Wesen und seinen Prinzipien verpflichtet. Freilich auch hat er zu beachten, daß die Arbeit zu den höchsten menschlichen Gütern zählt, die ihm anvertraut sind, und daß er auf den Grundsatz der Solidarität verpflichtet ist — daß er also nicht das Risiko des Ausschlusses eingehen darf, wo immer er es vermeiden kann.

Zu den größten Schwierigkeiten, die Pfade einer richtigen Politik zu

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126 S. Zacher, *Das soziale Staatsziel* (Anm. 4), S. 20 ff.

127 Ebenda, S. 18 ff.

128 S. noch einmal die in Anm. 12 u. 13 Zitierten.

finden, zählt das Spannungsverhältnis zwischen der nationalen Natur der Wohlfahrtsstaaten und den weltweiten Zusammenhängen, in denen sie stehen: zwischen den weltweiten Entwicklungen, denen sie ausgesetzt sind, aber auch der weltweiten Verantwortung, die ihnen auferlegt ist.[129]

[129] S. *World Employment 1995*, pp. 193 e.s., s. auch noch einmal die Hinw. oben Anm. 24-27. Zu den sozialen Verpflichtungen der Weltgemeinschaft s. umfassend Köhler, P.A. (1987), "Sozialpolitische und sozialrechtliche Aktivitäten in den Vereinten Nationen", *Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht*, Bd. 4, Schuler, R. (1988), "Das internationale Sozialrecht der Bundesrepublik Deutschland", *Studien aus dem Max-Planck-Institut für ausländisches und internationales Sozialrecht*, Bd. 7, 1988.

Summary of the Discussion

Almost twenty years ago, when Pope John Paul II wrote that labour was the key to tomorrow's social problems, many treated this as exaggerated at a time of full employment and economic growth. Now this pronouncement would be greeted with less incredulity because the problems of work and employment are a challenge, not only for the unemployed, but for the whole of society.

However, society is now a global society which creates a world-wide labour market. In many developed countries, the legal entitlements of employees have rendered labour prohibitively expensive. Nevertheless, as there is quite enough world-wide demand for labour, the problem of unemployment can only be solved at the global level. As far as social security benefits are concerned, it is questionable whether the Church's social teaching has not endorsed an excessive level of payments as the rightful norm. Equally, the Church seems to be thinking in national rather than global terms, when condemning job losses in developed countries. The reduction of jobs in one part of the world leads to job-creation in other parts of the globe. Every new economic order (including hypothetical ones which might be advocated), has to confront the question of capital regulation. Social teaching has not confronted this issue, having been more concerned with issues of distributive justice than with the conditions of production. Here, the Church's moral universalism needs to be complemented by a global institutional commitment, that is a greater involvement with the develping international regulatory agencies.

TRADE UNION RE-ORGANIZATION AND THE EMPLOYMENT CRISIS: UNIONS AND SOCIAL POLICY IN A WORLD OF GLOBALIZATION AND DEREGULATION

COLIN CROUCH

Whether one examines the issue from the perspective of neo-classical economics or from that of trade unions, union involvement in economic decision-making and the current unemployment problem seem mutually inimical. From the former perspective trade unions are a major source of the rigidities which in theory prevent labour markets from clearing. From the union perspective high unemployment raises the power of employers relative to employees in a manner that makes active employee involvement (especially through unions) in economic decision-making very unlikely. However, detailed scrutiny suggests that the issue might be less simple than this.

In the background rests concern over the implications for employment of economic globalization, by which I mean the extension of a single interlinked set of markets and organizations for the production and delivery of goods, services, finance and to some extent labour across the entire inhabited world. A central contention of this paper is that the adjustment problems caused by globalization are essentially transitional. Admittedly, the transition will be a long one. The recent economic advance of South-East Asia and the extension of capitalism to eastern Europe still leaves vast quantities of labour beyond the reach of the global economy. Important moves are being made in Latin America, the Arab world; some parts of the immense territories and populations of China and the Indian sub-continent have become involved; most of sub-Saharan Africa is still untouched. Further, in many of these countries dictatorships of various political colours are able to secure certain competitive advantages that flow from the suppression of demands for labour rights. Nevertheless, beyond the long transition lies a world worth waiting for, where more people in more parts

of the world than ever before experience decent levels of prosperity, and where old and new producers will find their niches in a greatly expanded world trading system.

At present we are experiencing a massive shift in the global balance of power between capital and labour as the far superior relative mobility of the former increases its scarcity, and this is having consequences in the domestic politics of every country as capital demands the deregulation of labour markets and the erosion of measures for workers' security as the price for continued investment in any particular location. Eventually this relative advantage will subside. Once we take this view of the transitional nature of the process it is possible to advance ideas for "tunnelling through", for trying to limit the consequences for social policy and labour rights of the dramatic but temporary shift in global capital-labour relations that is taking place. In order to consider what this means in practice we must examine in some more detail the character of the major economic changes.

Employment issues and economic globalization

In the simplest case globally mobile capital is seen as moving to parts of the world where labour costs (direct and indirect) are lowest and where labour's rights are least well developed. Clearly, there are cases where this happens. The production of certain goods has shifted heavily away from the existing advanced countries, largely for reasons of costs which are in the last analysis labour costs, a notable example being ship-building which moved first from Western Europe and the USA to Japan, and then on to South Korea and elsewhere in south-eastern Asia. Some services have already been affected as well as manufacturing: for example, shipping, where crews below officer level are almost universally recruited from low-wage countries; but also back-office clerical and accounting tasks, such as the European airlines whose ticketing operations are co-ordinated and administered in India, or the US insurance firms whose staff dealing with telephoned inquiries from customers in North America are located in Ireland (a relatively low-wage country within Western Europe) — accessed at local call rates via 0800 numbers.

How extensive are these inroads likely to become? Setting aside the Irish example, until a few years ago one could have argued that only relatively low-skilled work was likely to be exported to truly third-world countries, because almost by definition the very poverty of social infra-structure that made their labour cheap and taxation levels low prevented them acquiring skills. However, advances in technology have affected both production methods and systems of managerial control so that it is

increasingly possible both for low-skilled workers to perform tasks that a few years ago required an advanced educational base, and for remotely located managerial teams to oversee the production process.

Nevertheless, other factors come into play to limit the challenge. First, the mobility of productive capital in the sense of factories, distribution chains and points of service delivery is in practice far more restricted than the theoretical concept of unrestricted capital movements implies; "sunk costs" play an important part in all relocation decisions. Second, the progress of technology in enabling low-skilled labour to perform previously skilled tasks should not be exaggerated. The long-term trend is for an increase in the skills required from labour forces, and often managements can gain even more value added by mixing both advanced technology and highly skilled labour than by seeking a constant sum of value added by substituting technology for skill. Far more important than a shift to low-skilled countries and work forces is the fact that many newly industrializing countries are rapidly improving the educational level of their populations and now compete in the most advanced markets, while retaining some low-cost advantages over the old industrial nations. South Korea and Taiwan are notable examples. In doing this however these countries start to move some way towards the level of labour costs and social infrastructure that are often seen as a burden in the advanced societies. This becomes a third factor limiting the extreme confrontation between high and low costs. Poor-quality social infrastructure is not necessarily an advantage.

As research by Pascal Petit and Terry Ward (1995) has shown, although the new economies of the Far East have considerably increased their import penetration of Western Europe and other advanced areas, they receive a far smaller proportion of direct investment from the industrialized countries than do those countries themselves. Of course, it will continue to rise as we are still in the early stages of the process, but it is important to place what has occurred already in perspective. More important is the fact that, as wealth shifts to the new producers, so they become customers for the goods of the advanced countries. As Petit and Ward also show, while South-East Asian manufacturers increased their share of third-country imports into the then European Community area from 12% to 18% between 1985 and 1992, their share of exports from the Community to third countries increased from 8% to 13% over the same period. Similar developments have taken place in their trade with the USA and Japan, where in fact there has been even greater success in exports to the region. Living standards in the new industrializing countries eventually rise, leading both to a reduction in the gap in labour costs and a rise in trade opportunities for the advanced countries as much as for themselves.

Transnational firms are not the only relevant actors. There are also

exports from domestic producers in low-cost countries who are able to compete effectively with locally made products in the advanced countries — the shoe industry is a good example. The entry barriers here are far lower, though there are restrictions on the range of goods, which tend to be limited to those that can be produced and then internationally distributed by relatively small indigenous firms in the low-cost countries.

Relatively untouched by globalization are not only some areas of goods production but also large areas of services provision. Of course, we must not make the mistake of regarding services in general as not being internationally tradable; and as the airline and insurance company cases cited above show, certain aspects of even locally traded services can be located remotely. Nevertheless, many services are likely to remain locally recruited and locally provided; examples include those of lawyers, cleaners, school teachers, policemen, shop assistants.

Some of these services are touched by globalization to the extent that global labour markets develop, taking the form of immigration into an advanced country from poorer ones. However, the impact of globalization is here limited by certain factors that do not apply to goods production or those services that can be delivered remotely. First, even though immigration will reduce wages in certain sectors through the increase in labour supply it represents, the employment conditions and therefore industrial citizenship rights of immigrant workers will usually be covered by national arrangements. It is possible to benefit from industrial citizenship without being a citizen in the formal political sense; the only important exception to this is the growth of clandestine employment among immigrants who have arrived illegally. Second, racism within the advanced countries has nearly everywhere led to far more severe limits being imposed on the movement of labour than on capital. Given that in practice neo-liberal parties tend either to govern in coalition with, or to have their own wings which include, xenophobic groups, there is nothing like the same thrust to liberalize labour markets as there is capital ones.

Very different arguments apply to the mobility of a further factor of production: purely financial capital. Here, the limitations of sunk costs that inhibit moves of production facilities do not apply, or do so only marginally. To shift production of motor vehicles from Germany to Poland takes years of planning, the construction of facilities, the training of work forces, the establishment of distribution chains. To shift billions of Deutsche Mark in and out of firms or national currencies requires just a few seconds and some information on a computer screen. A combination of computer technology and the deregulation of markets has produced a global financial sector. This does not have many direct implications for employment conditions, but its indirect implications are considerable.

The indirect implications of globalization

These extreme differences of exposure to globalization do not mean that we have two employment situations within countries, an internationally traded sector in which employment rights are depressed by global competition and a locally traded one (consisting mainly of services) in which it is not. Instead the following logic seems to be in operation. In most advanced countries there have been strenuous attempts to raise productivity in the export and import-substitution sectors; labour has been replaced by technology; low-skilled labour has been replaced by high-skilled; and inefficient producers have closed down. Niches have been found in globally competitive markets, not by reducing labour standards, but by improving productivity. This has often led to improved standards for those remaining in employment, but a large decline in their numbers. This is in particular the European case (OECD, 1994).

The competitive pressure from global competition has therefore fallen indirectly on those forced out of employment in the sectors directly engaged in the competition. Many of these have become unemployed; although the evidence is mixed, there are clear indications that part of the rise in unemployment in Europe and elsewhere has been the result of the new competition (Wood, 1994: ch. 8). Many others however have found employment in services sectors not directly touched by global competition. The process has often been even more roundabout than this implies. Workers do not necessarily move from one sector to another; rather, one generation stays in the old sector while its sons and daughters find employment in the new; or the wives of men made redundant or taking early retirement find the new employment and thereby sustain the family's income.

The growth of non-traded services has in no way been caused by globalization. In many cases it has been fortuitous that employment opportunities have opened in these services at a time when employment was contracting in manufacturing; and many of the jobs created have been at high skill levels. In particular, the biggest single component of the services sector — community and social services — employs proportionally more highly educated personnel than either manufacturing or the distributive and communications services which are closely allied to manufacturing (Crouch, 1998: ch. 4). At least in European countries, a majority of community and social services are publicly provided, and public employment typically enjoys high levels of security and other attributes of employment rights. Nevertheless, public employment has not been free from the pressure of globalization. Since an important part of the cost advantage of third-world producers and relatively low-cost advanced countries comprises the low

taxes and social costs borne by businesses, many advanced countries have tried to improve their competitiveness by reducing their own social expenditure, which eventually has an impact on the employment conditions of public employees in social and community services. Governments have also used reductions in taxation (and therefore in expenditure) as indirect inducements to workers not to press for increased wages and thereby to constrain labour costs. Finally, the ability afforded by globalization to some firms to "regime shop" may involve governments in competitive reductions in taxation on businesses and managerial incomes, again with negative consequences for public employment.

It is here also that the full relevance of the extreme mobility of financial capital becomes relevant. If governments are tempted to risk a period of inflation by engaging in deficit spending in order to sustain public services while keeping taxes low, their currencies will be punished very quickly by the capital markets. Even if they raise taxes to finance the spending they may still be punished by the widespread prejudice of those engaged in these markets against public expenditure.

Implications for industrial relations and the role of unions

If one of the indirect effects of globalization is to reduce public employment, it has a number of consequences for industrial relations. First, public services usually have particularly highly institutionalized forms of industrial relations and their own employees' security. This is ambiguous. While it might form part of a general growth of such rights, in some cases it makes public employees a privileged group. Second, public employment has provided particularly highly skilled work opportunities for many men and women, and a decline in its size may therefore lead to an overall reduction in such opportunities. Third, and possibly most important, in addition to their highly skilled employees, public services also employ large numbers of low-skilled people, especially women, in both manual and non-manual position. Although these people usually earn only low incomes, public employment status has usually provided them with a degree of security, protection from extreme exploitation and right to trade union representation not otherwise easily available to poor people. The rights of this group are heavily threatened when public services decline.

Such a decline can take the form of either the privatization of those services or an absolute reduction in the provision of the service in question (and therefore of employment in it). Often a combination of the two can occur: removal of a service from public provision, free or heavily subsidized

at the point of receipt, to private provision through the market (as would be the case with the privatization of education or health services) is likely to lead to a reduction in demand as poorer consumers leave the market. This is less likely to happen among wealthier consumers (unless the service provided is one for which there was little real consumer demand) or with services that had been provided on a market basis under public ownership. Here there may be no reduction in employment of the same type, but there may still be a change of employment rights if private employers do not accept the terms and conditions of public employment. Whether this leads to an overall reduction in occupational rights or merely the abolition of privileges can only be determined by inspection of individual cases; where low-skilled, low-wage public employees are considered it is likely to be the former. In many cases one of the main "gains" perceived to flow from privatization has been the reduction of security and worsening of employment conditions for low-wage public employees.

Increased productivity and intensified competition in manufacturing alongside this decline in public services are now leading to greater reliance being placed on other services sectors — distribution and communications, business services, and personal and domestic services — to provide employment opportunities. They have been doing so through a process of growth that initially had nothing to do with globalization but with changes in patterns of consumer demand, the implications of differential productivity rates in different sectors of the economy, and the tendency for manufacturing firms to contract out a range of service activities to firms in the business services sector. This process of job creation has been at varied skills levels: business services, like public services, have provided a large number of professional and managerial positions; the distributive sector has mainly contributed routine non-manual jobs; private services, something of a residually defined sector, have provided some professional and routine non-manual, but also some unskilled manual employment (ibid.). In all cases the main missing group has, as in community and social services, been skilled manual work. In all cases, again including the community and social services sector, most of the employment creation, especially at the lower levels of skill and earnings, has been taken up by women. In most countries outside Scandinavia these sectors, as well as privately provided social and community services, have — unlike public services — particularly low levels of trade union membership and of institutionalized industrial relations.

The problem of low-skilled work

Globalization has been only indirectly involved in these main processes: it is only insofar as pressures to improve productivity (and therefore probably to reduce employment levels) are higher in internationally traded sectors, which have become more competitive as a result of globalization, than in protected sectors that it has been one among many general causes of the rise of the service sectors. There is however a more specific indirect contribution of globalization to certain kinds of employment growth which is more clearly an aspect of a decline in occupational rights. This takes the following form. The decline in the demand for labour in manufacturing, created partly by globalization, leads to a rise in unemployment among low-skilled people. Employment can be created for them in labour-demanding, and therefore low-productivity, sectors only if they are inexpensive to employ. This requires not only low wages but also low indirect labour costs and low levels of security. It is this line of reasoning that leads the OECD and the consensus of economic experts to advocate a general deterioration in the regulation of labour markets, labour security and social protection — in short, a deterioration in industrial citizenship. The fact that the UK and the USA — countries with particularly low levels of such citizenship among the advanced nations — are experiencing a decline in unemployment levels while much of Western Europe is seeing rising unemployment is taken as evidence of the value of such a strategy.

In this context it is particularly relevant to note that the superior employment performance of the USA in relation to most continental European economies consists almost entirely in a superiority in non-traded sectors: distribution above all, and the sector known as "community and social services" (Crouch, Finegold and Sako 1998: ch. 2). There is also superiority in the small but important and partly traded sector of financial and business services. Particularly notable however is that the US employment level in manufacturing, where arguments about competitive labour costs and trade union power are most important, is considerably below that of several European cases, while the European countries that most resemble the USA in having a large distributive sector are the high-unemployment southern European cases.

No-one expects the actual levels of security and employment terms of higher paid employees to be adversely affected by the removal of legislated or bargained security arrangements; such employees would continue to benefit through labour-market forces. The aim of the deregulation strategy is to produce more employment at the low end of the skill and income chain, simultaneously producing a general shift in the character of security

away from established rights and towards market forces as well as a major increase in social inequality.

There are however alternative strategies which can limit the severity of such a dilemma, if policy makers so choose. For example, a significant component of labour costs comprises the contributions to employees' social security, pension rights, etc. that are borne by employers, though there is considerable diversity among countries in the extent to which this burden is shared by the general tax payer. At a time when it was necessary to encourage higher productivity production methods in European industry in conditions of full employment, it made sense for the cost of employing labour to be raised in this way. There are also sound economic grounds for arguing that the provision of a certain level of income security for employees is an intrinsic part of labour costs, and that these should be borne by the employer. More pragmatically, a major motive for governments loading a substantial part of the cost of social insurance on to employers was the political difficulty of requiring the general tax-payer to meet these costs. At the time when these systems were growing extensively (the post-war years), the bulk of payments were borne by large corporations which in most continental European countries were either public-sector monopolies or private-sector monopolies operating in protected markets. They could therefore relatively easily pass on the costs; the general tax-payer bore the burden in the end, but in an invisible and politically painless way.

Now however very different logics are at work. It is neither desirable nor necessary to give an additional stimulus to incentives to economize on the use of labour. Very few large firms remain limited to protected domestic markets. More relevant has become the "collective good" character of employment. We should all gain from the provision of a high level of employment in that our taxation contributions to unemployment support would be reduced, we should personally face less anxiety at the risk of being unemployed, and we should all gain from the reduced crime and deviance that seem to be associated with high levels of unemployment. Therefore, over and above the strictly economic transactions in which they are involved when they hire labour, employers are contributing to a collective good. It is therefore rational for part of the cost of providing employment to be shifted from employers to the general tax-payer by reducing as far as is possible employers' contributions to social security funds.

The fact that practices vary among countries shows that this must be possible. For example, while Denmark has one of the lowest levels of employers' contributions to social security in Europe, Sweden, a country which resembles Denmark in so many other aspects of social policy, has one of the highest. Hemerijck and Kloosterman (1994) have described how a

change in Dutch policy in this regard in the early 1990s had dramatic implications for employment, especially of Dutch women.

Changes in types of unionism

The shift from manufacturing and manual employment to services and non-manual work have negative implications for the role of unions in a roundabout way. Not only are levels of union membership and institutionalized industrial relations typically lower in services (other than public services) than in manufacturing industry, but both services and non-manual employment tend to produce a different kind of unionism. Even in Scandinavia, non-manual unions in particular are rarely capable of the central co-ordination that was an important feature of manual unions. This reduces the capacity for central action by confederations, which in turn limits the capacity of unions to pursue strategy. They become more limited to specific bargaining goals for individual groups of employees, and therefore less capable of acting at the level of demands for general rights. The old manual unions were associated with a very clear agenda of social policy in nearly all countries. It is far less clear what is the general social strategy of non-manual and services-sector unions.

Some reorganization of institutions is possible to tackle this problem, as has been shown in Denmark (Due *et al.*, 1994). A recent restructuring of unions and employer associations better reflects the new occupational structure, and less weight than in the past is placed on a centralized bargain in the manufacturing sector to secure overall order. One consequence of this is a considerably lower level of co-ordination than in the past, but that was inevitable. A role for organizations in monitoring developments in the labour market has been preserved. Similar changes have recently been executed in the Austrian, Dutch, Irish and Norwegian labour markets. In a crisis employer and employee organizations in these countries therefore remain capable of shaping changes in terms and conditions of employment through dialogistic means partly external to the market. This may become particularly important in some countries after the introduction of a single European currency. This will remove from national governments the ability to adapt to asymmetric external economic shocks by devaluing the national currency, in principle leaving major deflation as the only means of avoiding inflation and regaining competitiveness. Dialogistic labour markets where central organizations have retained some strategic capacity would also in principle have the ability to make direct wage adjustments in order to avoid the need for this.

Where some residual scope for central co-ordination is retained it also remains necessary for governments and employers to include labour representatives in discussions of economic adjustments; without that labour can lose its voice entirely in the politics of the economy. This is particularly significant if one considers the earlier argument that some of the pressure of globalization is transitional. If that is so, it would be rational for those committed to the defence of particular institutions to protect the form of the institutional design at the expense of substantive gains — in particular by sacrificing wage increases. Levels of living can be restored by an incremental process; the restoration of rights is a more difficult task that requires strategy. Indeed, in even a shorter term the choice may not be a zero-sum one. Declining security leads to declining consumer confidence, which further depresses economic activity and therefore wages. However, only a strategic labour actor can persuade workers to adopt such policies. Left as individuals without co-ordination, individual workers are forced to seek short-term maximization in the labour market. If changes in employment structure destroy the co-ordinating capacity of trade unions, the ability of labour (though not of course capital) to act strategically in the face of its common problems may be permanently impaired. This tendency is further strengthened by the declining capacity of nation states themselves to act strategically in the global climate of regime shopping.

The scope for a union response

The future activity of trade unions will have to take account of these various changes and of the complexity of the overall situation. There will certainly be some excellent possibilities for skilled, rewarding work within the new technologies, and within occupations, such as those in the caring professions, where the scope for replacement of human labour by capital is more limited. There will certainly be some disastrous instances of job loss — quite possibly enough of a net loss to make it impossible in anything like the foreseeable future to return to what the post-war world understood as full employment. Unions therefore need strategies that will enable them to do three things: first, to take maximum advantage of the optimistic scenario, to try to ensure that as much of the work-force as possible is able to enjoy opportunities for creative and rewarding jobs and that unions have a role in representing their interests; second, to ensure that these new possibilities are used in ways that maximize human gain and opportunities for participation, rather than simply enhancing the power of managers and employers; and third, to cope with the implications of the virtual certainty

that there will be an inadequate number of job opportunities of this kind. I here concentrate on the industrial relations aspects of these wider problems.

The most important examples of optimistic possibilities concern Japanese work methods, which do not fit easily into any western stereotypes (Dore, 1986; 1987). Since the early 1950s Japan has had, in its great companies, a system of life-time guaranteed employment in exchange for total worker commitment to the company. There is considerable debate about the origins and significance of this approach, but only one point concerns us here. Because Japanese employers believe they can both trust and secure the co-operation of a large core group among their employees, they are prepared to relinquish some of the controls of individual performance associated with Fordism. They can therefore give these workers flexible roles where they will be expected to break with strict Fordist rules about the division of labour and to exercise a variety of different skills. Further, bonuses can be calculated for groups rather than individuals, leaving it to the groups to organise themselves for the work. This enables Japanese firms to make use of versatility, flexibility and a variety of forms of work organisation in a way not available to employers and employees locked in mistrust, where management's main concern is to define a work process such that the employees cannot cheat it, even if it is sub-optimal in its use of the workers' talents and in the variety of work-organization forms it makes possible.

To the extent that unions have historically thrived within a context of Fordism and Keynesianism, this could seem to be bad news. The development of company loyalties and strong worker commitments to their jobs, and government economic intervention that consists mainly in working alongside industry associations may not seem attractive to traditional trade unionists. But they need to develop ways in which they can gain from the idea of workers' company loyalty. If the most lively economies in future, the ones avoiding the low-standard route to competitiveness, will require a commitment by workers to their employing organizations, then employees, and political forces claiming to represent them, stand to gain from workers at all levels acquiring a new post-Fordist professionalism, a dedication to working skilfully and hard in ways that enhance their value and reduces their disposability. In a world where identities and communities are collapsing, the firm, the employing organization, will probably become increasingly important to many of us. The fundamental point for industrial relations strategy is that if company identity is to be so important within a society, it must be a shared identity that comes within the scope of democracy, and not one that belongs to management alone.

The participatory company

Attention must therefore be paid to the place of employees within the company. Even modern, participatory firms remain in most cases managerial dictatorships, in which decision-making is retained in a small number of hands, power concentrated in managerial ranks. Even if there are elaborate consultative exercises, they are controlled, managed and surrounded by public relations propaganda. And we are living in an age when the managerial elite is newly aggressive and ambitious in its claim for preeminence, reward and unshackled power. Judged as communities fit to attract the loyalty of the intelligent adult citizens of a democracy, firms are unacceptably primitive — unless some means is found for autonomous representation of employee interests, those interests being defined to include commitment to work, skill and the goals of the company. Something of a contribution to spanning that difficult gap is to be found in the German and Austrian works councils, and in particular in the role that unions often have in advising and assisting works councillors in meeting the challenges of participating in human resource management exercises. Note that it has to be a participation aimed at improving production, not just a defence of workers' limited interests The German unions, and especially IG Metall, have seen in a combination of their co-operation with works councils and the role of highly skilled workers in the German economy the basis for a distinct German alternative to Japanese methods (Jürgens, 1989; 1991; Hans Böckler Stiftung, 1992).

Looking at this issue in a different way, there is a curious asymmetry in the current managerial model of so-called participatory firms that try to exclude a union role. On the one hand stands management, informed by the whole science of the world's management schools, able to buy all the expertise it needs. On the other hand stands a group of employees and what they happen to know — which is largely what management has told them. If one were genuinely trying to maximize the gains that might come from interaction between managers and workers in performing a firm's tasks, one would never design such an information asymmetry. If management gains by maximizing the quality and quantity of advice available to it, employees must gain by acquiring similar access.

This signals the new role for trade unions: as sources of information and advice for employees on how to contribute more effectively to their work, and on formulating alternatives to proposals coming from management which may often maximize managers' particular interests rather than those of the organisation as a whole. In many countries unions are in no position to perform such a role. They lack both the expertise and the institutional role. Even the German unions, which — albeit indirectly

through works councils — have both, find it difficult to keep pace and avoid being pushed out by management.

Renewing collective bargaining

Despite the apparent changes of the 1980s and early 1990s, we still need to look at structures for collective bargaining. The more the company becomes a focus for social identity, the more urgent it is that unions, probably alongside a works council structure, reconstruct themselves and their approach to their members' skills. However, the over-riding framework is no longer likely to be the national solidaristic one that Scandinavians built and benefited from for so many years. In the new economy employees are increasingly members of small groups, each defending their own professional identity, potentially against each other. Beneath this however there can continue to be, provided it is expressed, an underlying unity about the role of labour and its dignity, and in administering a decent labour market policy.

Further, we have never enjoyed, and cannot have, an economy with both strong trade unions and a good trade-off between inflation and unemployment unless there is some disciplined self-regulation. This would now be even more difficult to achieve in many countries than in the past. To secure any co-ordination there need to be national arrangements ensuring the concentration of bargaining periods into a short period of time, as occurs in Japan. This forces bargainers to take note of what each other is doing and therefore become aware of the impact on labour costs at the national level. The neo-liberal policy of deliberate disaggregation of collective bargaining, especially in the public service, is therefore the opposite of what is needed. The strategy of market-sensitive labour markets only works if we assume a long-term future of precarious employment, with rapid adjustments of demand and supply. This assumes a low skill requirement so that demand is for general labour rather than specific skills that can become scarce; and arrangements for easy hire and fire, with working hours rapidly adaptable from short-time to far too long in line with the rapidly shifting needs of what would remain a short-term economy. The rival strategy assumes skill, security and shortage. Without basic discipline that fails.

Flexibility with security

It is necessary to find ways of maximizing the possibilities for flexibility in the use of labour without exposing individual workers to levels of insecurity that both cause stress to their daily lives and depress their consu-

mer confidence. It is important to establish a strong floor of security rights that prevents employers from forcing low-paid employees to bear the awful burden of a constant fear of unemployment. The modern capitalist economy needs ordinary working people to have the confidence to take on major financial commitments, to buy houses or apartments, to bring up their children in security and stability in a society that largely lacks the stability once provided by settled communities. The centrality of these needs are lightly forgotten by employers wanting to make their own difficulties a little easier by readily making people redundant.

Legislation and collective bargaining need to make it easy for employers to do things that increase flexibility while not threatening individual security. Recent adaptations of labour policy in the Netherlands, initiated by the government but then negotiated and adjusted through the bipartite Stichting van de Arbeid (1997) have been attempting to do exactly this by providing legislative frameworks for various kinds of "atypical" employment (Visser and Hemerijck, 1997).

For example, the trend to sub-contracting being adopted by nearly all major companies has considerable potential for reconciling flexibility with security. While individual companies may need to adjust their use of such services as cleaning, security and distribution from time to time, a sub-contracting firm specializing in some of these areas will probably find that, outside major recessions, a decline in contracts from one firm is compensated by a rise elsewhere. Sub-contractors could probably therefore offer secure contracts to their own staff while being able to adjust the quantity of labour supplied to individual client firms. In some cases major business service companies do this already, but many do not. It remains a sector dominated by "cowboy" firms with poor working conditions. By and large these firms operate outside the scope of public policy; no-one cares what happens to them, and government rarely asks what they would need to become better employers. Were the labour movement to change its attitude to sub-contractors, it would probably find that there were many ways of bringing them "out of the cold".

Similar arguments apply to franchising, which is becoming an increasingly important means whereby firms, especially in retailing, can have many outlets without employing staff to run them. At its best franchising provides flexibility to the company concerned and some of the autonomy of self-employment and entrepreneurship for the franchisee; at its worst the latter has all the insecurity of self-employment but also all the hierarchical control of employee status. Some franchising arrangements are capable of providing rights and some basic guarantees to franchisees. These cases should be studied and an attempt made to impose conformity with their models of best practice on the system as a whole.

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Summary of the Discussion

Our discussion touching on this topic last year approximated to a syllogism — that fuller employment was closely associated with economic growth: that economic growth was highly dependent upon flexible labour: therefore labour market regulation was the basis of economic growth and reduced unemployment. Now we have been given a much more nuanced picture of the roles that unions can play in the context of globalization, multinational enterprises and the changing structure of employment. What we need to pin-point more closely is the role that unions can play in job expansion and the reduction of unemployment.

Firstly, it is very encouraging that trade unionism has not been presented as an anachronism, particularly given its increasing importance in the Third World. Secondly, protectionism was mentioned and the role played by the World Trade Organization in LDCs is something which could usefully be discussed further. Thirdly, workers' participation could be enhanced by re-defining the status of companies to incorporate them and thus influence issues of redundancy and job security within the firm.

(Prof. Crouch). I agree that the notion of trade unions is not outmoded, for why should the interests of employees be excluded when other interests gain representation? Their role endures, but actual union organizations are extremely slow and cumbersome in adapting to change in the external environment and need to wake up. It is crucial for us to study the actual process of deregulation and how both the ILO and OECD have come to accept a very crudely defined deregulation strategy. Similarly the World Bank and the IMF attach conditions to loans which have the same effect. An interesting starting point would be Eastern and Central Europe where stringent deregulation policies have been imposed, often with devastating effects because of the institutional vacuum after the fall of Communism. Capitalist economies in Europe and North America exist in a context of relatively stable institutions. Whilst Communism destroyed traditional social institutions, capitalism coming along when neo-liberalism was foremost, arrived at exactly the wrong time, since its leaders also believed that the infrastructure of capitalism did not have important institutional

requirements. Neither ex-communists nor new liberals believed in society and its structures and together they imposed a deregulated labour market on a society with few inner community resources, with terrible effects.

In relation to company law, there is a variety of established models to contend with in relation to workers' representation on Boards. Some of these, like the German one, where shareholders have been relatively weak and historically ownership by banks etc. has been prominent, there is less resistance to inserting the idea of co-determination or worker representation on Boards in German law because these already represent a variety of interests. The Anglo-Saxon model, based on the concept of pure ownership is much more resistant to this.

The presentation was based on the assumption that today it is necessary to reconcile the advantages of flexibility in company management with the legitimate rights of workers. On the other hand, it was argued that there is a new role for unions to play towards their membership in informing them and briefing them for both representation and negotiation. This leads to two questions. Firstly, what are the legitimate rights of workers? Often in France this means "acquired rights", whose defence may be disadvantageous: equally it seems there are "legitimate rights" that have not become "established rights" in the modern period. Therefore, these distinctions call for more reflection on the whole concept of "legitimate rights". Secondly, I gained the impression from the paper that it was accepted that there were "acquired rights" which had negative effects and that in any redefinition of "legitimate rights" it would be necessary to take into account the cost of rigidities, and what their maintenance would imply for the collectivity. It is when this is particularly costly for the collectivity that such workers' rights have been reduced — which again makes the question of "legitimacy" problematic.

(Prof. Crouch). I prefer not to talk about rights in an absolute sense. To identify a right is a normative task, not a scientific one, and certainly few rights can be seen as timeless, even in normative terms. Firstly, it is historically the case that some of the rights acquired by particular groups can be seen as privileges. For example, in many countries public employees enjoy a code of protection which derived from their privileged status as nineteenth century servants of the State and it is these which trade unions often end up defending, sometimes justifying them in terms of the trade-off between security and lower pay. So there is a discussion to have about such particularism versus universalism when redefining legitimacy.

Secondly, and of particular importance because almost all of new job creation is female job creation, there are issues about women's protection (eg. in relation to night work and shift work). The problem of compatibility of work with the family is often just as difficult with part-time work when, as in Britain, women's employment is concentrated in the most unsocial parts of the day, often after the husband gets home to look after the children. Therefore to say that there should be no special protection for women means that simple equality would make matters worse for women and have negative effects on family well-being.

Thirdly, there is the separate issue relating to legitimation of rights which concerns demands for job security and predictability on the part of workers — which are matters of rigidity and inflexibility from the economic point of view. But insecurity and unpredictability themselves have negative economic consequences because they decrease willingness to take on employment on such terms and this in turn weakens company competitiveness. Sometimes what appear to be rights demanded in the interests of employees turn out to be in the collective interest; at other times these can be seen as negative for the community as a whole.

I fully agree with the need to search for new roles for the unions within the global economy, which requires much more flexibility. Is the disaggregation of collective bargaining what is needed in this context? In South America, six of its large countries have registered the highest rates of inflation recorded in the twentieth century. Certainly in the majority of these six (Chile, Argentina, Uruguay and Bolivia, if not in Peru and Brazil), union activity has a very negative relationship with inflation, not in bringing it about but in perpetuating and transmitting it, and inflation has been the most destructive factor in the South American economies for decades. Because of this it is essential to have a centralized structure for co-ordination to control the trade-off between inflation and unemployment. Then the Trade Unions could play a positive role in ensuring stability.

(Prof. Crouch). Co-ordination of collective bargaining can and historically has played a good stabilizing role, under certain conditions which probably no longer obtain, namely when the unions represented a very large proportion of the entire population, where the number of unions was small enough to enable mutual co-ordination, where unions represented different industries and were not in competition and, particularly, where unions were strong in industries in the export sector (where the effect of price increases on sales was clearly evident). Under these conditions the co-ordination model works.

However, with the exception of Germany, in Northern Europe, the unions in the export sector no longer dominate the union movements. As Mancur Olsen has noted, the negative signals of inflationary wage demands in small, export-dependent Scandinavian countries with large union memberships, are perceived as signals for restraint upon union demands. The Latin American case is very different, since there unions are usually part of a particularistic set of interest representation, are strong in the public service sector and actually unionise a small proportion of the active population. Because of this, they cannot play the same stabilizing role as in Sweden and Germany.

I fully concur that the unions are not an outdated concept and have a crucial role to play in representing the interests of employees. However the effects of globalization, which may not have been dramatic in Italy, have been so in other European countries, such as Austria. There, certain large corporations have made thousands of employees redundant in one sweeping move. Globalization has negative effects for the labour market because of the insecurity it creates about job tenure from day to day. Many corporations re-locate production in developing countries often simply in order to gain higher profits from cheaper labour costs and not due to some particular financial crisis. In such countries (LDCs) there are poor opportunities for effective union action because there are few unions at all and there is often strong political repression hindering their development. Although the USA and the World Trade Organization could help offset these influences, first and foremost it is necessary to ensure minimal levels of pay and working conditions for which the organization of workers is indispensable. However, the unions too have to be involved in the regulation of production costs.

III.

THE PONTENTIAL OF NEW PRACTICES

INTEGRATING THE HISTORICALLY DISADVANTAGED INTO THE WORLD OF WORK

GLENN C. LOURY

SUMMARY - This paper consists of two parts. In the first part, I describe the nature of social and economic inequality as it exists now between Blacks and Whites in the United States. I also give some attention to the trends over time, asking how the nature of the historic disadvantage suffered by blacks has changed in the last generation.

In the second part, I discuss the question of Affirmative Action. My view is that this policy has not worked well in the Unites States, with some notable exceptions. However. I believe that it can play a useful, though modest, role in facilitating the integration of blacks into the world of work. I attempt to explain and defend this position in Part Two.

Throughout this paper, my attention is fixed on the question of racial inequality in the U.S. This is the matter which I know best, but I believe it has relevance to the experience in other countries as well.

I.

25 YEARS OF BLACK AMERICA: TWO STEPS FORWARD AND ONE STEP BACK?

I. INTRODUCTION

The data concerning the state of America, black and white, over the past 25 years is both disheartening and encouraging. Disheartening are many measures of the opportunities and difficulties faced by black children and, to a lesser extent, white children. Infant mortality has declined, but black children are less and less likely to be raised by both of their parents.

Many objective measures of achievement — exam scores (national proficiency exams as well as SAT exams), levels of education, and income — are more encouraging. Even as scores on several national exams have

remained roughly constant for white children and young adults, scores for blacks have increased. More remarkable is the fact that these increases seem to have occurred largely while the black exam-taking population has *increased.*

So, looking at black America over the past quarter century, there is much for both optimists and pessimists.

II. Children

Birth is much safer today than it was 25 years ago (Figure 1), but arriving in this world is still more hazardous for black children than for white ones. The infant mortality rate[1] for black children was 17.0 in 1990, while for white children it was only 7.3. This difference has persisted over time even though substantial progress has been made. In 1970, rates for both were considerably higher: 32.6 for black children and 17.8 for white ones.

A. *Family structure*

The families into which these children are born are fairly different than the ones of their counterparts of 25 years ago. Among black women, unmarried mothers accounted for 68% of all births in 1992 (Figure 2), while in 1960 they accounted for only 22%. For white mothers, the increase has been even more dramatic, although from a smaller base: from 2% in 1960 to 23% in 1992.

Not surprisingly, as fewer children are born to married mothers, fewer live with both of their parents. The decline has been steady for both black and white children, but black children face a much larger problem: less than 40% of black children lived with both of their parents in 1994. Children of educated parents are more likely to live with two parents (Table 1). There remain significant differences between whites and blacks at all education levels, but the most dramatic differences are for those children whose parents have a high school education or less.

B. *Poverty*

Poverty rates for both black and white children have increased slightly,[2] but most of the increase has been among white children. Although poverty

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[1] Infants are less than one year of age; rates are per 1000 live births and are based on the race of the child. See [National Center for Health Statistics, Public Service. 1996].

[2] Does this depend on measurement of in-kind benefits and changes in the CPI? Paper by Jencks & Mayer?

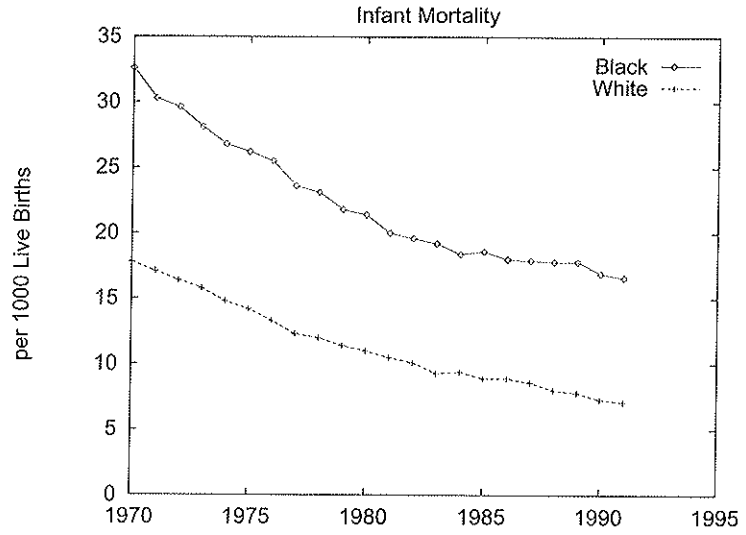


Figure 1.

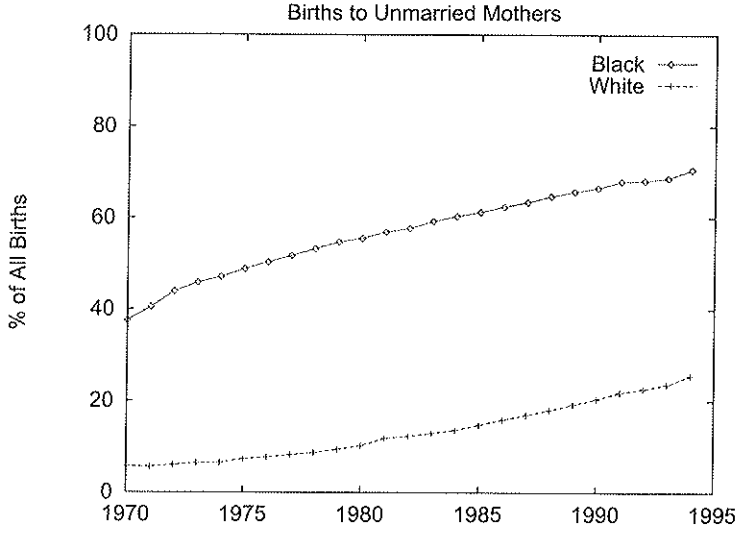


Figure 2.

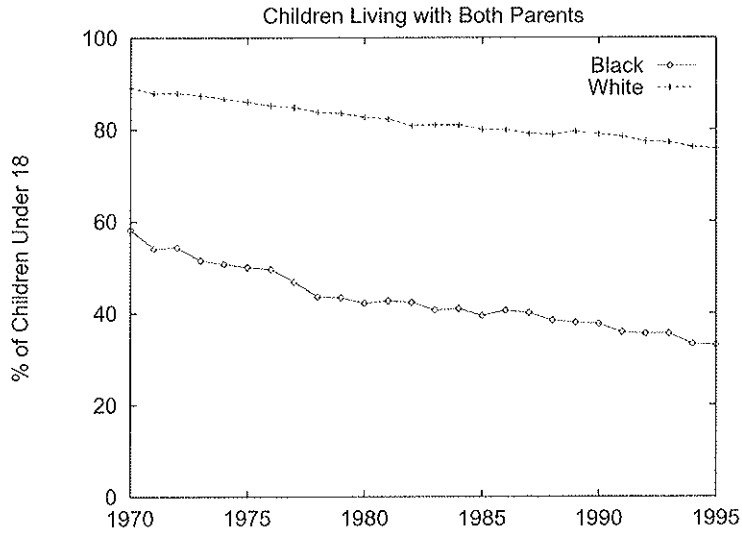


Figure 3.

Table 1: *Children under 18 living with both parents* (% in 1995).

Parent's Education	Black	White
Less than 12	35.0	73.8
Grades 9-12 (no diploma)	18.1	62.1
High school graduate	38.8	74.1
College: Associates degree or none	40.0	77.6
Bachelor's degree	62.8	90.3
Graduate or professional degree	66.9	92.6

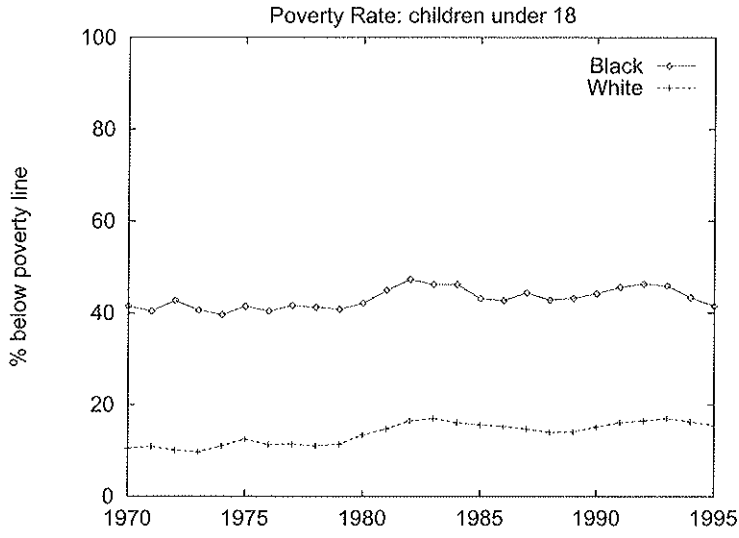


Figure 4.

rates for black children have not changed much over the past 20 years, the rates are strikingly high: 42% in 1995 (Figure 4). Rates for white children *have* increased: from 10.5% in 1970 to 15.5% in 1995.

For children, a major factor associated with living in poverty is living in a family headed by a woman. The poverty rate for these families is quite high: roughly 60% for families headed by black women and roughly 40% for families headed by white women (Figure 5). Although the risk has improved somewhat for black families over the past 20 years, it is still larger than the comparable risk for families headed by white women. For married couple families, the risk is much lower. Black families still face higher risks than white ones, but the gap has narrowed.

C. *School enrollment*

Preschool enrollment rates for 3 to 4 year old black children increased from 18.7% in 1973 to 29.8% in 1993. For white children, enrollment rates increased more: from 17.8% to 38.0% (Figure 6). By the early 1990s, enrollment of 5 year olds in kindergarten had increased slightly while enrollment in first grade decreased slightly (Figure 7). Both kindergarten and first grade enrollment rates are similar for black and white 5 year olds.

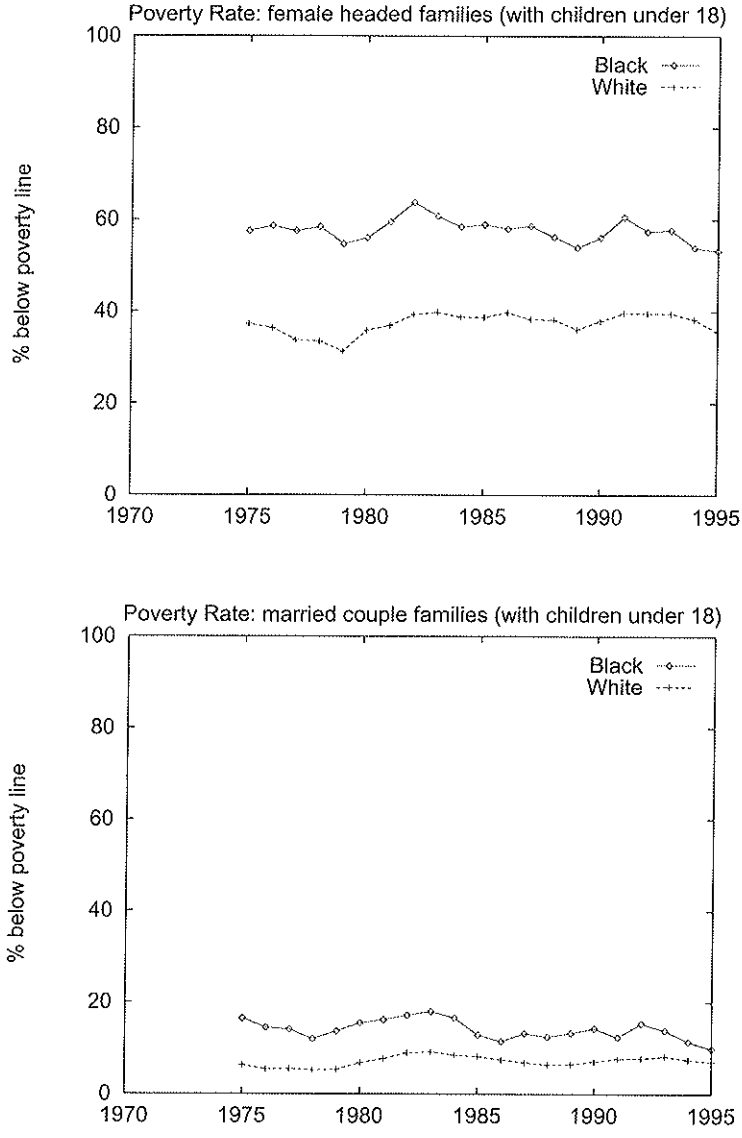


Figure 5. Poverty of families with children.

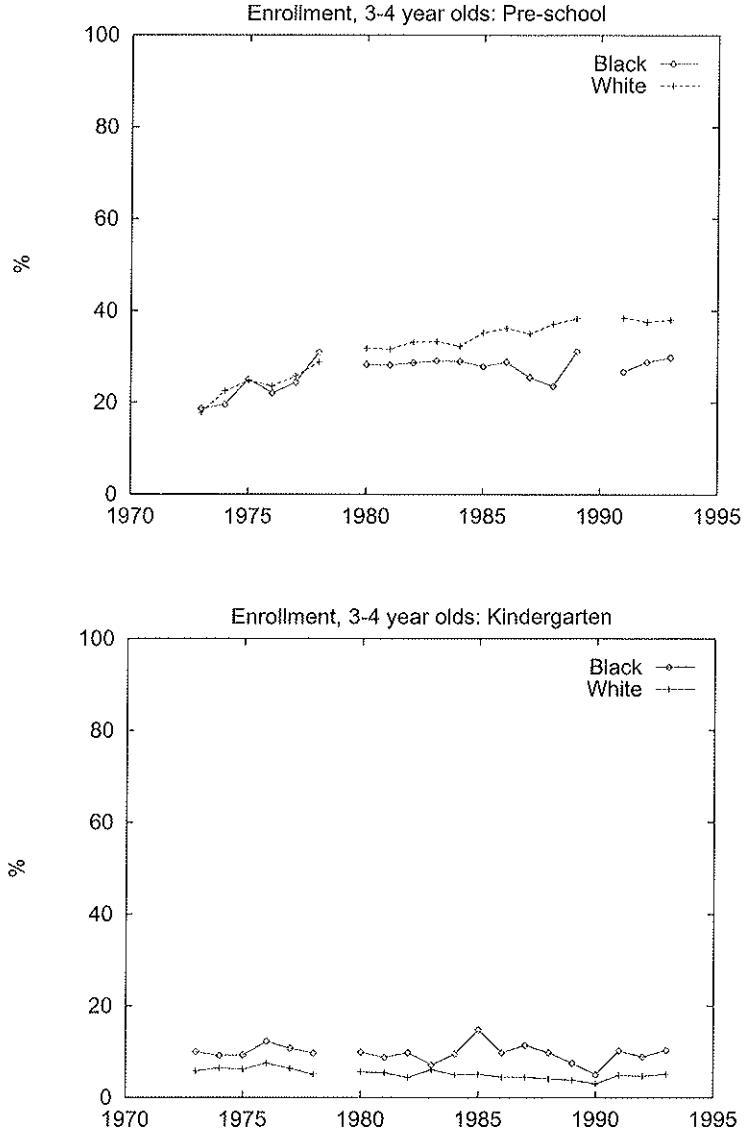


Figure 6. School enrollment of 3-4 year olds.

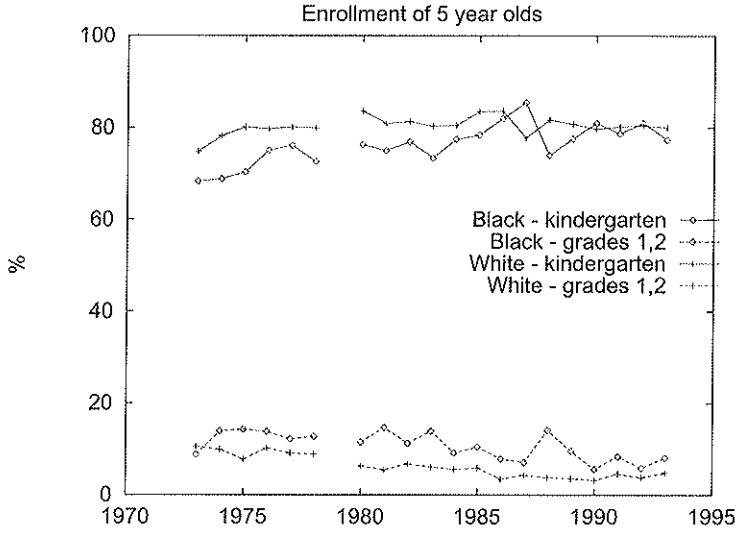


Figure 7.

D. *School progress*

National assessment tests of proficiency in reading and mathematics have shown fairly steady improvements since 1970 (1973 for mathematics). Increases in average scores for black students aged 9, 13, and 17 have been fairly impressive, particularly relative to increases in average scores for white students (Table 2). In 1973, the average mathematics score for black students aged 17 was 270 (out of 500); by 1994 it had increased to 286.

Average reading scores for both white and black students fell in the 1980s. For black students, the decrease came later (between 1988 and 1990 instead of between 1980 and 1984) and was larger. The scores of black 13 year olds reached a peak of 243 in 1988 and fell to 234 by 1994; the scores of white 13 year olds fell from 264 in 1980 to 261 in 1988.

The distribution of scores suggests that improvements were widespread: the scores of black students at the 5th, 50th, and 95th percentile all climbed (relative to those of white students) from 1978 to 1994 (Table 3). Unfortunately, the gaps between black and white students seem to have been smallest in the 1986 to 1990 period (for the older students) and appear to have increased again after that.

Table 2: *Average proficiency scores.*

Mathematics

	Black			White		
	Age 9	Age 13	Age 17	Age 9	Age 13	Age 17
1973	190	228	270	225	274	310
1978	192	230	268	224	272	306
1982	195	240	272	224	274	304
1986	202	249	279	227	274	308
1990	208	249	288	235	276	310
1992	208	250	286	235	279	312
1994	212	252	286	237	281	312

Scale from 0 to 500:
150 - Simple arithmetic facts
200 - Beginning skills and understanding
250 - Numerical operations; beginning problem solving
300 - Moderately complex procedures and reasoning
350 - Multi-step problem solving and algebra

Reading

	Black			White		
	Age 9	Age 13	Age 17	Age 9	Age 13	Age 17
1971	170	222	239	214	261	291
1975	181	226	241	217	262	293
1980	189	233	243	221	264	293
1984	186	236	264	218	263	295
1988	189	243	274	218	261	295
1990	182	242	267	217	262	297
1992	185	238	261	218	266	297
1994	185	234	266	218	265	296

Scale from 0 to 500:
150 - Simple, discrete reading levels
200 - Partial skills and understanding
250 - Interrelate ideas and make generalizations
300 - Understand complicated information
350 - Learn from specialized reading materials

Table 3: *Differences in percentile scores* (black-white).

Mathematics

Percentile	1978	1982	1986	1990	1992	1994
Age 9:						
5	-32	-31	-25	-26	-27	-22
50	-32	-28	-25	-28	-27	-25
95	-20	-29	-27	-26	-25	-24
Age 13:						
5	-42	-34	-24	-26	-31	-29
50	-43	-34	-24	-28	-28	-31
95	-42	-34	-27	-27	-28	-25
Age 17:						
5	-35	-28	-24	-15	-26	-24
50	-39	-33	-28	-23	-26	-26
95	-37	-32	-31	-19	-26	-33

Reading

Percentile	1980	1984	1988	1990	1992	1994
Age 9:						
5	-38	-31	-25	-29	-34	-33
50	-31	-33	-31	-36	-36	-35
95	-29	-32	-29	-34	-27	-27
Age 13:						
5	-30	-25	-13	-22	-34	-30
50	-33	-27	-20	-20	-29	-31
95	-31	-24	-17	-19	-27	-29
Age 17:						
5	-50	-18	-19	-28	-41	-30
50	-50	-27	-21	-30	-31	-30
95	-50	-32	-19	-29	-26	-26

E. *Conclusion*

The story of American childhoods is a mixed one. In some respects, black children face large and growing deficits compared to white children:

— the likelihood of being born to an unmarried mother;
— the likelihood of *not* living with both parents;
— the likelihood of living in poverty.

However, not all is bleak:

— the poverty rate for black children in married couple households has fallen (even while that for their white counterparts has increased);
— school enrollment rates for young children have increased;
— national measures of mathematics and reading proficiency show both absolute and relative progress for black children at all ages;
— the proficiency gains are widespread: they are *not* limited to only high or only low achieving students.

III. TEENS

A. *Educational choices*

Up through the age of 17, the school enrollment rates of black and white teens are roughly equivalent (Table 4). Rates are also similar for those over the age of 25, with black enrollment rates often slightly higher than white ones. For the late teens and early twenties, however, black enrollment rates have tended to be lower than white ones. Over the 20 years since 1975, the gaps between black and white young adults aged 18-19 and 20-21 have grown. In 1975, black and white 18-19 year olds had almost identical school enrollment rates (46.8% and 46.9%). By 1994, however, the rate for white 18-19 year olds had risen to 62.6% while the rate for black 18-19 year olds had risen to only 53.4%. Similarly, while black 20-21 year olds were only 5.4 points less likely to be enrolled than their white counterparts in 1975, by 1994, the gap had grown to 14.8 points.

High school dropout rates have varied from year to year for both black and white teens (Figure 8). While the single year event dropout rate (proportion of those in grades 10-12 dropping out within a given year) has fallen slightly for white students (from 5.7% in 1973 to 4.1% in 1993) it has fallen sharply for black students (from 10.1% in 1973 to 5.4% in 1993). Status dropout rates (all of those aged 18-24 who are neither in high school nor have completed high school) have also fallen significantly for black students while rates for white students have remained roughly constant. The rate for young black adults is now (1991) only slightly higher than that for young whites, while in 1973 it was more than 85% higher.

Table 4: *Enrollment rates* (% of population group).

		16-17	18-19	20-21	22-24	25-29	30-34
1975	B	86.8	46.9	26.7	13.9	9.4	7.1
	W	89.5	46.8	32.1	16.4	10.1	6.6
1980	B	90.7	45.8	23.3	13.6	8.8	6.9
	W	89.2	47.0	33.0	16.8	9.4	6.4
1985	B	91.8	43.5	27.7	13.8	7.4	5.2
	W	92.5	53.7	37.2	17.5	9.6	6.2
1990	B	91.7	55.0	28.3	19.7	6.1	4.5
	W	93.5	59.1	43.1	21.9	10.4	6.2
1994	B	95.3	53.4	35.3	22.8	10.5	7.3
	W	95.1	62.6	50.1	24.9	10.8	6.7

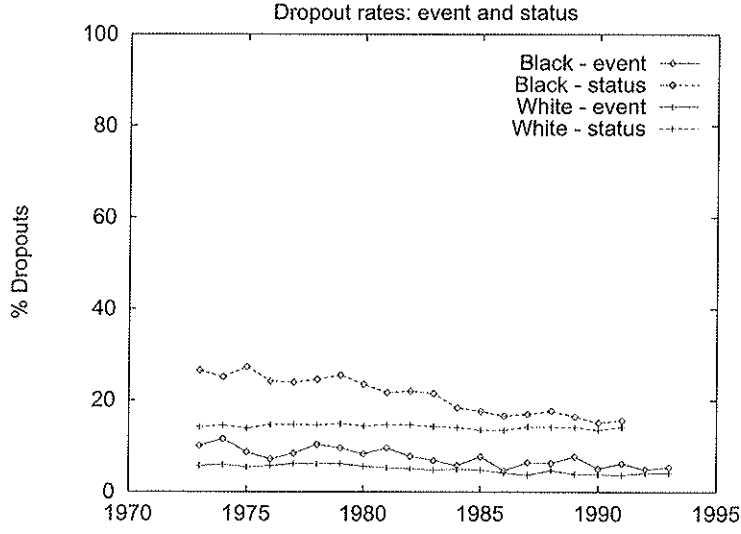


Figure 8.

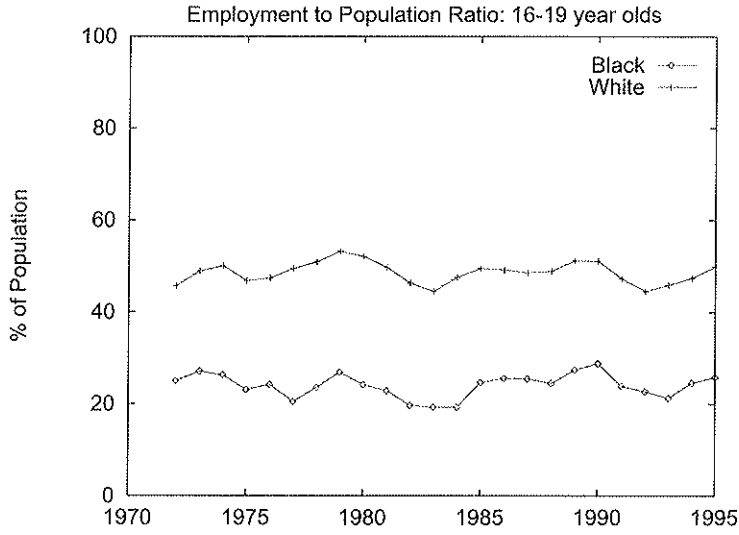


Figure 9.

B. *Labor force*

The employment rates for teens have fluctuated up and down without much apparent trend. However, the rate for black teens has generally been about 20 points lower than that for white teens (Figure 9).

C. *Dropouts and the labor force*

Dropping out of high school seems to be an increasingly bad signal about one's future prospects. Between 1973 and 1993, employment rates (and labor force participation rates — both relative to population) for recent high school dropouts[3] (as proportions of the 16-24 year old population) dropped (Figure 10). For young black adults, the declines have been relatively large: the participation rate fell from 59.4% to 43.6% while the employment rate fell from 43.9% to 26.9%. For young white adults, the declines were much smaller: from 71.0% to 68.0% in participation and from 55.1% to 52.8% in employment. As the labor market prospects of dropouts has worsened, the likelihood of their calling upon government transfer programs has increased (Figure 10). For young (25-34 year old)

[3] Those who were neither enrolled nor high school graduates, but were enrolled 12 months earlier.

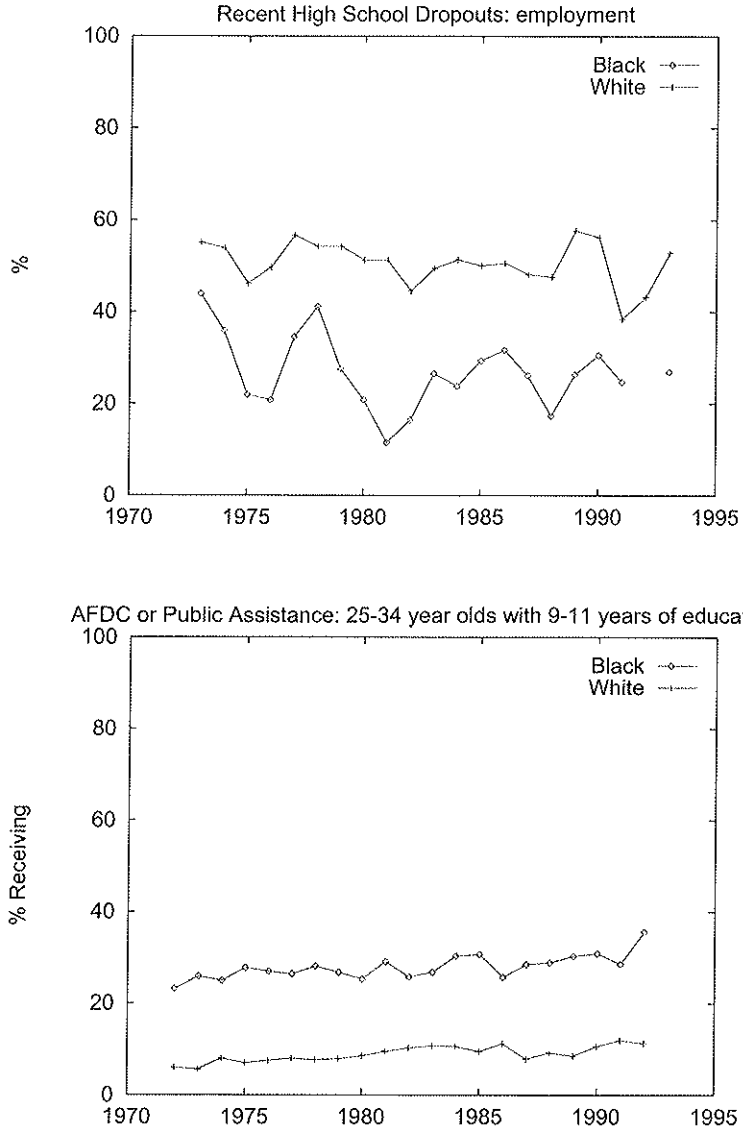

Recent High School Dropouts: employment
Black
White
%
100
80
60
40
20
0
1970
1975
1980
1985
1990
1995
AFDC or Public Assistance: 25-34 year olds with 9-11 years of education
Black
White
% Receiving
100
80
60
40
20
0
1970
1975
1980
1985
1990
1995

Figure 10.

black adults with 9-11 years of education, the use of AFDC or public assistance has increased by almost 50%: from 23.2% to 35.6%. For similarly situated whites, use has almost doubled: from 6.0% to 11.3%.

D. *High School graduates and the labor force*

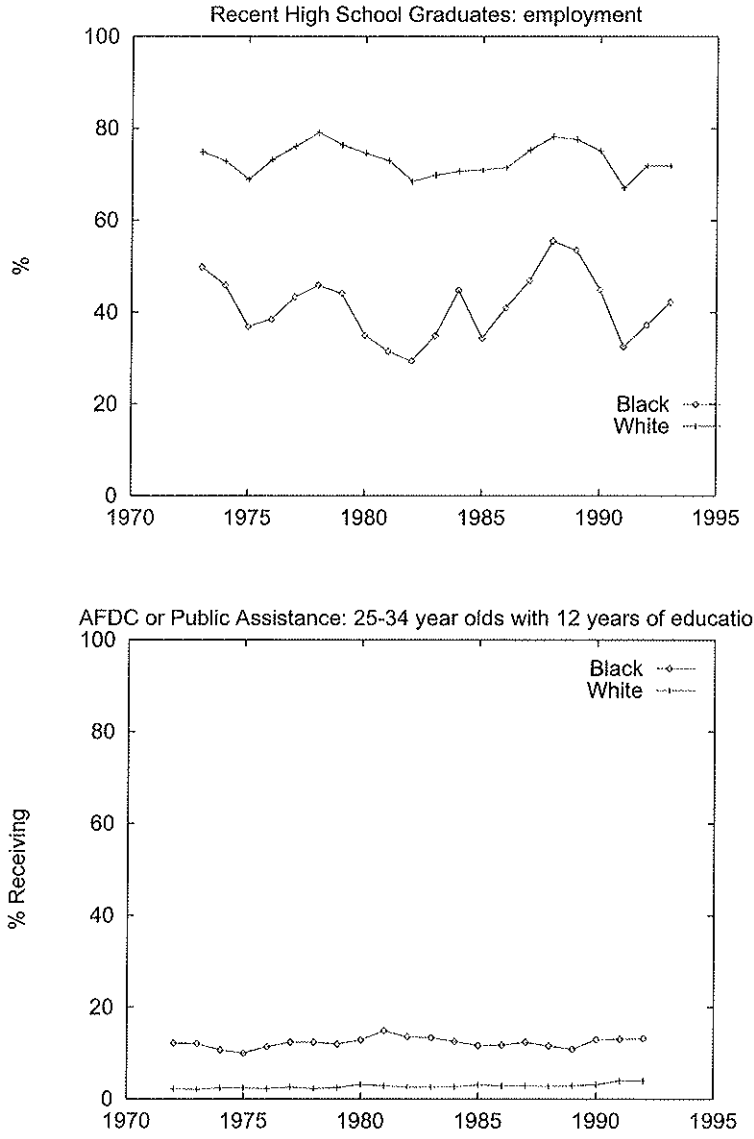
The overall labor market experiences of recent high school graduates who do not enter college have remained fairly constant over the past 20 years. The labor force participation rate for recent (within the year) black and white graduates has remained roughly constant, perhaps declining a little for black graduates. Employment rates for recent graduates have declined somewhat for both black and white graduates (Figure 11). Both participation and employment rates for black graduates remain significantly lower than for their white counterparts. Use of government transfer programs among both black and white high school graduates (individuals aged 25-34 with exactly 12 years of schooling) has been relatively low and constant, although the rate for white graduates has been increasing slowly (Figure 11).

E. *College*

SAT scores suggest a pattern similar to that of high school dropout rates: both the dropout rates of white high school students and the SAT scores of white college-bound seniors have remained roughly constant over the 1976-1994 period (before re-norming). However, the dropout rates of black high school students have dropped *and* the SAT scores of black college-bound seniors have steadily increased (Figure 12). Mean scores of black seniors remain below those of white seniors, however. The total score[4] for black college-bound seniors was 78.9% of the total score for white college-bound seniors in 1994, up from 72.7% in 1976. Over this period, the proportion of all SAT test-takers who were classified as members of a minority group increased from 15.0% in 1976 to 31.0% in 1994. The overall mean score has declined as the share of minority students in the test-taking population has increased. However, black students taking the SAT have done *better* over time — even as the pool of black test-takers expanded.

Higher education has expanded dramatically over the past 35 years and the expansion has been most dramatic for black Americans. White

[4] Mean verbal plus mean math.


Recent High School Graduates: employment
%
100
80
60
40
20
0
1970
1975
1980
1985
1990
1995
Black
White
AFDC or Public Assistance: 25-34 year olds with 12 years of education
% Receiving
100
80
60
40
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0
1970
1975
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1995
Black
White

Figure 11.

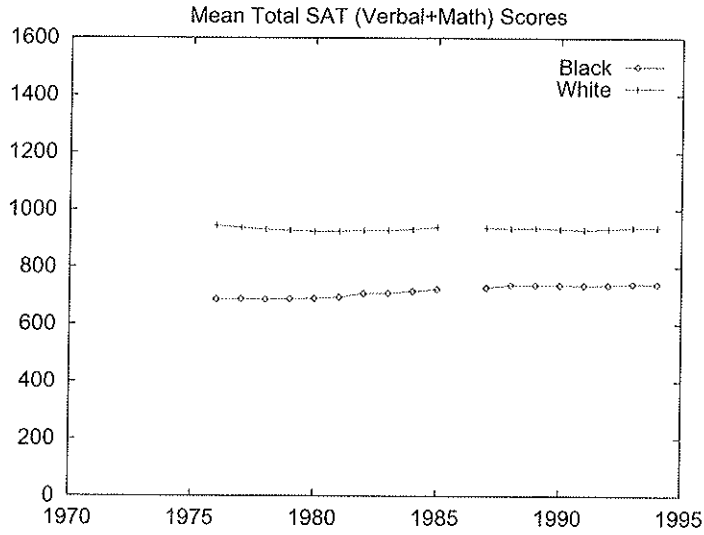

Figure 12.

enrollment (full-time) in 1993 was 6.7 million, an increase of 64% over its 1965 level. For blacks, enrollment in 1993 was 0.9 million, an increase of 319% over its 1965 level. While black students represented only 4.9% of total enrollment in 1965 and 7.4% in 1970, by the mid-1970s, they reached 11.4%.

F. *Teen pregnancy*

Teen age (15-19 years old) black women are more than twice as likely to give birth than are white teens (Figure 13). Both in relative and in absolute terms, this is an improvement over the early 1970s. In 1970, black teens had a birth rate almost 2.5 times as large as white teens (140.7 per 1000 versus 57.4). By 1992, the rate for black teens had dropped to 112.2 while the rate for white teens had only fallen to 51.8. For both black and white teens, rates dropped by the mid-1980s to even lower rates (94.1 for blacks and 42.9 for whites in 1984). By 1988 the rates were rising again. Part of the difference between black and white teen birth rates arises from the increased likelihood of more than one birth for black teens. The first birth rates of black and white teens are closer than are the total birth rates: 74.3 per 1000 for black teens in 1992 versus 40.5 for white teens.

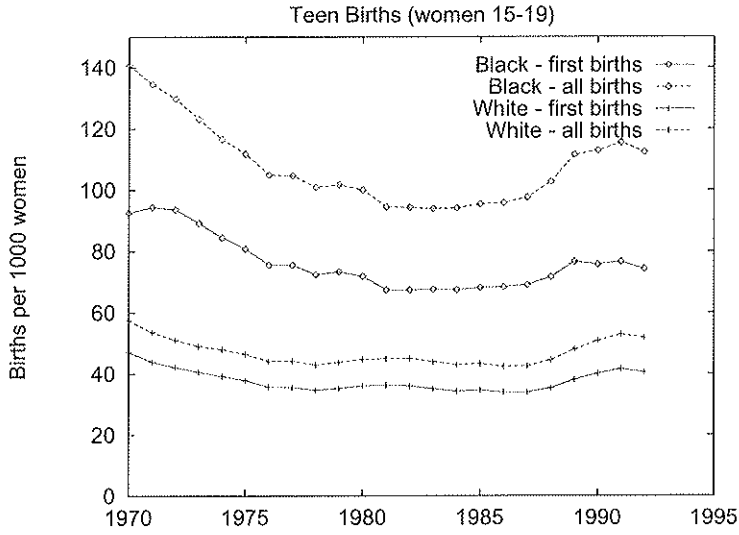

Figure 13.

IV. Adults

A. *Educational attainment*

Both the white and black populations are increasingly well educated (Figure 14). The proportions of those with at least 4 years of high school or at least 4 years of college have increased dramatically for whites as well as for blacks, but the increases for blacks have been larger — both in absolute and in relative terms.

B. *Employment*

Employment rates for women have risen considerably over the past 25 years for both blacks and whites (Figure 15). For men, rates have fallen slightly. Employment rates for black men were only slightly lower than rates for white men in 1972, but the gap widened in through the mid-1980s. After 1985, the gap tended to narrow, with a small retreat in the early 1990s. Black and white women have almost identical employment rates.

Black men and women tend to work in different occupations than do white men and women (Table 5). Black men are more heavily represented in the *Service* and *Operators, fabricators, and laborers* categories than are white men (51% vs. 29%). White men are more represented particularly in

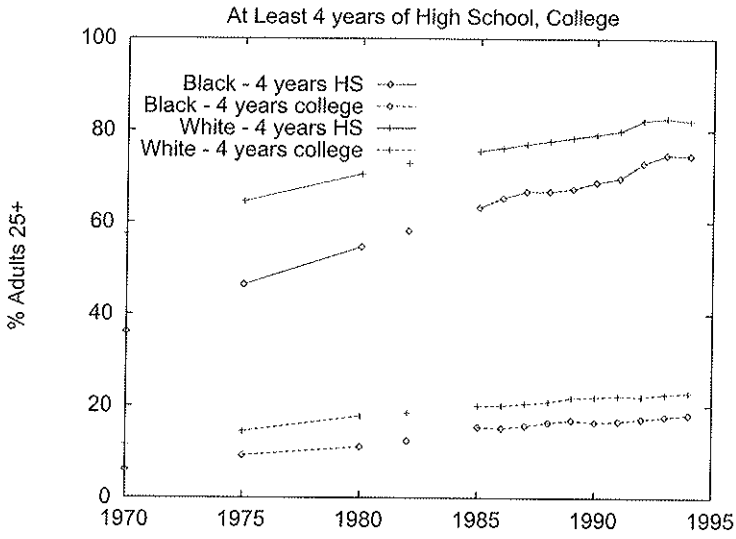

Figure 14.

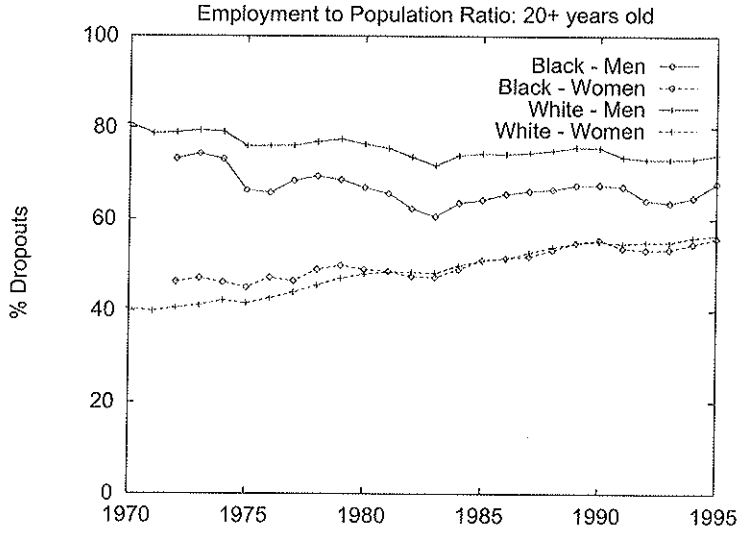

Figure 15.

Table 5: *Employed Men and Women 16+* (%).

Occupation	Men		Women	
	Black	White	Black	White
Managerial and professional specialty	14.7	27.5	20.1	29.9
Technical, sales, and administrative support	17.6	20.6	39.4	43.2
Service	20.0	9.8	26.9	16.8
Farming, forestry, and fishing	2.0	4.3	0.2	1.2
Precision production, craft, and repair	15.0	18.5	2.5	2.1
Operators, fabricators, and laborers	30.7	19.3	10.8	6.8
Total	100.0	100.0	100.0	100.0

the *Managerial and professional specialty* but also the *Technical, sales, and administrative support* and *Precision production, craft, and repair* occupations than are black men. Black women are also more heavily represented in the *Service* and *Operators, fabricators, and laborers* categories than are white women.

Employment status has a significant effect on the likelihood an individual will face poverty. Among individuals employed year-round, poverty rates are generally less than 10%, although not for teens (Table 6). The poverty rate for blacks employed full time is slightly higher (roughly 2 points) than for whites. Among those who did not work, not only are poverty rates much higher (37% for white 25-34 year olds), but the rates for blacks relative to whites are also higher (59% vs. 37% for 25-34 year olds).

C. *Economic well-being*

Inequality, as measured by the Gini coefficient,[5] has increased over the past 25 years (Figure 16). Among black families, inequality has been

[5] A measure of concentration of income that varies between 0 and 1; larger values indicate *more* concentration. The measure sums up — over each level of the income distribution — the difference between the group's population fraction and its income fraction. If income is perfectly evently distributed — i.e. x% of the population has x% of the income, then the differences will be 0 and the Gini coefficient will be 0 as well.

Table 6: *Below Poverty Level* (%).

	Black			White		
	Worked Full time	Worked Part time	Did Not Work	Worked Full time	Worked Part time	Did Not Work
16-17 years	NA	29.3	40.8	18.7	7.3	19.3
18-24	6.7	24.7	48.2	4.4	15.0	36.2
25-34	6.7	34.5	59.0	2.8	16.6	36.7
35-54	4.5	26.3	52.2	2.3	10.7	26.5
55-64	4.1	18.6	44.8	1.7	8.1	18.0
65 and over	0.0	12.8	30.5	1.5	2.6	11.6

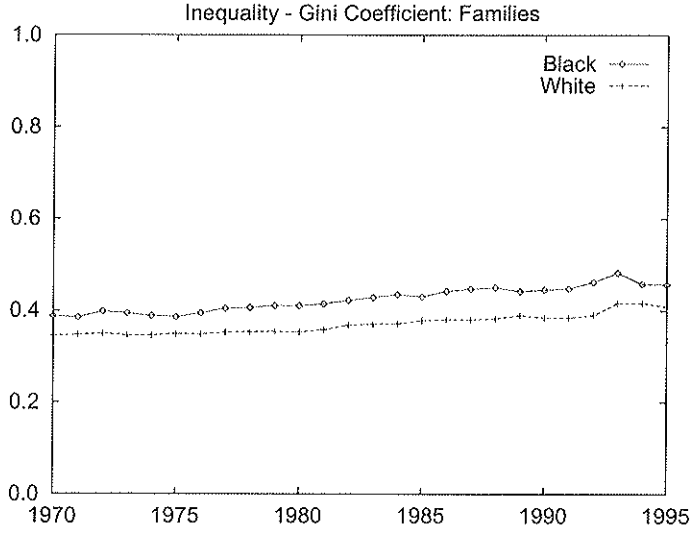

Figure 16.

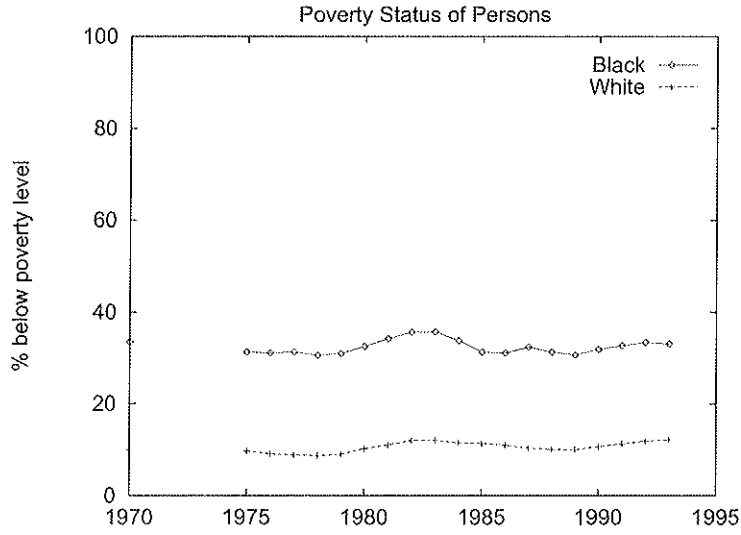

Figure 17.

generally higher than among white households and this has persisted over time. At the same time, official measurements of poverty status show some year to year variation. The poverty rates for blacks is roughly where it was 25 years ago while the rate for whites is somewhat higher than it was (Figure 17).

Non-family households have lower incomes, in general, than do family households. Over the past 15 years, however, the median income in non-family households has increased by more (proportionally) than has the median income in family households (Figure 18).

Among year-round, full time workers, the gap between whites and blacks is narrower, particularly for workers with similar levels of education (Table 7). Median earnings for black men with at least a bachelor's degree were 76% of median earnings for their white counterparts. For black men with less than a high school education, the ratio was higher: 85%. The increase in earnings associated with moving from the less than high school group to the high school group is significantly lower for black men than for any other group (11% vs. 26% for black women). Moving from a high school education to some college is associated with large gains for black men and women; for white men and women, the gains are a third to a half smaller. All groups have large gains associated with moving from some college to at least a bachelor's degree, although the gain for black men is smaller.

For educated workers in the same age group, the difference between

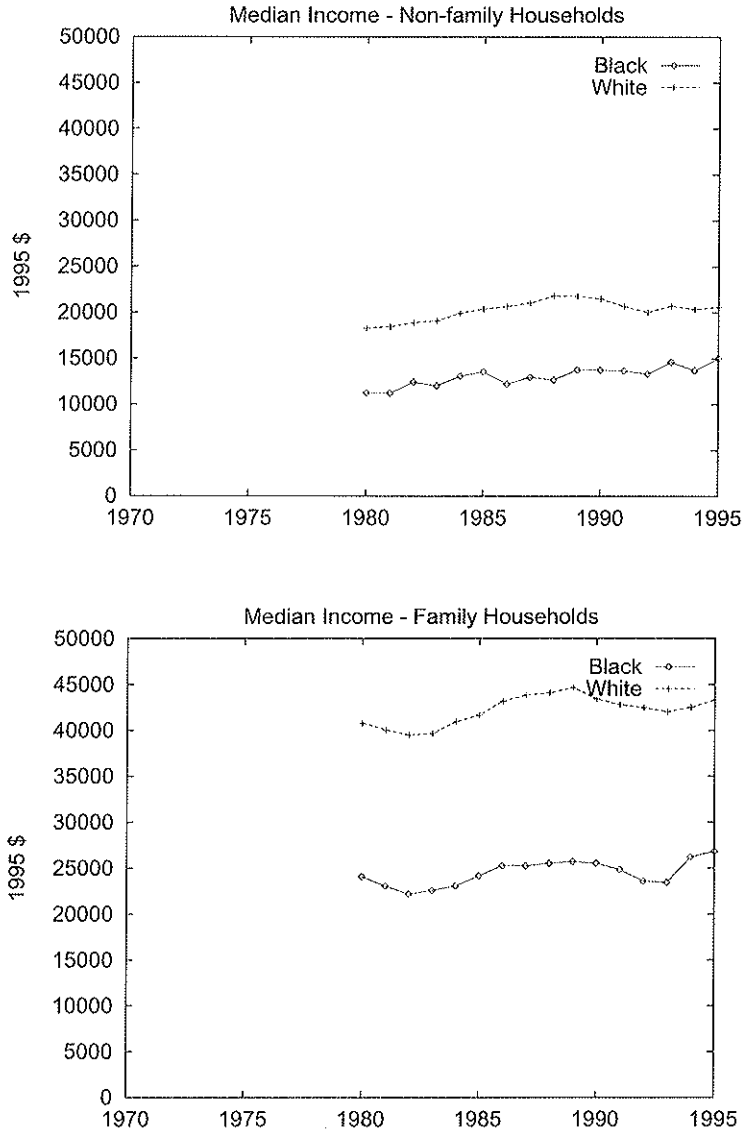
Median Income - Non-family Households
1995 $
50000
45000
40000
35000
30000
25000
20000
15000
10000
5000
0
1970
1975
1980
1985
1990
1995
Black
White
Median Income - Family Households
1995 $
50000
45000
40000
35000
30000
25000
20000
15000
10000
5000
0
1970
1975
1980
1985
1990
1995
Black
White

Figure 18.

Table 7: *Median earnings - 1993; Year-round full time workers.*

		Less than High School	High School	Some College	Bachelor's or more	Total
Thousands of $						
Men	- Black	18.6	20.6	26.6	35.9	24.1
	- White	22.0	28.4	32.4	47.2	33.8
Women	- Black	13.1	16.5	21.1	31.2	20.3
	- White	14.7	19.8	23.4	32.9	23.5
Black/White ratio:						
Men		0.85	0.73	0.82	0.76	0.71
Women		0.89	0.83	0.90	0.95	0.86
% Increase over nezt lower educational level:						
Men	- Black	-	11	29	35	
	- White	-	29	14	46	
Women	- Black	-	26	28	48	
	- White	-	35	18	41	

blacks and whites is narrower still. Among college educated workers who are employed one year after graduation (year-round, full time), the ratio of black to white salaries was 0.96 in 1990, up from 0.92 in 1977. As a comparison, the similar ratio of women's salaries to men's was 0.87 in 1990 (up from 0.77 in 1977).

Black households tend to have fewer assets than do white ones. Even by income quintile (quintiles defined for all households), households headed by blacks tend to be poorer (Table 9). Furthermore, black households are more heavily represented at the lower income quintiles.

D. *Household and family formation*

Marriage is declining in the United States (Figure 19). Among black women over age 15, less than 30% were married in 1994; in 1970, more

Table 8: *Median salaries: college graduates employed full-time, 1 year after graduation* (1992 $).

	Black	White	Men	Women
1977	23,018	24,975	28,108	21,649
1978				
1979				
1980	21,515	23,105	26,334	20,318
1981				
1982				
1983				
1984	20,955	23,556	25,974	21,387
1985				
1986	22,653	25,021	27,153	23,054
1987				
1988				
1989				
1990	22,676	23,637	25,825	22,343

Table 9: *Asset ownership by Income Quintile.*

	Median net worth (1993 $)				Households (000s)			
	1991		1993		1991		1993	
	Black	White	Black	White	Black	White	Black	Wh
1st Quintile	0	10,743	250	7,605	4,041	14,480	4,066	14,6
2nd Quintile	3,466	26,665	3,406	27,057	2,436	16,006	2,663	16,1
3rd Quintile	8,302	35,510	8,480	36,341	2,124	16,388	2,126	16,5
4th Quintile	21,852	55,950	20,745	54,040	1,353	17,043	1,454	17,2
5th Quintile	56,922	128,298	45,023	123,350	814	17,492	937	17,5
All Households	4,844	47,075	4,418	45,740	10,768	81,409	11,248	82,1

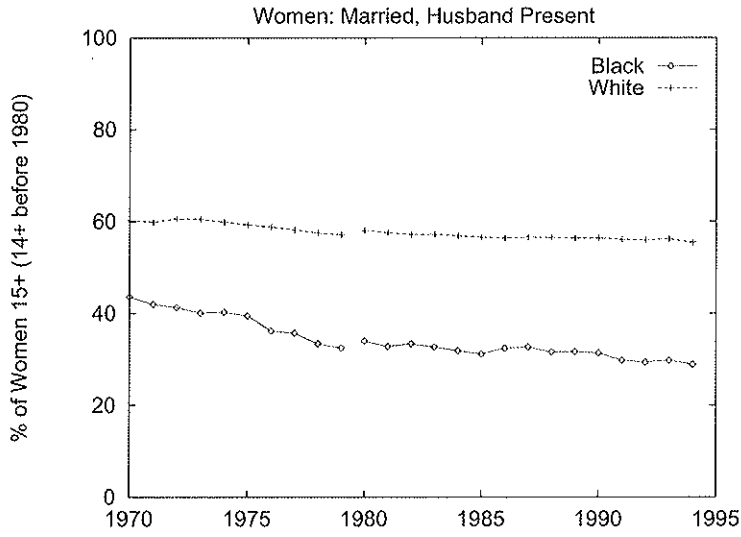

Figure 19.

than 40% were.[6] Among white women, the decline has been just as steady, although not quite as fast. The corresponding figures for black and white men are similar to those for blacks and white women, although the proportions of men married tend to be several points higher than for women (roughly 7 points higher for black men and 5 points higher for white men).

Interracial marriage has increased significantly over the past few decades. Although still only a tiny fraction of all marriage (0.41% of all married couples in 1990), black-white interracial marriages were still more than 3 times as likely in 1990 as in 1960 (0.41% vs. 0.13% [?]).

Fertility has also declined over the past 25 years among American women; births per 1,000 women aged 15-44 declined sharply in the early 1970s (Figure 20). Since 1975, fertility has fluctuated a little, but has been largely constant. Black and white women have become more similar in their overall child bearing: in 1994 the rate for black women was roughly 12 births higher than for white women, while in 1970, the rate for black women was roughly 31 births higher.

Abortion rates remain fairly high for both black and white women;

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[6] From 1970 to 1979, the figures are for people over age 14; from 1980, the figures are for those over age 15. [Saluter, 1994] [and earlier issues].

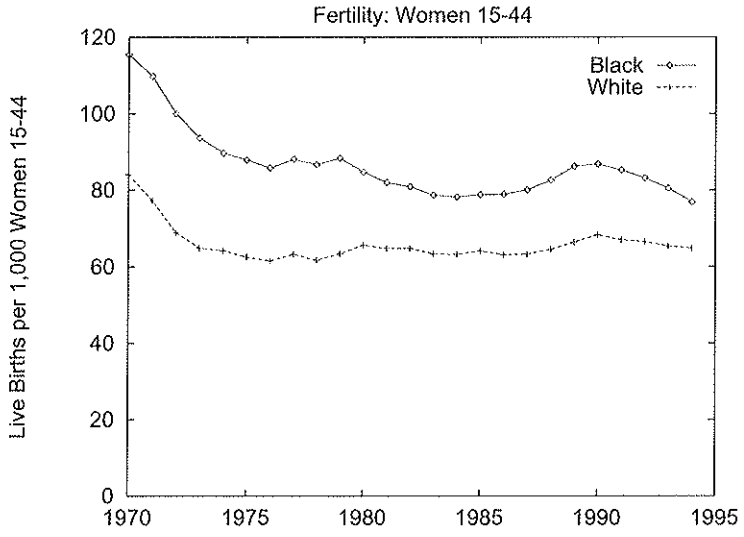

Figure 20.

roughly one quarter of the pregnancies[7] of white women end in abortion and roughly 40% of the pregnancies of black women do as well[8] (Figure 21). Crude estimates based on these frequencies and other Centers for Disease Control data suggest that, over time, significant fractions of both black and white women may have abortions. Among white women, perhaps more than a third will have at least one abortion by the age of 44; for black women the fraction may be considerably larger — well over one half.

E. *Health*

Maternal mortality, the rate at which mothers die in child-birth, has improved dramatically during the 20th century. In the early years of this century, more than 700 women died for each 100,000 live births. By 1940, the overall rate had dropped to 376 per 100,000 births, but the rate for the mothers of black children was 782 (for mothers of white children it was 320 [National Center for Health Statistics, Public]). Considering those levels, the current figures — less than 20 per 100,000 for both blacks and whites — are almost miraculous, although the rate for black mothers is still more than twice that for white mothers (Figure 22).

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[7] Measured pregnancies — live births and abortions — but not miscarriages.

[8] 1991 estimates: 303 abortions per 1,000 live births for white women; 661 per 1,000 live births for black women.

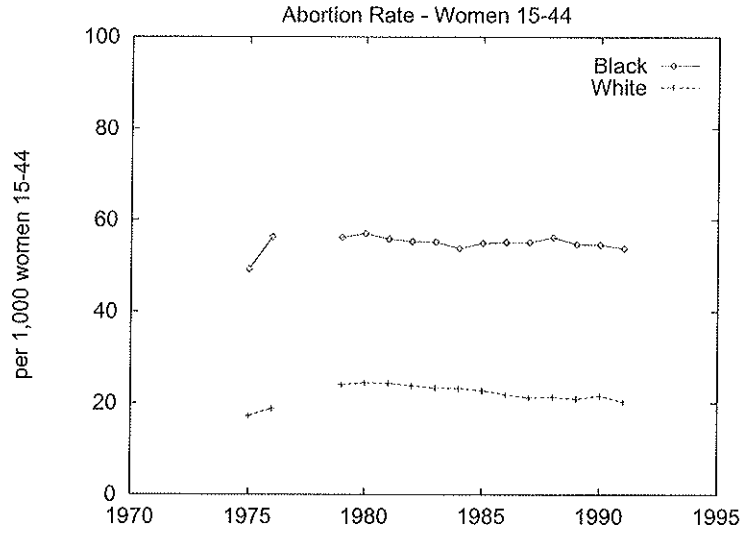

Figure 21.

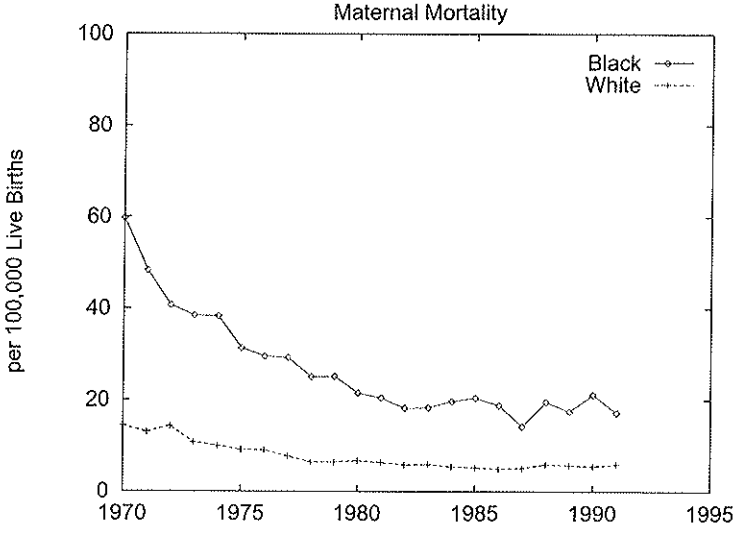

Figure 22.

F. *Victimization*

Men are more likely than women and blacks more likely than whites to be homicide victims. Black men in particular face homicide rates well in excess of those faced by other demographic groups (Figure 23). In the first half of the 1980s, homicide rates for black men dropped sharply; the rate for white men fell simultaneously, but from a smaller base. Unfortunately, the rates climbed again after 1985. The rate of less serious violent crime (rapes, robberies, or assaults) has been relatively steady, with a slight decline through 1990 for both blacks and whites During the 1990s, however, the rate faced by black men and women rose sharply.

Victimization rates for violent crimes other than murder (Table 10) suggest that black men and women along with white men are particularly likely to be victims at young ages (through age 25). After 25, victimization for women, black and white, falls rapidly, from 127 per 1,000 black women age 20-24 to 44.5 per 1,000 age 25-34. For white men, the victimization rates fall quickly among the older groups as well. For black men, victimization rates do not fall as far and more importantly, the rates remain high even among older age groups (75 per 1,000 for black men age 35-49).

G. *Incarceration*

Adults, men and women, are increasingly facing the criminal justice system as adversaries (Table 11). Relative to population sizes, black men and women have been more likely to be imprisoned. In 1994, the rate of imprisonment for white men was 1.6 times the 1985 value; for black men the 1994 rates was 1.9 times its 1985 value. For black women, the 1994 imprisonment rate was 2.4 times the 1985 rate, while for white women the 1994 rate was 2.2 times the 1985 rate.

H. *Health and life expectancy*

Life expectancy at birth has increased fairly dramatically over the past few decades. Since 1940, the expected life for a black man has increased[9] by almost 14 years and for a black woman, it has increased by almost 20 years. For whites, the increases have been slightly less dramatic, but still impressive: roughly 11 years for white men and 13 for white women. The increases have continued over the past 25 years (Figure 24), although for black men, life expectancy seems to have plateaued shortly after 1980 at

[9] For 1940, the figure is for *All other races*; for 1970 and later, figures are for *Black*.

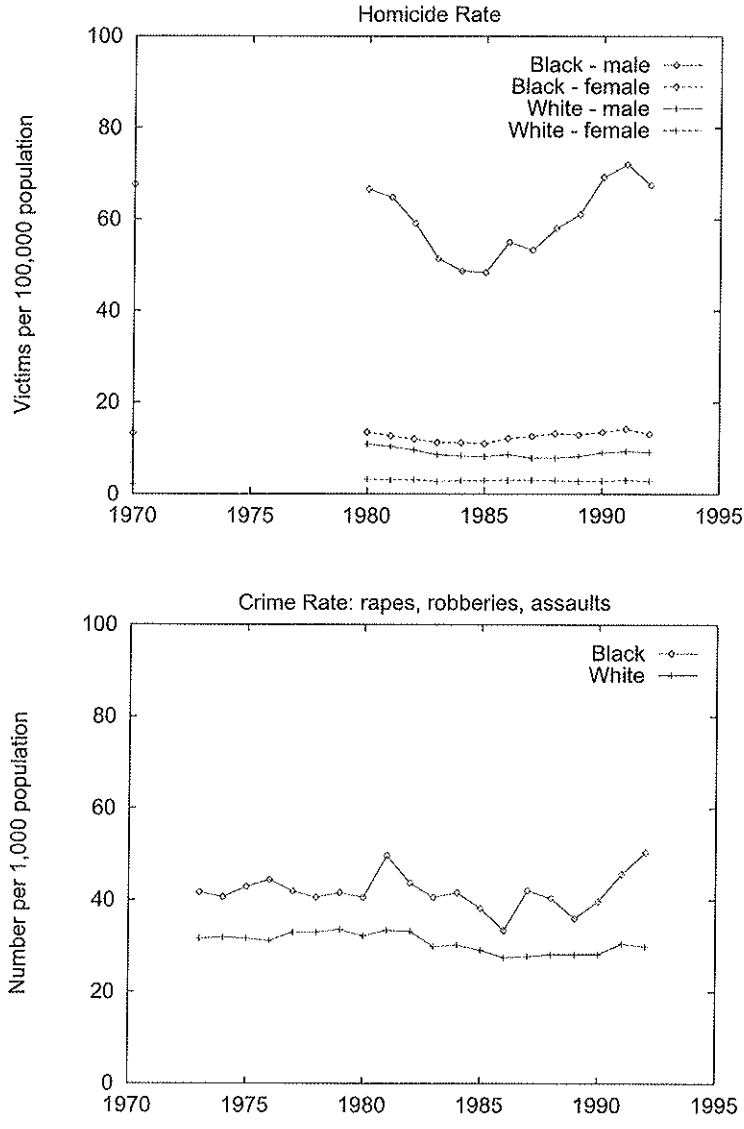

Figure 23. Victimization Rates

Table 10: *Violent crime (not murder): victimization rate per 1,000 population (1993).*

Victim's Age	Men		Women	
	Black	White	Black	White
12-15	146.0	148.4	112.3	93.2
16-19	91.9	144.5	145.6	90.4
20-24	99.2	104.3	127.0	79.0
25-34	74.5	69.6	44.5	49.0
35-49	75.4	43.0	43.4	39.1
50-64	33.1	21.1	3.8	13.8
65+	14.3	5.4	12.2	4.5

Table 11: *Adults per 100,000 population held in local jails, state or federal prisons (1993).*

	Men		Women	
	Black	White	Black	White
1985	3,544	528	183	27
1986	3,850	570	189	29
1987	3,943	594	216	35
1988	4,441	629	257	41
1989	5,066	685	321	47
1990	5,365	718	338	48
1991	5,717	740	356	51
1992	6,014	774	365	53
1993	6,259	805	403	56
1994	6,753	860	435	60

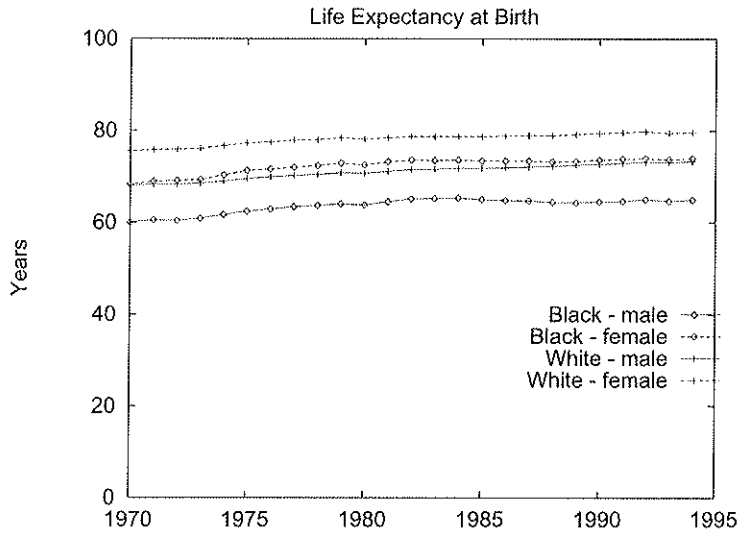

Figure 24.

Table 12: *Life Expectancy.*

	Men		Women	
	Black	White	Black	White
At birth:				
1969-71	60.0	67.9	68.3	75.5
1979-81	64.1	70.8	73.9	78.2
1991	64.6	72.9	73.8	79.6
At age 1:				
1969-71	61.2	68.3	69.4	75.7
1979-81	64.6	70.7	73.3	78.0
1991	64.9	72.5	73.9	79.1
At age 20:				
1969-71	43.5	50.2	51.2	57.2
1979-81	46.5	52.5	54.9	59.4
1991	46.9	54.1	55.4	60.4
At age 65:				
1969-71	12.5	13.0	15.7	16.9
1979-81	13.3	14.3	17.1	18.6
1991	13.4	15.4	17.2	19.2

roughly 65 years. Life expectancy at different ages shows generally the same patterns, although the differences between black men and white men and between black women and white women are less pronounced at age 65 than at younger ages.

II.

How to Mend Affirmative Action

My scholarly work on the problem of race relations began with a general inquiry into the theory of economic inequality. Specifically, my 1981 paper, "Intergenerational Transfers and the Distribution of Earnings", which appeared in the journal *Econometrica*, introduced a model of economic achievement in which a person's earnings depended on a random endowment of innate ability and on skills acquired from formal training. The key feature of this theory was that individuals had to rely on their families to pay for their training. In this way, a person's economic opportunities were influenced by his inherited social position. I showed how, under these circumstances, the distribution of income in each generation could be determined by an examination of what had been obtained by the previous generation. My objective with the model was to illustrate how, in the long run, when people depend on resources available within families to finance their acquisition of skills, economic inequality comes to reflect the inherited advantages of birth. A disparity among persons in economic attainment would bear no necessary connection to differences in their innate abilities.

In other research, I applied this mode of reasoning to the problem of group, as distinct from individual, inequality. That analysis began with two observations. First, all societies exhibit significant *social segmentation*. People make choices about whom to befriend, whom to marry, where to live, to which schools to send their children, and so on. Factors like race, ethnicity, social class, and religious affiliation influence these choices of association. Second, the processes through which individuals develop their productive capacities are shaped by custom, convention, and social norms, and are not fully responsive to market forces, or reflective of the innate abilities of persons. Networks of social affiliation are not usually the result of calculated economic decisions. They nevertheless help determine how resources important to the development of the productive capacities of human beings are made available to individuals.

More concretely, one can say that an adult worker with a given degree

of personal efficacy has been "produced" from the "inputs" of education, parenting skills, acculturation, nutrition, and socialization to which he was exposed in his formative years. While some of these "inputs" can be bought and sold, some of the most crucial "factors of production" are only available as by-products from activities of social affiliation. Parenting services are not to be had for purchase on the market, but accrue as the consequence of the social relations between the custodial parents and the child. The allocation of parenting services among a prospective generation of adults is thus the indirect consequence of social activities undertaken by members of the preceding generation. An adolescent's peer group is similarly a derivative consequence of processes of social networking.

I concede that this is an artificial way of thinking about human development, but the artifice is quite useful. For it calls attention to the critical role played by social and cultural resources in the production and reproduction of economic inequality. The relevance of such factors, as an empirical matter, is beyond doubt. The importance of networks, contacts, social background, family connections, and informal associations of all kinds has been amply documented by students of social stratification. In addition, values, attitudes, and beliefs of central import for the attainment of success in life are shaped by the cultural milieu in which a person develops. Whom one knows affects what one comes to know and, ultimately, what one can do with one's God-given talents.

Social capital and inequality

While all of this may seem obvious, the fact is that, prior to my work, formal theories of economic inequality had said little about the role of social background. I was the first economist to use the term "social capital" in reference to these processes by which the social relationships that occur among persons promote or retard their acquisition of traits valued in the market place. A large and growing literature has since emerged in which allowance is taken of the myriad ways that a person's opportunities to develop his natural gifts depend upon the economic achievements of those with whom he is socially affiliated. This literature suggests that unqualified confidence in the equity and efficiency of the income distribution produced by the market is not justified.

In particular, this analysis has an important ethical implication: because the creation of a skilled work force is a social process, the meritocratic ideal should take into account that no one travels the road to economic and social success alone. The facts that generations overlap, that much of social

life lies outside the reach of public regulation, and that prevailing social affiliations influence the development of the intellectual and personal skills of the young, imply that present patterns of inequality — among individuals and between groups — must embody, to some degree, social and economic disparities that have existed in the past. To the extent that past disparities are illegitimate, the propriety of the contemporary order is called into question.

I have employed this framework to explore the legitimacy question with respect to inequality between blacks and whites in America.[10] In a theoretical example, I showed that, notwithstanding the establishment of a legal regime of equal opportunity, historically engendered economic differences between racial groups could well persist into the indefinite future. I concluded that the pronounced racial disparities to be observed in American cities are particularly problematic, since they are, at least in part, the product of an unjust history, propagated across the generations by the segmented social structures of our race-conscious society.

Thus I would argue, as a matter of social ethics, that the government should undertake policies to mitigate the economic marginality of those languishing in the ghettos of America. This is not a reparations argument. When the developmental prospects of an individual depend on the circumstances of those with whom he is socially affiliated, even a minimal commitment to equality of opportunity requires such a policy. In our divided society, and given our tragic past, this implies that public efforts intended to counter the effects of historical disadvantage among blacks are not only consistent with, but indeed are required by, widely embraced democratic ideals.

Colour-blind extremists

This argument leads naturally to the question of whether affirmative-action policies are necessary and justified. To emphasize that racial group disparities can be transmitted across generations through subtle and complex social processes is not necessarily to endorse employment or educational preferences based on race. (I will offer in due course a number of reasons to think that these policies should be curtailed). But recognizing the importance of social segmentation does cause one to doubt the ethical viability, and indeed the logical coherence, of "colour-blind absolutism" —

[10] See my paper (1977), "A Dynamic Theory of Racial Income Differences", in *Women, Minorities and Employment Discrimination*, P.A. Wallace (ed.), Lexington Books, DC Heath.

the notion that the Constitution requires government agents to ignore the racial identity of citizens. Ironically, recent claims by some conservatives to this effect bear an eerie resemblance, in form and in substance, to the similarly absolute claims of some card-carrying civil libertarians on behalf of a "wall of separation" between church and state.

Consider that, as a practical matter, the government cannot enforce laws against employment discrimination without taking note of a gross demographic imbalance in an employer's work force. Yet the government's requiring that employment data be reported by race is already a departure from pure colour-blind behaviour. So too is the practice, nearly universal in the public and private sectors, of targeted outreach efforts designed to increase the representation of blacks in the pool of persons considered for an employment opportunity. Accordingly, the more intellectually consistent of the colour-blind absolutists now recommend, as logic would require, that we repeal the civil-rights laws and abandon even those efforts to achieve racial diversity which do not involve preferential treatment. But is that stance consistent with fairness?

More subtly, how can a college educator convey to students the lesson that "not all blacks think alike", with too few blacks on campus for this truth to become evident? Were an American president to assemble a cabinet devoid of racial minority representation, would not the legitimacy of his administration rightly be called into question? What prison warden could afford to ignore the possibility that racial friction among his inmates might threaten the maintenance of order within his institution? Perhaps this is why presidents, prison wardens, and college educators do not behave in a purely colour-blind fashion in our divided society.

Coming up with cases that challenge the absolutest claim is not difficult. Can the police consider race when making undercover assignments? Can a black public employee use health insurance benefits to choose a black therapist with whom to discuss race-related anxieties? Can units in a public housing project be let with an eye to sustaining a racially integrated environment? What about a National Science Foundation effort that encourages gifted blacks to pursue careers in fields where few now study? Clearly, there is no general rule that can resolve all of these cases reasonably.

I would venture to say that the study of affirmative action has been too much the preserve of lawyers and philosophers, and has too little engaged the interests of economists and other social scientists. It is as if, for this policy, unlike all others, we could determine a priori the wisdom of its application — as if its practice were always either "right" or "wrong", never simply "prudent" or "unwise". However, although departures from colour-blind absolutism are both legitimate and desirable in some circumstances,

there are compelling reasons to question the wisdom of relying as heavily as we now do on racial preferences to bring about civic inclusion for black Americans.

LOGICAL STEREOTYPING

One such reason for questioning the wisdom of affirmative action is that the widespread use of preferences can logically be expected to erode the perception of black competence. This point is often misunderstood, so it is worth spelling out in some detail. The argument is not a speculation about the feelings of persons who may or may not be the beneficiaries of affirmative action. Rather, it turns on the rational, statistical inferences that neutral observers are entitled to make about the unknown qualifications of persons who may have been preferred, or rejected, in a selection process.

The main insight is not difficult to grasp. Let some employer use a lower threshold of assessed productivity for the hiring of blacks than whites. The preferential hiring policy defines three categories of individuals within each of the two racial groups which I will call "marginals", "successes", and "failures". Marginals are those whose hiring status is altered by the policy — either whites not hired who otherwise would have been, or blacks hired who otherwise would not have been. Successes are those who would be hired with or without the policy, and failures are those who would be passed over with or without the preferential policy. Let us consider how an outsider who can observe the hiring decision, but not the employer's productivity assessment, would estimate the productivity of those subject to this hiring process.

Notice that a lower hiring threshold for blacks causes the outside market to reduce its estimate of the productivity of black successes, since, on average, less is required to achieve that status. In addition, black failures, seen to have been passed over despite a lower hiring threshold, are thereby revealed as especially unproductive. On the other hand, a hiring process favouring blacks must enhance the reputations of white failures, as seen by outsiders, since they may have been artificially held back. And white successes, who are hired despite being disfavoured in selection, have thereby been shown to be especially productive.

We have thus reached the result that, among blacks, only marginals gain from the establishment of a preferential hiring program — they do so because the outside observer lumps them together with their superiors, black successes. hey thus gain a job and a better reputation than they objectively deserve. Moreover, among whites, only marginals are harmed by

the program, for only they lose the chance of securing a job and only they see their reputations harmed by virtue of being placed in the same category as white failures. In practical terms, since marginals are typically a minority of all workers, the outside reputations of most blacks will be lowered, and that of most whites enhanced, by preferential hiring. The inferential logic that leads to this arresting conclusion is particularly insidious, in that it can serve to legitimate otherwise indefensible negative stereotypes about blacks.

A NEW MODEL OF AFFIRMATIVE ACTION

Another reason for being sceptical about the practice of affirmative action is that it can undercut the incentives for blacks to develop their competitive abilities. For instance, preferential treatment can lead to the patronization of black workers and students. By "patronization", I mean the setting of a lower standard of expected accomplishment for blacks than for whites because of the belief that blacks are not as capable of meeting a higher, common standard. In the 1993 article "Will Affirmative Action Eliminate Negative Stereotypes?" that appeared in the *American Economic Review*, Stephen Coate and I show how behaviour of this kind can be based on a self-fulfilling prophecy. That is, observed performance among blacks may be lower precisely because blacks are being patronized, a policy that is undertaken because of the need for an employer or admissions officer to meet affirmative-action guide-lines.

Consider a workplace in which a supervisor operating under some affirmative-action guidelines must recommend subordinate workers for promotion. Suppose further that he is keen to promote blacks where possible, and that he monitors his subordinates' performance and bases his recommendations on these observations. Pressure to promote blacks might lead him to de-emphasize deficiencies in the performance of black subordinates, recommending them for promotion when he would not have done so for whites. But his behaviour could undermine the ability of black workers to identify and correct their deficiencies. They are denied honest feedback from their supervisor on their performance and are encouraged to think that one can get ahead without attaining the same degree of proficiency as whites.

Alternatively, consider a population of students applying to professional schools for admissions. The schools, due to affirmative-action concerns, are eager to admit a certain percentage of blacks. They believe that to do so they must accept black applicants with test scores and grades below those of some whites whom they reject. If most schools follow this

policy, the message sent out to black students is that the level of performance needed to gain admission is lower than that which white students know they must attain. If black and white students are, at least to some extent, responsive to these differing expectations, they might, as a result, achieve grades and test scores reflective of the expectation gap. In this way, the schools' belief that different admissions standards are necessary becomes a self-fulfilling prophecy.

The common theme in these two examples is that the desire to see greater black representation is pursued by using different criteria for the promotion or admission of black and white candidates. But the use of different criteria reduces the incentives that blacks have for developing needed skills. This argument does not presume that blacks are less capable than whites; it is based on the fact that an individual's need to make use of his abilities is undermined when that individual is patronized by the employer or the admissions committee.

This problem could be avoided if, instead of using different criteria of selection, the employers and schools in question sought to meet their desired level of black participation through a concerted effort to enhance performance, while maintaining common standards of evaluation. Call it "developmental", as opposed to "preferential", affirmative action. Such a targeted effort at performance enhancement among black employees or students is definitely not colour-blind behaviour. It presumes a direct concern about racial inequality and involves allocating benefits to people on the basis of race. What distinguishes it from preferential hiring or admissions, though, is that it takes seriously the fact of differential performance and seeks to reverse it directly, rather than trying to hide from that fact by setting a different threshold of expectation for the performance of blacks.

For example, given that black students are far scarcer than white and Asian students in the fields of math and science, encouraging their entry into these areas without lowering standards — through summer workshops, support for curriculum development at historically black colleges, or the financing of research assistantships for promising graduate students — would be consistent with my distinction between "preferential" and "developmental" affirmative action. Also consistent would be the provision of management assistance to new black-owned businesses, which would then be expected to bid competitively for government contracts, or the provisional admission of black students to the state university, conditional on their raising their academic scores to competitive levels after a year or two of study at a local community college. The key is that the racially targeted assistance be short-lived and preparatory to the entry of its recipients into an arena of competition where they would be assessed in the same way as everyone else.

Racism and responsibility

Unfortunately, economists seem to be the only people persuaded by, or even interested in, this kind of technical argument about affirmative action. Therefore, I turn now, in my capacity as an intellectual and a citizen, to a range of moral and political considerations that may be of broader interest but that still point in the same direction. Begin with an obvious point: The plight of the inner-city underclass — the most intractable aspect of the racial inequality problem today — is not mitigated by affirmative-action policies. Defenders of racial preferences answer by claiming this was never the intent of such policies. But this only leads to my second point: The persistent demand for preferential treatment as necessary to black achievement amounts, over a period of time, to a concession of defeat by middle-class blacks in our struggle for civic equality.

The political discourse over affirmative action harbours a paradoxical subtext: Middle-class blacks seek equality of status with whites by calling attention to their own limited achievements, thereby establishing the need for preferential policies. At the same time, sympathetic white elites, by granting black demands, thereby acknowledge that, without their patronage, black penetration of the upper reaches of American society would be impossible. The paradox is that, although equality is the goal of the enterprise, this manifestly is not an exchange among equals, and it never can be.

Members of the black middle class who stress that, without some special dispensation, they cannot compete with whites are really flattering those whites, while exhibiting their own weakness. And whites who think that, because of societal wrongs, blacks are owed the benefit of the doubt about their qualifications are exercising a noblesse oblige available only to the powerful. This exchange between black weakness and white power has become a basic paradigm for "progressive" race relations in contemporary America. Blacks from privileged backgrounds now routinely engage in a kind of exhibitionism of non-achievement, mournfully citing the higher success rates of whites in one endeavour or another in order to gain leverage for their advocacy on behalf of preferential treatment. That Asians from more modest backgrounds often achieve higher rates of success is not mentioned. But the limited ability of these more fortunate blacks to make inroads on their own can hardly go unnoticed.

It is morally unjustified — and to this African American, humiliating — that preferential treatment based on race should become institutionalized for those of us now enjoying all of the advantages of middle-class life. The thought that my sons would come to see themselves as presumptively disadvantaged because of their race is unbearable to me. They

are, in fact, among the richest young people of African descent anywhere on the globe. There is no achievement to which they cannot legitimately aspire. Whatever degree of success they attain in life, the fact that some of their ancestors were slaves and others faced outrageous bigotry will have little to do with it.

Indeed, those ancestors, with only a fraction of the opportunity, and with much of the power structure of the society arrayed against them, managed to educate their children, acquire land, found communal institutions, and mount a successful struggle for equal rights. The generation coming of age during the 1960s, now ensconced in the burgeoning black middle class, enjoy their status primarily because their parents and grandparents faithfully discharged their responsibilities. The benefits of affirmative action, whatever they may have been, pale in comparison to this inheritance.

My grandparents, with their siblings and cousins, left rural Mississippi for Chicago's mean streets in the years after World War I. Facing incredible racial hostility, they nevertheless carved out a place for their children, who went on to acquire property and gain a toe-hold in the professions. For most middle-class blacks this is a familiar story. Our forebears, from slavery onward, performed magnificently under harsh circumstances. It is time now that we and our children begin to do the same. It desecrates the memory of our enslaved ancestors to assert that, with our far greater freedoms, we middle-class blacks should now look to whites, of whatever political persuasion, to ensure that our dreams are realized.

The children of today's black middle class will live their lives in an era of equal opportunity. I recognize that merely by stating this simple fact I will enrage many people; and I do not mean to assert that racial discrimination has disappeared. But I insist that the historic barriers to black participation in the political, social, and economic life of the nation have been lowered dramatically over the past four decades, especially for the wealthiest 20 percent of the black population. Arguably, the time has now come for us to let go of the ready-made excuse that racism provides. And so too, it is time to accept responsibility for what we and our children do, and do not, achieve.

APPENDIX

Table 13: *Sources for figures and tables.*

	Source
Figure 1	[National Center for Health Statistics, Public Health Service, 1996], Table 2-2; race of the child.
Figure 2	[National Center for Health Statistics, Public Health Service, 1995], Table 1-76; race of the child through 1980, race of the mother 1981-1992.
Figure 3	[Saluter, 1994] and previous years.
Table 1	[U.S. Bureau of the Census,1996], Table No. 82.
Figure 4	[Stubbs, 1996], Table C147B01.
Figure 5	[Stubbs, 1996], Table C147B01.
Figure 6	[Stubbs, 1996], Table C002D01; Pre-school enrollment is full- and half-day enrollment in nursery school.
Figure 7	[Stubbs, 1996], Table C002D02.
Table 2	[Stubbs, 1996], Tables C013B02 and C015B02.
Table 3	Calculations from data in [Stubbs, 1996], Tables C015D03 and C013D03.
Table 4	[Stubbs, 1996], Table DTAB007.
Figure 8	Kas N. table TABA-3 (Statistical Abstract of the United States).
Figure 9	BLS data on-line; Series LFS1600830, LFS1600810.
Figure 10	[Stubbs, 1996], Tables C028D04 and C032D02.
Figure 11	[Stubbs, 1996], Tables C028D03 and C032D02.
Figure 12	[Stubbs, 1996], Table C020D02.
Figure 13	[National Center for Health Statistics, Public Health Service, 1995], Tables 1-9, 1-10.
Figure 14	[Stubbs, 1996], Table DTAB008.
Figure 15	BLS data on-line; Series LFS1601731, LFS1601732, LFS1601711, LFS1601712.
Table 5	[Current Population Reports, 1995] Table 2.
Table 6	[Current Population Reports, 1996] Table 10.
Figure 16	Current Population Reports, Series P-60; (WWW: Historical Income Tables-Households, Families).
Figure 17	Kas N. table TAB-B61.
Figure 18	Current Population Reports, Series P-60, (WWW: Historical Income Tables-Households, Table H-12C).
Table 7	[Current Population Reports, 1995], Table 12.
Table 8	[Stubbs, 1996], Table C233D02.
Table 9	Census http://www.census.gov/bhes/wealth/wlth93f.
Figure 19	[Saluter, 1994].
Figure 20	CDC; http://[?]4411st1h.txt.
Figure 21	[U.S. Bureau of the Census, 1996] Table No. 115.
Figure 22	[National Center for Health Statistics, Public Health Service, 1996].
Figure 23	Kas N. table? and [Bureau of Justice Statistics, 1994].
Figure 24	[National Center for Health Statistics, Public Health Service, 1996]. Table 6-5.
Table 12	citevital-ii:91, Section 6, Table A.

Table 14: *Infant Mortality.*

	Black	White
1970	32.6	17.8
1971	30.3	17.1
1972	29.6	16.4
1973	28.1	15.8
1974	26.8	14.8
1975	26.2	14.2
1976	25.5	13.3
1977	23.6	12.3
1978	23.1	12.0
1979	21.8	11.4
1980	21.4	11.0
1981	20.0	10.5
1982	19.6	10.1
1983	19.2	9.7
1984	18.4	9.4
1985	18.2	9.3
1986	18.0	8.9
1987	17.9	8.6
1988	17.6	8.5
1989	17.7	8.2
1990	17.0	7.7

Table 15: *Births to unmarried women* (% of all births).

	Black	White
1970	37.6	5.7
1971	40.5	5.6
1972	43.9	6.0
1973	45.8	6.4
1974	47.1	6.5
1975	48.8	7.3
1976	50.3	7.7
1977	51.7	8.2
1978	53.2	8.7
1979	54.7	9.4
1980	55.5	10.2
1981	56.9	11.8
1982	57.7	12.3
1983	59.2	12.9
1984	60.3	13.6
1985	61.2	14.7
1986	62.4	15.9
1987	63.4	16.9
1988	64.7	18.0
1989	65.7	19.2
1990	66.5	20.4
1991	67.9	29.5
1992	68.1	22.6

Table 16: *Children under 18 living with both parents* (%).

	Black	White
1970	58.2	89.1
1971	54.1	87.9
1972	54.3	87.9
1973	51.5	87.4
1974	50.7	86.7
1976	49.6	85.2
1977	46.8	84.8
1978	43.6	83.8
1979	43.4	83.5
1980	42.2	82.7
1981	42.7	82.3
1982	42.4	80.8
1983	40.7	81.0
1984	41.0	81.0
1985	39.5	80.0
1986	40.6	79.9
1987	40.1	79.1
1988	38.5	78.9
1989	38.0	79.6
1990	37.7	79.0
1991	35.9	78.5
1992	35.6	77.4
1993	35.6	77.2
1994	33.3	76.2

Tablel 17: *Child poverty rates* (% of children under 18).

	Black	White
1970	41.5	10.5
1975	41.4	12.5
1980	42.1	13.4
1981	44.2	14.7
1982	47.3	16.5
1983	46.2	17.0
1984	46.2	16.1
1985	43.1	15.6
1986	42.6	15.3
1987	44.4	14.7
1988	42.8	14.0
1989	43.2	14.1
1990	44.2	15.1
1991	45.6	16.1
1992	46.3	16.0
1993	45.9	17.0

Table 18: *Child poverty rates female head households* (% of children under 18).

	Black	White
1970	60.8	36.6
1975	70.1	41.7
1980	75.4	41.3
1981	74.3	42.0
1982		
1983	74.5	39.3
1984	74.9	41.8
1985	78.4	43.0
1986	80.5	45.7
1987	80.2	47.0
1988	79.6	50.0
1989	78.1	46.3
1990	80.3	46.9
1991	83.1	47.4
1992	81.8	45.4

Table 19: *Child poverty rates in non-female head households* (% of children under 18).

	Black	White
1970	25.9	7.3
1975	22.1	8.3
1980	20.3	9.1
1985	18.8	10.4
1986		
1987	18.4	9.2
1988	22.0	8.7
1989	21.4	8.9
1990	19.3	9.5
1991	17.3	10.1
1992	19.4	10.4
1993	19.6	11.2

Table 20: *Preschool: 3 to 4 year olds* (% enrolled).

	Black	White
1973	18.7	17.8
1974	19.6	22.5
1975	25.1	24.8
1976	22.1	23.6
1977	24.4	25.8
1978	31.0	28.8
1979	NA	NA
1980	28.3	31.8
1981	28.2	31.7
1982	28.7	33.2
1983	29.1	33.3
1984	29.0	32.3
1985	27.9	35.2
1986	28.8	36.2
1987	25.5	35.0
1988	23.6	37.1
1989	31.1	38.3
1990	NA	NA
1991	26.7	38.5
1992	28.8	37.6
1993	29.8	38.0

Table 21: *Kindergarten: 3-4 year olds* (% enrolled).

	Black	White
1973	10.0	5.8
1974	9.2	6.5
1975	9.3	6.2
1976	12.3	7.5
1977	10.8	6.4
1978	9.7	5.1
1979	NA	NA
1980	9.9	5.6
1981	8.8	5.4
1982	9.8	4.4
1983	7.1	6.1
1984	9.5	5.0
1985	14.8	5.1
1986	9.8	4.5
1987	11.4	4.5
1988	9.8	4.1
1989	7.5	3.8
1990	5.0	3.0
1991	10.2	4.9
1992	8.9	4.7
1993	10.3	5.1

Table 22: *5 year olds* (% enrolled).

	Kindergarten		Grades 1 or 2	
	Black	White	Black	White
1973	68.3	74.8	8.8	10.6
1974	68.8	78.2	13.9	9.9
1975	70.3	80.1	14.3	7.8
1976	75.0	79.7	13.8	10.2
1977	76.1	80.1	12.2	9.1
1978	72.6	79.9	12.7	8.9
1979	NA	NA	NA	NA
1980	76.3	83.6	11.5	6.3
1981	75.0	80.9	14.7	5.5
1982	76.9	81.3	11.3	6.8
1983	73.4	80.3	13.9	6.1
1984	77.5	80.5	9.2	5.6
1985	78.4	83.5	10.5	5.9
1986	82.0	83.6	7.9	3.5
1987	85.5	77.8	7.1	4.3
1988	74.0	81.7	14.1	3.8
1989	77.6	80.8	9.6	3.6
1990	81.0	79.7	5.6	3.2
1991	78.7	80.2	8.4	4.6
1992	81.0	80.5	5.9	3.8
1993	77.4	80.0	8.1	4.8

Table 23: *Dropout rates: single year* (grades 10-12) *and ever* (ages 18-24).

	Event Dropouts		Status Dropouts	
	Black	White	Black	White
1973	10.1	5.7	26.5	14.2
1974	11.6	6.0	25.1	14.5
1975	8.7	5.4	27.3	13.9
1976	7.2	5.7	24.2	14.7
1977	8.4	6.2	23.9	14.7
1978	10.4	6.1	24.6	14.6
1979	9.6	6.2	25.5	14.9
1980	8.3	5.6	23.5	14.4
1981	9.6	5.3	21.7	14.7
1982	7.8	5.1	22.0	14.6
1983	6.9	4.8	21.5	14.3
1984	5.8	5.0	18.4	14.1
1985	7.7	4.8	17.6	13.5
1986	4.7	4.2	16.6	13.5
1987	6.4	3.7	17.0	14.2
1988	6.3	4.7	17.7	14.2
1989	7.7	3.9	16.4	14.1
1990	5.1	3.8	15.1	13.5
1991	6.2	3.7	15.6	14.2
1992	4.9	4.1		
1993	5.4	4.1		

Table 24: *High school dropouts and the labor force.*

	Black		White	
	Labor force participation	Employment	Labor force participation	Employment
1973	59.4	43.9	71.0	55.1
1974	58.1	35.9	73.8	53.9
1975	56.1	22.0	65.4	46.2
1976	44.8	20.8	68.9	49.7
1977	58.6	34.5	74.8	56.6
1978	59.5	41.1	75.2	54.2
1979	51.7	27.6	70.5	54.2
1980	51.5	20.8	69.8	51.2
1981	46.8	11.5	71.2	51.2
1982	58.2	16.4	69.5	44.5
1983	59.8	26.5	65.4	49.4
1984	55.4	23.8	71.9	51.3
1985	53.7	29.3	74.4	50.0
1986	60.5	31.6	69.6	50.5
1987	61.3	26.1	69.9	48.1
1988	35.7	17.3	65.1	47.6
1989	51.8	26.3	74.4	57.6
1990	65.9	30.5	74.8	56.2
1991	52.7	24.7	61.6	38.4
1992	50.8	NA	62.6	43.2
1993	43.6	26.9	68.0	52.8

Table 25: *% Using AFDC or public assistance: 25-34 year olds with less than 12 years of education.*

	Black		White	
	Less than 9	9-11	Less than 9	9-11
1972	24.1	23.2	7.3	6.0
1973	23.1	25.9	9.3	5.6
1974	27.5	25.0	12.2	8.0
1975	24.3	27.8	7.7	7.0
1976	22.8	27.0	6.9	7.5
1977	24.0	26.4	8.5	8.0
1978	23.2	28.1	8.5	7.7
1979	26.3	26.8	9.1	7.9
1980	24.7	25.3	9.1	8.5
1981	27.2	29.1	7.7	9.5
1982	14.6	25.8	7.3	10.3
1983	19.2	26.8	9.8	10.7
1984	27.3	30.3	10.2	10.6
1985	15.0	30.7	10.8	9.5
1986	21.5	25.7	10.6	11.2
1987	30.1	28.5	9.3	7.8
1988	32.2	28.9	11.0	9.2
1989	16.9	30.3	9.1	8.5
1990	15.8	30.9	9.6	10.6
1991	18.9	28.6	12.5	11.9
1992	18.3	35.6	11.3	11.3

Table 26: *High school graduates and the labor force.*

	Black		White	
	Labor force participation	Employment	Labor force participation	Employment
1973	69.9	49.8	83.2	74.9
1974	75.0	45.9	84.8	72.9
1975	69.3	36.9	82.4	68.9
1976	72.7	38.5	86.4	73.2
1977	74.4	43.3	87.3	76.1
1978	75.7	45.9	88.0	79.1
1979	71.8	44.1	88.9	76.4
1980	72.0	35.0	87.6	74.6
1981	69.0	31.5	87.4	73.0
1982	69.4	29.4	85.5	68.5
1983	75.9	34.9	85.9	69.8
1984	73.2	44.8	86.2	70.7
1985	76.6	34.4	85.0	71.0
1986	67.4	41.0	85.3	71.5
1987	73.8	46.9	87.8	75.3
1988	73.5	55.5	88.1	78.2
1989	71.0	53.5	88.3	77.6
1990	69.9	44.9	88.2	75.1
1991	67.5	32.5	84.4	67.1
1992	61.2	37.2	83.1	71.9
1993	64.4	42.2	90.0	71.9

Table 27: *% Using AFDC or public assistance: 25-34 year olds with 12 year of education.*

	Black	White
1972	12.2	2.2
1973	12.1	2.1
1974	10.7	2.4
1975	10.0	2.4
1976	11.4	2.3
1977	12.4	2.6
1978	12.4	2.3
1979	12.0	2.5
1980	12.9	3.2
1981	14.9	2.9
1982	13.6	2.6
1983	13.4	2.6
1984	12.6	2.7
1985	11.7	3.1
1986	11.8	2.9
1987	12.4	2.9
1988	11.6	2.8
1989	10.9	2.9
1990	13.0	3.2
1991	13.1	4.0
1992	13.2	4.0

Table 28: *Mean SAT scores.*

	Black		White	
	Verbal	Math	Verbal	Math
1976	332	354	451	493
1977	330	357	448	489
1978	332	354	446	485
1979	330	358	444	483
1980	330	360	442	482
1981	332	362	442	483
1982	341	366	444	483
1983	339	369	443	484
1984	342	373	445	487
1985	346	376	449	490
1986	NA	NA	NA	NA
1987	351	377	447	489
1988	353	384	445	490
1989	351	386	446	491
1990	352	385	442	491
1991	351	385	441	489
1992	352	385	442	491
1993	353	388	444	494
1994	352	388	443	49

Table 29: *SAT Test-Takers.*

	As a % of HS Graduates	% Minority	Total Mean
1972	34.1	NA	937
1973	33.4	NA	926
1974	32.1	NA	924
1975	31.8	NA	906
1976	31.8	15.0	903
1977	31.0	16.1	899
1978	31.6	17.0	897
1979	31.8	17.1	894
1980	32.6	17.9	890
1981	32.9	18.1	890
1982	33.0	18.3	893
1983	33.3	18.9	893
1984	34.9	19.7	897
1985	36.5	20.0	906
1986	37.9	NA	906
1987	40.1	21.8	906
1988	40.9	23.0	904
1989	39.9	25.3	903
1990	39.7	26.6	900
1991	41.2	28.0	896
1992	41.8	28.5	899
1993	41.6	30.0	902
1994	41.8	31.0	902

Table 30: *College enrollment.*

	Black	White	Black as % of total
1970	427	5221	7.4
1971	534	5560	8.6
1972	525	5678	8.3
1973	536	5408	8.8
1974	589	5575	9.3
1975	742	6183	10.4
1976	817	6170	11.4
1977	803	6165	11.2
1978	753	5974	10.8
1979	748	6058	10.7
1980	723	6212	10.1
1981	815	6452	10.8
1982	800	6579	10.3
1983	806	6532	10.5
1984	810	6672	10.4
1985	767	6597	9.9
1986	860	6235	11.5
1987	852	6275	11.3
1988	801	6488	10.3
1989	833	6658	10.5
1990	869	6778	10.7
1991	900	6919	10.6
1992	904	6985	10.6
1993	914	6739	11.0

Table 31: *Births per 1000; women aged 15-19.*

	Black		White	
	First births	All births	First births	All births
1970	92.6	140.7	47.1	57.4
1971	94.4	134.5	43.9	53.6
1972	93.6	129.8	42.1	51.0
1973	89.2	123.1	40.6	49.0
1974	84.4	116.5	39.2	47.9
1975	80.8	111.8	37.8	46.4
1976	75.5	104.9	35.7	44.1
1977	75.5	104.7	35.5	44.1
1978	72.4	100.9	34.6	42.9
1979	73.3	101.7	35.2	43.7
1980	71.8	100.0	36.0	44.7
1981	67.3	94.5	36.2	44.9
1982	67.3	94.3	36.0	45.0
1983	67.5	93.9	35.1	43.9
1984	67.4	94.1	34.2	42.9
1985	68.1	95.4	34.6	43.3
1986	68.3	95.8	33.9	42.3
1987	69.0	97.6	33.9	42.5
1988	71.6	102.7	35.3	44.4
1989	76.6	111.5	38.0	47.9
1990	75.7	112.8	40.1	50.8
1991	76.6	115.5	41.5	52.8
1992	74.3	112.4	40.5	51.8

Table 32: *Adults 25+: % with at least given level of education and median levels.*

At least 4 years of ...	High School		College		Median Yaers	
	Black	White	Black	White	Black	White
1970	36.1	57.4	6.1	11.6	10.1	12.2
1975	46.4	64.5	9.2	14.5	11.4	12.4
1980	54.6	70.5	11.1	17.8	12.2	12.5
1982	58.1	72.8	12.4	18.5	12.3	12.6
1985	63.2	75.5	15.4	20.0	12.4	12.7
1986	65.3	76.2	15.2	20.1	12.4	12.7
1987	66.7	77.0	15.7	20.5	12.4	12.7
1988	66.7	77.7	16.4	20.9	12.5	12.7
1989	67.3	78.4	16.9	21.8	12.5	12.7
1990	68.7	79.1	16.5	22.0	12.5	12.7
1991	69.6	79.9	16.7	22.2	12.5	12.8
1992	72.9	82.2	17.2	22.1	12.6	12.9
1993	74.7	82.7	17.7	22.6	12.7	12.9
1994	74.5	82.0	18.1	22.9	NA	NA

Table 33: *Gini coefficients.*

	Households		Families	
	Black	White	Black	White
1970	0.422	0.387	0.388	0.345
1971	0.419	0.389	0.385	0.347
1972	0.427	0.393	0.398	0.350
1973	0.419	0.389	0.394	0.346
1974	0.414	0.387	0.388	0.346
1975	0.419	0.390	0.386	0.349
1976	0.421	0.391	0.394	0.348
1977	0.425	0.394	0.404	0.352
1978	0.431	0.394	0.406	0.353
1979	0.433	0.396	0.410	0.354
1980	0.439	0.394	0.410	0.353
1981	0.440	0.397	0.414	0.358
1982	0.442	0.403	0.422	0.368
1983	0.448	0.404	0.428	0.370
1984	0.450	0.405	0.434	0.371
1985	0.450	0.411	0.430	0.378
1986	0.464	0.415	0.442	0.380
1987	0.468	0.415	0.447	0.380
1988	0.468	0.416	0.450	0.382
1989	0.461	0.422	0.442	0.389
1990	0.464	0.419	0.445	0.384
1991	0.464	0.418	0.448	0.384
1992	0.470	0.423	0.462	0.390
1993	0.484	0.444	0.482	0.416
1994	0.477	0.448	0.458	0.416
1995	0.468	0.442	0.457	0.409

Table 34: *Poverty Status of Persons* (% below poverty level).

	Black	White
1970	33.5	9.9
1971		
1972		
1973		
1974		
1975	31.3	9.7
1976	31.1	9.1
1977	31.3	8.9
1978	30.6	8.7
1979	31.0	9.0
1980	32.5	10.2
1981	34.2	11.1
1982	35.6	12.0
1983	35.7	12.1
1984	33.8	11.5
1985	31.3	11.4
1986	31.1	11.0
1987	32.4	10.4
1988	31.3	10.1
1989	30.7	10.0
1990	31.9	10.7
1991	32.7	11.3
1992	33.4	11.9
1993	33.1	12.2

Tabel 35: *Income of Non-family households* (1995 $).

	Black		White	
	Median	Mean	Median	Mean
1980	11,249	16,442	18,279	24,477
1981	11,223	16,213	18,461	24,771
1982	12,414	17,518	18,900	25,481
1983	12,010	17,075	19,093	25,877
1984	13,068	18,614	19,934	26,499
1985	13,556	19,415	20,383	27,176
1986	12,203	17,782	20,656	27,944
1987	12,969	18,630	21,057	28,511
1988	12,658	19,228	21,813	29,613
1989	13,757	20,714	21,772	29,752
1990	13,746	20,095	21,512	28,953
1991	13,653	20,075	20,657	28,015
1992	13,325	19,638	20,026	27,748
1993	14,615	20,097	20,713	28,807
1994	13,697	20,198	20,344	29,293
1995	15,007	20,551	20,585	29,563

Table 36: *Income of Family households* (1995 $).

	Black		White	
	Median	Mean	Median	Mean
1980	24,069	29,647	40,783	46,431
1981	23,055	28,670	40,049	45,813
1982	22,186	27,875	39,476	45,854
1983	22,575	28,448	39,670	46,014
1984	23,071	29,440	40,943	47,888
1985	24,153	30,697	41,647	49,013
1986	25,256	32,253	43,167	50,998
1987	25,255	32,440	43,839	52,067
1988	25,537	33,094	44,086	52,307
1989	25,700	33,033	44,645	53,835
1990	25,535	32,720	43,398	52,358
1991	24,844	31,488	42,776	51,149
1992	23,582	30,943	42,457	50,934
1993	23,436	32,271	42,019	52,788
1994	26,197	34,441	42,505	53,677
1995	26,838	34,706	43,265	54,207

Table 37: *Abortion.*

	Rate per 1,000 Women		Ratio per 1,000 live births	
	Black	White	Black	White
1975	49.3	17.2	565	276
1976				
1977				
1978				
1979	56.2	24.0	625	373
1980	56.5	24.3	642	376
1981	55.9	24.3	645	377
1982	55.5	23.8	646	373
1983	55.5	23.3	670	376
1984	54.3	23.1	646	366
1985	55.5	22.6	659	360
1986	55.9	21.8	661	350
1987	56.0	21.1	648	338
1988	57.3	21.2	638	333
1989	54.7	20.9	650	309
1990	54.4	21.5	655	318
1991	53.8	20.3	661	303

Tabele 38: *Homicide rates per 1,000 resident population.*

	Male		Female	
	Black	White	Black	White
1970	67.6	6.8	13.3	2.1
1971				
1972				
1973				
1974				
1975				
1976				
1977				
1978				
1979				
1980	66.6	10.9	13.5	3.2
1981	64.8	10.4	12.7	3.1
1982	59.1	9.6	12.0	3.1
1983	51.4	8.6	11.3	2.8
1984	48.7	8.3	11.2	2.9
1985	48.4	8.2	11.0	2.9
1986	55.0	8.6	12.1	3.0
1987	53.3	7.9	12.6	3.0
1988	58.0	7.9	13.2	2.9
1989	61.1	8.2	12.9	2.8
1990	69.2	9.0	13.5	2.8
1991	72.0	9.3	14.2	3.0
1992	67.5	9.1	13.1	2.8

Table 39: *Adults per 100,000 population held in local jails, state or federal prisons.*

	Men		Women	
	Black	White	Black	White
1985	3544	528	183	27
1986	3850	570	189	29
1987	3943	594	216	35
1988	4441	629	257	41
1989	5066	685	321	47
1990	5365	718	338	48
1991	5717	740	356	51
1992	6014	774	365	53
1993	6259	805	403	56
1994	6753	860	435	60

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Summary of the Discussion

The large difference noted between scores for mathematical and for reading attainments leads me to ask if this is due to social or to non-social factors and of what kind? Secondly, I would like a clarification about the terms "positive discrimination" and "affirmative action" and whether these are interchangeable or different?

(Prof. Loury). These differences in intellectual performance are substantial and I believe their source is social rather than reflecting innate differences between African and European populations. Although we cannot reject out of hand the possibility of there being an inherent element involved, the weight of evidence does not support this hypothesis. As far as social determination of these differences is concerned, neurological science has established the importance of the child's early years for cognitive development. Other studies have shown verbal stimulation, nutrition, poverty and culture to be associated with mental development. Thus a socially based account largely seems to explain these differences.

Secondly, the term "positive discrimination" is not used in North America. However "affirmative action" is employed to cover both attempts to avoid discrimination and also pro-active efforts to increase the proportional representation of some out-group in work or school. I use the term in the latter sense to refer to practices which go beyond merely assuring procedural equity.

For Africans outside the USA, it does seem that Afro-Americans have made some progress since the second world war. I would like to know how far this progress, for example the increase in black American businessmen, is due to the organization and struggle of black people. Equally one notes their political and academic promotion which leads one to ask what role the universities have played in this progress?

(Prof. Loury). In my discussion of incorporating populations which were historically disadvantaged I have stressed that there is a problem still to be solved, but I do not wish to understate the amount of progress that has taken place. Since Gunnar Myrdal published, *An American Dilemma*,

the post-war representation of black Americans in the universities faculties has moved from nearly zero to a considerable number working in the prestige institutions (though with variations according to departments). Similarly their importance in political life is substantially greater today and this success in politics has translated into an influence which would not have been seen prior to the war. In sum, African Americans are the richest and most privileged people of African descent anywhere in the world. At the same time, some four out of ten black children live in poverty, some 7% of adult males are in prison and the reading ages of black children lag behind those of their white peers. We need to keep both of these aspects in view.

How far can the findings presented be generalized to the Hispanic population of the USA and to the people of the Third World in general?

(Prof. Loury). I think there are a number of parallels to be drawn with the Hispanic population, though its diversity prompts caution. However if I had aggregated together older Spanish families, recent immigrants from Mexico, Cubans, Puerto Ricans, Dominicans, etc. I would have found disparities for them, though not of the same magnitude as for Afro-Americans, and would have raised similar questions about affirmative action for effecting their incorporation. Perhaps controversially, I regard the Hispanic population as being more analogous to the European immigrant populations of the nineteenth and twentieth centuries and mean by this that the African American group does remain a unique and discrete problem. Because of the prosperity of the USA and its opportunity structure, the problems of black or Hispanic Americans are very different from those living in impoverished Third World countries or ones whose institutions do not permit social mobility.

Speaking as a white Zimbabwean, it strikes me that the indigenous population have a dynamic cultural resource on which to fall back in the midst of their suffering and poverty. Although this is double-edged because it also keeps them back, nevertheless this cultural support seems to me to be lacking for black Americans, because its roots have been largely destroyed. Would you agree that this accounts for much of their poverty and impoverishment?

(Prof. Loury). As an economist, this is outside my expertise, but all the same if one wants to understand racial inequality in the USA then one has to think about culture. I would not say that American blacks have no

cultural roots: indeed you can see its influence throughout jazz and popular culture. But the consequences of historical repression are manifest in a cast of mind which leads the community to reinforce attitudes that curtail opportunities. For example, in the housing projects people do not engage in Gary Becker-style cost-benefit analysis about jobs or night-school: instead of behaving according to the rational-choice model, they respond in terms of their identity — and the expectations attached to it may be jarringly inconsistent with objective opportunities. This is the error of those who compare Afro-Americans with the immigrant populations, for culturally the black could not do what the immigrant has done. Discussions of justice cannot ignore what history has done to this group in disabling them from seizing opportunities. That is the cultural problem and we cannot wash our hands of it, but must address education, the Churches and other institutions that shape culture, and which with great effort can re-shape its orientation.

The assertion in the presentation that present disadvantage is more attributable to a deficit of social capital rather than legal rights leads to the ironic observation that it seems just as the achievements of the Civil Rights movement culminated in the Act of 1964, this legal victory was also precisely the point at which the social battle started to be lost. Was there anything in our understanding then of freedom and equality which actually contributed to unleashing this power of social capital?

(Prof. Loury). I agree that the broad success of the Civil Rights movement throughout American society did have some adverse consequences by undermining the ability to reinforce values which would restrain individual liberty in order to sustain communal, social and familial bonds that are important to social capital. Liberty and equality are not the highest values if they mean loosing the individual from any fetter or responsibility. Yet somehow the aim of liberating African Americans from the legal status of second class citizens became elided with the suspension of judgement and selective relaxation of authority — for example, social workers would refuse to evaluate conditions in black homes negatively, for fear of the charge of imposing white middle class values. This did not itself destabilize the black family (witness family disarray throughout the USA), but this undermining of values that restrain the exercise of individual liberty did not help it either.

Were it to have been an indigenous American addressing us, do you think a different picture from yours would have been presented?

(Prof. Loury). The indigenous American Indian would register an even greater magnitude of disadvantage than I have presented for African Americans and would have dwelt upon the effects of life on Indian reservations, alcohol problems, school drop-outs, etc. I think attention would also have been drawn to the different legal and political status of their territorial sovereignty, as recognized in treaties with the American government. Recently the native American tribes have set up gambling casinos there, which are not permitted outside — a fact mentioned only in order to underline the differences brought about by legal independence and autonomy. For blacks, their future should really be one of full integration into society, as is probably the case for those Americans from Ireland and Italy, but I do not believe that the same could be said without qualification for indigenous Americans.

Returning to the question of differential performance levels between black and white, it would be interesting to know whether if the data were disaggregated there were differences in performance related to blacks from different social classes, places of residence, etc.?

(Prof. Loury). If the data is disaggregated, middle class blacks and those from higher income families do perform better. However, if blacks are compared to whites of the same class, a gap in performance levels of approximately the same proportion would be found, thus confirming that the aggregate statistic holds. Controlling for class still leaves a significant difference in the academic performance of these racial groups.

Why, given their general disadvantages, do black Americans do so well in sport and especially competitive sports?

(Prof. Loury). This is undoubtedly the case and has become pronounced with the ending of prohibitions (e.g. now 85-90% of professional basketball players are African Americans). Some explanations focus on natural differences in physical endowments, which are outside my competence to assess, but social factors are important too — after all there was a time when Jews were over-represented in sport relative to their representation in the population. Culturally, black kids spend hours playing ball and attach hero status to star players. This is a crucial change because these players are cultural icons, looked-up to by blacks and whites alike. However the danger of this is that it lends credence to racial stereotyping of black physical prowess whose sub-text is their mental inferiority.

WOMEN AND WORK: THE RADICAL PAPAL TEACHING

JANNE HAALAND MATLÁRY

> The personal resources of femininity are certainly no less than the resources of masculinity: they are merely different.
>
> (*Mulieris dignitatem*, 10)

INTRODUCTION

The topic of women and work is one that should interest all women, as they are continuously working. Most of women's work however goes unrecognised — the work in the home which is mostly only seen when not done; the work with children from pregnancy through breast-feeding through rearing of infants through adolescence, the work women do in all sectors of paid work; and lastly, the work of women in the developing world which entails "house-work" in the broadest possible sense, viz. the work on the land, tilling the soil, gathering wood for cooking, while at the same time looking after numerous children. In other words, the world of work is thoroughly familiar to most women.

The question assigned for this paper is: "given the increased female participation in the labour market and therefore the growth of dual-worker units, does the Church's social teaching need to shift from a pre-occupation with "male breadwinner" and "motherhood" to elaborate the moral and political requirements of responsible parenting?". In the following I will discuss the situation of women who are also mothers with regard to work inside and outside the home. The discussion is thus limited to mothers, although some of the analysis also relates to the general situation of women in work-life. I realise that although the discussion here is centred on women who are mothers in families, there are many other variations — there are many women who not only work outside the home but who are also

mothers, especially in dual-income families — there are single mothers as well as widows. It goes without saying that their situation is even more difficult than that of women who have husbands.

While it seems that much of the social teaching on work and its relationship to the family has been written with the traditional model of the "male breadwinner" and the "housewife" in mind, I do not find that this is of central importance in social teaching itself. In it consideration is also given to what should apply when one spouse works outside the home as well as allowance being given to both spouses doing so. There is no insistence that women's "natural" place is to work in the home, but rather an appreciation of the importance of this work if she chooses it, and a strong denunciation of all discrimination against women who so do. Within the overall "hierarchy" of work, the primacy afforded to motherhood as something specific to women is clear, and with it the call for both special respect and practical measures for women who work outside the home in order to make motherhood realistically compatible with a professional career. *Thus, the Church's social teaching contains the principles necessary for developing two "options" for women and work: work in the home, and work outside the home.*

The Church should not in any way abandon the fight for the political and social recognition of the importance of motherhood, which in my experience is the most important form of work and one which is also specific to women. What is needed, is to elaborate the current implications of social teaching with regard to work in the home and work outside home based on the following premises. Firstly, women's work as mothers is more important than men's work as fathers, at least in the first years of childhood, including pregnancy and nursing; but fathers' work with children and in the home must be increased and employers must also recognise this. Secondly, that women's work and role as mothers must also be recognised by the state and by employers when they work outside the home: this role, again specific to them, gives rise to the right to be treated differently from men, without this leading to any kind of discrimination in the work sphere. In sum, what I will argue below is that social teaching on women and work is in no need of revision — it is in fact *much more radical* than is most "equity" feminism and current political thinking on women and work because it goes to the roots of the anthropological question about what femininity is and what rights it gives rise to. What is needed is to draw out the implications of this teaching for women's two options regarding work. Firstly, how can the choice to work in the home become a realistic choice? Secondly, what is needed in terms of rights and recognition from both indirect and direct employer to make the choice to work outside the

home whilst also being a mother a "viable" option for women, and what is needed in terms of mens' work as fathers and as those who are co-responsible for the work in the home?

In Western countries women are now as well or often better educated than men, and they increasingly work outside the home. Yet work life largely continues to be organised as if women were not also mothers. Furthermore, although in a few instances fathers of small children have started to make demands on their employers that their professional roles be rendered compatible with that of fatherhood, in general work life is still organised as if fathers had no family obligations.

This is a particular problem for women because motherhood is more important than fatherhood in terms of the time and effort necessary to nurse and raise children, however much one tries in theory to equate mothers' and fathers' roles. In the 70s version of "equity" feminism, the aim was to show that women could perform as well as men in all spheres; but in this process women ended up imitating men and accepting men's terms for working life. This was perhaps unavoidable in order to gain access to traditionally "male" professions and to become accepted by men, but this cannot be but one step on the way to real equality for women. The essential aim for women is *to achieve recognition for their difference from men and to have this difference reflected in the way work life is organised.* Women are only now beginning to realise the great importance of this. So far they have "privatised" the cross-pressures of family work and professional work, having to pretend that their roles as mothers are irrelevant to their professional work, and often having to argue that they are fully able to work like "men", i.e. that their motherhood is no "liability" in the work place. Professional standards in work life are of course the same for both men and women, but conditions for women workers who are also mothers must reflect the fact that they are often needed at home when children are sick, when they are very small, etc. Women should not have to "feel guilty" about this; however most of us who live with this "cross-pressure" know that this is the situation more often than not. It is "dangerous" to pay too much attention to one's children if one wants to be taken seriously in professional terms.

In the phase of her life when a woman finishes her education and starts a professional life she also has children. This is a critical time in her life which entails great pressures that are difficult if not impossible to handle if relegated to the private sphere alone. If this is not reflected in policies and attitudinal changes, she may be at a disadvantage professionally which could be of fundamental importance for the rest of her life. In today's Western world *the real choice is often one of having children or of having a career.*

Women still largely have to relegate their roles as mothers to the very periphery of their lives when they apply or compete for jobs; thus accepting, in essence, that men still set the terms for their work. Existing policies, attitudes, and conditions for womens' work in the West remain very far from true equality — i.e. one which respects and accommodates the difference between the sexes.

This statement depends on two premises; one, that women are different from men and have specific roles in being mothers; and two, that this difference must be reflected in the organisation of work life for women. It is thus not a private matter, but a matter where both the state and the employer has duties. Having myself experienced the discrimination inherent in the 70s model of equality between the sexes — of being considered, for all practical purposes, a "man" in terms of professional life, I am deeply convinced that women have to fight for this true equality based on difference that is the basis of Catholic social teaching on women and work.

The major flaw of "equity" feminism was its *lack of anthropology*: it focussed on gaining power — the power wielded by men, and argued that women should share in this power. This was necessary, but now it is definitely time to reflect on the *differences* between the sexes and the burden of work that motherhood entails. By pretending that this work is unimportant and even non-existent, women have accepted the need to imitate men's roles in work life and have "privatised" their roles as mothers. It must also be added that the champions of "equity" feminism have usually disregarded or even attacked motherhood: their model of the women as professional was one in which the difficult balance between motherhood and professional work did *not* feature.

It is only now, when the hegemony of such feminists is largely over, and younger women choose to have several children, while at the same time being professionals on a par with any man, that the time has come to develop and implement a policy of true equality. In this respect the papal teaching is very radical indeed. It goes to the root of the anthropological question of the difference between men and women and insists that women as mothers have a special obligation and a heavy work-load for which men cannot replace them. This means, *inter alia*, that their professional life must be protected against discrimination stemming from a lack of recognition of this difference. The difference between men and women must be acknowledged, and women as mothers be entitled to other conditions in their professional life than men. This is a truly radical point of departure, and one that many men will not welcome.

Second, the work of motherhood is itself not only a "full-time" occuptation, but one that is more important than any other to society.

Women should therefore be able to choose to work as mothers, in the home, and the state should make this a real possibility. This is also an extremely radical statement, for today this is a non-option in most Western countries, and women who "do not work", who are "just" at home, are ridiculed, looked upon with condescension, and thought of as being backward. Not only this, but they are outside social security schemes — they do not get sick leave; they do not get paid maternity leaves like their "working" sisters, their work is not counted in the GNP, and they get only the very lowest public pension if any pension at all. Thus, the option to work at home is largely non-existent in Western "advanced" states, and women who persist in being housewives are subject to the most negative attitudes, especially from other women. In this situation the Church seems to be the only voice defending the option to work at home, and not only that, the Church continues to insist that in the "hierarchy" of work, the work of motherhood — the physical work of giving birth, nursing and bringing up children — remains the noblest and most important of all work, and in much of this work a man cannot replace a women, but only complement her.

This is a "counter-cultural" statement if there ever was one; and one that angers many women as they think it means that they should "return to the kitchen", as the ineloquent slogan goes. However, this is a far more radical insight than they imagine. From my own experience with four small children in combination with professional work I know that women must insist that their work as mothers not only be recognised but also result in working conditions conducive to this combination, and that the Church's teaching on the primacy of motherhood is right: unless a mother is able to fulfil the tasks of the motherhood, she will not be a good professional in the longer run — the "cross-pressures" of work will overtake her, and the *Uneigentlighkeit* of always having to pretend that her role as mother is insignificant will take a toll. She has to be able to be herself, *qua* mother, before she can really be herself in the professional sphere. This is an insight that I have gained from my own experiences of accepting work on men's terms for a long time, and only gradually becoming strong enough and angry enough to demand that my work as a mother takes precedence and that I, as a woman, differ from men in this very important respect; and further, that my professional ability is as good as any man's, but that it needs the same amounts of time and quiet work hours for it to develop.

The point here is thus not only that practical conditions must accommodate the combination of motherhood and professional work, but that women themselves are *entfremdet* as long as they have to pretend that being a mother is something they are on the side, in their spare time, and

something that has no bearing on or consequences for their professional life. Once one dares to acknowledge the *primacy of motherhood in a personal existential sense*, it also become very clear why motherhood may induce many women to choose to work at home, and why this is an eminently important option, not only for children, but for all of society. The papal focus on the anthropological question is the key to the development of concrete political and social implications of the latter; without such a focus there is no substance to any feminism. Even if one were not Catholic, one would have to accept that it is only the Holy Father who seems to offer a coherent position on *why and how the sexes differ*, and what this difference should entail in terms of rights and obligations on the part of employers and society. Catholic social teaching offers the principles in this context, but the principles will naturally have to be implemented in different ways in different state structures and societies. Below I therefore only give some indications of how this teaching could be put into practise.

Summing up, the papal teaching on women and work is far more advanced than the 70s "equity" vision which effectively rested on an anthropology which sees men and women as equal in professional terms — which they are — but which totally neglected womens' work as mothers due to a superficial analysis of work in the home as being a thing of the past and repressive to women. But today the anthropological question imposes itself as the most important one for womens' identity — one experiences that one is unhappy with work on mens' terms and the inability to have perhaps only one or even any children. *The idea that women should have to choose between children and a profession is absurd in a time when women often are better educated than men, and women are now waking up to this insight. After all, no one expects men to choose between being fathers and having a profession. It is equally absurd to think of work outside the home as more important than work with children at home; in fact, increasingly women come to recognise that their work as mothers is of tremendous societal importance, but neither male politicians not the few women who have made it to the political top are sufficiently interested in this matter. It will entail a major cost to recognise that womens' work in the home "counts".*

This paper first presents the papal teaching on women and work, then discusses the two options in this regard, work inside the home or work in the home combined with work outside the home; and what these two options should entail in terms of obligations on the part of both direct and indirect employers. I also look briefly at the empirical status of these options in Europe and conclude that the better part of this work is still remains to be done.

Women and Work: The Social Teaching

According to Catholic social teaching, women and men alike have a right as well as an obligation to work. Work is necessary for human development, and it is often arduous. But work is also self-fulfillment: "for when a man works he not only alters things and society, he develops himself as well. He learns much, he cultivates his resources, he goes outside of himself and beyond himself. Rightly understood, this kind of growth is of greater value than any external riches. Hence, the norm of human activity is this: that in accord with the divine plan and will, it should harmonize with the genuine good of the human race and allow people as individuals and as members of society to pursue their total vocation and fulfil it" (*Gaudium et spes*, 35).[1] In *Laborem exercens* (LE)[2] we learn that one develops one's humanity though work: "Work is a good thing for man — a good thing for his humanity, because through work man not only transforms nature, adapting it to his needs, but he also achieves fulfilment as a human being and indeed in a sense becomes a 'more human being'" (40). Industriousness is therefore a virtue.

Work is a "fundamental dimension of man's existence on earth" (LE, 12) and is defined as "any activity by man, whether manual or intellectual, whatever its nature and circumstances" (LE, preamble). It is a duty because it is necessary for others — the family and society — but as a rule always entails suffering and toil: "The Christian finds in human work a small part of the cross of Christ and accepts it in the same spirit of redemption in which Christ accepted his cross for us" (LE, 129). In a Christian perspective, there is no contradiction between work as suffering or sacrifice and work as fulfilment: the intention is to use one's talents fruitfully, whatever they be; but this does not exclude toil or sacrifice in one's work. Work is, in this sense, only rightly ordered when it aims at self-giving, which is what "deploying" one's given talents in work must mean.

The Family and Work

Human beings have to work to be able to form and sustain their families, indeed, "work constitutes the foundation for the formation of family life" (LE, 42), but also work *within* the family is essential to its proper functioning: "Work and industriousness also influence the whole process of education in the family, for, the very reason that everyone

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[1] *Gaudium et spes*, Pastoral Constitution on the Church in the Modern World, 7.12, 1965, Second Vatican Council.

[2] *Laborem exercens*, Pope John Paul II, Encyclical Letter, 14.9.1981.

'becomes a human being' through, among other things, work, and becoming a human being is precisely the main purpose of the whole process of education" (LE, 42).

Assuming one "breadwinner" for each family, the social teaching outlines the duties of the state (the indirect employer) as well as those of the direct employer towards workers, which include *inter alia* a just wage — in this case enough to support a family; as well as social and unemployment benefits where applicable: "Just remuneration of the work of an adult who is responsible for a family means remuneration which will suffice for establishing and properly maintaining a family and for providing security for its future. Such remuneration can be given either through what is called a family wage; that is, a single salary given to the head of the family without the other spouse having to take up gainful employment outside the home" (90). Thus, the duties of both indirect and direct employers as outlined in *Laborem excercens* are far-reaching: Wages (and in the absence of it, social and unemployment benefits) are to be sufficient to support not only workers, but also their families.

The emphasis on the "worker and his family" reflects, no doubt, an empirical fact in the world: most families are supported by one "breadwinner", usually the man. However, increasingly — especially in the West — families have two parents who work outside the home. What does the social teaching say about this situation? I want to quote two paragraphs from LE in full with regard to this question, because they state what I refer to as the "radical papal teaching" in the title of this paper:

Firstly, the Holy Father states that the work of the mother must be recognised and valued by society:

> "Experience confirms that there must be a social revaluation of the mother's role, of the toil connected with it and of the need that children have for care, love and affection in order that they may develop into responsible, morally and religiously mature and psychologically stable persons. It will redound to the credit of society to make it possible for a mother — without inhibiting her freedom, without psychological or practical discrimination, and without penalising her as compared with other women — to devote herself to taking care of her children and educating them in accordance with their needs, which vary with age. Having to abandon these tasks in order to take up paid work outside the home is wrong from the point of view of the good of society and of the family when it contradicts or hinders these primary goals of the mission of a mother" (LE, 91).

In this statement there are two important points; first, that society ought to value the work of mothers. After all, it is of crucial importance to any society. This implies that a women who chooses to work in the home, educating children, as her full-time job (which in any event is always is!)

should be able to do so. This implies not only that society should not discriminate against her (which it does in many Western states today) but also that she should not be "penalised as compared to other women". Here I believe that the salient point is that women who work at home usually fall outside the social security systems of modern states, thus making them in effect "right-less". Women gets the lowest public pension, if any at all, and when ill, receive no compensation. In short, all the benefits that wage-earners have negotiated politically do not include such women at all, since their work is not recognised as work by society.

Secondly, in this paragraph there is insistence that it is wrong if a mother is forced — obviously for economic reasons — to have to work outside the home if it means that she can no longer fulfil her tasks as a mother. Thus, the work of motherhood is of primary importance compared to other work. This is a point which of course will be highly contested by most feminists and by many politicians today who see women's liberation as being a question of the right to equality with men. Rather it is maintained here that true liberation for women must mean the right to be different from men and to have that right fully recognised by both the state and by the employer. This argument is laid out in detail below, but its essence is that mothers and fathers are *not* substitutable in all work with children, especially not in terms of pregnancy, nursing, and the early years of childhood; and that women who also pursue a profession or participate in politics and public life must insist on the right to have this difference reflected in work conditions and other conditions for their full participation. A corollary of this argument is that it simply will not do to have equal conditions for men's and women's work — this traps women into work conditions that imitate mens', and which ultimately lead them to "privatise" the near-to insurmountable problem of "cross-pressure". Changes in the direction of developing rights for women as mothers to work on *their* terms demand a *very radical rethinking of the relationship between family and the organisation of work life*, and this process is only now in its very beginning in some societies, such as my own, which have gone through the full phase of "equity feminism".

The second paragraph I would like to quote in full elaborates the difference between men and women and the implications this ought to have for conditions in work life:

"It is a fact that in many societies women work in nearly every sector of life. But it is fitting that they should be able to fulfil their tasks in accordance with their nature, without being discriminated against and without being excluded from jobs for which they are capable, but also without lack of respect for their family aspirations and for their specific role in contributing, together with men, for the

good of society. *The true advancement of women requires that labour should be structured in such a way that women do not have to pay for their advancement by abandoning what is specific to them and at the expense of the family, in which women as mothers have an irreplaceable role*" (LE, 92, my emphasis).

The negation of the latter statement; viz. that women as mothers have an *irreplaceable* role in the family, is the basis of the traditional feminist movement known as "equity" feminism. The argument then — in the 70s — was against the idea that women should stay at home while men should work outside the home. However, accepting that women as mothers have a special task in which men cannot replace them need not and should not mean this. The fallacy of equity feminism was its attack on motherhood and the family and the concomitant exclusive concentration on achieving equal terms with men in paid work. I am not suggesting that this struggle was unimportant — women have always and are usually still discriminated against in professional life — *but that it was a major mistake to neglect and even attack women as mothers*. The political and social result of this was that women could formally work on equal terms with men, but in reality the real "cross-pressure" of motherhood and professional work was "privatised". This ought to have worried feminists if they were really concerned with mothers, which most women in fact are. However, their concern was undoubtedly with down-playing the importance of motherhood and of making it impossible to work in the home: being a house-wife was definitely not going to be an option, but a relic of the past. In the Scandinavian context there was such a massive campaign against house-wives that they feared telling anyone that they were "only" house-wives, i.e. that they were not "working". This attack, by other women, was followed by changes in the tax regime so that it became economically impossible for women to work in the home.

In the above paragraph we read that *not only should women be able to work outside the home while also being mothers, without discrimination in the work place; but work life itself should be structured so that women should be able to advance and compete without this having negative consequences for their roles as mothers*. This is the very opposite of "privatising" the "cross-pressures" of mothering and professional work which typifies womens' work conditions today. It is a call not for only explicit recognition of the "right to be different" for women, but *also a demand that this difference forms the basis for the restructuring of work conditions*.

The practical implications of this difference with regard to women and work is summed up in *Familiaris consortio* (FC),[3] which criticizes the

[3] *Familiaris consortio*, Pope John Paul II, Apostolic Exhortation, 22.11.1981.

traditionally dominant attitude that a woman's place is in the home: "one cannot but observe that in the specific area of family life a widespread social and cultural tradition has considered women's role to be exclusively that of wife and mother, without adequate access to public functions, which have generally been reserved for men" (FC, 23). Thus, women must be ensured rights and possibilities to work and to participate in public and political life, where they have been discriminated against throughout the ages. But this access must not be at the expense of their roles as mothers: "the true advancement of women requires that clear recognition be given to the value of their maternal and family role, by comparison with all other public roles and other professions. Furthermore, these roles and professions should be *harmoniously combined*" (FC, 23, our emphasis). The Church should ceaselessly insist on the value of the work of the mother, who currently is severely discriminated against in many states: "the mentality that honours women more for their work outside the home than for their work within the family must be overcome. This requires that society should create and develop conditions favouring work in the home" (*Ibid.*).

Further, when women work outside the home, this "must not mean for women a renunciation of their femininity or an imitation of the male role" (*Ibid.*) Women should contribute more to politics, public and professional life, but have so far been barred from this too in Western cultures. The papal "Letter to Women" (LW)[4] published prior to the Beijing World Conference for Women in September 1995 underlines this theme very strongly: women have not only been discriminated against historically, but are also still very far indeed from true equality. Traditional attitudes about women's roles have not been abandoned, "we are heirs to a history that has conditioned us to a remarkable extent. In every time and place, this conditioning has been an obstacle to the progress of women" (LW, 3). Women have been *entfremdet* — not been able to be themselves, and are only at this moment in history really starting to wield influence in public, political, and professional life. The Holy Father continues: women have been and are treated as sex objects instead of being respected for their intelligence, skills, professionalism, and competence; their contribution in human history has been largely ignored, and the pioneers of the feminist movement were often ridiculed. As a woman I nod in agreement to all these points — they ring true because most of us have experienced them. It is only relatively recently that women achieved the suffrage in the most "advanced" Western states, that girls were educated in a like manner with boys, and we still face a very

[4] *Letter to Women* from Pope John Paul II, 10.7.1995.

many obstacles to true equality in the West, not to speak of the situation in the rest of the world. Women continue to be underpaid, overworked, underestimated and repressed by attitudes as well as by societal structures. These factors must be overcome, as the Holy Father continues in his letter, because the contribution of women is needed in all spheres of society. This is not only because she has a right to use her skills and professional abilities, but — and this is truly a radical statement — because she has something *specific* to contribute which humankind needs. Her contribution will be different because she is different, but hitherto this contribution has been undervalued and women have not been able to make it because they have not played much part in professional and public life.

What does this mean? Will women not be just as aggressive and egoistic as men once they have power? The Holy Father insists that women will be different, or perhaps one should rather say that women have the ability and talents to be different: "a greater presence of women in society will prove most valuable, for it will help to manifest the contradictions present when society is organised solely according to the criteria of efficiency and productivity and it will force systems to be redesigned in a way which favours the processes of humanization which mark the 'civilisation of love'" (LW, 4). This ability to "humanise" is a consequence of motherhood in its widest and also non-existential, sense. Elsewhere[5] he argues that women are better peace-makers than men because of their natural talents for empathy, their experience as mothers and their ability to care for others. This is indeed a radical message that has not yet been fully developed much, and which naturally is ignored by the type of feminists who scorn motherhood (many of the hard-liners for the 70s), as well as by the modern "gender" feminists who base their anthropology on social constructionism and who are therefore absolutely opposed to the postulate of innate natural differences between the sexes.

However, the experience of most ordinary men and women is exactly this: that there are such innate and natural differences, and that women and men complement each other as mother and father. This does *not* mean that so-called "sex roles" — stereotypes like "the woman's place is naturally in the home" are not socially constructed and thus subject to change. Womens' talents are as differently distributed as are mens', but being a mother is nonetheless as specific to a woman as being a father is specific to a man. The various professional roles undertaken by women have evolved despite discrimination over the centuries. But the natural qualities of

[5] World Day of Peace Message, 1995.

masculinity and femininity are nonetheless ontological: we are different because we were created thus. Because men dominated so much of history, they defined women's role, depriving her of abilities to contribute in public and professional life: women were not equal with men. In this period such an equality is slowly being achieved, but there is a need to develop the anthropological implications of femininity for women themselves, as well as for men, politicians, and employers. One of the major problems today in the advanced West is that women in work and public life are forced to imitate men and accept men's conditions. Thus, the radical implications of the Pope's teaching have not yet been developed: the fact that women are different from men must mean that they should not accept men's terms for their work life, that motherhood and work in the home should be valued, and that femininity should flourish, enrich, and change all spheres of social, political, and professional life.

The papal teaching on women and work can be summarised thus:

1. Women are ontologically different from men. Motherhood, which is what is specific to women, means that men cannot substitute for them in much of the work implicit in nursing and child rearing. Men and women are complementary as mother and father.

This does *not* mean that women's "natural" place is in the home, or that men should not assume their roles as fathers and share in child-rearing and house-work. If both spouses work outside the home, this is a necessity. It means that women, whose talents are as variously distributed as are men's, should have a choice of how and where to use these talents. But motherhood is the most important work of all.

2. Women should not be forced to work outside the home for economic reasons. A just family wage means that one "bread-winner" should earn enough for the whole family's needs. Women who choose to work at home should not be discriminated against, and the state should make such a choice possible.

3. Women who choose to work outside the home should have conditions that allow them to fulfil the tasks of motherhood at the same time. Motherhood is of another order than work, and is of primary importance not only to children and society, but also to women themselves. They should not be discriminated against in their professional career because they are mothers.

4. Women have talents and qualities that men do not have, and which are gravely needed in professional, public, and political life. These talents stem from their experience as mothers, which in its widest sense is what constitutes the feminine. Women will "humanise" society, and their contri-

bution is therefore of vital importance. After centuries of discrimination, it is only at this time that women really are in a position to make this contribution. Conditions must therefore be right so that women, who are also mothers, are able to partake fully in public life.

These four points stand in marked contrast to the much "weaker" version of "equity" — feminism which proceeds from the implicit assumption that liberation means treatment like men in the professional sphere — a "level playing field". This, I argue, leads to discrimination against women who are also mothers, and lets men retain the structural power over politics and professional conditions for work.

Below I will discuss some of the more salient points relating to women's possibility of motherhood and work. The remarks are confined to the Western European situation with regard to the analysis of specific policy measures that serve as examples of how one might implement improvements in today's situation.

Women and Work: The Right to be Treated Differently

The feminism of the 70s, so-called "equity" feminism, argued that equality could only be had once women enter all spheres of men's work. I think this was a basically sound idea in terms of gaining power, but it also led to the implication that once a woman can hold all positions that men hold, she is liberated and free. But liberation did not result from this — women did not become happier once they were truck drivers, deep coal miners, or commando soldiers. It was important to show that women can do what men can do at the time, but once this access to all positions in work life has been obtained, what difference does it make? Most women do not choose these types of professions, and in gaining access to them women did not demand that work life should be on their terms, but accepted men's terms. Often the result was not to create something new and different, but simply to imitate men. I think this has been one of the major errors in the development of 70s feminism — it has simply substituted women for men in many professions, but these women have accepted men's terms.

Some years ago a female professor at one of the best American universities suggested that there should be two career tracks, the A and the B track. The A track should be for women who did not have children and who thus could work much longer hours and who did not "interfere" with claims for maternity leave, etc. The important jobs would be in the A track; in the B track would be the lesser important jobs where the women who were also mothers would find themselves. In this way work life could

continue to be organised on men's terms, and women could participate, but only if they accepted men's terms. Needless to say the person suggesting this had no children herself. *This type of thinking is absolutely wrong*: women must develop demands for the organisation of work life on their own terms.

Today women get as good an education as men in the Western world. This is not so in the developing world, where girls often are discriminated against if there is any educational opportunity at all available. However, in our educational institutions there are now often a majority of women. But even given this, there are few women professors or women in leading positions. In my own country women make up a large share of the government and parliament, but are conspicuously absent from e.g. business life where the "old boys network" reigns unchallenged. Some even say that since political life has become so penetrated by women, men then leave it, taking the power with them.

Internationally the picture is much the same: *Women are as well-educated as men, yet their ascent to the top stops short.* There are many reasons for this: the lack of good family and social policies so that women leave working life once they have children; the mechanisms in the work place whereby men choose men like themselves and keep women beneath the so-called "glass-ceiling" that separates them from the top jobs; the lack of good maternity policies, and many old attitudes that die hard.

Women still earn less than men and are the ones who are asked about their private lives at job interviews. If you are young and have no children, the prospective employer wonders whether you will soon have several; if you are older and have postponed child-bearing he wonders whether you will soon have children, too; and if you already have children he wonders whether you have the time for another job. Those who have postponed having children so as to get a job now face unemployment because it is thought that they will hurry to have children since they are "late"! Men are usually never asked these questions. *It is not exaggeration to say that many young women face a real choice between getting a job and having children.* This is an even more disturbing situation in contemporary Europe, with its record high unemployment for young people.

Although the level of public support and state intervention varies throughout Western society, it is probably the case that this has to be a political task, not a task that the market will undertake, i.e. to ensure that a mother does not loose her job when she has a child, that she has a maternity leave which allows her to breast-feed her child, and that she or the father can stay at home when the child is ill, etc. The social policies for working parents are good in the region of Europe I come from, and this has un-

doubtedly contributed to more job security for women. I could never have been working while having four children in five years had it not been possible to take maternity leaves and to have relatively flexible working conditions. A very natural matter like the need for the child to be breast-fed becomes possible in today's world only if there are policies that encourage this. Needless to say, all such policies are long-term investments for any society, especially for the Western ones where the fertility rates are very low and decreasing.

Women and Work: Some Key Statistics

Before discussing the political implications of the social teaching on women and work it is useful to look at some key statistics in this area. They are drawn from the UN publication *The World's Women 1995. Trends and Statistics*, which in turn in based on input from all the major UN agencies. Addressing the global population of women, the publication summarises the situation for women as one in which women work more than men, but most of women's work is unpaid. Women in the developing world work in the informal sector and in the family, but have no access to credit, land ownership, or wages; women in general work in different jobs than men, which carry lower salaries and lower status, and they continue to have major responsibility for household work when they also have a paid job (*Ibid.*, p. 105).

In the West, women spend about 30 hours a week on house-work while men spend 10-15 hours. Women do all the traditional household chores; men perform the traditional male tasks. Yet, from 1970 to 1990 women's share in the labour force has increased globally. In the West it makes up around 40%.

Unemployment varies between men and women, albeit in different ways. In some European states women are very disadvantaged in terms of employment — in Spain, Belgium, Italy, and Germany where the number of unemployed women far exceeds that of men (chart 5.13, *ibid.* - 1992 figures) Likewise, in terms of *youth* unemployment, the rates for women are far higher than that of men in the same states, including France (chart 5.14, *ibid*).

Looking at types of occupation, there is, as expected, a predominance of women in the "clerical and service sector", but there is also a growing number of women in the professional and managerial category (chart 5.16, *ibid.*).

In Europe, women are much more likely to work part-time than men, and earn less than men despite equal pay laws (*ibid.*, p. 128). There is paid maternity leave in all European states; however the time length varies greatly, form one year with full pay in Norway to only some few weeks in other states.

The Social Teaching applied to Women's Work in Europe: An Assessment[6]

One option for a women should be to work in the home, educating children. Is this a viable option in Europe today?

I am not an economist, but continue to be puzzled by the seeming fact that when I was a child, it was not a problem to sustain a family on one income, whereas today it seems not to be possible for the average household anywhere. This naturally has much to do with the tax system and the lack of political support for the one-income family.

In the Scandinavian context, the explicit political goal since the 70s has been that women should have several children if they want to, yet they should not opt to stay at home. Therefore it has been economically impossible to live on one income. In other countries this is not so explicitly as a political goal yet it seems that two incomes are still necessary. Then comes the fact that more children require a better income.

When the Holy See participated in the 4th UN World Conference on Women in Beijing, one of the points made was that women should have a *choice between working at home and working outside the home.* This must have been about the only delegation promoting this option. This choice does not seem to exist in any European country today, assuming average income levels. In the Scandinavian countries, 70-80% of women with children under 5 years work outside the home. In France, Germany, and the UK the figure is between 45 and 64%. If we correct for children, i.e. look at all the women in these countries, the figures in Scandinavia actually *go up* when women are mothers, while they decline somewhat in the UK and Germany, and rise slightly in France.[7] Only in France and Germany

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[6] Parts of this section are based on a paper, presented to the Pontifical Council for the Family at the conference "Demography in Europe", October 1996; which is forthcoming in the Council's periodical *Familia et vita*, 1997. The paper gives a detailed analysis of the various types of economic and other support for mothers and families in Europe, as well as child and maternity leave arrangements.

[7] *Samhallets stød til barnfamiljerna i Europa*, vol. 1, Finansdepartementets ekseprtutredning, Ds 1996:49, Stockholm p. 37.

does it pay better if the husband increases his income, i.e. works more, than if the wife enters the labour market. In a comprehensive recent Swedish study of all forms of economic support for families in Scandinavia and France, Germany, the UK, and the Netherlands, *it is clear that European tax structures are such that they favour two incomes*. By increasing the family income by 75% in these countries, the tax regime favours both spouses working. Only in France and Germany is it slightly more beneficial that the husband increases his income.[8] In the Scandinavian countries there is a very strong incentive that both spouses work. For an average income family, it remains virtually impossible for only one party to work. Women here not only work outside the home while the children are small; they also tend to have full-time jobs all the time.

The sustained attack on work in the home that the feminism of the 70s launched has done a great amount of damage to the role of motherhood and all the work that it entails. No one who has small children can doubt that it means very much work indeed. It is a work that never finishes, for which few if any are grateful, and which is neglected by society; in fact, it is completely unappreciated by the state. *This invisible work is nonetheless the work that sustains and builds societies*. When the mother works outside the home, her "second shift" begins when she comes home. If she works in the home, no one thinks that she really works.

The clear yet sad conclusion to be drawn is that *if there is to be a realistic choice between work at home and outside the home, massive political changes must happen in advanced European welfare states*. First, the basis for taxation and social policies must be the family and not the individual. The concept of "family income" must be developed. Second, work in the home must be counted in the GNP and be given social recognition as work, e.g. count towards pension points and sickness benefits. States have no incentive to do this, as they incur more social obligations by doing so. Further, most women in politics do not see housework as important to the advancement of women, and thus try to make sure that this option is non-existent. For instance, in the Scandinavian states only women with a job outside the home get paid maternity leave.

What about the second option which women should have: the ability to combine professional work and motherhood in a, way that fully respects motherhood, i.e. is based on the "right to be different? Is this an real option in today's Europe?".

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[8] *Ibid.*, table 6.3. This study covers all economic aspects of child and family support in these countries.

Women today have children relatively late in their fertile age. Those who get an education have to wait until their late 20s for their first child. Once they finish their education, they have to, and want to, find a job. However, at the same time they ought to have their first child. Soon after they ought to have their second, third, and perhaps fourth child. This activity is roughly concentrated in the period between 30 and 40 years of age. It is this period, which I call the "life-phase squeeze" — the major parameters for the rest of one's life have to be laid down, in terms of family and professional life. In addition, this is the period of life when women also take care of ailing parents. Combining such family obligations with motherhood and work outside the home is a tall order indeed.

The situation for women *who work outside the home and have small children* is usually one of working at two jobs. The "second shift" constitutes a full job, but this is "invisible" work. In the egalitarian states of Scandinavia there is little possibility of hiring domestic help to do housework beyond cleaning and *au pair* positions. The requirement is to pay domestic workers a salary that equals that of e.g. an industrial worker. This means in effect that parents have to do the lion's share of all "home work" themselves.

Do men and women share equally in this third job? The answer is a very clear no. There is no exception to the conclusion that it is women who work most at home, regardless of their hours outside the home: "The contribution that women in dual-career house-holds made ... was still almost *three times* as great as the contribution made by men".[9] There is no major difference between state types and countries. On a global scale, this difference between men's and women's work is even greater. The Beijing conference on women highlighted the fact that women's work is unpaid and unrecognised — in the developing world men account for two thirds of all remunerated work. In the Western world this is a bit more balanced, yet women still only spend 34% of their working time on paid work whereas the male ratio is 66%.[10]

Further, *the reason why women work so much and men help so little lies in attitudes, not in political or economic incentives*. However great the latter, men everywhere are equally behind on domestic work-sharing. There are smaller variations in time spent on domestic work between European

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[9] Dorne-Huiskes, A. v. (1997), "The Unpaid Work of Mothers and House-Wives in the Different Types of Welfare States", forthcoming in A. Føllesdal and P. Koslowski (eds.), *Restructuring the Welfare State: Ethical Issues of Social Policy in an International Perspective*, Berlin: Springer Verlag.

[10] Human Development Report, UN, 1995.

countries, but the overall trend is consistent. This invites the conclusion that *women are fairly exhausted during the period in which they have small children, which is also the period when they compete with men in their professions*. They are "squeezed" not only by having a job outside the home and one inside the home, but also by the lack of real work sharing with their husbands.

Thus, a very important improvement for women is the gradual change of mentality with regard to men's roles as fathers. Younger men in Norway now increasingly demand work terms that are compatible with their responsibilities as fathers, and I think that this helps enormously in bringing about a needed attitudinal change in work life. Women alone cannot and should not bring about this change — men are also responsible for sharing their time between family and outside work once children are beyond the infant stage.

Those who have a family know that there has to be a profound sense of complementarity if a modern family is going to work and be a place for harmonious development of all its members. On the practical level, two jobs outside the home and one inside the home make three. Unless the spouses really complement each other and work in true solidarity it is usually the woman who ends up doing two of these three jobs. Men need to change their attitude to this, and women today really need men who understand the importance of this.

The Christian view of the sexes is one of complementarity in equality. Men and women are fundamentally different, yet equal as human beings, in human dignity and in rights. There is in my experience a profound truth in the stress on this difference and on the complementarity. Since modern life is so stressful and hard pressed for time, parents have to be all the more solidary with each other in the daily work in the home and with the children. Having children means that the "second shift" starts after normal working hours, and it does not end until the children are grown up. Fathers can do most of the work with children as well as mothers, especially when they are beyond the breast-feeding stage, and fathers become, in my experience, much more mature as human beings when they assume practical responsibilities with the children. Also men must dare to tell their employers that they prefer not to travel or work over-time because they are fathers. Only a generation ago, fathers were generally not involved in direct work with children.

Also of direct relevance here is the almost *total lack of an extended family*. Western women have few or no relatives around to step in and help with baby-sitting, or be of assistance in case of illness or absence. The tremendous resource that women in the developing world have in this

respect makes it much easier to have many children. My African colleague in the Holy See's Beijing delegation has four children like me, but unlike me she could rely on relatives to look after them while she was away — an unheard of luxury for someone coming from a society where families have become dependent on the state rather than on relatives.

The cross-pressures of motherhood and professional work is highest in the period when women have children, and political measures are needed in most societies to make sure that a woman is not discriminated against by her employer when she gets pregnant, such as losing her job. Depending on the state structure and other factors, *maternity policies* will necessarily differ. However, some factors are in my view important: maternity leave ought to be a paid one, it has to entail a guarantee of job security, and it has to be long enough so that the mother can avoid the stress of "double" — work as long as she breast-feeds, often up to 9 months. It is beyond all doubt that breast-feeding is very important to the child, and also to the bonding between mother and child.

The choice to have children is immensely easier to make if there is maternity leave that is *independent of the employer.* A woman who has one, perhaps two children may "get by" without criticism from her employer — this is after all still the "normal" family. But the woman who is pregnant for the third and fourth time always feels that she somehow lets the employer down — she has children all the time. Thus, when a woman goes against the current and has several children, she must at least not be directly and formally dependent on her employer, who should not be able to put pressure on her. This requires that the employer does not pay her maternity leave and that she has a formal right to retain her job after her absence. This said, it must be added that the reality in Europe in this regard today is a far cry from the above: in most states women have a short maternity leave; often they have no legal job guarantee, and there are many cases of women who lose their jobs once pregnant. In the current state of high structural unemployment in Europe, women are at a disadvantage, both in applying for jobs — the employer "fears" that she will have children — and in retaining her job if she has children.

Finally there is the issue of *attitudes* — employers' attitudes, men's attitudes, and the attitudes of society at large. Work life and political life in the West is largely still organised on men's terms. By this I mean that children are non-existent in this scheme of organisation. The reason why mothers with young children virtually have *no place in political life* and thus no political power is that they cannot justify sitting in meetings till midnight or to travel much of the year. Women in political life are those who either have no children or have grown-up children. They usually do not speakout

for motherhood. Male politicians are not generally interested in this issue, and even if they are, nevertheless women have defined "women's issues" as something that only pertain to them. When there are female ministers in a government, they are usually in charge of the Ministry of Social Affairs, Family, or Equality — ministries with which men are seldom charged.

In work life the situation is similar: only some few women are powerful enough to question the structures of work life itself and to demand that it be better organised for parents of small children. Very few men follow suit. Usually men regard motherhood as a "female problem" from the standpoint of professional work, and few are the men who take full responsibility for their fatherhood in their professional sphere. If both spouses work outside the home, the "home work" and the care for the children requires that the father also says to his employer that he has to stay home with a sick child or pick up the child from school. Only if and when men assume their equal share of family responsibility will it be possible to effect real changes in the attitudes of employers and in the organisation of work life. With modern technology, much can be done in terms of working more from home and working flexible hours.

However, the fact remains that the family with small children needs to have sufficient time for children. This probably means that *both spouses should work less* than other people during this period of life. This issue is a political and public one, because having children is extremely important for any society. The state therefore should actively support families, in its own self-interest.

Conclusions

The reflection on what implementation of the papal teaching about women and work would entail resulted in a call for a reorganisation for work life to accommodate and facilitate the combination of motherhood and professional work without detriment to the mother. This must mean one, that she will be assured the option to be pregnant, give birth and breast-feed the infant without loosing her job, and later, that she is able to take care of children without being discriminated against in the work place. The employer — both the state as indirect employer, as well as the direct employer, have important obligations in this respect. The papal teaching states very clearly that women should not be professionally worse off because they are mothers. While the role of the father is important; the role of the mother remains the central one when the children are infants. This is something that many women hotly contest, but which many others recognise to be true once they have children themselves.

Similarly, a women should be able to work at home. This is something that society and by implication the state should encourage. The papal teaching is very clear on the need for major changes here, both in terms of attitudes and in terms of concrete measures, stating that it is a political task to make it possible for women to work at home. This option is not available in most of today's Europe — work with children and in the house remains hidden, unrecognised, and uncounted in official statistics.

But the most important contribution of the papal teaching on women is the anthropological one, which although not the topic of this analysis, remains the basis for it. Modern feminism has been activist, has accomplished much, and has come far in a short time despite its many errors and problems, but it has completely failed to problematise the *Entfremdung* of women in a largely male-dominated world in the deepest sense, viz. the anthropological one. Being "oneself", in such a deep sense, is necessary before we can be anything for others, in social, professional, and political life. Catholicism insists on the over-arching importance of motherhood — physical and non-physical — as the essence of femininity. This is deep truth that many women only discover when they themselves become mothers, and one that few women so far have introduced into public and political debate.

Summary of the Discussion

It must be emphasised that the Church's teaching in this context has always been founded upon natural law, which is biologically based where the sexes are concerned. The Church has relied upon human rationality to recognise biological and sexual differences, as they are given in nature. However, current thought renders such differences as matters of subjectivity and thus alienates both male and female from their grounding in biology. Social teaching must both reaffirm natural law and confront the present situation where demands for "equity" are detrimental to family stability. A useful starting point would be a proper recognition of the role of fatherhood (not motherhood), because within the economy fathers no longer fulfil their moral duty of providing for the family, but have come to accept the participation of women in the workforce.

(Dr Matlary). The core problem has just been correctly identified and concerns the abounding confusion over what is natural, and therefore about the importance of biological differences. This confusion is manifest in two current approaches. On the one hand, "equity feminism", lacking any anthropological base, presents the issue as a power struggle for women to become equal on male terms. On the other hand, "gender feminism", based on social constructivism, also denies natural differences between the sexes. Indeed what is needed is a rediscovery of these natural differences and of the complementarity between the sexes. Then it can be seen how historical structures have discriminated against women, preventing their talents from being used, politically and professionally.

The paper said little about the Third World, yet Australian studies on sub-Saharan Africa have found that the cheapest and most effective form of intervention is by improving elementary education, which gives women more autonomy to choose. However, affirmative action at higher levels of education confuses equality of access with equality of outcome. Although we must do our best to ensure equality of access, trying to engineer equality of outcome in this way is counterproductive.

Continuing to talk about the Third World, feminist movements in the Philippines have been strong and many have embraced the "equity model".

However, there is now a reaction against it and a revindication of "fatherhood" and "motherhood", whilst not denying that women should also have the fulfilment deriving from employment. Now, in the context of globalization and the spread of information technology, could this represent a new opportunity for reconciling the two? Information technology can generate jobs for women in the home and their children may become apprentices. As Alvin Toffler argued, the Third Wave is something of a synthesis between the agricultural and the industrial stages. Could electronic cottage industries be a means of reconciling paid and unpaid work in a way which does not undermine the roles of motherhood and fatherhood?

(Dr Matlary). Both the changes towards greater employment in the service sector, where work is more compatible with women's traditional expertise, and changes in information technology, making it possible to have the office at home, certainly present new opportunities. The latter is also economically rational; currently some of the largest oil companies are supplying computers to enable a greater number of employees to work from home, several days a week. This saves money and entails defining production in ways other than the sheer number of hours spent in the office.

Somewhat changing the topic, the Colombian experience shows a dramatic change from the 1980s when very few women had high posts in government, compared with today when they compete for the Presidency, become Senators and Chief Executives, without sacrificing their motherhood or family. In fact, when corruption is one of the greatest evils in government and administration, women have been an example of rectitude in public life. However, this advancement of women has been accompanied by discriminatory practices, particularly in terms of remuneration where there is not the same pay for the same job.

It has been repeated here that the social teaching of the Church remains largely centred on the male breadwinner earning a family wage. Should this teaching respond to the current trend by now favouring individual social security rights or is there, in the paper just given, an alternative in the form of a social reorganization which favours the values enshrined in the family wage theory? The latter would re-endorse the fundamental link between work and family and also that the human person can only be understood in the context of a series of social relationships, the primary one of which is the family.

Returning to the central argument of the paper, it is possible to agree with its starting point, the desire to avoid discrimination against women,

and with its finishing point, the desirability of flexible work and employment for both men and women, without accepting the contestable biological premisses which were used to link the two. Firstly, the "equity model" need not be presented negatively, as merely inducing women to imitate men, but rather as promoting freedom of choice for women and of shared responsibility between both parents for child-care. Secondly, the "difference model", as advocated, does not appear to be "radical" but rather reactionary in its essentialist assumptions — that all women naturally make good mothers (or humanistic politicians) and that men too are homogeneous, being held generally less capable of undertaking child-care. If one rejects the questionable essentialism, and allows for the existence of considerable diversity amongst males and females, then each human being's talents can make differential contributions to child-rearing, rather than these being stereotyped by gender. Of course this would also reinforce the ultimate desirability of flexible arrangements which are conducive to good parenting.

(Dr Matlary). This is the key question. Certainly the "equity model" has many positive effects, including placing the role of men as fathers on the agenda, in practical ways. However, the use of the term "radical" was intended to distinguish between the practical and the anthropological levels, which indeed raises the issue of essentialism. I would defend motherhood as being first physical, but secondly something which fulfils women in a non-physical sense. The latter is undoubtedly contested and is something I cannot substantiate scientifically. However, drawing on my experience of becoming a mother rather late, it now rings intuitively true that much of our strength and identity comes from maternity and that these qualities can be brought to our professional activities. Clearly we are equal to men in terms of intellectual and professional capacities, but we have not brought our maternal qualities into the public or political spheres. Nevertheless, Christianity is more about self-giving which I associate with motherhood (although unable to substantiate this with scientific evidence). Hypothetically, when there are more female politicians and women have greater structural power, they could perhaps develop a different agenda for public life.

LA DIVISION DU TRAVAIL EN EUROPE: MODELES ET POLITIQUES

GERARD FRINKING

THE RIGHT TO WORK: TOWARDS FULL EMPLOYMENT

SUMMARY

In most European countries large differences can be observed with respect to the division of work in families and with respect to the policies that are implemented to influence this division. These policies are, either explicitely or implicitely, based on assumptions about what is an effective policy. However, our knowledge of how to measure the effects of such policies on the division of work is minimal. In this paper I will address two different, but interrelated, issues regarding the division of work.

The first topic to be discussed has important theoretical implications for the empirical study of the subject. It is a new approach to the phenomenon which uses the notion of the "familial division of work", developed by the French sociologist Barrère-Maurisson as the starting point. Paid and unpaid work are often analysed separately. However, the two spheres of employment and domestic work overlap and impinge upon each other. In consequence, we have to consider work in conjunction with the family if we are to examine the relationships between paid work and domestic work. It is the purpose of this paper to re-examine both the link between paid work and domestic work and the process by which the division of labour is created.

The second aspect concerns the policies that may influence the division of paid and unpaid work and the effects to be measured. The impact of these policies can be viewed from different perspectives according to whether a social or a societal approach is used. In the first case, the impact of policies on the division of work can be studied on three levels: the micro (the family), the meso (the organisation) and the macro level (the society). An example of a micro-study is when we want to find out to what extent families modify their division of paid and unpaid work as a result of the use of policies in the field of work and family. In the second case, the aim is an integration of these different social approaches leading to the construction of a societal comparison which is required for the appreciation

of the role of institutional forces, including the political system, with regard to international variations in the division of work. In this paper, the focus is on the role of policies at the societal level. As a consequence, the whole notion of *policies* as a determinant factor of the societal form for the division of work has to be reconsidered. Instead, I prefer the more complex term of *regulation*. This term refers to the role of different social institutions such as the state, market, and private organisations in the creation and maintenance of social order. The analysis of institutional forces in the Netherlands serves as an example to clarify the notion of regulation.

The views on this subject are still provisional and will be further elaborated on and empirically tested in the coming years. They form an important part of an international research project being conducted by a group of social scientists belonging to the member states of the European Union. I believe that the emergence of a new phase in the policy development of the European Union may have some consequences for the implementation of measures in the field of paid and unpaid work. Indeed, the Social Charter which was signed in 1989 (although the British governement opted out in the Maastricht treaty in 1991) also included statements on equal opportunities and the reconciliation of occupational and family responsibilities. In theory, we may expect a further strenghtening of these policy measures in the future. In practice, we have to admit that social policy is a rather undeveloped area when compared to the business of economic and monetary integration. Notwithstanding the uncertainty surrounding new social policies, the European Union will play an increasingly significant role in shaping the societal context. Consequently, its actions and initiatives will have an impact on the division of paid and unpaid work in the member states. For example, the European trend towards "flexible" employment, which has important consequences for the employment of women, has resulted from employers' strategies in response to changing international divisions of labour. Therefore, the emergence of a new supranational political entity, i.e. the European Union, requires a new approach to the evaluation of national policies.

In relation to these new societal conditions the choice of the theoretical framework and the corresponding comparative perspective of the project are the conditions prerequisite for achieving relevant results in our research.

INTRODUCTION

La plupart des pays Européens connaissent de grandes différences à l'égard de la division du travail professionnel et domestique entre hommes et femmes. En même temps nous constatons en Europe un grand écart entre les politiques qui sont mises en oeuvre, pour influencer cette division du travail. Dans le cadre de cette communication je présenterai d'abord, en grandes lignes, les formes sociétales de la division du travail qu'on peut

observer actuellement dans les pays d'Europe. Ensuite, j'aborderai le rôle des politiques: comment peut-on évaluer l'impact des politiques respectives sur la division du travail? J'insisterai d'abord sur les aspects théoriques de la division du travail.

Cette étude s'inscrit dans un projet international sur le rôle des politiques en matière de la division du travail qu'un groupe de chercheurs européens vient d'entamer. Ce réseau est formé en 1995 et s'est posé comme objectif d'étudier l'impact des politiques dans les pays membres de l'Union Européenne. Grâce à une subvention de l'European Science Foundation (ESF),[1] le réseau a pu financer les activités prévues pour la première année de son fonctionnement. Le budget accordé était suffisamment large pour couvrir les dépenses des réunions depuis le lancement du réseau. Actuellement le projet se trouve dans la première phase de sa réalisation.

Division du travail: quelques considérations théoriques

C'est à Marie-Agnès Barrère-Maurisson, sociologue française, que nous devons une réflexion théorique très approfondie et novatrice sur le phénomène de la division du travail. Dans son ouvrage *La division familiale du travail — la vie en double* (1992), l'auteur propose une nouvelle approche pour étudier ce phénomène. Les réflexions qui suivent sont pour une grande part basées sur les travaux de cet auteur publiés dans l'ouvrage cité et depuis.

La vie en double, c'est la vie répartie sur deux parts parallèles; le travail et la famille. Dans la réalité, la logique du travail et celle de la famille sont en constante interaction. Donc, il est nécessaire de les étudier ensemble et de se concentrer sur la relation, en tant que telle, entre le travail et la famille, de façon à éclairer les processus qui la produisent et comprendre ainsi pourquoi elle présente des aspects différents suivant les contextes respectifs. Ces contextes présentent des formes différentes dans le temps et dans l'espace. A l'intérieur des formes historiques et locales Barrère-Maurisson distingue trois niveaux d'analyse.

a) *Le niveau de la famille*

Depuis la progression de l'emploi féminin, la relation travail-famille a reçu une attention considérable. Formulée dans des termes variés, tels que

[1] L'ESF est un fonds européen de recherche visant à promouvoir la coopération scientifique dans les pays eurpéens.

"hard choices" (Gerson, 1985) ou "dilemmas" (Frinking & Willemsen, 1997), une littérature abondante est apparue sur le sujet, montrant que la famille moderne est confrontée à des problèmes multiples, dont beaucoup sont à l'origine de l'incompatibilité vécue entre le travail et la vie de famille. Ainsi, on comprend que la participation des femmes au marché du travail dans les pays européens dépend beaucoup de la façon dont les (jeunes) enfants sont pris en charge, soit par la famille-même, soit par les garderies d'enfants ou toute autre forme, par exemple des solutions trouvées avec des membres de la famille, avec des voisins et des amis.

b) *Le niveau de l'organisation*

Un certain nombre d'enquêtes menées dans de grandes entreprises ont montré également qu'un rapport existe entre le statut professionnel des travailleurs et leur statut familial. Les résultats sont pertinents et montrent qu'à un poste ou travail donné correspond généralement un individu à caractéristiques familiales spécifiques. Les entreprises en question représentent le monde du travail salarié dans la sphère marchande. Par contre, les entreprises dans la sphère non-marchande, c'est-à-dire dans le secteur des services publics, représentent d'autres modalités de relations entre formes familiales et types de carrière; dans ces cas, les données collectées sont liées à des caractéristiques spécifiques de la main-d'oeuvre et de la gestion de ce type de travail.

c) *Le niveau de la société*

Dans le cas de la comparaison sociétale, il s'agit donc de se situer en première instance au niveau de la société et de la cohérence entre les diverses dimensions. On passe alors d'une analyse d'un seul aspect de la division familiale du travail — quel que soit le niveau auquel on se réfère (individuel, organisationnel ou institutionnel) — à l'échelle de la société, dans la mesure où l'on s'intéresse à l'ensemble de la société, qui devient, dès lors, l'unité de référence. D'où, ici, une approche comparative réalisée à partir de la variation des formes "sociétales" de la division familiale du travail. On va alors tenter de montrer comment l'analyse des formes sociétales de la relation entre le travail et la vie de famille peut conduire, en fin de compte, à une approche comparative des régulations macrosociales.

En fin de compte, la relation entre le travail et la famille apparaît comme un processus social: il répartit, en effet, les individus appartenant à la population active suivant leur statut familial. D'où sa dénomination de "division familiale du travail". Rien que pour cette raison, le processus

auquel je viens de faire allusion révèle la société dans son ensemble, si bien qu'il permet de restituer l'individu dans toutes les dimensions de sa réalité propre.

Les formes sociétales de la division du travail

Dans le cadre de cette lecture nous allons privilégier surtout l'étude de la forme sociétale de la division familiale du travail. Par une comparaison internationale on s'attache à saisir des "ensembles de phénomènes qui constituent dans leurs interdépendances des *cohérences* nationales, propres à chaque pays". Ces cohérences sont l'oeuvre d'un (ou multiples) acteur(s) qui intervien(nen)t en même temps dans les deux sphères, agissant aussi bien sur les individus que sur les structures. C'est par le biais de la notion de *régulation* qu'on se donne les moyens de saisir la dynamique des processus et leurs interactions réciproques. Ainsi, les différents types d'évolution du travail engendrent des régulations au niveau de la famille, et réciproquement. C'est un ensemble d'effets de "va et vient" qui s'instaurent en permanence.

Quels sont les principes mis en oeuvre pour révéler la forme sociétale de la division du travail? Deux principes régissent cette analyse, qui découlent du fait que la société est conçue comme un système global. Le premier est, de considérer la relation entre le travail et la famille comme l'expression de ce système, et de s'efforcer de mettre en évidence leur cohérence et la régulation de l'ensemble. Le deuxième est, de mettre en lumière la singularité de chaque forme sociétale en tant que spécification à la fois historique et locale, c'est-à-dire dans une société et à une époque données. Ce qui rend possible la comparaison entre les différents systèmes.

Il s'agit par conséquent de s'interroger sur les caractéristiques nationales du phénomène. Malgré leur spécificité, elles révèlent, en effet, la généralité de la relation, c'est-à-dire son unicité de principe. Nous distinguons trois étapes:

1) Quels éléments économiques, sociaux et institutionnels convient-il alors de prendre en considération, dans chaque pays, pour construire la comparaison sociétale des formes de division familiale du travail?

A notre sens, ces éléments sont au nombre de quatre:

a) le type de secteur économique dominant (l'agriculture, l'industrie, le tertiaire marchand et le tertiaire public);
b) le type de famille dominant (famille patriarcale, conjugale, famille ayant un seul actif privilégié, ou, ayant deux personnes salariés apporteurs équivalents);

c) le mode de participation au travail rémunéré des hommes et des femmes;
d) le mode de prise en charge du travail domestique (par la famille large, ou restreinte, par les services marchands ou les équipements collectifs).

2) Comment construire la forme sociétale de la division familiale du travail?

On peut le faire par l'analyse de la correspondance entre les formes dominantes de famille et celles du rapport au travail (professionnel et domestique). Par exemple, on verra apparaître une forme de division familiale du travail, typique des pays nordiques, associant familles éclatées — recomposées à deux personnes salariées et forte participation des femmes à l'activité, avec aussi la présence d'un secteur des services, etc. C'est ainsi que l'on a pu mettre en lumière (Barrère-Maurisson et Marchand, 1990) quatre types de division familiale du travail, correspondant, pour un ensemble de pays développés, à quatre modalités d'ajustement entre les caractéristiques familiales et celles relatives à l'économie.

3) Comment détecter le processus de régulation en vigueur dans chaque pays?

C'est-à-dire la logique qui produit la cohérence, les correspondances observées. Il faut, pour cela, se positionner par rapport aux formes sociétales de division du travail que je viens de mettre en lumière précédemment, et analyser le rôle des institutions et organisations, qui dans chaque cas, assurent de façon privilégiée la cohérence du système. Concrètement, on étudie ainsi dans chaque pays le rôle — et les relations — qu'y ont les différents acteurs sociaux et, notamment: les familles, les entreprises, les organisations, le marché, et l'Etat. En repérant alors l'acteur qui, au niveau sociétal, a un rôle prééminent dans le jeu d'articulation entre les deux sphères (rémunérée et non rémunérée, privée et publique), on fait apparaître le processus de régulation à l'oeuvre dans chaque situation. C'est de cette façon-là que l'on a pu repérer suivant le rôle prédominant, tantôt celui de la famille, des entreprises ou du marché, ou, de l'Etat, trois modalités majeures de régulation. Nous les avons qualifiées respectivement de familiale, marchande et politique.

Cependant, dans la pratique la situation s'avère être plus compliquée, surtout quand plusieurs acteurs sont actifs simultanément. Ainsi, des études de cas ont montré l'interaction, parfois antagoniste, voire conflictuelle, de ces acteurs, responsables de certaines politiques dans les domaines du travail et de la famille (Fagnani & Buffier-Morel, 1995).

Tableau 1 - *Travail, famille et régulations sociétales.*

variable				
secteur économique	agriculture	industrie	tertiaire marchand	tertiaire public
travail	famille	hommes	femmes, services marchands	femmes, publics
type de famille	famille patriarcale	famille conjugale	famille à 1 actif	famille à 2 actifs
travail domestique	famille large	famille restreinte	services marchands	services collectifs
agent régulateur	famille	entreprise	marché	état
mode de régulation	familial	marchand		politique

Source: Barrère-Maurisson, 1995, p. 19.

Les formes sociétales de la division du travail en Europe

Plusieurs auteurs (Barrère-Maurisson & Marchand, 1990; Kempeneers & Lelièvre, 1991; Willemsen & Frinking, 1995) ont mis en évidence une grande variété de formes sociétales de la relation entre le travail et la vie de famille dans les pays industrialisés. Je reprends ici les résultats obtenus par Barrère-Maurisson et Marchand que je préfère pour des raisons théoriques, malgré l'ancienneté de l'analyse, datant de 1990. Par ailleurs, des travaux plus récents aboutissent à peu près aux mêmes résultats.

Les auteurs en question arrivent à une typologie, qui provient d'une analyse en composantes principales, regroupant plusieurs groupes de pays. En Europe, deux groupes de pays s'opposent nettement:

a) Les pays de l'Europe du Sud: Espagne, Grèce, Italie, Portugal;

b) Les pays scandinaves: Suède, Danemark.

Entre les deux pôles qui se dégagent clairement de l'analyse, se retrouvent des pays présentant des caractéristiques souvent proches de la moyenne. Ce sont:

c) Les pays de l'Europe de l'Ouest: France, Belgique, Pays-Bas et Royaume-Uni;

d) Deux pays, l'Irlande et l'ancienne République Féderale d'Allemagne sont deux cas à part. Toutefois, le premier est voisin des pays méditerranéens, tandis que le deuxième est proche des pays de l'Ouest.

Quels sont les éléments caractéristiques des pays en question appartenant au même type? Le cas de l'Espagne et celui de la Suède permettent d'illustrer la cohérence sociétale de ces deux types qui sont les plus en opposition.

Tableau 2 - *Comparaison des formes sociétales: Espagne et Suède.*

	Espagne	Suède
Travail	femmes ne travaillent pas ou travail familial	femmes travaillent travail à temps partiel
Secteur économique	agriculture industrie	tertiaire
Famille	partage traditionnel 1 actif	partage égalitaire 2 actifs

Source: Barrère-Maurisson, 1992, p. 232 (adapté).

Le rôle des politiques

L'étude des formes sociétales de la division du travail dans les pays européens a révélé que les pays connaissant une forme sociétale semblable, caractérisée par un taux d'activité féminin assez élevé ont en même temps une législation importante pour réglementer la conciliation entre le travail et la vie de famille. Par contre, les pays avec une faible participation ont pris souvent peu de mesures dans ce domaine.

Connaître le rôle que ces politiques jouent exige d'abord que nous précisions les mesures qui sont à inclure. En effet, une recherche portant sur l'impact des mesures en vigueur dans les pays de l'Union Européenne peut se référer à une grande diversité, par exemple des congés spéciaux pour les parents salariés, des modalités de garderies pour enfants, actions positives en faveur de l'égalité des chances, etc., mesures dont on peut supposer qu'elles affectent la répartition des tâches rémunérées au même titre que les activités non-rémunérées.

La délimitation du champ dévaluation de ces mesures en question est, à première vue, peu facile, étant donné la grande diversité des politiques en question. Jusqu'à nouvel ordre nous retiendrons les mesures dans les domaines suivants:

— l'organisation du temps de travail;
— l'abolition de la discrimination entre hommes et femmes sur le marché du travail;
— le développement des services en faveur des parents actifs;
— l'adaptation des systèmes de sécurité sociale et du système fiscal;
— l'organisation des horaires scolaires.

Ensuite, il nous faut définir les objectifs des différentes politiques dans ces domaines. D'une façon générale on peut dire que les décideurs visent principalement à réaliser une meilleure conciliation entre le travail et la vie de famille. C'est-à-dire que les mesures devraient prendre en considération les problèmes professionnels qui se font jour dans la vie familiale (p.e. comment respecter les horaires du travail quand les enfants sont malades), mais également les problèmes familiaux qui se manifestent pour les parents dans leur vie active (p.e. qui prendra soin des enfants pendant les heures de travail). Il est vrai, cette distinction peut paraître académique. Une lecture attentive des textes, complétée par une analyse des discussions parlementaires et publiques, permettent dans bien des cas d'établir les motifs dominants d'un certain nombre de mesures qui sont prises et, par là, d'identifier l'objectif principal des diverses politiques.

La notion d'évaluation

Il existe de nombreuses définitions de la notion d'évaluation qui, dans l'utilisation concrète, aboutissent à des pratiques variées. D'une façon très générale, l'évaluation des politiques implique la recherche des effets attendus de certaines mesures, prises par les pouvoirs publics ou par d'autres agences publiques (régions administratives, villes, etc.). Une telle recherche est seulement possible lorsque les objectifs de ces mesures sont connus, et suffisamment nets et précis pour être l'objet de vérification, ou dans le cas échéant, qu'ils puissent être pris comme cadre de référence. Il faut noter que ce cadre référentiel n'est jamais complètement déductible des textes officiels et que sa construction fait partie intégrante du travail d'évaluation.

Une autre définition de l'évaluation, proposée par le Conseil Scientifique de l'Evaluation Français, insiste sur "la reconnaissance et la

mesure des effets *propres* des politiques" (CSE, 1996).[2] Cette définition tient compte du fait que les politiques ont parfois des effets non-attendus, voire des effets non-désirés (effets pervers). Cette définition nous oblige à réfléchir sur la nature des effets à prendre en considération. Le chercheur est placé devant le choix de s'intéresser uniquement aux effets imputables à l'action publique, telle qu'elle est définie au départ, ou, par contre, d'inclure également dans l'évaluation les effets produits par des facteurs "exogènes", dont l'action n'était pas connue d'avance.

Outre le choix des effets à évaluer, le chercheur est confronté au problème normatif de la finalité de l'action qu'on propose d'évaluer. Dans le cadre du projet présent de recherche on s'intéresse surtout à connaître l'impact de certaines mesures sur la répartition des tâches au sein des familles. Souvent ces mesures ont pour but de stimuler une meilleure répartition des tâches ménagères entre hommes et femmes. Sans vouloir remettre en question notre autonomie en tant que chercheur, qui nous oblige à respecter les règles d'impartialité et d'adopter la rigueur scientifique, nous acceptons de plein gré cette finalité comme faisant partie intégrante du cadre référentiel. Au cas où certaines mesures, par exemple celles qui s'inscrivent dans la politique familiale, visent d'autres objectifs, tels que la formation et la composition familiale, nous les inclurons uniquement dans notre champ d'analyse lorsque ces mesures auront (selon toute vraisemblance) un impact (positif ou négatif) sur l'objectif à atteindre.

Par suite des travaux des membres de notre réseau nous savons que les politiques dans le domaine qui nous intéresse ici ont parfois des buts multiples, qui, d'ailleurs, sont souvent incompatibles entre eux ou dont les initiateurs n'ont pas voulu admettre une finalité ambiguë au moment de sa mise en oeuvre (Fagnani & Buffier-Morel, 1995). Dans ces conditions, il n'est pas facile de se prononcer sur "l'efficacité" d'une politique, c'est-à-dire de déterminer dans quelle mesure les effets propres de la politique en question sont conformes à ses objectifs. Il s'ensuit que l'examen des effets attendus d'une certaine politique, par exemple par l'application d'un modèle causal, perd sa justification. Bien qu'il existe d'autres "qualités" qui caractérisent également une "bonne" politique, comme sa cohérence, son efficience et sa pertinence (CSE, 1996, p. 13), nous retiendrons principalement comme critère d'évaluation son efficacité. A cet égard, comme le souligne le Conseil Scientifique de l'Evaluation Français, il est important de ne pas confondre le degré de succès atteint par rapport aux objectifs

[2] Le Conseil scientifique de l'évaluation, instauré en 1990, est chargé de favoriser le développement des méthodes d'évaluation et de définir une déontologie en la matière.

déterminés et les effets propres de la politique. La mesure de l'atteinte des objectifs renseigne, en un certain sens, sur la réussite ou l'échec de la politique. Par contre, l'évaluation de l'efficacité d'une politique nécessite la mesure de ses effets propres, à savoir les modifications de l'état de la société. Son évaluation suppose de pouvoir répondre à la question que voici: que se serait-il passé si la politique en question n'avait pas existé (CSE, 1996, p. 32).

Cependant, une telle approche pose problème lorsque nous sommes en présence d'acteurs multiples dont chacun possède sa finalité propre. Dans une telle situation, quand de multiples instances peuvent intervenir, telles que l'Etat, le marché et la famille, il conviendrait de s'interroger sur les relations complexes entre ces différentes instances, surtout quand on observe un désengagement de l'Etat en faveur du marché ou de la famille. Bien que les politiques publiques aient, dans certains pays, un impact relativement fort sur la division du travail, l'on ne saurait pas pour autant oublier le rôle de ces autres acteurs, souvent complémentaire à l'action de l'Etat, parfois en opposition.

Devant une telle complexité du contexte institutionnel, la notion d'évaluation, c'est-à-dire la saisie des effets propres d'une ou d'un ensemble de mesures dans un domaine bien défini, demande à être révisée. En effet, l'appréhension de l'action de plusieurs intervenants, chacun poursuivant sa propre finalité, et, située dans un cadre national, fait appel à la comparaison entre pays, plus précisément de la comparaison des formes sociétales que connaissent les relations entre la vie de famille et l'emploi. Comme nous l'avons vu, cette relation revêt des formes différentes suivant les contextes nationaux. Chaque forme sociétale, constituant une spécification historique et locale de cette relation, est soumise à chaque moment aux forces institutionnelles. Par la comparaison internationale de ces formes, c'est-à-dire de leurs différences et de leurs ressemblances, nous serons en mesure d'identifier le rôle joué par chacun des acteurs et de dégager les principes d'intervention. C'est par la notion de *régulation* que nous tentons d'appréhender l'impact du contexte politique sur la division du travail (Barrère-Maurisson, 1995).

Régulation et la division du travail

Pour connaître l'impact des forces institutionnelles, il faut détecter le processus de régulation, c'est-à-dire sa mode et ses principes qui sont à l'oeuvre dans le domaine du travail et de la famille. Ces principes varient selon le type de régulation. Ainsi, au cas où la famille est l'agent principal

de régulation, son intervention est basée sur les principes de solidarité. Par contre, la régulation par le marché introduira davantage de principes comme par exemple: la compétitivité et le gain dans la division du travail. Remarquons, pour finir, que la réponse à la question de l'efficacité de la régulation sociale doit tenir compte des facteurs contextuels, comme par exemple les systèmes de valeurs en vigueur. Une "bonne" pratique dans certains pays ne pourra pas être transférée *ipso facto* à d'autres pays.

Il est donc nécessaire de préciser les phénomènes du lieu, en d'autres termes: mettre en lumière les spécificités locales dans lesquelles la division familiale du travail en l'occurrence, prend forme. En ce sens, les différents pays européens sont autant d'espaces sociaux *in situ*, dont il est nécessaire de montrer les spécificités, car elles contribuent à donner aux phénomènes leur forme particulière. C'est ainsi qu'on peut rendre à la régulation sociétale sa cohérence particulière.

L'analyse d'un seul pays permet de mieux voir les modes de régulations et les mécanismes correspondants en vigueur. Prenons l'exemple des Pays-Bas.

Très longtemps ce pays a connu un modèle familial avec un seul chef de famille. C'était le temps d'une répartition très stricte des tâches rémunérées, soit le domaine de l'homme, et des tâches non rémunérées, qui revenaient traditionnellement à la responsabilité de la femme. Selon certains auteurs, ce modèle a déjà pris naissance au dix-septième siècle et serait porté par des valeurs culturelles privilégiant la famille bourgeoise (Schama, 1988; Pott-Buter, 1993). D'autres chercheurs ont avancé des facteurs économiques, tels que le niveau des salaires, le système de la sécurité sociale et certains arrangements fiscaux, permettant la présence massive des femmes au foyer. Comme c'est souvent le cas, l'explication d'un phénomène historique est rarement imputable à un seul facteur. Ainsi, nous pensons que tous ces facteurs ont joué un rôle devant le maintien de ce modèle traditionnel de partage des tâches entre hommes et femmes aux Pays-Bas.

Ce n'est que récemment, dans les années soixante-dix, que le taux de participation des femmes à l'emploi a commencé à monter d'une façon substantielle (Vossen & Nelissen, 1997). Malgré cet accroissement, les familles ont gardé une différenciation assez prononcée des tâches professionnelles et domestiques, bien que le partage soit devenu moins inégal que dans les années révolues.

Les forces institutionnelles, actuellement actives dans le domaine du travail et de la famille, sont assez diverses et présentent des caractéristiques bien spécifiques, propres aux Pays-Bas. Premièrement, on peut observer le maintien des anciennes valeurs: ainsi les familles préfèrent que l'éducation de leurs enfants soit assurée le plus possible par les parents eux-mêmes.

Deuxièmement, il faut noter la forte adhésion au sein de la population néerlandaise aux idées sur l'égalité des chances entre les sexes. L'idée, qu'une femme avec des enfants doit être en mesure de travailler ne rencontre que peu d'opposition. Même les opinions sur la répartition des tâches domestiques sont en faveur d'un partage (presque) égal entre hommes et femmes. Sur le plan politique, ces idées ont été appliquées différemment. La création en grand nombre d'emplois à temps partiel a permis à beaucoup de femmes d'atteindre une certaine indépendance économique, leur assurant en même temps la possibilité de s'occuper elles-mêmes de leurs enfants à la maison. Par contre, les réticences à l'égard de la mise en oeuvre d'une politique familiale, considérée longtemps comme une ingérence indésirable dans la vie privée des familles, ont retardé considérablement les mesures en faveur des parents actifs. Ainsi, l'extension du réseau de garderies d'enfants date seulement du début des années quatre-vingt-dix.

Quels sont les arrangements trouvés par les parents aux Pays-Bas pour concilier le travail et la famille? Une première réponse est le fait que le moment de la venue des enfants est considérablement remis. L'âge moyen des mères à la naissance du premier enfant était en 1995 de 28,6 ans, contre 25,6 en 1980 (Willemsen, 1997). Cependant, à un certain moment dans la vie du couple le choix s'impose. Autrefois, à la suite de la naissance du premier enfant beaucoup de femmes arrêtaient de travailler. Aujourd'hui, grâce au développement de certaines dispositions politiques, ce moment paraît se déplacer vers la naissance du deuxième enfant, voire celle du troisième enfant (CBS, 1994).

D'autre part, la structure du marché du travail a favorisé une situation dans laquelle la famille est restée pour une part importante la première responsable de l'éducation des enfants. En effet, l'ampleur du temps partiel est considérable: en 1992 presque deux tiers des femmes néerlandaises travaillaient moins de 20 heures par semaine dans un emploi rémunéré. Ainsi, très peu d'enfants en bas âge sont placés à plein temps dans une garderie. L'activité professionnelle des parents, c'est-à-dire celle des mères, n'est plus incompatible avec une prise en charge des tâches domestiques, y compris le temps consacré aux enfants. En même temps, le partage inégal des tâches domestiques entre hommes et femmes persiste, malgré l'idéologie égalitaire d'aujourd'hui. Ce paradoxe entre des idées progressistes et les pratiques traditionnelles est également caractéristique de la vie familiale aux Pays-Bas (Frinking & Willemsen, 1997) et fait partie intégrante du système de régulation dans ce pays.

Conclusions

L'Union Européenne, l'espace géographique visée par cette étude, se trouve à la veille de grandes transformations économiques et financières. A première vue, des changements correspondants sur le plan social ne seront ni prévus, ni attendus. Au contraire, l'opposition systématique du Royaume-Uni à toute extension de la politique sociale de l'Union Européenne a même conduit à la position isolée de ce pays dans le traité de Maastricht. Le résultat est un développement très inégal de l'Union, fortement intégrée sur le plan économique, avec la perspective d'une monnaie unique, mais très dispersée sur le plan social, acceptant que chaque pays garde une grande liberté à l'égard de sa propre politique sociale. Néanmoins, l'émergence de cette nouvelle entité européenne constitue un fait nouveau. Cette entité supranationale va créer un nouveau contexte politique et agira ainsi sur les contextes nationaux. Même sans la mise en oeuvre d'une politique sociale communautaire, l'Union Européenne sera un acteur en plus dont il faut tenir compte. Sa mise en scène devrait nécessairement compliquer notre analyse à travers le concept de la régulation. La genèse de cette nouvelle entité européenne pose la question de la redéfinition des acteurs sociaux et de leurs rapports.

Dans certains pays de l'Union Européene nous assisterons à un passage d'une régulation par l'Etat à une régulation plus complexe, dans laquelle d'autres acteurs, comme les partenaires sociaux, ont pris la relève. Selon toute vraisemblance, cette complexité ne fera que progresser dans les années à venir. Dans de telles conditions il est difficile d'isoler le facteur politique parmi l'ensemble des forces sociales, économiques et institutionnelles, qui sont responsables de la division familiale du travail.

Nous touchons ici l'essentiel de la recherche fondamentale: la réponse à la question initiale est toujours provisoire. Les vrais résultats en appellent de nouvelles questions, tout en indiquant ainsi l'ampleur de notre ignorance.

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Summary of the Discussion

It is important to recognize that work and employment are not isolated phenomena but have an impact on the family and relations within it, for work cannot be examined in abstraction from its environment. The analysis just presented shows the diversity of these relationships and their evolution in Western Europe. Had the purview been global, then the diversity and variety encountered would have highlighted the impossibility of the Church addressing a single social reality.

Furthermore, the presentation served to recall the disparity which can exist between professed objectives and actual practices, whose implication is that account must be taken not only of "objective" facts, but also of human subjectivity. It is the latter which concerns the magisterium, since it cannot rest content with description alone but has also to orientate our minds towards the fulfillment of its recommendations.

Social policy can be efficacious, but globalization now means that policies can be elaborated at a higher level, such as the E.U., where new solutions can be found (without ruling out policies applicable at intermediate levels).

When attempting to identify the effects of policies, the methodological difficulties are common to all cases. Whilst it is extremely important to know what responsibility can reasonably be attributed to the State, this is extremely difficult to establish because the social sciences cannot approximate to conditions of laboratory closure in order to isolate the political factor from amongst the complex social, economic or institutional forces contributing to the family division of labour. This represents a major difficulty for our Academy which is limited to presenting the best of our current knowledge. Thus it will be particularly interesting to learn the findings which emerge from this new research.

(It was confirmed that the results will be available before 2,000).

Can we agree that the family has been stripped of its functions, which have largely been absorbed by the State, especially in industrial countries? In Italy, the breadwinner gives over half of his renumeration to the State in taxes, leaving the residuum for the family, which thus depends heavily upon the State. Thus, if domestic work itself is not renumerated, could not a

selective lowering of taxation make a significant contribution to reducing the conflict between family and work? If we agree upon this loss of functions by the family, then the idea of reversing this trend could be the beginning of a solution.

(Prof. Frinking). In this context, evidence suggests that even in countries like Spain where the grandmother still plays a role in child-care, this is both marginal and transitory. Thus it will soon be necessary to think of other forms of child-care, on models which do not depend upon aid from the extended family. Spain could follow the Scandinavian model, where nurseries are collectively provided by the State, or a model less dependent upon the State, as in the Netherlands, where various social groups (e.g. in the firm or industrial sector) provide child-care, thus enabling domestic and professional life to be reconciled. As countries like Spain undergo social and economic transformation to become more like the rest of the E.U., they will have to choose between these models or invent alternatives.

If the Church's social teachings about the desirability of work applies to the human being, then they apply equally to women. Thus, far from being pushed into the workforce, more and more women rightly want to be there, but they also seek the assurance of good child-care and have championed this. One finding in the presentation, namely that in the Netherlands very young children are placed in nurseries, raises the following question — is this due to a simple absence of provisions or is it it because of attitudinal resistance by parents towards using them?

(Prof. Frinking). The low percentage of children in nurseries in the Netherlands involves two intertwined factors. Firstly, until ten years ago there were very few provisions, hence the low proportion attending. However, since then nursery provision developed, but resistance remained towards using them. They are used for two to three days a week, partly because of the belief that as far as possible parents should retain this responsibility, and partly due (and here there are problems of cause and effect) to women's availability because of their tendency to work part-time.

As far as attitudes are concerned, the project will investigate the effects of parental preferences for educating their children at least partially within the family. It will seek to ascertain whether this ideology is general in Western Europe and how it is related to educational systems in which parents can play a significant role.

The notion of work is predicated upon full-employment, implying that productivity only relates to the exchange of commodities and that child-

rearing is thus defined as outside it. In Southern Africa this is increasingly debated. If mothers were paid for a period of child-rearing, how would this affect work relations?

Child-rearing is certainly not non-work, but neither is it the work which would be chosen by all women with children — hence women's interest in adequate public and private child-care provisions. This leads to the question, is there any research which indicates what proportion of women would prefer renumeration for rearing their own children, versus having a career plus good child-care facilities?

(Prof. Frinking). Firstly, it is the case that the same question could be posed for men. Do they really choose solely to work or would they wish to devote more time to their children? Secondly, since we are conditioned, though not determined, by our social contexts, it is less easy for a man to avow the latter: yet methodologically it is impossible to exclude the influence which the social context always plays.

There is a less radical alternative to consider, namely enabling both men and women to dedicate some time to both work and family roles. However, this option is only really open in wealthy Western countries. It would be interesting to see how such an option would be viewed by people whose work was harder and more exploitative (in LDCs).

Women dedicate themselves to careers because this is what society rewards, but it also penalizes women's promotion if their careers are interrupted by child-rearing. Hence the question — if a period of child-care were incorporated into the definition of a career, would this create problems for the social division of labour?

(Prof. Frinking). In principle, there are several measures for resolving the problem under discussion. On the one hand, the "Netherlands model", where professional women (at least) need not be handicapped by an interruption of career because they have their family later. Alternatively, if one brakets-out the time when women withdraw from professional work, it would be possible to eliminate negative effects. However our research project is not concerned with advancing solutions, but with detecting the effects of the various policies adopted on the division of labour. Nevertheless, as a researcher concerned with this problem, society does need some formula which stops either parent form accruing penalties because of their children — as a minimum requirement of social justice.

TEMPS CHOISI ET PARTAGE DU TRAVAIL [1]

JACQUES H. DRÈZE

ALLOCATING TIME AND SHARING WORK

SUMMARY

1. *Economic principles*

i) According to some, work sharing and work-time reductions are the only realistic answer to mass unemployment. The long-term record does not validate such resignation. Others point out that unfilled needs everywhere suggest instead more work in order to meet more needs. In the short-term, however, work is inefficiently distributed among job holders, and a better allocation of work effort over more jobs is consistent with meeting unfilled needs.

ii) In the long run, reductions in working time (weekly, annually or over the life cycle) absorb about one-third of per capita productivity gains, with the remaining two-thirds being allocated to incomes and consumption. This allocative choice takes the form of a collective choice: to a large extent, working conditions (of which work schedules are an instance) are a "public good". Marginal preferences for income versus leisure are apt to vary between workers. Theory suggests that the solution chosen should correspond roughly to median preferences. Survey data on preferred working times do not contradict this theoretical prediction.

Greater efficiency is achieved when individual preferences are accommodated through voluntary part-time work, overtime, alternative work schedules in different firms, etc.

iii) Work schedules cover only one aspect of the allocation of time. Education, recreation, domestic tasks, family solidarity, social and political involvement also take up time and raise problems about scheduling and coordination. Reconciling work with non-work activities is particularly difficult for women.

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[1] Je remercie Lei Delsen, André Simon et Anne Sonnet pour la documentation qu'ils m'ont communiquée.

iv) Regarding the allocation of work among individuals, hours worked are only one dimension. The other crucial dimension is regularity of employment; namely contractual relationships which both parties expect to have stability, with neither party being able to enforce termination at whim. Regular jobs are essential both to fulfilment through work and to accumulation of human capital within the firm. They also provide the stability needed for the pursuit of deeper human goals (family, friendship, home ownership, cultural and social activities, etc.).

Most workers thus attach a positive value to holding a regular job, within which they supply hours subject to declining preferences for income versus leisure. The value attached to a regular job varies within the individual, typically reaching a peak in adulthood and then declining in later life.

Firms also favour regular jobs, but subject to a fixed cost of recruitment, training, making redundancy commitments, etc. Accordingly, they create regular jobs only in anticipation of stable demand; and otherwise resort to temporary hirings, overtime or sub-contracting. Due to the fixed costs, they retain redundant workers when demand is temporally slack (labour hoarding). Hiring then becomes inelastic in relation to wages or hours.

v) Decentralised market economies suffer from a structural weakness, namely volatility of aggregate demand. To absorb aggregate fluctuations through unemployment is doubly inefficient: it entails a waste of resources (human and physical) and means an inefficient allocation of jobs and hours between the employed and the unemployed. Work sharing is a potential answer to the second source of inefficiency.

First, due to individual differences in the value of a regular job to workers, some of the unemployed attach a higher value to such jobs than do some of the employed. But there is no market for trading jobs. The declining value of a regular job with age constitutes a rationale for early retirement schemes. Second, due to the declining preferences for income versus leisure, the allocation of working hours between employed and unemployed is inefficient. Part-time work is a partial answer, limited by the fixed costs of hiring.

vi) The challenge presented by mass unemployment is to improve the allocation of work (jobs and/or hours) in the short- to medium-term, through measures compatible with an efficient allocation of global time in the long-term. This is clearly a desirable goal, compatible with parallel measures to stimulate overall activity. But, as we shall see, it is not easy to implement. One major reason is that reducing working time has an impact on employment which is comparable to reducing wages; namely an impact that is quantitatively small in the short-term (say 1 to 3 years), though substantial in the longer run (say 5 to 10 years).

Seen as a long-term measure, work sharing is still a sensible approach in Europe today, due to our inability to restore full employment quickly. The idea is temporarily to accelerate the trend towards a reduction in hours worked, as a means of reducing unemployment over time. In the longer-term, however, reductions in working time are paid for by the workers, who remain eager to increase their incomes. The aim of alleviating unemployment thus involves reducing working time faster than is desired by employed workers. This is therefore a collective choice, concerning the unemployed as much as the employed.

2. *The European experience*

vii) Many European countries have attempted to promote job-sharing through a number of specific incentives or regulatory measures. The degree of success is mixed. Reductions in hours worked per week have been gradual, mostly taking place in the early eighties and have had little immediate impact on employment. One reason for this is that the reductions were implemented first in firms or sectors with redundant workers, hence ones which were not rehiring. The positive impact came later, during the 1986-90 recovery when the employment aspect of growth was unexpectedly high. Labour hoarding had been eliminated through reductions in working time and new hirings were for shorter hours. Still, reductions in the working-week have acted as a substitute for lay-offs in individual firms (e.g. Volkswagen).

Reductions in the working week pose the problem of maintaining company hours and output (hence costs) through shift-work. I shall return to this issue in my conclusion.

Quantitatively, the more significant measures were early retirement and part-time work; extended periods of leave also contributed, though on a smaller scale.

viii) In countries like Belgium, France, Germany or the UK, early retirement programmes have withdrawn up to 3 or 4% from the labour supply. Perhaps one third of these cases corresponded to workers' wishes, another third to the shedding of labour and one third to involuntary retirement with replacement. The cost of these measures is quite high — say around US $6,000 per worker/year on average, with a range from US $3,000 to $12,000.

More recently, activity rates among older workers have fallen substantially (twice as much as is accounted for by early retirement programmes). Only one European worker in four is still employed at the official retirement age. Progressive retirement (like half-time early retirement) seems desired by many workers, but is seldom implemented, outside Sweden.

The low activity of older workers — though less damaging than unemployment of the young — is a form of exclusion, calling for attention. The financial equilibrium of retirement funds is not directly affected (though it is influenced by overall unemployment), but demographic trends call for the maintenance and possible postponement of the official retirement age.

ix) Part-time work has increased everywhere in Europe over the past 15 years, and especially over the last five. Part-time work is almost exclusively concentrated among women and a large number of them declare in surveys that they take such jobs by choice. The best predictor of a woman working part-time is the age of her youngest child. These data have not been linked to the availability of child-care facilities.

The most significant trend has been observed in the Netherlands, a genuine extreme case, where two women out of three work part-time, with 80% of these doing so by self-declared choice. Also one Dutch man out of six works part-time, 45% of these by choice. Among the explanations advanced, evidence suggests that the quality of part-time jobs has improved (average female wages are higher for part-timers than for full-timers), and that women have convinced trade unions to promote part-time work, with firms accommodating this and public programmes supporting it.

In other countries, unions and women's organisations are generally hostile to part-time jobs due to the low quality and low pay of the work. The debate is not over.

x) Extended periods of leave, whether on a full-time or half-time basis, are clearly chosen (never imposed). Leave of up to five years duration is possible in several countries, with a replacement income equal to unemployment benefits, and mandatory re-hiring. In Denmark 2.5% of the labour force is currently on extended leave. In Belgium, where 85% of the beneficiaries are women, the percentage is 1.2%, but rises to 4% in the public services, where (unlike the private sector) this is a worker's right.

Some organisations favour a compulsory period of leave of five years duration during the career of each worker (male and female). This is more difficult to implement and its mandatory nature is not consistent with individual choice.

3. *Conclusion*

xi) The following conclusions seem warranted:

a) Extended periods of leave improve the allocation of time as well as jobs and deserve full encouragement.

b) Part-time work is sought by many women aged 25-40, especially mothers of young children, for periods of five years or more.

c) Progressive, i.e. part-time, retirement is sought by men and women and deserves to be promoted as a substitute for early retirement or other forms of inactivity.

d) To meet the valid objections raised against part-time work, a significant upgrading of the quality of part-time jobs (schedules, wages, rights, career opportunities, etc.) is needed.

e) The trend towards shorter weekly and annual hours will continue and its immediate acceleration could help reduce unemployment in the medium-term, provided this is done:

— with no increase in unit labour costs;
— with no loss of output, by dissociating company hours of production/operation from individual working hours;
— in a manner conducive to an improved quality of life.

f) Scheduling activities at work and outside work raises difficult problems of coordination calling for collective decisions which ideally should largely be influenced by women.

xii) One integrated approach towards meeting the requirements mentioned under *b*, *c*, *d* and *e* is to promote a four-day working week, with six days of activity by firms and public services, and with weekly working time being progressively reduced to 32 hours.

This would carry the implication that nearly all employees work part-time (four days or less out of six) from the viewpoint of the firm — thereby providing a (the *only*?) solid basis for upgrading the quality of part-time jobs. It would also facilitate work-sharing.

Yet, this would also create new problems of coordinating work with non-work activities, which need to be investigated as per *f*.

Post-scriptum: Links with the social teaching of the Church

xiii) Promoting a better allocation of time and more sharing of jobs is entirely in the spirit of the Church's social teaching and of recent pronouncements by bishops in a number of countries which stress:-

— the personal dimension of work
— the right to work (full employment)
— the advancement of women through work, at no expense to the family.

However, the social teaching of the Church still remains largely centred on the male bread winner earning a family wage. It should instead respond to the current trend of ideas favouring individual social security rights. And it should respond to the challenge of implementing equal access of men and women to paid employment as well as individual and social fulfilment through work.

INTRODUCTION

Début 1993, la direction de Volkswagen annonce que l'évolution économique impose une réduction rapide d'effectif de 30.000 salariés, sur 110.000. Le conseil d'entreprise demande à la direction d'explorer des alternatives. Quelques semaines plus tard, la direction surprend tout le monde en proposant une réduction de 20% de la durée du travail (semaine de 4 jours) avec perte de salaire proportionnelle. La négociation s'engage. Elle conduira à un accord prévoyant une semaine de 28 heures 48' (80% de 36 heures), avec abandon de 16% du salaire brut, aussi pour les cadres. Cette fois, le syndicat IG-Metall surprend en approuvant l'accord, alors qu'il lutte depuis 10 ans pour des réductions de durée de travail sans perte de salaire. En payant sur base mensuelle les primes de fin d'année et le pécule de vacances et en anticipant les avantages conventionnels prévus pour 1994, le revenu mensuel net a pu être maintenu. Mais la perte de revenu brut en 1995 est bien de 16%. L'accord, signé pour une durée de 2 ans, prévoit le maintien de l'emploi, et l'engagement à titre définitif des jeunes apprentis échangé contre le passage progressif à la retraite des travailleurs de 55 ans et plus (prépension à mi-temps).[2] Venu à échéance le 1er janvier 1993, l'accord a été reconduit.

Début 1994, la direction de Renault annonce sa décision de fermer à échéance de 4 mois son usine de Vilvoorde, en Belgique. Cette décision entraîne la suppression de 3100 emplois. Elle est présentée comme

[2] Pour un exposé détaillé, cf. Labit et Thoemmes (1995).

irrévocable et suscite une réaction unanime: l'indignation. La réprobation vise à la fois l'absence de toute prise en compte de la dimension sociale, et l'absence de toute négociation, en violation de la plus élémentaire éthique mais aussi des conventions collectives belges et des directives européennes. Tant les syndicats que les autorités locales pressent Renault (qui annonce bientôt 2700 pertes d'emplois en France) de rechercher une solution alternative dans la voie de partage du travail suivie par Volkswagen. Ces appels sont vains et la décision sera mise en application.

Il existe, on le voit, deux attitudes diamétralement opposées concernant les perspectives concrètes de partage du travail. Il existe aussi deux points de vue opposés concernant les mérites globaux de ce partage. A première vue, ces points de vue sont tous deux séduisants. Le premier dit que le partage du travail est la seule solution "pensable", aussi bien à court terme qu'à long terme, pour rencontrer le problème du sous-emploi que nous connaissons aujourd'hui, tout en améliorant la qualité de la vie. Mais selon l'autre point de vue, il y a dans le monde, et chez nous, tant de besoins insatisfaits que c'est un non-sens de chercher à réduire la quantité de travail presté, au lieu de chercher à travailler davantage pour vivre mieux.

Ces deux points de vue sont des demi-vérités. Le premier est logique à court terme, mais incorrect à long terme; le second appelle un verdict inverse. En effet, il y a énormément de besoins partout dans le monde et chez nous. Mais il n'est pas nécessaire pour les rencontrer d'llonger aujourd'hui la durée des prestations de ceux qui travaillent, alors que tant de chômeurs souhaiteraient trouver un emploi. Le second point de vue n'est donc pas réaliste à *court terme*. Dans le *long terme*, par contre, la durée du travail relève davantage de la logique du temps choisi que du partage. Je m'efforcerai de justifier ce point de vue dans la suite.

Pour dépasser le niveau des demi-vérités, je chercherai dans les pages qui suivent à placer les problèmes de temps de travail sous un double éclairage, théorique et empirique. Une première partie apportera des éléments de réflexion économique, une seconde tentera de dresser le bilan des expériences européennes récentes. Je résumerai enfin les conclusions que je tire de cette double démarche.

I. Elements de reflexion economique

Temps choisi

La réduction de la durée de travail dans la vie se manifeste depuis environ 150 ans d'une façon très régulière (cf. tableau 1). Elle se produit sur trois fronts: durée hebdomadaire, durée annuelle (congés), durée de la

Tableau 1: *Indice des heures travaillées dans la vie - Royaume-Uni.*

Année	1891	1911	1931	1951	1971	1981
Hommes	153	146	126	118	100	88
Femmes	51	46	41	40	40	40
Hommes et Femmes	102	96	83	79	69	64

Source: Armstrong (1984).

vie active (retraite). Durées hebdomadaire et annuelle diminuent tendanciellement et parallèlement, à un taux annuel de 1/2% environ (cf. tableau 2). La durée de la vie active est raccourcie à l'entrée par l'allongement des études, à la sortie par l'abaissement de l'âge de la retraite. La durée moyenne de la vie active a cependant augmenté, entre le début et le milieu du vingtième siècle, grâce à l'amélioration de la santé et de la longévité.[3]

La réduction tendancielle de la durée individuelle absorbe environ un tiers des progrès de la productivité horaire du travail. Ceci semble bien répondre au choix des travailleurs de prélever une partie des fruits du progrès sous forme de temps retrouvé, mais la plus grosse partie sous forme de revenus, donc de consommation, ou de sécurité (sociale). Dans une certaine mesure, les décisions sont individuelles: temps partiel, interruptions de carrière ou retraite progressive relèvent parfois (mais encore trop rarement, j'y reviendrai) du temps choisi. Pour une majorité de travailleurs, cependant, les horaires hebdomadaires et les congés annuels font l'objet de conventions au niveau de l'entreprise, du secteur ou parfois du pays. Les régimes légaux de retraite ont typiquement une portée nationale. L'équilibre financier des caisses de retraite est aujourd'hui fragile dans plusieurs pays, ce qui freine l'abaissement de l'âge conventionnel de retraite.

Comment les désirs des travailleurs pour l'affectation des fruits du progrès se concrétisent-ils, lorsque la décision est collective? La théorie économique traite plus généralement les "conditions de travail" (dont les horaires sont un aspect) comme des *biens publics*, dont la théorie est bien développée et facile à illustrer.[4] Considérons le choix du nombre d'heures

[3] Au Royaume-Uni, la durée moyenne est passée de 36 ans à 40 ans entre ces deux dates.

[4] Cf. Milleron (1972).

Tableau 2: *Nombre d'heures annuelles de travail par personne disposant d'un emploi, 1870-1992.*

	1870	1913	1929	1938	1950	1973	1992
Autriche	2 935	2 580	2 281	2 312	1 976	1 778	1 576
Belgique	2 964	2 605	2 272	2 267	2 283	1 872	1 581
Danemark	2 945	2 553	2 279	2 267	2 283	1 742	1 638
Finlande	2 945	2 588	2 123	2 183	2 035	1 707	1 643
France	2 945	2 588	2 297	1 848	1 926	1 771	1 542
Allemagne	2 941	2 584	2 284	2 319	2 316	1 804	1 563
Italie	2 886	2 536	2 228	1 927	1 997	1 612	1 490
Pays-Bas	2 964	2 605	2 260	2 244	2 208	1 751	1 338
Norvège	2 945	2 588	2 283	2 118	2 101	1 721	1 465
Suède	2 945	2 588	2 283	2 204	1 951	1 571	1 515
Suisse	2 984	2 624	2 340	2 257	2 144	1 930	1 645
Royaume-Uni	2 984	2 624	2 286	2 267	1 958	1 688	1 491
Australie	2 945	2 588	2 139	2 110	1 838	1 708	1 631
Canada	2 964	2 605	2 399	2 240	1 967	1 788	1 656
Etats-Unis	2 964	2 605	2 342	2 062	1 867	1 717	1 589
Japon	2 945	2 588	2 364	2 391	2 166	2 042	1 876
Médiane	2 945	2 588	2 282	2 242	2 019	1 747	1 578

Source: Maddison (1995, p. 266).

de travail dans un atelier où les ouvriers sont rémunérés à l'heure. Chaque ouvrier évaluera (en unités monétaires) son propre taux marginal de substitution (TMS) entre revenu et loisir, c'est-à-dire le salaire horaire qui le rend indifférent entre travailler ou non une heure de plus (par semaine). Le taux augmentera normalement avec la durée hebdomadaire du travail (la rareté du loisir), dessinant une courbe d'offre d'heures ascendante. Chaque ouvrier souhaitera une durée telle que son TMS soit égal au salaire en vigueur: c'est la durée optimale pour lui.[5] Ces durées optimales varieront d'un individu à l'autre, en fonction notamment de l'âge, du sexe, de la situation de famille, des ressources patrimoniales, de l'attrait du travail, etc. Le choix collectif doit donc concilier (agréger) les préférences individuelles. Si les décisions se prennent par vote à la majorité, elles correspondront aux

[5] Les économistes traitent les problèmes d'allocation du temps entre travail et loisir par les mêmes techniques que l'allocation du revenu entre consommation et épargne ou l'allocation du budget de consommation entre logement, habillement, alimentation etc.

préférences de l'électeur médian:[6] une moitié des ouvriers souhaitera alors travailler davantage, une autre moitié travailler moins. Cette solution toute théorique trouve une confirmation grossière dans le fait que les enquêtes relatives aux horaires souhaités ne font pas apparaître de majorités claires en faveur d'un changement, cf. e.g. Van den Bergh et Wittelsburger (1981).

En raison des différences entre individus et groupes sociaux, l'efficacité économique s'accroît avec la possibilité de choix individuels: temps partiel et heures supplémentaires au sein d'une entreprise, cumul d'emplois[7] ou horaires différents selon les entreprises.

La réduction de la durée individuelle du travail s'accompagne de réorganisations diverses, telles le recours au travail en équipe (travail posté) et au travail du samedi ou du dimanche, qui permettent de dissocier ("découpler" lit-on parfois) les horaires des entreprises de ceux des travailleurs, cf. tableau 3. Au fur et à mesure que la durée hebdomadaire du travail diminue, cette dissociation s'impose, si l'on veut maintenir (ou augmenter) la durée d'utilisation des équipements et limiter les investissements matériels. Les formules de réorganisation sont largement inspirées par la technologie, la rentabilité ou le service à la clientèle. C'est pourquoi le recours à ces formules varie d'entreprise à entreprise, et aussi de pays à pays. Les disparités entre pays jettent un doute sur l'hypothèse que les formules retenues soient toujours les meilleures.

Les horaires de travail ne constituent qu'une facette parmi d'autres de la gestion du temps. Parmi les autres facettes, les activités d'éducation et de loisirs, le travail ménager méritent une attention particulière. Les horaires de ces activités relèvent d'une logique différente. Pour l'éducation des jeunes, les horaires sont (je l'espère!) guidés par la pédagogie. Les heures de travail des enseignants s'y ajustent. La non-coïncidence des horaires scolaires avec les horaires de travail pose problème à beaucoup de parents. Pour l'éducation des adultes et les loisirs, les horaires sont choisis en dehors des plages utilisées systématiquement pour le travail salarié.

Ainsi, lorsqu'à partir de 1950 la semaine de travail "typique" s'est progressivement concentrée sur 5 jours (au lieu de 6 auparavant), les activités de loisirs et d'éducation adulte ont englobé le samedi. Les écoles ont adopté la semaine de 5 jours beaucoup plus tard, sans doute moins pour des raisons pédagogiques que pour permettre une organisation plus simple des loisirs familiaux.

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[6] Si les préférences individuelles sont distribuées symétriquement par rapport à la médiane, cette solution est économiquement efficace.

[7] Dans l'Europe des 15, quelque 5 millions de travailleurs, soit 3.5% des personnes ayant un emploi, *déclarent* exercer une seconde activité et y consacrent en moyenne 12 heures/semaine.

Tableau 3: *Pourcentage des travailleurs ayant des horaires atypiques, 1995.*

	Travail en équipe		le samedi		le dimanche	
	habituellement	parfois	habituellement	parfois	habituellement	parfois
Belgique	12.9	2.4	19.0	21.4	9.4	15.0
Danemark	6.6	1.4	26.9	19.7	19.6	15.8
Allemagne	9.0	1.6	22.5	17.3	11.1	10.5
Grèce	7.5	2.8	44.2	19.5	14.2	18.0
Espagne	5.1	0.7	39.3	5.1	15.6	3.3
France	7.5		24.9	29.5	8.8	20.2
Irlande	9.6	4.1	31.2	29.1	18.3	17.8
Italie	13.9	3.6	41.7	20.6	8.1	13.6
Luxembourg	10.8	1.1	20.3	21.5	9.3	14.4
Pays-Bas	7.0	6.5	27.2	13.2	14.6	8.6
Autriche	13.4	3.1	25.2	21.2	13.8	13.0
Portugal	5.9	0.2	31.2	4.2	12.4	1.5
Finlande	20.0		29.4	15.3	21.0	12.4
Suède	21.5	1.7	18.5	20.8	15.8	18.3
Royaume-Uni	13.3	3.2	24.7	36.7	12.3	29.1
Europe 15	10.3	1.8	28.3	21.9	11.7	15.5

Soruce: *Eurostat*, 1996.

Le travail ménager continue à peser principalement sur les épaules des femmes, quels que soient leurs horaires professionnels.[8] Je n'avalise pas, je constate. Aussi longtemps que durera cette asymétrie culturelle, les femmes éprouveront plus de difficulté que les hommes à concilier famille et travail, même en dehors de la période de fécondité et de première enfance. Elles consacrent également plus de temps à l'accompagnement des personnes malades ou âgées.

Idéalement, on souhaiterait que la société globale cherche à organiser au mieux la gestion du temps pour toutes les activités, en réalisant un équilibre entre leurs exigences respectives. C'est extrêmement difficile,

[8] Selon l'enquête Equipes Populaires (1990), un ou une belge exerçant un emploi à temps plein consacre *en moyenne* 1 heure par jour aux trajets, et 8 heures au travail, ce qui laisserait 6 à 7 heures libres, y compris pour le travail nénager, auquel les hommes disent consacrer 2 heures, les femmes 3. La différence est plus forte en l'absence d'activité professionnelle. Le temps consacré aux activités ménagères diminue rapidement lorsque le revenu augmente.

parce que les lieux de décision sont épars: instances politiques, conventions collectives, entreprises, écoles, organismes culturels ou sportifs ... *Le marché n'est pas une institution adaptée à la solution de ce problème.* Dans la recherche d'une gestion équilibrée du temps, le point de vue des femmes devrait être prépondérant: d'une part, elles en subissent davantage les conséquences; d'autre part, elles s'impliquent davantage et connaissent mieux les problèmes. Il faut malheureusement reconnaître que leur poids politique, syndical, économique ou même culturel reste faible au regard de leur implication.

Partage du travail[9]

Pour poser le problème du partage du travail, il faut partir d'une considération complémentaire à celles qui précèdent et parler "emplois", plus précisément même, "emplois stables". Un emploi stable est une relation de travail considérée par les deux parties comme appelée à se prolonger aussi longtemps que les circonstances le permettront, sans qu'aucune des deux parties y mette fin pour des raisons futiles — comme ce pourrait être le cas pour des emplois "occasionnels", c'est-à-dire limités à l'exécution d'une tâche précise pendant une durée donnée, sans présomption de reconduction.

Les emplois stables permettent l'acquisition d'expérience, le développement de relations interpersonnelles complexes, la constitution d'un capital de confiance réciproque, la mise en oeuvre de motivations et de récompenses (promotion, participations bénéficiaires) dans la durée, l'alternance des tâches, etc. C'est dans le cadre d'emplois stables que peuvent éclore (ou pas, naturellement) l'épanouissement dans le travail et la création d'un capital de productivité ("firm-specific human capital").

Les emplois stables sont importants pour les travailleurs, pour deux raisons. D'une part, ils favorisent l'épanouissement dans le travail, je viens de le rappeler. D'autre part, ils apportent les espérances de sécurité économique mais aussi de permanence géographique et sociale requises pour créer les relations et les insertions durables qui améliorent la qualité de vie: fonder une famille, acquérir un logement, entretenir des relations amicales, appartenir à une communauté locale, avec ses dimensions éducative, médicale, culturelle, sportive, etc.

La plupart des adultes attachent du prix à l'exercice d'un emploi stable

[9] Les remarques qui suivent sont développées plus systématiquement dans Drèze (1986, section 2).

— à l'intérieur duquel ils offrent des heures de travail soumises au taux marginal de substitution décroissant entre revenu et loisir évoqué plus haut.[10] Différentes personnes attachent des prix différents à l'exercice d'un emploi stable. En particulier, ce prix varie avec l'âge et la situation familiale, croissant progressivement au début de l'âge adulte pour atteindre son sommet au moment où les charges familiales sont les plus lourdes, puis s'atténuer à mesure que ces charges diminuent.

Du point de vue des entreprises, l'offre d'emplois stables comporte un coût d'entrée: frais de prospection et de recrutement, période de formation dans l'entreprise, engagements à terme (e.g. augmentations barémiques liées à l'ancienneté et primes de licenciement). En outre, la création d'un emploi stable suppose une perspective d'activité elle aussi stable, donc soutenue par une demande pour les biens ou services produits par l'entreprise. Des anticipations pessimistes ou trop incertaines découragent les entreprises de payer le coût d'entrée. Elles se reportent alors sur des contrats temporaires, des travailleurs intérimaires, des heures supplémentaires ou de la sous-traitance. Corrélativement, le coût d'entrée et le capital de productivité incitent les entreprises à ne pas licencier leurs employés stables en cas de baisse temporaire du niveau d'activité. Il y a alors rétention temporaire de main-d'oeuvre excédentaire — et inélasticité de l'embauche aux salaires comme à la durée du travail.

Or il faut reconnaître que les économies de marché décentralisées sont atteintes d'une faiblesse structurelle, à savoir la volatilité de la demande agrégée. Ce n'est pas ici le lieu d'introduire un exposé de théorie macro-économique, au demeurant difficile en raison du manque d'unanimité entre théoriciens. Mais les données statistiques sont parlantes. Entre 1928 et 1935, le revenu national (PIB) réel a régressé de 29% en Amérique du Nord et de 10% en Europe occidentale (cf. Maddison 1995, p. 71). Entre la période 1950-1973 et la période 1973-1994, les taux de croissance du PIB réel sont retombés de 4 à 2.5% en Amérique du Nord et de 4.8% à 2.1% en Europe occidentale — entraînant des réductions cumulées de croissance de quelque 35% et 70% respectivement. Depuis 20 ans, les taux de croissance européens calculés sur 5 ans alternent entre 3% et 1.5%, soit des écarts cumulés de 7.5% sur 5 ans. Quelle que soit l'interprétation théorique du phénomène, son amplitude ne fait pas de doute, avec les conséquences inéluctables pour la volatilité de la demande de travail. Aujourd'hui, nous sommes confrontés à un chômage massif et à une grande incertitude sur

[10] La majorité des études économiques ignore malheureusement la distinction emploi-heures, par paresse intellectuelle ou technique ...

l'évolution macro-économique à moyen terme. Nous vivons donc ce problème de façon aiguë.

L'absorption des fluctuations économiques par du chômage entraîne une double inefficacité: gaspillage de ressources, surtout humaines mais aussi physiques (sous-utilisation des capacités), alors que de nombreux besoins restent insatisfaits, d'une part; répartition inefficace des emplois et des heures travaillées entre actifs et inactifs, d'autre part. Le thème du partage du travail concerne le second aspect.

Tout d'abord, en raison des différences individuelles concernant le prix attaché à un emploi stable, il y a coexistence systématique de chômeurs attachant un prix élevé à un emploi stable, et de titulaires de tels emplois y attachant un prix moindre. Mais il n'y a pas de marché pour échanger ces emplois. (Le fait que le prix attaché à un emploi stable diminue avec l'âge explique le recours fréquent à la prépension en Europe). Ensuite, parce que l'offre d'heures de travail est caractérisée par un taux marginal de substitution croissant (avec les heures prestées) entre revenu et loisirs, la répartition des heures prestées entre actifs et inactifs est inefficace. Un plus grand nombre d'emplois (même occasionnels) avec des horaires plus légers serait globalement plus efficace, à productivité donnée. (On trouve ici une justification du temps partiel). Mais la multiplication des emplois est freinée par les coûts d'entrée.

Si l'on reconnaît un degré d'instabilité structurelle aux économies de marché décentralisées, et si l'on considère que les inefficacités décrites au paragraphe précédent sont significatives, il est naturel de chercher à partager les emplois et les heures pendant les périodes de récession. C'est d'ailleurs bien l'approche que suivrait naturellement une institution coopérative, comme un kibboutz. Confronté à une chute d'activité temporaire, un kibboutz veillerait à répartir efficacement la charge de travail réduite entre ses membres, au lieu de réduire à l'inactivité une partie arbitraire de ceux-ci, en particulier les plus jeunes, tout en maintenant un horaire plein pour les autres.

Choisir de partager

Le défi auquel nous sommes confrontés en Europe aujourd'hui est celui de toute économie connaissant un taux de chômage élevé, dont la résorption ne peut être espérée sans un délai significatif: *est-il possible d'améliorer le partage du travail (emplois et/ou heures) à court ou moyen terme, par des mesures compatibles avec une gestion efficace du temps à long terme?* Les pages précédentes montrent que ce serait souhaitable. La plupart des pays européens ont cherché le moyen d'y parvenir, avec des résultats parfois décevants, dont la deuxième partie rend compte. La

réflexion économique et l'expérience permettent au moins de clarifier la nature du défi.

Une perception correcte de l'horizon temporel (des temps opératoires) apporte une première clarification. Lorsque j'ai commencé à réfléchir au partage du travail, il y a presque 20 ans, je partais de l'observation suivante: l'impact sur l'emploi de réductions du coût salarial est faible à court terme (élasticité @ -0.15) mais substantiel à long terme (élasticité < -1);[11] pour lutter efficacement contre le chômage, la modération salariale est au mieux un instrument de long terme (disons à 10 ans). Par contre, on pourrait espérer des résultats plus rapides en réduisant le temps de travail — même avec une hausse de coût à court terme, pour autant que le coût à long terme n'augmente pas. En particulier, on pourrait anticiper la réduction tendancielle de la durée du travail, réaliser en une fois la réduction des 10 prochaines années, tout en veillant à ce que toute hausse de coût éventuelle soit clairement perçue comme temporaire et annulée à terme.

Je me trompais sur un point, que l'expérience a mis en lumière. *L'impact sur l'emploi de mesures de réduction du temps de travail est lui aussi faible à court terme, et demande aussi longtemps pour sortir ses effets que la modération salariale.* En dehors de canaux particuliers — prépension, temps partiel et subsidiairement interruption de carrière — la réduction de la durée annuelle de travail ne crée des emplois qu'à moyen terme, surtout en période de récession prolongée.[12]

La question posée aujourd'hui est donc de savoir si nous voulons recourir à la réduction de la durée du travail *en tant que mesure à moyen terme de lutte contre le chômage.* Compte tenu de l'ampleur du chômage aujourd'hui et des perspectives sombres de résorption à court terme, je crois que nous ne pouvons rejeter l'idée de favoriser le partage du travail, en accélérant temporairement la réduction de la durée du travail.[13] C'est d'ailleurs bien ce qui s'est produit depuis 1979: réduction rapide au début des années 80, insignifiante de 1985 à 1995; cf. tableau 4.

Conçue comme mesure à moyen terme, la réduction de la durée du travail pose aux travailleurs le problème qu'ils résolvent depuis 150 ans: comment répartir les fruits du progrès entre temps retrouvé et hausses de

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[11] Cf. Drèze et Modigliani (1981).

[12] Le Japon a entrepris en 1987 de ramener la durée hebdomadaire du travail de 48 à 44 puis à 40 heures, apparemment dans un but de maintien de l'emploi. La durée annuelle moyenne semble avoir diminué de 10% sur 10 ans; cf. OECD (1997).

[13] Certes, l'évolution démographique nous aidera à résorber le chômage au début du 21ème siècle, mais elle nous invitera aussi à prolonger la vie active *effective*, pour rééquilibrer les charges de pension; ce faisant, nous augmenterons l'offre de travail, ce qui rendra plus difficile la résorption du chômage.

Tableau 4: *Heures annuelles moyennes par personne au travail.*

	1973	1985	1994	Rapport 1985/73	Rapport 1994/85
Belgique	1872	1643	1603	0.88	0.98
Danemark	1742	1586	1568	0.91	0.99
Allemagne	1804	1674	1590	0.92	0.95
Grèce	2000	1803	1803	0.90	1.00
Espagne	2150		1741		
France	1771	1696	1670	0.96	0.99
Irlande	2010	1815	1747	0.90	0.96
Italie	1612	1710	1682	1.06	0.98
Pays-Bas	1751	1654	1447	0.94	0.87
Portugal	1900	1871	1847	0.98	0.99
Royaume-Uni	1688	1684	1683	0.99	1.00
Moyenne non pondérée	1845	1696	1671	0.92	0.99

Source: 1973: Maddison (1995, p. 266); 1985-94: OECD (1997, p. 31).

revenu? En effet, à moyen terme, la réduction de la durée du travail sera payée par les travailleurs, ou alors elle détruira des emplois au lieu d'en créer (par l'effet de la hausse des coûts salariaux). Les mesures parfois ingénieuses imaginées pour réduire le temps de travail sans perte de revenu individuel[14] sont des solutions de court terme, qui ne résistent pas à la durée. A long terme, les travailleurs doivent "acheter le temps retrouvé".

La question naturelle est alors de savoir si les modalités de réduction du temps de travail offrent un gain de qualité de vie compensant la perte de revenu. J'ai évoqué plus haut les termes généraux de ce choix pour chaque personne ou ménage. J'évoquerai en conclusion un exemple précis (la semaine de 4 jours, avec passage progressif de 36 à 32 heures/semaine). L'idée de lutter contre le chômage ajoute cependant une dimension supplémentaire à la question: *alors même que la réduction du temps de travail dépasserait l'ampleur souhaitée par le travailleur médian, serait-elle justifiée par les perspectives de partage du travail qu'elle ouvre?* Il s'agit cette fois d'un choix collectif, concernant les inactifs (d'aujourd'hui et de demain), et plus seulement les actifs arbitrant loisirs et revenus.

[14] Il s'agit essentiellement d'anticiper les gains de productivité et de mobiliser les économies de l'assurance-chômage.

Tel est bien le défi d'aujourd'hui. Il est plus complexe, en raison de la dimension de partage entre actifs et inactifs. Le fait que le partage s'inscrive dans la durée ne simplifie pas les choses — même si tout actif d'aujourd'hui est un inactif potentiel de demain. Et je ne saurais trop rappeler que les options concrètes concernent l'organisation du temps dans toute la vie sociale, et pas seulement au travail.

II. Bilan des experiences recents

Dans cette deuxième partie, je vais essayer de résumer brièvement les leçons de l'expérience acquise en Europe depuis 20 ans. Je traiterai successivement quatre façons de partager le travail: transformer des heures en emplois, par la réduction de la durée hebdomadaire ou annuelle; échanger des emplois, par la retraite anticipée; partager des emplois, par le temps partiel; et enfin échanger des emplois temporairement, par l'interruption de carrière.

Les heures hebdomadaires et annuelles

Durant la décennie qui a suivi le premier choc pétrolier, la durée annuelle effective du travail a diminué dans presque tous les pays européens; cf. tableau 4. Ramenée à une base hebdomadaire, la réduction a porté sur 2 à 3 heures, soit 5 à 8%. D'une part, la récession rendait le recours aux heures supplémentaires superflu. D'autre part, la montée du chômage invitait à anticiper la réduction tendancielle, dans l'espoir de stimuler l'embauche. Le caractère d'anticipation ressort du tableau 4: la durée annuelle n'a pratiquement pas bougé pendant la décennie suivante. Le souci de stimuler l'embauche a trouvé deux expressions: d"une part des mesures générales contraignantes, plutôt modiques; d'autre part, des mesures d'incitation, offrant des avantages fiscaux aux entreprises pour une réduction de la durée effective accompagnée d'embauche nette.

Les mesures générales ont eu un effet en termes d'embauche dans le cas des entreprises qui travaillent en continu et sont, arithmétiquement, obligées de recruter davantage quand le temps de travail de chaque équipe diminue. En dehors de ce cas-là, tous ceux qui ont cherché à mettre le doigt sur des exemples d'embauche consécutive à la réduction, par exemple de 40 à 39 heures en France, de 40 à 38 heures directement ou par paliers en Belgique, ont éprouvé beaucoup de difficulté à en trouver.[15]

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[15] Cf. Commissariat général du Plan (1985) ou Quatrième Congrès des Economistes belges de langue française (1980).

L'explication est simple: cela se passait pendant une période de contraction d'activité économique où la plupart des entreprises cherchaient à réduire leur emploi plutôt qu'à l'augmenter. Les entreprises qui ont accepté facilement la réduction des heures étaient celles qui pouvaient l'absorber sans perte de production et sans embauche. L'opposition la plus forte s'est manifestée, à juste titre, dans les secteurs où la réduction des heures se traduit arithmétiquement par une perte de production proportionnelle; c'est le cas, par exemple, dans les usines de montage automobile, où l'on travaille à deux équipes cinq jours par semaine.

En réalité, c'est pendant les années de reprise de 1987 à 1990 que l'effet de la réduction de la durée hebdomadaire du travail s'est fait sentir. A la fois parce que toutes les réserves de main-d'oeuvre avaient été épuisées par la contraction des heures, ne laissant plus de marge dans les entreprises; et parce que la reprise d'activité s'est faite sur une base de 38 heures plutôt que de 40 heures, ce qui impliquait nécessairement davantage de personnel.

Quant aux mesures d'incitation, elles ont touché un petit nombre d'entreprises, en particulier des entreprises en expansion, ouvertes à l'embauche ou avides de flexibilité dans les horaires. Récemment, la loi dite de Robien en France et une loi similaire en Belgique ont rajeuni les mesures d'incitation. En France, un millier d'entreprises, occupant quelque 100 000 personnes, se sont prévalues de cette loi. Les effets nets sur l'emploi n'ont pas encore été estimés.

Dans certains cas isolés d'entreprises en contraction, la réduction des heures a permis d'éviter des licenciements. L'exemple de Volkswagen évoqué ci-dessus, est frappant mais exceptionnel.

La préretraite ou prépension

Ce mode de partage du travail a eu en Europe des effets significatifs.[16] Particulièrement au Royaume-Uni, en France, en Allemagne et en Belgique, les programmes de prépension mis en place à la fin des années 70 ou au début des années 80 ont soustrait à la force de travail antre 3 et 4% de l'ensemble de la population active. Ce sont là des chiffres significatifs. Dans ces pays, l'on connaîtrait aujourd'hui un taux de chômage plus élevé s'il n'y avait pas eu de programmes de prépension. Tels sont les faits. Je ne porte pas de jugements sur l'attrait de la prépension par comparaison avec d'autres formes de partage du travail. Je constate que ce mode de partage a eu un impact significatif. Pour autant que l'on puisse juger (les chiffres ne sont pas toujours facile à interpréter), environ un tiers de ces prépensions sont liées à des fermetures d'entreprises ou à des réductions importantes

[16] Drèze (1986), section 4.1.

d'activité, environ un tiers à des prépensions souhaitées, et le troisième tiers à des prépensions imposées dans le cadre d'entreprises ne faisant pas l'objet de restructurations majeures. Mais ce sont là de simples ordres de grandeur.

Tant en France qu'au Royaume-Uni et en Belgique, la prépension a permis un partage du travail lorsqu'elle s'accompagnait d'une obligation d'embauche. Dans les autres cas, elle a permis au mieux d'éviter des licenciements. Quant au coût budgétaire des prépensions, il a été fort variable — de l'ordre de 200 000 francs belges en moyenne pour ces trois pays, mais en Belgique, 100 000 francs seulement dans le cas d'un ouvrier remplacé, et jusqu'à 400 000 francs dans le cas de certains employés. Humainement, la prépension imposée est ressentie comme une contrainte, voire comme une atteinte à la dignité. Le résultat net de l'ensemble de ces programmes n'est donc pas exempt d'ambiguïtés. Mais ils ont rencontré un important succès quantitatif.

On ne peut malheureusement pas en dire autant de la retraite progressive. Dans les enquêtes sur les *desiderata* en matière d'aménagement du temps de travail, il est généralement très difficile de dégager des majorités claires. Quand on demande à des personnes au travail: "Est-ce que vous souhaiteriez travailler plus d'heures ou travailler moins d'heures?, certains voudraient travailler plus d'heures et d'autres voudraient travailler moins d'heures. Mais une question a régulièrement donné lieur à des majorités importantes (de l'ordre de 70%), c'est la question: "Souhaiteriez-vous une transition de travail à temps partiel, entre la période de pleine activité et la période de retraite?". Cette formule de partage temporaire — limitée à une plage dans la vie active d'une personne — serait très naturelle. Beaucoup de personnes qui ont la maîtrise de leur temps la pratiquent en passant progressivement à une activité réduite, sans connaître la cassure brutale du passage de l'activité à la retraite.

Ce passage est aujourd'hui fortement influencé par le sous-emploi. Comme on peut le constater au tableau 5, les taux d'activité diminuent rapidement après 55 ans. Si l'on se base (quelque peu arbitrairement) sur un âge normal de retraite de 65 ans pour les hommes et de 60 ans pour les femmes, on constate que *moins d'un quart des travailleurs atteignent cet âge normal* au travail: les trois quarts se répartissent entre chômage, retraite anticipée et incapacité de travail. Pour le groupe d'âge correspondant à la décennie qui précède et qui concerne 11.2% des hommes et 11.7% des femmes, le taux d'activité chute à raison de plus de 50% chez les hommes et de quelque 45% chez les femmes, soit en gros 6% de la population totale ou deux fois au moins le nombre de préretraités. Il semble clair qu'une forme de partage du travail s'opère des plus âgés vers les moins âgés comme le laissait prévoir la réflexion économique (prix attaché à un emploi stable diminuant avec l'âge).

Tableau 5: *Taux d'activité des travailleurs moins jeunes, 1995.*

	Hommes				Femmes			
	50-54	55-59	60-64	65-69	45-49	50-54	55-59	60-64
Belgique	82.3	53.2	18.6	3.9	57.0	41.9	21.5	5.4
Danemark	89.2	83.1	50.8	13.7	86.0	72.4	57.6	21.6
Allemagne	91.3	72.6	28.7	6.5	73.8	67.8	47.2	10.4
Grèce	88.2	74.8	47.4	22.1	46.0	34.0	28.9	20.2
Espagne	87.9	71.3	39.7	5.7	44.2	34.7	24.9	15.1
France	89.9	60.2	11.2	4.1	76.1	67.5	44.9	10.4
Irlande	84.6	73.0	56.1	24.7	43.1	35.1	26.3	15.2
Italie	79.0	57.4	29.9	10.3	48.1	35.6	19.8	7.8
Luxembourg	89.0	53.8	(14.8)		48.8	31.2	18.3	(8.2)
Pays-Bas	85.8	60.1	20.3	9.4	60.6	47.9	28.6	7.9
Autriche	86.5	62.9	20.0	10.0	69.3	59.6	27.6	9.8
Portugal	86.9	70.4	52.6	33.1	69.4	59.7	42.1	25.9
Finlande	81.4	58.2	21.7	9.5	88.2	80.8	56.2	17.9
Suède	92.9	85.7	56.8	15.3	93.0	90.6	79.0	47.5
Royaume-Uni	87.1	73.7	50.1	15.1	78.2	70.6	55.8	25.0
Europe 15	87.3	67.8	32.3	9.8	66.5	57.6	39.8	14.1

Source: *Eurostat*, 1996.

Il ressort en outre du tableau 6 que la fréquence du temps partiel n'est *pas* uniformément plus élevée chez les travailleuses âgées; chez les hommes, elle est strictement conforme à la moyenne, pour l'Europe des 15. Ceci confirme le peu de succès de la prépension à mi-temps et de la retraite progressive.

Ces données font apparaître trois problèmes.

(i) Les faibles taux d'activité des travailleurs âgés suggèrent une forme d'exclusion — du monde du travail, donc aussi de l'insertion sociale et relationnelle qui y est liée. Dans la mesure où les emplois correspondants sont occupés par des jeunes, c'est un moindre mal. Mais le problème reste entier pour les âgés inactifs et mérite notre attention, en particulier pour la promotion d'activités non-marchandes.

(ii) Les faibles taux d'activité posent une double question pour les régimes de retraite. Est-ce une raison d'abaisser l'âge normal de la retraite? Y a-t-il là une source de déséquilibre pour les caisses de retraite? Ma réponse personnelle à la première question est négative. Les prévisions démographiques et l'absence dans beaucoup de pays de réserves de

Tableau 6: *Travail à temps partiel, 1995.*

	Hommes + Femmes		Hommes		Femmes		
	Total	Services	Total	Services	Total	Service	groupe âge 50-64
Belgique	13.8	17.8	2.8	3.9	29.8	32.3	28.0
Danemark	21.6	27.0	10.4	14.1	35.5	38.1	40.0
Allemagne	16.3	21.4	3.6	5.3	33.8	35.6	44.0
Grèce	4.8	4.0	2.8	2.0	8.4	6.9	9.0
Espagne	7.5	10.1	2.7	3.5	16.6	18.1	5.0
France	15.6	19.5	5.1	6.7	28.9	30.9	30.0
Irlande	12.1	16.4	5.4	7.6	23.1	25.5	33.0
Italie	6.4	6.9	2.9	2.9	12.7	12.6	13.0
Luxembourg	7.9	10.0	(1.1)	(1.5)	20.3	20.6	
Pays-Bas	37.3	42.6	16.7	19.1	67.3	67.8	80.0
Autriche	13.9	17.5	4.0	4.7	26.9	28.7	33.0
Portugal	7.5	7.0	4.2	3.0	11.6	10.9	10.0
Finlande	11.8	14.5	8.0	10.2	15.8	17.4	4.0
Suède	25.8	31.6	10.3	13.2	43.0	44.8	23.0
Royaume-Uni	24.1	30.5	7.7	10.9	44.3	47.4	55.0
Europe 15	16.0	20.5	5.2	6.9	31.3	33.8	36.0
Europe 12 1987	13.0	17.2	3.9	5.0	27.8	30.9	

Source: *Eurostat*, 1996.

capitalisation pour les pensions légales suggèrent plutôt un relèvement de l'âge normal de la retraite au début du 21ème siècle, si le taux de chômage redescend vers des niveaux plus raisonnables (en particulier si le taux de chômage des jeunes rejoint celui des adultes). Ma réponse à la seconde question est également négative, pour autant que le revenu de remplacement des inactifs n'ayant pas encore atteint l'âge de la retraite ne soit pas mis à charge des caisses de retraite (en général, il ne l'est pas). Ce qui menace l'équilibre financier des caisses de retraite, c'est davantage le chômage que sa répartition par groupes d'âge.

(iii) La retraite progressive reste manifestement un souhait difficile à satisfaire.[17]

[17] Je relève cependant avec interrêt dans OECD (1995, p. 321) que la proportion d'hommes suédois travaillant à temps partiel quintuplait entre le groupe d'âge 55-59 et le groupe d'âge 60-64, où il atteignait 30%, en 1990. Je crois savoir que ce recours à la retraite progressive a fortement régressé depuis lors.

Le temps partiel

Le travail à temps partiel constitue la forme la plus controversée de partage du travail. Prôné par les uns au titre soit de la flexibilité des horaires soit de la lutte contre le chômage complet, il est rejeté par d'autres au titre de la faible qualité des emplois et de l'insuffisance du revenu.

Il est bien connu que le travail à temps partiel est exercé presque exclusivement par des femmes (cf. tableau 6). En Angletere, où le travail féminin s'était généralisé pendant la deuxième guerre mondiale, une enquête de 1977 (tableaux 7 et 8) faisait apparaître une forte concentration du travail à temps partiel parmi les mères de jeunes enfants, les femmes mariées de plus de 25 ans, et subsidiairement les célibataires âgées. Les données datent malheureusement de 20 ans.

L'intensité du travail à temps partiel est fort variable tant selon les pays que selon les secteurs (tableau 9). En gros, les pays du sud (Espagne, Grèce, Italie, Portugal) y recourent peu; le Danemark, la Suède, le Royaume-Uni et surtout les Pays Bas y recourent beaucoup.[18] Le tableau 9 ne détaille malheureusement que les secteurs marchands. Or ce sont certains secteurs non-marchands, à savoir l'éducation, la santé et le service social, qui emploient le plus grand nombre de femmes à temps partiel. Le tableau 9 fait ressortir l'importance du temps partiel dans le commerce de détail, connu pour l'inconfort des horaires et la modicité des rémunérations. Mais il révèle aussi que dans les institutions financières, le temps partiel est trois fois plus important en Allemagne qu'en Italie, et encore deux fois plus important en Suède qu'en France.

L'exercice du travail à temps partiel a sensiblement augmenté en Europe entre 1990 et 1995.[19] On peut y voir l'effet combiné: de la récession; des mesures prises dans plusieurs pays au début des années 80 pour éliminer les entraves réglementaires ou fiscales au temps partiel; et d'une évolution culturelle vers des horaires globaux (y compris le travail ménager et éducatif) moins lourds pour les femmes. L'évolution la plus significative est enregistrée aux Pays-Bas, où un sixième des hommes et plus de deux-tiers des femmes travaillent à temps partiel et où l'explication culturelle est mise en avant.

Le tableau 10 reproduit des données sur le pourcentage des personnes déclarant travailler à temps partiel par choix et le pourcentage des

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[18] La Finlande intrigue, avec son taux de temps partiel supérieur à la moyenne pour les hommes, mais inférieur pour les femmes; cf. tableau 6.

[19] Cf. les deux dernières lignes du tableau 6. L'exception la plus notable concerne les femmes danoises (dont 35.5% travaillaient à temps partiel en 1995, venant de 38.4% en 1990).

Tableau 7: *Proportion des femmes travaillant à temps partiel, par état civil et âge, Royaume-Uni, 1977.*

Age	14-19	20-24	25-34	35-44	45-54	55-59	60-64	65 et plus	total
Mariées	17.2	19.3	51.5	57.5	48.0	49.4	64.7	80.2	50.2
Non-mariées	4.1	4.3	14.9	20.7	21.5	33.3	50.0	70.5	21.1

Source: Jallade (1982).

Tableau 8: *Proportion des femmes de 16 à 59 ans travaillant à temps partiel, pas état civil et âge du plus jeune enfant, Royaume-Uni, 1977.*

Age du plus jeune	0-4	5-9	10-15	16 et plus	pas d'enfant à charge
Mariées	78	78	56	52	31
Non-mariées	49	52	35	34	6

Source: Jallade (1982).

demandeurs d'emploi cherchant un temps partiel. Les chiffres relatifs aux Pays-Bas suggèrent qu'une forte majorité des femmes (et une minorité croissante d'hommes) y ont opté pour un emploi à temps partiel. Parmi les explications que j'ai rencontrées pour cette situation unique en Europe, je relève ceci:

— 87% des entreprises y ont fait l'expérience du travail à temps partiel (Delsen, 1995);
— la qualité des emplois à temps partiel s'est relevée et les salaires féminins y seraient même supérieurs en moyenne à ceux d'emplois à temps plein (Tijdens, 1995);
— les femmes auraient renversé la prévention traditionnelle des syndicats à l'endroit du temps partiel (*ibidem*);
— des programmes publics (associés au nom du Ministre Melkert) ont subsidié le travail à temps partiel et en ont amélioré la protection (Delsen, 1997);
— les crêches et écoles maternelles sont moins accessibles aux Pays-Bas que dans certains autres pays d'Europe (EC Childcare Network, 1990).

Tableau 9: *Emploi à temps partiel en % de l'emploi total par activité économique, 1996.*

	B	DK	D	EL	E	F	IRL	I	NL	A	P	FIN	S	UK	EUR 15	Part total
Agriculture	6	19	18	11	9	17	6	12	28	19	26	16	22	19	15	5
Activités extractives	4	10	4	(0)	(0)	4	2	2	12	6	1	3		2	3	0
Industrie manufacturière	4	9	9	3	3	6	4	4	20	7	4	3	11	8	7	21
Prod. d'elect, gaz, eau	4	4	4	1	1	4	4	2	13	5	1		7	6	4	1
Construction	4	6	5	6	2	5	4	4	10	4	3	6	8	7	5	8
Distribution	17	26	23	4	8	15	16	7	37	20	7	20	25	38	20	15
Hôtels, restaurants	23	47	21	5	11	21	23	11	55	17	5	32	30	51	25	4
Transports, communications	5	12	10	2	3	10	6	4	24	8	3	7	17	11	9	6
Intermédiation financière	13	13	14	2	4	10	7	5	23	14	4	10	21	15	12	3
Service aux entreprises	15	20	23	4	14	16	9	11	33	23	11	17	21	21	19	7
Administration publique	14	15	14	1	3	18	8	3	24	10	1	3	12	14	12	8
Autres services	26	34	28	7	18	28	22	9	59	24	13	14	41	40	29	21
Emploi total	14	21	16	5	8	16	12	7	38	15	9	12	23	24	16	

Les colonnes correspondent, dans l'ordre, aux pays suivants:

Belgique, Danemark, Allemagne, Grèce, Espagne, France, Irlande, Italie, Pays-Bas, Autriche, Portugal, Finlande, Suède, Royaume-Uni.

Source: *Eurostat* (1997).

Tableau 10: *Travail à temps partiel souhaité, 1995.*

	Personnes travaillant à temps partiel, pourcentage ne souhaitant pas temps complet		Demandeurs d'emploi, pourcentage recherchant un emploi partiel	
	Hommes	Femmes	Hommes	Femmes
Belgique	8.7	10.9	(2.0)	17.7
Danemark	25.5	58.8	9.1	19.3
Allemagne	27.3	66.8	4.2	26.0
Grèce	24.2	39.4	3.4	4.4
Espagne	2.5	3.6	2.2	7.8
France	46.2	63.5	3.2	20.6
Irlande	13.2	25.1		34.2
Italie	19.0	28.2	5.3	27.3
Luxembourg		62.7		(30.2)
Pays-Bas	45.2	80.0	24.0	69.3
Autriche	15.7	18.0		34.2
Portugal	15.4	9.3		(1.8)
Finlande	23.2	27.3	4.7	11.1
Suède	36.5	56.9	9.9	17.5
Royaume-Uni	36.0	79.4	7.1	53.5
Europe 15	32.2	62.5	4.9	23.0

Source: *Eurostat*, 1996.

Le débat sur les avantages et inconvénients de l'extension du temps partiel féminin reste ouvert. Il paraît difficilement contestable que beaucoup de femmes mariées et mères de jeunes enfants souhaitent alléger leurs prestations de travail, au moins temporairement. L'objection selon laquelle on ne peut rencontrer ce souhait sans restreindre parallèlement les perspectives d'emploi à temps plein des autres femmes s'applique-t-elle aux Pays-Bas? Le débat n'est pas clos. Il est très important pour les femmes face au travail et à la famille.

Les interruptions de carrière

Dans plusieurs pays d'Europe, des mesures spéciales ont été prises pour favoriser les interruptions temporaires de carrière (congé parental, congés de formation, année sabbatique, ...). Les deux pays pour lesquels je dispose de chiffres récents sont le Danemark, où quelque 70 000 personnes

bénéficient de ces mesures (33 000 en congé parental, 34 000 en congé de formation, 3000 en année sabbatique), soit quelque 2.5% de la population active;[20] et la Belgique, où le chiffre est aujourd'hui de 51 000 (dont 35 000 en interruption complète et 16 000 en interruption partielle), soit quelque 1.2% de la population active. En Belgique, *85% des bénéficiaires sont des femmes*; le taux d'interruption de carrière est quatre fois plus élevé dans le secteur public (4%) où l'interruption est de droit, que dans le secteur privé où ce droit est limité.

L'expérience de deux pays fait donc apparaître une demande non-négligeable pour cette forme de temps choisi. Dans les deux pays cités, la personne en interruption de carrière est obligatoirement remplacée par un chômeur. Il y a donc aussi partage de travail. Budgétairement, l'opération est neutre, car la personne en interruption de carrière bénéficie d'une allocation d'un montant correspondant à celui d'une allocation de chômage. Socialement, l'interruption de carrière, jamais imposée économiquement, est plus attrayante que l'abaissement uniforme de l'âge de la retraite.

Certains mouvements préconisent la formule du "crédit-temps" — par exemple 5 ans d'interruption, obligatoires pour tous dans la carrière, au moment choisi par le travailleur (et prenant donc la forme de retraite anticipée obligatoire si il n'y as pas eu d'interruption auparavant). Cette formule est plus difficile à faire accepter par les entreprises, surtout quand il y a changement d'employeur en cours de carrière. Son caractère contraignant ne va pas dans la direction du temps choisi.

Conclusion

Les progrès de la technique et de l'organisation ne semblent pas menacés d'essoufflement, en particulier dans les services dont relèvent aujourd'hui deux emplois sur trois. C'est une raison de croire que *la réduction tendancielle de la durée individuelle du travail se poursuivra* elle aussi. On relève de surcroît des indices d'évolution culturelle allant dans ce sens. Cette tendance pourrait certes être freinée par une baisse des revenus du travail, c'est-à-dire un recul de productivité économique dominant les gains de productivité physique. C'est déjà le cas pour le travail moins qualifié.[21] Si cette situation se prolongeait ou se généralisait, la réduction des heures individuelles resterait malgré tout souhaitable aussi longtemps que le chômage sévit, dans un souci de partage du travail.

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[20] Au Danemark, les chômeurs bééficient également de l'interruption de carrière; ils ne sont pas demandeurs d'emploi pendant la période d'interruption.

[21] Cf. Drèze et Sneessens (1994).

Je tire 8 conclusions de l'exposé qui précède.

1. Une forme de temps choisi réalise parallèlement un partage du travail: l'interruption de carrière, dont bénéficient 2.5% de la population active au Danemark et 1.2% en Belgique (dont 85% de femmes). Ces chiffres sont à la fois significatifs et relativement modestes. Je regrette de ne pas disposer de chiffres pour d'autres pays. Nous rencontrons ici une formule entièrement souhaitable, dont on peut espérer qu'elle s'étende progressivement.

2. Le temps partiel temporaire répond aujourd'hui au souhait de nombreuses femmes mariées et/ou mères de famille âgées de 25 à 40 ans; "temporaire" pouvant signifier pendant 5, 10 ou 15 ans selon les cas. On voudrait que ce choix leur soit ouvert, sans pénalité pour leur carrière.

3. Beaucoup de travailleurs souhaiteraient une transition progressive de l'activité vers la retraite, c'est-à-dire une "prépension à mi-temps". Mais cette formule n'est guère pratiquée. Dans une optique de temps choisi avec partage du travail, la retraite anticipée relèverait alors elle aussi du temps partiel, qui apparaîtrait comme la forme principale et de temps choisi et de partage du travail.

4. On objecte cependant au travail à temps partiel qu'il ne concerne pratiquement, aujourd'hui, que les femmes; aux femmes de faible qualification, il est trop souvent imposé contre leur gré. Pour rencontrer ces objections, une requalification des emplois à temps partiel s'impose (horaires, salaires, droits, carrière, ...).

5. Pour beaucoup de travailleurs, l'interruption de carrière, le temps partiel ou la retraite anticipée sont des formules moins attrayantes que la réduction de la durée hebdomadaire ou annuelle du travail. La réduction tendancielle se poursuivra; son accélération temporaire peut combattre le chômage à moyen terme, si elle s'opère:

— sans augmentation durable des coûts salariaux (relativement à leur évolution de référence);
— sans pertes de production, par la dissociation des horaires des travailleurs et des entreprises;
— selon des modalités améliorant la qualité de vie.

6. Le partage temporaire du travail dans les entreprises disposant d'excédents de main-d'oeuvre mérite d'être encouragé.

7. La gestion du temps de travail et des activités hors-travail (ménagères, éducatives, sportives, sociales, politiques, de solidarité ...) pose des problèmes difficiles de choix collectif, qui devraient être influencés principalement par les femmes.

8. Pour réaliser une forme d'égalité entre les hommes et les femmes au travail, des changements d'attitude (en particulier des hommes, mais aussi des employeurs) et une évolution culturelle sont souhaitables.

Une approche intégrée pour rencontrer les conclusions 2, 3, 4 et 5 existe, à savoir *la semaine de travail de 4 jours avec 6 jours de fonctionnement des entreprises*: 4 jours de travail pour le temps choisi et le partage du travail, 6 jours de fonctionnement pour l'utilisation des équipements et la rentabilité. Je voudrais mettre en lumière la profondeur et la complexité de cette mutation à première vue anodine; et montrer comment elle pourrait répondre au souci de combiner partage du travail et temps choisi, notamment en encourageant le relèvement de la qualité des emplois à temps partiel et en facilitant leur exercice temporaire.

La formule envisagée impliquerait que les entreprises du secteur manufacturier et les services privés ou publics fonctionnent normalement 6 jours par semaine, du lundi au samedi — le travail du dimanche étant corrélativement réduit au strict minimum (industrie lourde, transports de personnes, hôtellerie, services de sécurité). Un travailleur à temps plein presterait quatre journées par semaine, éventuellement décalées selon une rotation préétablie. Le nombre de trajets hebdomadaires domicile-travail tombe de 4 à 5. Chaque semaine comporte au moins un jour libre en dehors du samedi. Des week-ends de 3 ou 4 jours peuvent alterner avec d'autre plus courts. La durée d'une journée de travail pourrait être fixée initialement à 9 heures (semaine de 36 heures) et ramenée progressivement à 8 heures (semaine de 32 heures), pour ménager une transition progressive vers une réduction sensible du temps de travail et en permettre le financement.

Du point de vue de la gestion globale du temps, de nouveaux défis surgissent. Un couple où deux adultes travaillent à temps plein souhaitera coordonner les deux horaires, soit pour disposer de loisirs en même temps, soit au contraire pour qu'au moins un des deux adultes soit à la maison quatre jours sur six. Dans le second cas, le partage des tâches, en particulier éducatives, peut ouvrir la voie à uun révolution culturelle. Le samedi n'est plus un jour de loisir généralisé[22] et privilégié pour l'organisation d'activités éducatives, culturelles, sportives ou politiques. Seul le dimanche reste privilégié. Les horaires scolaires étant guidés par des choix pédagogiques, on peut penser qu'ils resteraient étalés sur 5 jours, du lundi au vendredi. Un nouvel équilibre de coordination doit être recherché.

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[22] Rappelons cependant que 30% des européens travaillent régulièrement le samedi et 50% régulièrement ou occasionnellement (tableau 3).

Du point de vue des entreprises, la durée de fonctionnement augmente (de quelque 40% au début, 33% à terme). Mais une nouvelle organisation du travail s'impose, pour tenir compte du fait que, chaque jour ouvrable, un tiers du personnel est absent. Pour des tâches structurées, dans l'accomplissement desquelles les personnes sont substituables (automobile, aéronautique), cela ne pose pas de problème, sauf pour les cadres, et plus particulièrement les cadres de petites et moyennes entreprises. Mais pour des tâches personnalisées, c'est moins évident. Ainsi, une assez grande banque belge pratique la semaine de quatre jours avec cinq jours d'ouverture depuis 1974.[23] Le personnel s'étant vu offrir le choix entre travailler 4 jours (de 9 heures) ou 5 jours (de 7 heures 1/5), 90% a choisi la formule de 4 jours. Mais depuis 2 ans, cette banque engage à nouveau pour une semaine de 5 jours, en raison: (i) du nombre croissant de spécialistes pointus, dont l'absence 1 jour sur 5 est regrettée; (ii) de la difficulté d'organiser rapidement des réunions de plusieurs personnes, dont les jours de présence peuvent ne pas coïncider.

L'aspect le plus important est peut-être celui-ci: *avec 4 jours de présence pour 6 jours d'ouverture, toute le monde travaille à temps partiel du point de vue de l'entreprise.* L'organisation du travail est basée sur le principe que le temps partiel est la norme. La différence s'estompe entre un travailleur à temps plein présent 4 jours sur 6, à trois-quarts temps présent 3 jours sur 6, ou à mi-temps présent 2 jours sur 6. (Il est même commode d'organiser une présence continue avec un temps plein plus un mi-temps ou avec deux trois-quarts temps). Les horaires individuels peuvent être choisis, sans pénalité de performance.

Le fait que tout le monde travaille à temps partiel est la réponse effective (la seule?) aux problèmes d'intégration et de carrière rencontrés par les femmes qui choisissent (ou voudraient choisir mais n'osent pas) de travailler moins qu'un horaire complet, pour l'équilibre familial et la qualité de vie. C'est aussi le moyen de recourir plus efficacement au temps partiel:

— pour l'insertion des jeunes ou la formation en alternance;
— pour la retraite progressive (prépension à mi-temps);
— pour l'interruption de carrière à mi temps;
— pour partager le travail en périodes de récession.

Les problèmes illustrés ici par le passage à une semaine de 4 jours avec 6 jours d'ouverture sont communs à toutes les formules de dissociation entre horaires individuels et d'entreprise. Nous nous trouvons donc bien en présence d'une mutation profonde de l'organisation du travail et de la vie.

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[23] Cf. Cambier et Verbeke (1985).

Elle devrait faire l'objet d'un choix de société (difficile!), intégrant les différentes dimensions du problème (travail, familles, écoles, activités socioculturelles ...). Dans ce choix, le point de vue des femmes devrait être prépondérant, ce qui n'est pas facile à institutionaliser. Et le choix devrait se faire dans une optique prospective, intégrant dans toute la mesure du possible les innovations attendues de la révolution en cours des technologies de l'information. L'enjeu d'une égalité accrue entre hommes et femmes devant le travail s'ajoute à ceux du temps choisi et du partage du travail en récession pour solliciter notre attention.

POST-SCRIPTUM: LIEN AVEC LA DOCTRINE SOCIALE DE L'EGLISE

La promotion du temps choisi et du partage du travail s'inscrit dans le droit fil de la doctrine sociale de l'Eglise.

D'une part, cette doctrine met l'homme au centre de l'activité économique. *Laborem exercens* présente le travail comme "un bien pour l'homme" par lequel "il se réalise lui-même comme homme et même , en un certain sens, il devient plus homme" (§9). Cela suppose que "dans tout ce processus, l'homme se manifeste en même temps et se confirme comme celui qui domine ... Le travail humain a une valeur éthique qui, sans moyen terme, reste directement liée au fait que celui qui l'exécute est une personne, un sujet conscient et libre, c'est-à-dire un sujet qui décide de lui-même" (§6). La maîtrise du temps appartient indiscutablement à la maîtrise de l'homme sur son travail, à son épanouissement dans le travail. Cela vaut en particulier pour la femme, dont la promotion par et dans le travail doit être rendue compatible avec sa spécificité et sa vie de famille (§19).

D'autre part, la doctrine sociale de l'Eglise affirme sans équivoque le droit au travail, c'est-à-dire qu'elle revendique le plein emploi (cf. e.g. *Laborem exercens*, §18). Ce point de vue a été affirmé avec force dans diverse prises de positions collectives des évêques de France, de Belgique, des Pays-Bas, du Royaume Uni, des Etats-Unis et sans doute de bien d'autres pays. La référence explicite au partage du travail se retrouve dans plusieurs de ces documents.

Par contre, la doctrine sociale de l'Eglise semble aussi lente que les régimes de sécurité sociale à se dégager d'une conception du travail centrée sur l'homme chef de famille. Ainsi: "Une juste rémunération du travail de l'adulte chargé de famille est celle qui sera suffisante pour fonder et faire vivre dignement sa famille et pour en assurer l'avenir. Cette rémunération peut être assurée soit par l'intermédiaire d'autres mesures sociales, telles que les allocations familiales ou les allocations de la mère au foyer ..." (*Laborem exercens*, §19).

La réflexion actuelle concernant la sécurité sociale s'oriente timidement mais clairement, vers une conception individuelle des droits, davantage compatible avec la protection des personnes individuelles, souvent menacée par la fragilité des unions; cf. e.g. Atkinson (1996). Cette orientation pose un défi à l'Eglise catholique, pour qui la famille stable reste (à juste titre) le pilier de la société.

En même temps, la participation accrue et encore croissante des femmes à la population active semble bien refléter une volonté explicite des femmes de s'inscrire dans le programme des encycliques: "C'est par le travail que l'homme doit se procurer le pain quotidien et contribuer au progrès continuel des sciences et de la technique, et surtout à l'élévation constante, culturelle et morale de la société dans laquelle il vit en communauté avec ses frères" (*Laborem exercens*, §1).

La réalisation d'un programme d'égal accès des femmes et des hommes aux revenus d'une part, à l'épanouissement par le travail d'autre part, est un défi auquel la doctrine sociale de l'Eglise ne peut rester étrangère. Ce n'est pas une ligne de force des textes existants. Ce n'est (malheureusement) pas non plus un domaine où la vie de l'Eglise a valeur d'exemple. Il y a là sans doute un thème privilégié pour l'Académie pontificale des Sciences humaines.

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Summary of the Discussion

The relationship between technological retraining and job-sharing was raised. Now, school leavers and university graduates are informed that their job skills will be obsolescent after a few years and that they will require retraining. Since to retrain is costly for the employer or society in general, will this not inhibit the propensity of firms to allow job sharing?

(Prof. Drèze). Just as I stressed that there is a fixed cost involved in creating regular jobs, so I would not deny that further costs attach to retraining. Let us not forget, however, that in both cases it is labour which supplies the financial resources. I do not doubt that Renault saved costs by closing down its Belgian plant, rather than sharing the work across a dozen European plants. However, this was a mistake for Renault itself because although its stock market value rose 15% on the day of closure, it fell by the same amount in succeeding weeks. I thus congratulate Volkswagen which accepted a trade-off between immediate cost-effectiveness and maintaining the good will of workers by refusing to close down plants. This is a difficult problem, but one for which market mechanisms are inadequate, and whose solution depends upon negotiated agreements, where costs and benefits are balanced and shared fairly.

All social teaching since *Rerum novarum* has insisted upon the "family wage" earned by the male breadwinner. I thus wonder whether the presentation did not over-estimate the condition of the individual worker at the expense of the family? In this connection it is surprising that no reference was made to the work of Gary Becker who, as a Jewish economist, has done much to revitalise the family and to stress the socio-economic contribution it makes, above all in the formation of human capital.

(Prof. Drèze). What I said in conclusion was not that the model of the male breadwinner was outdated or useless, but rather that another point of view had emerged over the last 20 or 30 years which now attracts attention because of the instability of partnerships (married or otherwise). Frankly I see the priority as being those who are poorest, and in our societies this means single mothers who are not rooted in the traditional family. The

social teaching of the Church must engage with this problem, without making the single mother the prototype of the Christian family. Here there are various demands to juggle, but there are also a variety of concrete possibilities, such as remunerating motherhood itself. Just because the united family may be the ideal, nevertheless departures from it cannot be ignored by policy-makers or in ethical discussions.

The prime reason for making no reference to Becker's work was that he is not concerned with job-sharing. However, there are substantial differences between us, particularly over two points. His valorisation of the family presents it as a choice between quantity and quality of children, but quality is reduced to the amount spent upon them, rather than the socialisation they acquire. Secondly, he believes that all unemployment is voluntary and an expression of a preference for leisure at the moment, without noting the absence of corresponding increases in the sale of skis, golf clubs and other leisure products! Therefore, there is indeed a certain fundamental discord between us in our approaches to economics.

If we turn to the rates of employment of older workers, the statistics presented seem to call for further explanation. In France, for example, 11.2% of men aged 60-64 work, compared with nearly 57% for males in Sweden. Firstly, are these expressions of preferences or factual data? Secondly, are there other possible explanations than structural causes, such as the official age of retirement or differences in national preferences for length of working life?

(Prof. Drèze). The figures referred to are factual data. In France the official age for retirement is 60, and just before that birthday 60.2% of men are in work: immediately after it, the figure falls to 11%. The Swedish retirement age of 65 produces higher percentages of those in work in this 60-64 age group. Secondly, structural factors (including market disequilibrium) does account for most of the variance. In substantiation, an OECD report gave statistics on the non-active population, by age group, and found that half of the older non-employed in the Netherlands were considered medically unfit to work: but this means that the Dutch social security system enables the systematic transfer of people out of the unemployed category (and into that of those with physical disabilities) who in other countries would appear as unemployed. Thus, from the corpus of statistics available, the dominant factor is mass unemployment which is disproportionately concentrated among the older workers.

The possibility was mentioned of taking leave from employment for a number of years but retaining the right to return; how does this work since the employer may end up with two employees and prefer the more recent one?

(Prof. Drèze). The replacement is on a fixed term contract and the employee returning to work cannot be fired for a year. The main problem is that job requirements change rapidly and those returning after several years have not up-dated their skills. This could be overcome if those taking time out, like mothers, remained in part-time employment, doing enough hours to stay in touch with the evolution of their jobs: otherwise they run the risk that their careers will be significantly slowed down.

Will the radical change produced by ageing in the demographic structures of Europe, which will also come to characterise China, not inevitably lead to a much longer period of time over which people will want to work?

(Prof. Drèze). Ageing has important effects in general. Looking back over the last one hundred years, whilst the years of employment as a proportion of the lifespan has been halved, the absolute number of working years has been stable and had increased slightly in mid-period, due to longer life expectancy in conjunction with better health standards which make people employable for longer. In the Europe of next century an extended working life is going to be essential if pensions are to be paid, without placing an intolerable burden on younger people. Significantly, the United States shows 75% of the population are in employment at 60, as against an average of less than 50% in Europe. Of course, extending the working life makes a dual contribution to funding pensions: by reducing the number of years when a pension is paid and increasing the number of years of contributions. Also, many people like to work on and I would personally favour a policy of gradual retirement.

Turning to the problem facing women, how can they be extricated from their traditional position in terms of having a negligible say over the management of time? The moment they attain enough political influence to propose changes, they will come into confrontation with men.

(Prof. Drèze). This is precisely why the question of different options must be raised. The possibility of a four day working week for employees whilst the enterprise operates for six, could also present the alternative of

working for six half-days. Yet there are difficulties attaching to the latter — repercussions for schools, sports, club activities, etc. There are also differences of interests, a woman might find that working half-days, in conjunction with several hours of domestic work, is preferable, but long distance commuters may well prefer the four-day alternative. Here, priority should be given to women's preferences, because they generally carry a heavier burden within the family, but their lack of political authority makes it impossible for these to be asserted effectively. However, their point of view can at least be privileged by letting them speak through our research studies.

Most advocates of the unfettered market economy seem to be unenthusiastic about job-sharing or part-time work as means for reducing unemployment, on the grounds that these both increase the unit cost per worker (because of increased national insurance payments and the employers' pension contributions). This view also entails the assumption of an overall reduction in social security payments to the unemployed — meaning the more part-time workers there are, then the more contributions which have to be made for them. Do we have to accept this economic argument in itself and argue only in terms of counterbalancing social considerations?

(Prof. Drèze). Well, the costs of unemployment benefits have to figure in the calculations, and the more unemployment is reduced, the greater the saving. My advocacy of work sharing is predicated upon not increasing the hourly cost of labour, nor reducing output, because this loses part of what one is seeking to gain. That having been said, there is undoubtedly a trade-off to be considered between social values and economic costs. What Volkswagen did in accepting the cost of keeping its ten factories running (unlike Renault's closure of one plant) served to protect jobs and to continue hiring young people. This may eventually pay-off, even in economic terms, because of sustained morale and the upgrading of the workforce. Although this is not necessarily the case, neither can social considerations ever be treated effectively by market mechanisms.

EL DESARROLLO DE UNA NUEVA "CULTURA DEL TRABAJO" EN LA PERSPECTIVA DE LA REDUCCION DE LA INTEGRACION SOCIAL A TRAVES DEL EMPLEO

PEDRO MORANDE COURT

THE DEVELOPMENT OF A NEW "CULTURE OF WORK" IN THE LIGHT OF REDUCED SOCIAL INTEGRATION THROUGH EMPLOYMENT?

SUMMARY

1. *The terms of the problem*

The traditional forms of social integration which accompanied early industrialization have lost their social efficacy with the development of new ways of organizing work: labour market deregulation, out-sourcing of service requirements, flexibility and rotation of jobs, increased self-employment, the linkage of pay to performance and productivity, decreasing union membership, high rates of unemployment and of technical obsolescence, the privatisation of social security, segmentation of labour markets, increasing differentials in the quality of employment and the remuneration of work which was previously unpaid. All of these changes, which stem from new orientations in economic policy together with the process of globalization, are underpinned by the development of information technology, whose basic premiss is that time is the scarcest good. In the last century it made sense to distinguish between the production, distribution and marketing of goods, as differentiated operations. Now the work process has become a more complex and integrated one, which is based upon the functional regulation of time as shaped by the particular requirements of each social sub-system.

2. *Work and time*

Although work has always been understood in the context of time, premodern societies regulated time in terms of agricultural cycles or the liturgical calendar — in which time was never a scarce commodity. It can be argued that bourgeois culture was the first which explicitly linked time to work, such that the two were seen as mutually determining. As Groethuysen put it, this entrepreneurial culture "does not work to order the world, but orders the world to work". Work

became the proper end of rational social action on the simple assumption that if an activity could be classed as work, then automatically it was deemed to be rational. In turn this gave work an unprecedented universal character, since a vast range of human activities (manual or intellectual, necessary or unnecessary, with material ends or a spiritual orientation) could all now be considered as work, and qualify as such by reference to the common medium of time and thus be subsumed under market regulation.

Newtonian physics, which presupposed the existence of absolute time, was arguably responsible for the new attitude which linked work and time tightly together, for it issued in a rational view of human history, considered as "infinite technical progress". Philosophically, the inevitability of progress was grounded in the notion that space-time in its transcendental aspect (which represented the *telos* of rationality) and space-time in its distinct empirical and contingent aspect, were themselves conjoined. For in the empirical and contingent domain, whatever irrational action took place, would be "recaptured" by the Hegelian "Cunning of Reason" and was unwittingly to serve the goals of transcendental rationality. On this intellectual basis, history was now portrayed, shorn of contingency, as "philosophy-that-became-history"; a process governed by reason, which manifested itself as the incarnation of absolute spirit.

The main consequence of this outlook for the organization of work was that it systematically overestimated the rationality of ends (as defined by planning agencies — public or private) and correspondingly underestimated the effects of social contingency, such as the practical availability of work at the opportune moment. The priority for development was the growth of "heavy industry", whilst the importance of "light industry" and, to an even greater extent, "services" were underestimated because of their less overt contribution to rational economic growth. This rationalistic view of society thus had a defective understanding of the real nature of the market, since it was considered as a "means" oriented to an "end" which was determined outside the market itself. In other words, neoliberal thought failed to detect the real nature of the market. Instead, this proper understanding has been the result of information technology which has served to demonstrate that when dealing (ineluctably) with social contingencies, then the gain of time and its management are the most important issues in "development".

3. *The importance of contingency in general systems theory*

It was the merit of general systems theory to recognise the significance of contingency in the understanding of social complexity. All social theorists have "blind spots": that of rationalistic theories was contained in their fundamental premiss, namely that the very notion of viewing society as rational denies the real nature of social reality itself and thus leads to the erroneous portrayal of it as "philosophy-that -becomes-history". This error is evident if it is recognized that social complexity is such that it defies some omniscient observer whose rational calculus can predict the outcome of all the high risk choices which people make. Secondly, it is necessary to acknowledge that society is not only shaped by social actions in the past tense, but also by future tense states in terms of their value in the present. Such "calculations" are necessarily underdetermined since they cannot

allow for unknown risks, and must therefore themselves be considered as "risk-taking". Thirdly, the velocity with which exchangeable goods circulate is faster than the capacity for reflection itself. As such this velocity is not the product of rational choice but is itself a matter of contingency produced by society's uncoordinated forms of functional differentiation. Hence the conclusion is that the process of modernization is not the result of modernistic rationalism, but rather results from the mechanisms of functional differentiation. Each functional subsystem proceeds to set up priorities for action and its anticipated outcomes, but these are not hierarchically or normatively governed by any overarching system. Consequently modern society has become a "non centred" organization whose parts can increase autonomously in flexibility and complexity.

Rationalism was a transparent hermeneutic principle, which served to conceal the relative autonomy of technology and its uncontrolled role in society. It is now clear that technology is not a passive instrument which anyone can use as the means to achieve their own rational goals. For technology cannot be subordinated to any particular social subsystem because all the implications of its possible applications are not predictable; they cannot be foreseen. On the contrary, this indeterminacy enables technology to spawn new social relations, which had never been conceived of in advance of their emergence. In my view, this constitutes the core of the so-called "postmodern society".

4. *The principle of "value neutrality" ("indifference") or of "functional equivalence" as the fundamental elements of social organization*

It is obvious in this era of personal computers, that technology is constituted by software just as much as by hardware. The possibility of such a machine increasing the complexity of its operations consists in its being able to make value neutral choices between alternatives which are roughly equivalent. There is a major difference between this form of "technological" choice and choices prompted by ideological values, which imply either personal or social identity on the part of decision-makers. This difference is rooted in the fact that the option which is not chosen technologically, is not discarded. It remains (and almost ought to remain) at hand as a latent possibility, which can always be retrieved. The binary choice between "yes" and "no", is no longer meaningful. All it now indicates is a provisional course of action, whose choice can be reversed at any moment when it seems convenient. This form of choice can better be understood in terms of "game theory" than by choices directed by ideological evaluation. If at one time functionality was understood on the basis of fitting people to their roles, it now turns upon the possibility of organizing social action towards some value neutral alternative, selected in view of its efficacy. Matters of timing and opportunity now become more important than the qualities of the alternatives at hand, which are supposedly roughly equivalent and are continuously revisable. Obviously, the monetary system is the realm where such social practices can most readily be organized, because money only signifies quantitative differences and not qualitative ones. However, this form of rationality has gradually begun to penetrate almost all realms of society, thus demonstrating its organizational powers.

5. *The operationalization of the "principle of value neutrality" ("indifference") in the realm of work*

All social subsystems are organized on the basis of human activities and therefore depend on human work — although work is very differently distributed, rewarded, timed and valued in each subsystem. The right to work is not very far removed from the right to subsistence: the difficulty lies in specifying how this right can be realized. As a corollary, it is misleading to identify work with employment. In Chile, for example, the statistical category of "independent workers", which now contains about 50% of the active population, is a residual one which groups together beggars, at one extreme, and highly qualified professionals or successful self-employed businessmen, at the other.

Today, increases in "aggregate value" are primarily determined by intellectual input rather than physical labour. This is due to the fact that the deployment of manual labour is relatively insensitive to appropriate timing or to speedy readjustments which seize on passing advantages. For wherever competition takes place, it is based on a recognition that time works very differently for the parties involved. In this connection, I would like to draw attention to the short-term nature of the current conception of poverty. Normally poverty is defined as the inability to obtain sufficient money to maintain the family: a "present tense" definition which does not take into account personal abilities (or inabilities) to adapt to the timing by which the relevant subsystem operates. It is noteworthy that when the Pope visited Chile, ten years ago, his comment was "the poor cannot wait" — rather than "the poor don't have enough to eat, lack housing or need shelter". The real problem is that the "present value" of the future of the poor is so low or almost nonexistent. Therefore, what they need are opportunities for the future rather than social benefits whose value is confined to the present. Education would represent the best way of giving "present value" to the future of the poor. Unless sufficient importance is accorded to the intellectual abilities brought to jobs and serves to increase "aggregate value", then the very notion of full-employment can lack real meaning. For example, in Chile where there is still a great amount of poverty, the actual unemployment rate is 50% less than in most European countries. "Full" employment can thus be a very ambiguous category.

The declining effectiveness of the traditional partnership between workers' unions and entrepreneurs' associations is also due to discontinuities in the perception of timing between the two parties. Although all agree that pay should be related to productivity, any working consensus about this will break down due to the differential quality of information and the opportunity to obtain it, available to the two sides. Traditionally, unions have demanded immediate compensation for deteriorating pay, while entrepreneurs have insisted that job-security depends on sustained competitiveness which entails taking measures which are governed by anticipating future states of affairs. The question is, could the quality of information be comparable for the two sides? The problem is that much industrial or commercial information is confidential and this status is guarded because when confidentiality is lost, so too is its competitive value. Confidentiality is basically a way of gaining time on the part of the firm vis-à-vis other enterprises, and its protection, in my view, is the root cause of the declining power of the unions.

6. *Culture as sharing time*

Under these circumstances is it possible that a new culture of work can emerge? Can there be a new "culture of contingency" which replaces the familiar notion of long-term cultural traditionalism persisting over generations? These are difficult questions to answer and I will simply draw attention to crucial aspects which require further discussion.

As in other areas of social organization, the functional way of dealing with labour demands has never been coercive. In the past we have never had laws which obliged people to abandon their traditional jobs and to take up new ones. Instead, new forms of employment have been presented as "value neutral" possibilities and whether people avail themselves of them has been on a simple "take it or leave it" basis. However, social evolution has also tolerated non-functionally orientated institutions, such as religion. This cannot be otherwise in society, precisely because the progressive functional differentiation of social activities itself depends upon a non-functional sphere of social action. Without the latter, such differentiation would be impossible. This is because if there is an area of social life which in time represents the scarcest good, then there needs to be a countervailing domain in which time is the most abundant good which people have. This countervailing area is represented by the family and community relationships where mutual care and concern do not turn on financial considerations. In my view, the main problems with contemporary culture derive from the tendency to confuse the two realms and, by failing to recognize their intrinsically different principles of operation, to place them in conflict with one another.

A new culture of work cannot be separate from the cultivation of freedom. What new technology has taught us is not that the struggle for liberation is to be freed from human relationships and responsibilities, but rather that the new face of freedom is the ability to choose between contingent alternatives. To do so effectively depends upon the development of intellectual and moral qualities, especially those of creativity and solidarity, as is stressed in *Centesimus annus*. However the realization and fulfilment of these human qualities rely upon a proper perception of time and method of accountability towards it. The Pope's statement that the poor cannot wait can be universalized to all people. No-one can wait if what is at stake is their entire vocation as a human being. And although the human vocation is directed towards eternity, it cannot be fulfilled on earth outside the social organization of time. Recognition of this can provide solid foundations for reviewing "service" as the proper attitude towards work — a job well done in terms of creativity and one contributing to the betterment of the quality of life in the family and in society. In the Christian tradition "service" is the office of Christ himself. Modern technology based upon information, permits the universalization of the concept of work, to the point at which it becomes co-extensive with all human activity. In consequence, the ideal of work as service, can be applied both within the functional domain or within the realm of non-instrumental action (family and voluntary service). Since creativity transcends these two areas, the ground exists for a new theology of "work" which is no longer confined to secular employment, but represents a generalized collaboration with the Creator in all our social activities.

1. *Planteamiento del problema*

El título ofrecido a esta ponencia por los organizadores es bastante sugerente, pero suficientemente amplio e indeterminado, de tal suerte que me obliga a realizar algunas precisiones para poder encuadrar esta ponencia con un criterio realista. La sugerencia contenida en la formulación es que estaríamos actualmente en presencia de una profunda transformación en la cultura del trabajo, puesto que han perdido vigencia, al menos parcialmente, los modelos más conocidos de integración social, y que estas transformaciones se orientarían al surgimiento de una nueva cultura laboral, aunque no se sabe bien sobre qué bases normativas y organizativas. Las ponencias precedentes se han referido ya en forma bastante completa a la situación por la que atraviesa el trabajo en la sociedad contemporánea en sus aspectos económicos, jurídicos, políticos, sindicales, sociales y también a los desafíos que esta situación le presenta a la doctrina social de la Iglesia. No me propongo, entonces, agregar mayor material empírico a una situación ya descrita en sus rasgos esenciales, sino ofrecer una reflexión desde la perspectiva de la cultura que ayude a comprender el significado de las nuevas tendencias y de la erosión progresiva de las formas tradicionales de integración social por medio del trabajo.

Con todo, quisiera resumir, como punto de partida de esta reflexión, algunas de las características que, presumiblemente, ya han sido descritas por las otras ponencias.

Asistimos a una progresiva desregulación del mercado del trabajo con las siguientes consecuencias: flexibilización de las formas de ingreso y salida de los puestos de trabajo, alta rotación en el empleo, subcontratación de actividades específicas, disminución de los trabajadores dependientes e incremento de los independientes o "trabajadores por cuenta propia", mayor vinculación de los ingresos del trabajo a la productividad del mismo, segmentación de los mercados del trabajo y pérdida de salarios de referencia globales, disminución de la población laboral afiliada a sindicatos, traspaso al sector privado de parte de los costos de la seguridad social, crecimiento del sector de servicios y comunicaciones con una amplia variedad de formas diversas de trabajo parcial y "a domicilio", mantención de altos índices de desempleo por una inadecuada velocidad de reaprendizaje o de readaptación a nuevas tecnologías, incremento de la velocidad de obsolescencia de las competencias profesionales, necesidad de jubilaciones o retiros prematuros, diferenciación marcada de la calidad de los empleos e incremento consecuente de las diferencias en la distribucion del ingreso, monetarización de algunas formas de trabajo voluntario o doméstico como consecuencia indirecta de la mayor participación femenina en el mercado laboral remunerado.

Esta desregulación global del trabajo y de sus formas de organización tradicionales ha sido, en parte, impuesta por una deliberada opción política a favor del libre mercado, pero en parte también, como consecuencia del proceso mundial de globalización de las economías que no sólo se produce por causas políticas, sino por el desarrollo de nuevas tecnologías de comunicación y de procesamiento de la información, que han transformado la forma de tomar decisiones y de administrar los recursos, especialmente, el tiempo, el cual, en una economía monetarizada se transforma en el bien más escaso. Son precisamente estas nuevas tecnologías de procesamiento de la información las que han permitido valorar cada vez más los servicios "just in time", dándole valor presente a operaciones futuras e incorporando las expectativas de desarrollo de las actividades sociales y sus correspondientes riesgos al valor actual de las transacciones. Si en el siglo pasado tenía sentido diferenciar la producción de la distribución y de la comercialización, como momentos relativamente autónomos de las actividades del trabajo, la valoración actual del tiempo hace cada vez más difícil mantener estas diferenciaciones, presentándose el proceso de trabajo como una realidad compleja e integrada que abarca desde la investigación en nuevas tecnologías y productos haste la venta de bienes finales, incluyendo todos los procesos intermedios en forma variable y altamente específica según el tipo de mercado y de producto de que se trate.

Surge entonces la pregunta: ¿Es posible comprender todo este complejo proceso con un sólo concepto, que permita, a su vez, entender las tendencias de su evolución futura y las consecuencias que tendrá en diversas áreas de la organización del trabajo? Pareciera una tarea bastante difícil. Pero el objetivo de la reflexión siempre ha tenido esta dificultad: remitir lo diferenciado a las categorías desde las cuales se diferencia, de modo de poder reducir la complejidad de lo real a algunas ideas básicas que el pensamiento pueda identificar y proponer a la discusión como núcleo inteligible del fenómeno que se considera. La realidad es evidentemente siempre más compleja que el pensamiento, de modo que no se trata de contentarse con reduccionismos fáciles o monocausales, sino de reconocer este diferencial de complejidad para permitirnos comprender el desarrollo del fenómeno que nos ocupa. Me propongo, en consecuencia, describir el contexto cultural de la así llamada "postmodernidad" en relación con las nuevas formas sociales que presenta la organización del trabajo, especialmente, aquellas enumeradas precedentemente y que se han analizado en este seminario.

La sociología ha partido siempre de la base de que las formas específicas de organización del trabajo co-evolucionan con el conjunto de la sociedad, de tal suerte que aunque existen algunos elementos específicos

determinados por el proceso mismo de trabajo, existen otros más generales que no tienen que ver con el trabajo, sino con otros subsistemas de la sociedad y que codeterminan, sin embargo, el proceso de trabajo. Como sucede en toda co-evolución, ella incluye tendencias adaptativas, pero también otras contra-adaptativas, de modo que no se trata de un proceso lineal simple, sino de uno que acrecienta las formas de complejidad con que opera la sociedad. En este contexto, la hipótesis general que me propongo examinar es que en esta etapa del desarrollo social, el trabajo comienza a organizarse culturalmente sobre la base de que el "tiempo" es el bien más escaso y de que la tradicional agregación de valor que realiza el trabajo ya no depende exclusivamente de la cantidad y calidad de los productos del trabajo, como era el caso de la artesanía y de la industria de la primera fase de la modernización, sino también, y en forma cada vez más decisiva, de su oportunidad.

2. *Trabajo y tiempo*

Aunque el trabajo ha estado siempre sometido a la temporalidad social, el modo de diferenciar esta temporalidad no ha dependido del trabajo mismo, sino de otros factores sociales que sólo eran parte de su medio ambiente como, por ejemplo, de los ciclos de recolección y de los ciclos agrícolas determinados por la naturaleza, de la determinación ritual y religiosa del calendario festivo, de la percepción religiosa del tiempo "de este mundo" y del tiempo escatológico de la "plenitud", lo que incluía la tensión entre la contingencia de la vida peregrina efímera y la eternidad de la vida bienaventurada. En general, en las sociedades pre-modernas, el tiempo era un bien gratuito, sobreabundante, de origen natural o divino y era compartido solidariamente entre las generaciones, como lo muestra admirablemente la construcción de las grandes catedrales góticas medievales, que tardaban alrededor de trescientos años (es decir, el tiempo de vida de seis o siete generaciones de personas) en alcanzar su terminación. Dada la gratuidad del tiempo, estaba también explícitamente condenada, como usura, la obtención de rentas por el préstamo en dinero, y parecía socialmente razonable la institución bíblica del "año jubilar" en que se condonaban las deudas y se recordaba el sentido último del destino universal de los bienes, puestos por el Creador a disposición de todas las creaturas para su uso, conforme a las necesidades de cada uno. Ciertamente, el más universal de todos estos bienes era el tiempo. Y si el ser humano se veía en la tentación o en la obligación de disponer arbitrariamente de él, el recuerdo de que el tiempo pertenecía sólo al Creador,

justificaba la reparación de las injusticias, o dicho positivamente, la realización de la justicia distributiva entre las generaciones.

Puede decirse que fue la cultura burguesa la primera en intentar modificar substancialmente esta visión de la temporalidad. En su célebre estudio acerca del surgimiento de ella en Francia, Groethuysen, resume la novedad introducida por esta nueva clase con la afirmación de que ella "no trabaja para ordenar el mundo — como en la sociedad pre-burguesa — sino que ordena el mundo para trabajar".[1] Al plantearse el trabajo como una finalidad del orden social, éste adquiere un nivel de universalidad antes desconocido, puesto que deja de ser la obligación sólo de algunos o el instrumento de diferenciación para algunas categorías de personas, y pasa a ser un elemento de referencia común de todos los seres humanos sin distinción, convirtiendo al trabajo en el verdadero fundamento de la integración social. Este cambio ha sido suficientemente estudiado por las ciencias sociales, especialmente, en una de sus consecuencias, la aparición de la teoría del "valor trabajo" y de la "plusvalía", la que dominó tan fuertemente los debates intelectuales del siglo pasado y de la primera mitad de este siglo. Este cambio está también en la base de la comprension del mundo moderno a partir de las teorías sociológicas de la racionalización, puesto que la acción humana, individual o colectiva, racionalmente orientada al cumplimiento de una finalidad específica es, precisamente, aquella que puede definirse como trabajo y ser reconocida socialmente como tal. Ello permitió incorporar al mercado del trabajo todos los oficios, incluidos aquellos con un alto componente de actividad intelectual, especialmente, la administración pública y privada, el comercio, la actividad científica y hasta las actividades artístico-culturales y recreativas.

Sin embargo, tal vez por la influencia de la visión de Newton acerca del tiempo que, como se sabe, presuponía la existencia de un tiempo absoluto, estas interpretaciones sociológicas del cambio introducido por la cultura burguesa concluyeron en una "teoría del progreso técnico infinito" o en una "teoría del fin de la historia", como lo ha vuelto a recordar hace unos años Francis Fukuyama a próposito de su lectura de la Filosofía de la Historia de Hegel. Estas teorías se sustentaban en una de estas dos hipótesis: a) que la realidad social es una "Filosofía que se hace historia", con lo cual es necesario distinguir entre un espacio-tiempo trascendental (correspondiente al proyecto racional, y como tal, de caracter absoluto) y un espacio-tiempo histórico, correspondiente a la situación empírica existente, la que nunca

[1] Groethuysen, B. (1978), *Die Entstehung der bürgerlichen Welt — und Lebensanschauung in Frankreich*, Frankfurt am Main, Bd. 2, p. 98.

alcanza a ser tan racional como el modelo, o b) que lo real y lo racional coinciden, de tal suerte que toda la negatividad o irracionalidad histórica no es mas que un "momento" del desarrollo del "espíritu objetivo", que tarde o temprano muestra su "astucia" (List der Vernunft, la llamaba Hegel) para ordenar a su fin racional aún los episodios más irracionales de la existencia. En este contexto el tiempo absoluto pertenece al "espíritu objetivo", mientras que el tiempo histórico es el tiempo de la astucia y no es más que un "momento" o "aspecto" del primero.

¿Cuál es la consecuencia de estos supuestos para la concepción del trabajo y su relación con el tiempo? Pienso que oscurecieron el valor de la "oportunidad" del trabajo, puesto que toda acción era vista racionalmente sólo como un "medio" para un "fin" que lo sobrepasaba en su temporalidad y al cual estaba orientado, y que, en última instancia correspondía a un valor absoluto, formulado racionalmente a través del ordenamiento jurídico. Con ello, inevitablemente la discusión ideólogica acerca de los fines racionales de la sociedad adquirió prioridad sobre la consideración de cualquier contingencia, la cual no era más que un momento de la búsqueda y realización de los fines racionales. A la vez, la sociedad más perfecta posible era considerada como aquella que podía prever anticipadamente los efectos de todas las acciones emprendidas con criterio instrumental, y adecuar su curso a lo previamente planificado. El tiempo de la ejecución del trabajo quedaba subordinado al tiempo de la planificación racional y el valor del trabajo a las prioridades determinadas por la misma planificación. Naturalmente, el pleno empleo es visto como la finalidad racional trascendental de toda planificación y, por lo tanto, perteneciente al tiempo absoluto.

Gran parte de la sobrevaloración de la llamada "industria pesada" o productora de medios de producción y de la subvaloración de la industria de bienes finales y de las llamadas "industrias livianas" y de servicios se debe a esta visión de la realidad. Lo mismo puede decirse de la dificultad para reconocer la verdadera naturaleza del "mercado" como institución, especialmente del mercado del dinero, el que bajo estos supuestos era reducido inevitablemente a ser un instrumento al servicio de fines externos a él y que eran determinados por el ordenamiento jurídico y por las prioridades del Estado. Sin embargo, el intento de someter la temporalidad del mercado a la temporalidad de las decisiones y prioridades de un poder centralizado, tanto en la versión del "Estado socialista" como en la occidental del "Estado de bienestar", se fue mostrando progresivamente como una acción ineficiente e incapaz de adaptarse a la libertad que el desarrollo tecnológico permitía crecientemente a las personas a través del procesamiento de información oportuna y descentralizada. Personalmente,

creo que se ha sobrevalorado demasiado el papel jugado por la ideología neoliberal en el progresivo reconocimiento de la realidad del mercado, tal vez por efecto de la misma herencia intelectual que comentamos. Pienso, en cambio, que el gran aliado del mercado en su progresiva imposición como mecanismo de regulación de las actividades sociales ha sido la tecnología de la información, la que ha multiplicado la velocidad del tiempo dedicado a la toma de decisiones a un nivel inalcanzable pare cualquier organización burocrática organizada sobre la base de las teorías de la racionalización.

3. *La valoración de la contingencia propuesta por la teoría de sistemas*

Ha sido un mérito de las teorías funcionalistas de la sociedad, especialmente, de la teoría general de sistemas, demostrar que los distintos enfoques ideológicos renovados de la postguerra (neo-marxismo, neo-estructuralismo, neo-liberalismo, neo-conservadurismo, etc.), lejos de mejorar las explicaciones proporcionadas por sus filosofías matrices originales, no estaban en condiciones de describir siquiera los mecanismos operativos con que la sociedad organiza su complejidad y su contingencia. El "punto ciego" de las teorías iluministas es su propia premisa: la identificación entre el plano del pensamiento (filosofía) y el plano de la organización de las estructuras sociales (historia). Que esta premisa se estructure sobre la base de un pensamiento racionalmente "fundado", como se aspiraba antes, o sobre un "pensamiento débil", como se proclama en la edad "postmoderna" actual, no hace mayor diferencia en relación a este hecho.

En efecto, la complejidad de la diferenciación social introducida por la organización funcional de algunos importantes espacios de convivencia, pone en evidencia que no existe ni puede existir un observador omnisciente con capacidad de anticipar en su cálculo racional las consecuencias de decisiones o elecciones altamente contingentes y circunscritas a aspectos funcionales de la conducta. En primer lugar, porque todo observador, dada su contingencia, tiene "un punto ciego" en su observación, y la actitud racional no consiste en negarlo sino en reconocerlo. En segundo lugar, porque la sociedad no está hecha sólo de los efectos de acciones pasadas, sino también de las expectativas acerca de la reciprocidad esperada, anticipando el futuro en el presente, lo que significa que en su misma operación está implicado un principio de "indeterminación" o de "riesgo" que, en su límite, es incognoscible e incalculable. En tercer lugar, porque la introducción de mecanismos funcionales para el cálculo de intercambios equivalentes (especialmente la monetarización de las operaciones sociales) genera una velocidad en estos intercambios que sobrepasa con creces la

velocidad de la reflexión. La teoría de los sistemas funcionales nos invita hoy a revisar este supuesto del racionalismo y a interpretar este diferencial de velocidad como un diferencial de contingencia, el cual no se establece en el pensamiento sino en la sociedad misma a través de sus formas de diferenciación.

La conclusión de este nuevo enfoque es que las teorías que explican la modernidad no son el presupuesto de su desarrollo, sino que varían contingentemente con ella En otras palabras, la modernidad no es el resultado de una ideología modernista exitosamente implementada, aún cuando se considere la influencia que podría tener un determinado pensamiento en la elección de determinadas decisiones, sino el resultado de la organización misma de la sociedad en ámbitos funcionales, cada uno de los cuales considera a los restantes ámbitos como parte de su "medio ambiente", con el que actúa selectivamente, y no como partes componentes de su propia estructura. Desde este punto de vista, la sociedad moderna se ha organizado en forma "acéntrica" [2] o si se quiere, "multi o policéntrica", de tal suerte que ningún subsistema específico de ella (como el subsistema económico, el político, el educacional, el religioso o cualquier otro), podría pretender frente a los otros una supremacía jerárquica. Cada uno opera selectivamente en relación al otro, de modo que, por ejemplo, la economía es altamente sensible a las decisiones politicas que pueden tener una incidencia en la estabilidad de los precios de los distintos bienes, pero completamente insensible a los discursos que no tienen efectos sobre lo precios relativos. Lo mismo puede decirse de la relación de cada uno de los subsistemas entre sí.

El principio hermenéutico de la realidad como una "filosofía que se hace historia" se impuso en los más diversos ámbitos del pensamiento, especialmente del europeo, gobernando los asuntos del mundo hasta la segunda guerra mundial. Sin embargo, la novedad de este profundo cambio cultural introducido por la organización funcional de la sociedad consiste en que, contrariando las premisas del racionalismo, no se impuso por medios políticos o militares, como el triunfo de una ideología sobre otra, sino que se mostró, por primera vez en toda su transparencia, que el mecanismo por el cual se expande la organización funcional de la sociedad no surge de una prioridad establecida por algún subsistema jurídicamente constituído, sino por la innovación tecnológica. Mientras la tecnología se mantuvo en una escala controlable por la estructura normativa de la

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[2] Ver Luhmann, N. and De Georgi, R. (1993), "La sociedad como sistema social", en *Teoría de la Sociedad*, Universidad de Guadalajara, México.

sociedad, se ocultó a los ojos de la población como principio estructurador de la convivencia social. Se consideraba más bien como una herramienta neutra al servicio de quien la poseyera. Incluso los movimientos intelectuales europeos neo-iluministas de la postguerra siguieron pensando con este mismo criterio, transformando su crítica al racionalismo en una crítica a la "razón instrumental".[3] Pero la escala inaugurada por la tecnología nuclear y la posterior conquista del espacio circundante a la tierra pusieron en evidencia que la tecnología trasciende los criterios ideológicos y jurisdiccionales, y no puede considerarse, por tanto, sólo como un instrumento para algún objetivo determinado fuera de ella e impuesto a ella en virtud de un acto de voluntad colectiva.

Este constituye, en mi opinión, el hecho determinante, el verdadero origen de la llamada "postmodernidad". A veces, se le confunde con la emergencia de la cultura audio-visual y con la "globalización" del mundo que hace posible la revolución de la informática y de las comunicaciones. Pero el hecho es mucho más profundo. Es el mostrarse de la tecnología en su capacidad de determinar la naturaleza de los objetos y procesos que se sirven de ella, proyectándolos a una nueva escala del fenómeno humano, que sobrepasa ampliamente la tensión y el conflicto entre concepciones culturales e ideológicas diversas, conflicto que dominó toda la primera etapa de la modernidad.[4] Si no es un instrumento sometido al control de subsistemas específicos, entonces, la racionalidad cultural de la tecnología, como criterio funcional determinante de la organización de la sociedad, debe buscarse en ella misma, lo cual intentaré hacer en los próximos párrafos.

4. *El principio de "indiferencia" o de "equivalencia funcional" como fundamento de la organización social*

La tecnología se estructura, más allá del condicionamiento determinado por los materiales e insumos de que se vale, por la elección eficiente entre alternativas comparables y, en el límite, equivalentes. Como para todos es evidente en esta época de uso de computadores personales, la tecnología no es sólo "hardware" sino también "software". La máquina es inerte y muda

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[3] Ver Habermas. J. (1981), "Die Kritik des Instrumentellen Vernunft", en *Theorie des kommunikativen Handelns*, Suhrkamp, Frankfurt am Main.

[4] Heidegger es uno de los pocos filósofos occidentales que se ha preguntado explícitamente por la esencia de la tecnología. Ver (1984), "La pregunta por la técnica", en *Ciencia y técnica*, Editorial Universitaria, Santiago. En Japón, en cambio, esta reflexión está más desarrollada.

sin la programación adecuada, la cual no está determinada por la materialidad de su soporte, sino por las operaciones inteligentes que define. La posibilidad que la máquina tiene de incrementar la complejidad de las operaciones más allá del mero uso mecánico, radica en su posibilidad de elegir "indiferentemente" entre opciones alternativas. Pero a diferencia de lo que sucedía antaño con las opciones "ideológicas", que llegaban a comprometer hasta la identidad personal de quienes las asumían, ahora la razón que escoge una alternativa particular no está obligada a descartar la alternativa rechazada, sino a dejarla, en forma latente, como una posibilidad "a la mano"[5] que es posible recuperar en cualquier instante. Si tal alternativa se codifica binariamente en un "sí" y un "no" (en un "on" y un "off"), ni la afirmación ni la negación tienen como consecuencia una afirmación o negación ontológica de la existencia de algún objeto, sino sólo la determinación de un curso de acción provisorio a seguir que, en cualquier momento, puede ser revertido a su alternativa original sin causar, por ello, la destrucción o el menoscabo del trabajo emprendido.[6] Las opciones así determinadas comienzan entonces a comprenderse mejor en su operatividad desde la "teoría de los juegos", que desde los análisis de sus respectivos presupuestos ideológicos.

Pues bien, más relevante que determinar si acaso la organización funcional de la sociedad imitó a la tecnología o ésta a aquella, lo importante es comprender la analogía con que ambos sistemas se estructuran. Si la funcionalidad, en un primer momento, se estructura como diferenciación entre la persona y sus roles, al menos en relación a aquellos que no comprometen la totalidad de la persona sino que abarcan aspectos previamente delimitados de su conducta, en un segundo momento se determina esta diferencia por la posibilidad de establecer elecciones entre alternativas indiferentes, que pueden ser sometidas, por tanto, al principio de la eficiencia como criterio rector de la decisión. En este segundo aspecto, el problema más importante a resolver es la oportunidad y la irreversivilidad de lo decidido, es decir, su temporalidad, antes que la calidad diferencial de las alternativas en juego, que se suponen comparables o equivalentes.

El ámbito social más directamente susceptible de organizarse de acuerdo a este nuevo principio es, sin duda, el económico, especialmente, desde que logró su total monetarización, ya que, precisamente, el dinero no hace diferencias cualitativas sino sólo cuantitativas. Así logró constituirse la economía en un subsistema propio, autorregulado por sus mismas opera-

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[5] "Zuhanden" dice Heidegger en contraposición a "Vorhanden".

[6] Ver Luhmann, N. and De Georgi, R. (1993), "Diferenciación de los sistemas de funciones", en *Teoría de la sociedad*, op. cit. p. 326 y ss.

ciones, sin depender directamente de las complejas semánticas cualitativas desarrolladas en otros ámbitos de la organización social. Pero desde la economía, por efecto de demostración, comienza a expandirse también este mecanismo organizacional a otros ámbitos de la vida social, incorporándose a él también las organizaciones formales burocratizadas, como la empresa y el Estado. Finalmente, y es la tendencia actual, se quisiera generalizar este principio funcional a la vida social en su conjunto, sea en el ámbito público o en el privado, con el propósito de lograr una mayor coherencia entre los diversos mecanismos en que se expresa la sociabilidad humana.

En la medida en que más esferas de la vida social adoptan este criterio funcional de decisión, mayor es la posibilidad de que se produzca, como resultado, la aparición de una sociedad "acéntrica" o "policéntrica", en que cada subsistema, con igual derecho, reivindica para sí la autonomía de su operación sin aceptar criterios jerárquicos definidos desde fuera de su límite o clausura operacional. No se trata de una suerte de reivindicación filosófica del principio de la autonomía contra la heteronomía, como se interpretaría desde el racional-iluminismo, sino de una protección operativa de los subsistemas para el incremento de la eficiencia, especialmente, de la temporalidad. En efecto, la mayor diferencia que puede establecerse entre las sociedades organizadas sobre la base del principio de identidad entre persona y rol y las sociedades funcionales, es que mientras para las primeras el criterio para evaluar el tiempo social tiende a coincidir con el relativo al tiempo personal, con la sola diferencia de que el "presente" social incluye simultáneamente cuatro o cinco generaciones, en el caso de las sociedades funcionalmente organizadas, la temporalidad está dada por el grado de aprovechamiento tecnológico de la temporalidad, lo que no sólo incluye el "valor presente" del presente, sino también el "valor presente" de las actividades futuras.

La aparición de la llamada "sociedad de consumo", como también la estabilización del sistema político democrático ha sido posible, en gran medida, por la generalización de la posibilidad de escoger entre alternativas "indiferentes" y de productos "sustituibles". El mercado de consumo constituído por la oferta competitiva de productos que libremente pueden escogerse a un determinado nivel de precios, permite premiar la eficiencia de quien puede ofrecer productos comparables a costos menores, lo cual no podría realizarse si a través de prácticas proteccionistas o monopólicas se evitara la elección entre alternatives "indiferentes". Un argumento análogo vale para la elección de representantes políticos a los cargos públicos. La posibilidad de la alternancia en el poder, es decir, de la sustituibilidad de un equipo de administración de los asuntos públicos, está directamente vinculada al hecho de que en las elecciones no se ponga en juego los funda-

mentos del régimen de derecho, sino alternativas comparables y competitivas en su eficacia, de modo tal que para los ciudadanos sea relativamente "indiferente" escoger una o la otra. El principio de indiferencia ha mostrado así todo su potencial organizativo, permitiendo operar en contextos de mayor complejidad, donde el riesgo social de las operaciones futuras queda contrarrestado, en buena medida, por la garantía que representa para la decisión el tener que escoger entre alternativas comparables y no radicalmente distintas.

5. *La aplicación del "principio de indiferencia" al ámbito del trabajo*

Este mismo principio es el que ha afectado tan profundamente las relaciones de trabajo y los modelos de integración social que en él se fundaban. Quisiera, sin ánimo de exhaustividad, llamar la atención sobre algunos aspectos importantes.

En primer lugar, aunque el trabajo es considerado un principio universal de justificación de una convivencia social racionalmente fundada, al punto de que el ordenamiento jurídico puede considerarlo como un derecho de las personas, la organización funcional del mismo hace que se especifique de modo muy diverso, según el ámbito funcional al que sirve. Todos los subsistemas sociales se constituyen a partir de la actividad humana y, por tanto, desde el trabajo. Pero es muy distinto el modo en que se especifica la oportunidad, la temporalidad, la circularidad, y el valor del trabajo si comparamos, por ejemplo, el ámbito de las transacciones financieras, con los espectáculos deportivos, la actividad política, el trabajo rural, las estrellas de la pantalla o los profesores en el sistema educativo formal. ¿Tiene acaso sentido comparar la palabra ingeniosa e instantánea de un humorista que hace subir el "rating" de un programa de entretención con la palabra de un profesor enfrentado a una sala de clases que será su público cautivo durante todo un largo periodo? Los profesores suelen hacer mejores chistes que los humoristas, y éstos suelen, a veces, transmitir más sabiduría que los profesores. Pero ambos operan en ámbitos funcionales totalmente distintos y que se estructuran sobre la base de una significación diversa de la "oportunidad".

El derecho al trabajo, como concepto genérico, no se diferencia demasiado del derecho mismo a la existencia, como "medio" de obtención de los ingresos necesarios para sobrevivir y como "medio" de vinculación y de participación en la sociabilidad común. Pero nadie podría establecer a priori el modo particular de especificación de ese derecho, puesto que su realización dependerá, en gran medida, de cuál sea el subsistema funcional

en que cada individuo se integre y de cuáles seen las habilidades personales para responder oportunamente a las condiciones cambiantes de su respectivo medio ambiente. Algunas constituciones políticas reformadas recientemente han incorporado los "derechos sociales" entre las garantías que ella protege, pero ello no representa más que una declaración de buenas intenciones que la ley misma no puede especificar en su exigibilidad, puesto que la realidad de las oportunidades laborales es inmensamente más compleja de lo que la ley sería capaz de especificar.

Como corolario de esta observación, quisiera plantear lo engañoso que resulta identificar trabajo y empleo. A nadie escapa que esta identificación ha resultado ser, hasta ahora, altamente conveniente pare tratar agregados estadísticos de información. Pero baste considerar la cada vez más abultada categoría de "trabajadores independientes" o "por cuenta propia", que es una categoría residual respecto de los que no son dependientes del Estado o de algún empleador estable, y que en algunos paises alcanza casi al 50% de la población económicamente activa, para darse cuenta de la escasa y heterogénea información que contiene. En esta categoría caben por igual los mendigos que viven de la recolección no registrada de la limosna y muchos exitosos hombres de negocios que intermedian ideas, dineros o información. Las clasificaciones actualmente en uso suelen ser definidas por las oficinas dedicadas al cobro de los impuestos antes que por una descripción científicamente comparable de las formas de trabajo y de su organización.

En segundo lugar, la especificación funcional del trabajo, que depende en tan alta medida de las tecnologías disponibles en el subsistema correspondiente, ha conducido a que su valor agregado dependa crecientemente de las habilidades intelectuales que incorpora y cada vez menos de la "fuerza de trabajo" como tal. Incluso los trabajos que tienen alto componente de actividad manual suelen discriminar también acerca del tipo de habilidades requeridas, como es el caso de los deportes de alta competición o del trabajo femenino, para dar sólo un par de ejemplos. La cuestión de fondo es que la percepción del valor de la temporalidad como bien escaso, es imposible de llevar a cabo a partir de la sola diposición de fuerza física y requiere, en consecuencia, de una aguda capacidad de percepción y adaptación a los requerimentos funcionales del ámbito en que se actúa. La competitividad, tanto en el ámbito de las actividades comerciales, como en el juego y en el deporte, no es otra cosa que la constatación de que el tiempo actúa más negativamente contra unos que contra otros.

Como corolario de esta observación, quisiera llamar la atención sobre lo inadecuado de nuestros conceptos de pobreza, los que habitualmente privilegian la capacidad de obtener ingresos monetarios capaces de financiar

los alimentos básicos para la sobrevivencia del grupo familiar, pero muy poco discriminan acerca de la velocidad del desarrollo de las capacidades de adaptación al medio pare revertir favorablemente la temporalidad. Hace exactamente diez años, el Santo Padre visitó mi país y puso el dedo en la llaga de esta cuestión al proclamar, ante los técnicos de las Naciones Unidas y los planificadores del desarrollo que "los pobres no pueden esperar". No dijo, como posiblemente se hubiera formulado hace cincuenta o cien años, "no tienen que comer" o "no tienen casa" o "les falta abrigo", afirmaciones que, de hecho, son igualmente correctas para muchos pobres, sino que "no pueden esperar". La opción de crear mejores "oportunidades" antes que de repartir "beneficios" que se ha ido imponiendo progresivamente, refleja justamente que el problema de fondo de los pobres es que el "valor presente" de su futuro es muy bajo o cercano a cero. Por ello, se suele coincidir también en la afirmación de que la llave maestra pare la superación de la pobreza es la inversión en educación. Pero no, ciertamente, de cualquier educación, sino de aquella capaz de generar una expectativa social tal, que dé "valor presente" al futuro de las personas.

Esta misma razón refuerza la conclusión antes señalada, de que no se puede identificar trabajo y empleo en el contexto de la organización funcional de la sociedad. ¿Qué puede significar pleno empleo, en circunstancias tan heterogéneas como las descritas? Si miramos las cifras convencionales de empleo, puedo decir que la tasa de desempleo de mi país es aproximadamente la mitad de la de los países europeos de alto desarrollo. Pero es evidente que de este hecho no puedo concluir, que en mi país estamos más cercanos al pleno empleo de lo que está Alemania, por ejemplo. No sólo las condiciones de la seguridad social son muy distintas, sino también la estabilidad, la oportunidad, la tecnología y la inteligencia del empleo son bastante difícil de comparar. Reitero entonces que el trabajo al que todo ser humano tiene derecho es aquél que es capaz de dar "valor presente" al futuro, de fundar una razonable expectativa de reciprocidad, de comprometer la solidaridad intergeneracional. Conseguir una medición de estas características es, ciertamente, bastante más complejo que definir la tasa de desocupación, pero lo cierto es que el empleo, como categoría genérica, tiene cada vez menos en cuenta el complejo contexto social de la organización funcional de la sociedad y el alto componente de creatividad intelectual que exige el trabajo con las actuales tecnologías de la información.

En tercer luger, quisiera señalar que la crisis de los modelos de integración social favorecidos por el asociacionismo de empresarios y trabajadores y por la negociación colectiva de sus intereses tiene su origen en el hecho de que estas organizaciones parecen no haber podido desarrollar la

flexibilidad temporal requerida por una economía de las "oportunidades", y determinada por la innovación tecnológica. Todos parecieran coincidir en el hecho de que los salarios deben vincularse, en el contexto actual, a la productividad, puesto que de lo contrario no serían viables en una economía de mercado. Mas este consenso difícilmente va más allá de una mera declaración de buenas intenciones, puesto que en el contexto de una organización funcional de las actividades sociales, la estimación del "valor presente" de las actividades futuras depende fundamentalmente de la calidad de la información y de la capacidad de administrarla "a tiempo". Evidentemente, no puedo generalizar más allá de los límites de la realidad que conozco, pero quisiera decir que, en nuestro contexto, la mayor diferencia que efectivamente existe entre empresarios y trabajadores dependientes, al momento de la negociación tarifaria, es la cantidad y calidad de la información. Los sindicatos suelen plantear sus reivindicaciones como una suerte de compensación por la situación ya vivida en el pasado, en tanto los empresarios suelen contrargumentar señalando que lo que importa para la competitividad es la correcta anticipación del futuro. Está claro cuál es el eslabón débil de esta cadena. Los sindicatos tienen a su alcance el arma negativa de la amenaza de paralización de actividades, que por su negatividad, finalmente a todos daña, y no tienen, en cambio, la capacidad positiva que tienen los empresarios de prever, sobre la base de adecuada información, las oportunidades futuras.

¿Se pueden igualar estas capacidades de modo colectivo? Ciertamente se puede hacer mucho al respecto, pero el éxito de medidas de este tipo está altamente condicionado por la sensibilidad de los propios mercados a la oportunidad de la información. Como ocurre con todos los demás bienes, si la información deja de ser un bien escaso, pierde valor, como también capacidad predictiva. Como la propia "teoría de juegos" demuestra, si todos saben todo entonces lo único que puede sobrevenir es la parálisis. La paradoja de la anticipación del futuro en el presente, es decir, de la creación de expectativas, es que las actividades se diferencien según su capacidad de administrar la información. En esto consiste propiamente la organización funcional de las actividades sociales en subsistemas, cada uno de los cuales selecciona del medio las informaciones suficientes para producir un diferencial de contingencia (reducción de variedad) a su favor. Si la información "confidencial", por ejemplo, deja de ser confidencial, entonces deja de ser información, puesto que su confidencialidad era lo que le atribuye aquel diferencial que le da valor informativo. No hay manera de escapar a esta conclusión, y ello hace que la discusión entre trabajadores y empresarios por la determinación de salarios conforme a la productividad sea extremadamente compleja y difícil de realizar de modo colectivo. Esta

es, según me parece, la verdadera causa de la reducción del poder de los sindicatos, sea ella producto de la disminución del tipo de empleos sujetos a sindicalización, de la disminución voluntaria del número de afiliados, o de la heterogeneidad de las situaciones sujetas a negociación.

6. *La cultura como tiempo compartido*

¿Es posible en estas condiciones la formación de una nueva cultura del trabajo, capaz de reproponer vínculos de solidaridad y de integración social entre las personas? ¿Puede existir una cultura que valore la oportunidad y lo efímero, cuando estamos acostumbrados, desde siempre, a pensar la cultura como un fenómeno de larga duración que expresa la identidad histórica que forjan los pueblos a través de muchas generaciones? Es difícil responder asertivamente a estas interrogantes, puesto que nunca en la historia habíamos tenido una organización social que vinculara de manera tan inmediata información y tiempo, gracias a las nuevas tecnologías electrónicas. Más que una respuesta, en consecuencia, quisiera llamar la atención sobre algunos aspectos que me parecen necesarios tener en cuenta para futuras reflexiones.

Un primer punto que me parece relevante destacar es que el modo de la expansión en el ámbito social del criterio de organización funcional de las conductas, a diferencia de lo ocurrido con la diferenciación en las sociedades estamentales o segmentadas, no es compulsivo. Como se trata de la adopción de un criterio de selección y de juicio constituido sobre la base de la percepción de alternativas "indiferentes", este criterio funcional debe presentarse y validarse a sí mismo como una opción "indiferente". Podría decirse que, en este aspecto, la organización funcional adopta el mismo carácter del juego y del espectáculo. Hasta a las personas más sobrias, retraídas o refinadas, difícilmente podría ocultársele hoy día el modo como el fútbol, el tenis, los juegos olímpicos (pare referime a los deportes) o el cine, la música popular, el talkshow, etc. (pare referirme a los espectáculos) dominan ampliamente la vida cultural de las sociedades. Pero nadie podría decir que este dominio ha sido compulsivamente determinado, ni por la estructura normativa, ni por las instituciones políticas o las económicas. Se han impuesto simplemente como una "alternativa a la mano" que progresivamente va incorporando nuevos adeptos en virtud de la dinámica misma de escoger entre alternativas consideradas equivalentes.

Con el trabajo ha sucedido otro tanto. No ha ocurrido, como en la primera revolución industrial, que "leyes de cercados" o "leyes de pobres" hayan introducido compulsivamente un nuevo estilo laboral, sino ha sido la

propia novedad de los nuevos puestos de trabajo y de la innovación tecnológica la que ha ofrecido una alternativa diferente. Un panadero podría vender perfectamente hoy su producto, elaborándolo con las recetas de sus antepasados más antiguos y no con tecnologías modernas. Sólo que al hacerlo sabe que se enfrenta al juicio de un consumidor que comaparará calidad, precio y oportunidad, y elegirá, presumiblemente, la alternativa que le sea más conveniente. No hay razones, en consecuencia, pare interpretar la tendencia a la organización funcional como una determinación compulsiva que abarque necesariamente a la totalidad de la experiencia social, sino que debe ser vista más bien como una oportunidad de comparar el valor de las actividades que se realizan según su capacidad de aprovechar el tiempo con provecho y eficiencia.

Como es fácil de observar a nivel global, la evolución de la sociedad hacia formas de organización funcionalmente definidas tolera incluso la existencia de subsistemas que se comporten "contra-adaptativamente" en relación a esta tendencia, como es el caso de la religión, por ejemplo, que lejos de adaptarse funcionalmente a las formas de funcionamiento de las restantes estructuras sociales, persevera en la definición de jerarquías y formas de acción no funcionales, apoyada en presuposiciones metafísicas o teológicas.[7] Y si se examina más a fondo este punto, puede decirse que la coexistencia entre formas de organización funcionales y no-funcionales no es propiamente un problema para la sociedad funcional, sino más bien su presupuesto. En efecto, si existe la posibilidad de diferenciar subsistemas sociales sobre la base de considerar el tiempo como el bien más escaso, es porque en alguna otra parte del sistema o del medio ambiente alguien debe considerar el tiempo como el bien más gratuito y abundante, al punto de que no es necesario atribuirle valor monetario alguno. Esto es lo que habitualmente sucede en las comunidades religiosas, en la experiencia del matrimonio y la familia, o en lo que genéricamente podemos llamar la "sociabilidad natural" de las personas. En todas estas formas se comparte el tiempo efímero en la perspectiva mayor de un vínculo destinado a durar siempre e, incluso, en el caso de la experiencia religiosa, hasta la eternidad.

Pienso que sobre esta materia existe una gran confusión cultural en nuestros días, pues, debido a diversas razones que no podemos analizar aquí, se tiende a contraponer en actitud de encarnizada hostilidad ambas formas de organización social. Defender la vida religiosa, la familia, la amistad, las relaciones personalizadas, es interpretado por muchos como una nostalgia del pasado, como una posición "reaccionaria" frente a la

[7] Ver Luhmann, N. (1989), "Die Ausdifferenzierung der Religion", en *Gesellachaftsstruktur und Semantik*, Bd. 3, Suhrkamp, Frankfurt am Main.

sociedad económica y tecnológica actual. Quienes al revés, defienden la eficiencia, la innovación tecnológica y la valoración económica de las actividades, son acusados de "economicistas" o "materialistas", insensibles a las dimensiones trascendentes de la vida personal. Quienes juzgan la sociedad desde una hermenéutica ideológica piensan que se está aquí ante una elección radical. Pero justamente a la luz de estos juicios se pone en evidencia la total insuficiencia del modo de interpretación ideológico del mundo, heredado del racionalismo. Las dimensiones no-funcionales del trabajo y de la vida no encuentran en la organización funcional un ambiente que le sea hostil, sino sólo "indiferente", pero, al mismo tiempo, debe suponerlas para diferenciar, en relación a ellas, un espacio funcionalmente organizado.

Un ejemplo que ilustra muy bien lo que quiero decir es la situación difícil por la que atraviesa la mujer que busca compatibilizar su trabajo remunerado fuera del hogar con su trabajo no-remunerado dentro del hogar. El modo como se ha impuesto el trabajo fuera del hogar no ha sido por el cumplimiento de una obligación compulsiva y exigible, sino por la oferta de una "oportunidad" que la mujer puede evaluar con criterios de costo-beneficio y decidir libremente si la asume o no. En aquellos casos en que la decisión ha sido motivada por un imperativo de sobrevivencia, no se ve cuál sea la diferencia entre la situación actual y la de doscientos o trescientos años atrás. Cuando se ha tratado, en cambio, de una elección libre y el ejercicio de este doble rol asumido por las mujeres es experimentado en términos conflictivos, lo que ha quedado en evidencia es que la situación en el hogar no le parecía a la mujer tan gratificante como el resto de la sociedad suponía, de modo que se encontraba dispuesta a asumir los costos internos que los beneficios externos le reportaban. Así, junto con aparecer a la superficie la novedad de la promoción social de la mujer por medio del estudio y del trabajo, ha aparecido también el grave deterioro de las relaciones familiares al interior del hogar y la necesidad de redescubrir el verdadero sentido del matrimonio, de la maternidad y de la filiación. La gratificación o el beneficio del tiempo remunerado pone una vara de medida que ayuda a evaluar la bondad del tiempo no-remunerado y vice versa.

Este ejemplo nos ilustra de que una cultura del trabajo no puede plantearse hoy día sino como una cultura de la libertad y de la solidaridad, como ha enfatizado reiteradamente el magisterio pontificio y, particularmente, *Centesimus annus*. Si en el contexto de una sociedad compulsiva que adscribía socialmente cada rol y su respectivo status podía resultar suficiente una justificación del trabajo como obligación o como retribución compensatoria de los dones recibidos, en el contexto de una organización

funcional de la sociedad tal justificación se muestra insuficiente y exige una motivación más adecuada a la práctica de la libertad entendida como capacidad de escoger y no sólo, negativamente, como liberación de la coacción exterior. En el texto pontificio mencionado, esta motivación se identifica claramente con la *creatividad*,[8] y por tanto, con la capacidad solidaria de poner el talento propio, con imaginación y oportunidad, al servicio de las necesidades de las personas con que se convive y se comparte el mismo destino.

Personalmente, siempre me impresionó la cruel ironía que contiene el lema que escogió Hitler para poner en el frontis de cada campo de concentración "El trabajo hace libre". Contiene una verdad muy profunda, pero dependiendo, naturalmente, de cual sea la experiencia de libertad de la cual se habla. Para muchos, el trabajo continúa siendo una pesada carga, mal remunerada, pero sobre todo, sin esperanza de libertad, que poco a poco va acabando con la vida. Pero el contenido cada vez mayor de inteligencia y creatividad que ofrece la innovación tecnológica, ha creado la oportunidad de transformar progresivamente esta experiencia del trabajo como fatiga y consumo de la propia energía, en una experiencia de libertad que desarrolla a las personas según sus capacidades. Pero este desarrollo sólo puede ser solidariamente compartido si se produce a tiempo, es decir, en un tiempo que pueda ser compartido. Y para ello, no es sólo necesario crear nuevas oportunidades laborales en el ámbito propiamente económico, sino fortalecer también los vínculos solidarios al interior de la familia, donde el tiempo no tiene valor económico, y la persona puede adquirir el desarrollo de sus habilidades intelectuales y afectivas básicas que le permitan enfrentar la vida laboral en forma equilibrada y a tono con las exigencies de creatividad y dinamismo personal que involucran las nuevas tecnologías.

Pienso, por lo dicho, que no habrá ninguna nueva cultura laboral si no se produce, simultáneamente, una nueva y más profunda valoración del matrimonio y la familia. Sólo alguien que ha donado su existencia a otra persona para siempre y en forma irrevocable, es decir, sin contabilidad de tiempo, puede desarrollar sin autodestruirse, una contabilidad monetaria del tiempo en los ámbitos de actividad funcionalmente organizados. Si por el contrario, el vínculo matrimonial y familiar es percibido tambien a plazo variable, "hasta que dure" y se pierde todo sentido de la gratuidad del tiempo, entonces la persona pierde también con ello un punto de referencia en el cual afincar su yo en una realidad que trascienda la organización

[8] Ver *Centesimus annus* n. 29, 32, 33, 42 y 51, entre otros.

funcional. Los estudios empíricos acerca de los efectos sociales del divorcio en el mediano y largo plazo, muestran inequívocamente que las personas que han atravesado esta experiencia son más inseguros y emocionalmente inestables, con baja autoestima y bastante mas propensos a alteraciones psicopatológicas de efectos más duraderos. Esto, naturalmente, tampoco conviene a la eficiencia del sector de la sociedad funcionalmente organizado, como ha mostrado Gary Becker con mucha claridad. La organización funcional de la sociedad no es un acto irracional, si ella se realiza como la creación de un principio de diferenciación que somete a algunas actividades a la contabilidad de la eficiencia, distinguiéndolas precisamente de aquellas que involucran a la persona en su unidad y unicidad, y no están, por tanto, sujetas a cálculo. El delicado equilibrio de ambas esferas es lo que da sentido a esta diferenciación, tanto desde el punto de vista de la calidad de la vida humana, como desde el punto de vista de la eficiencia del sector funcionalizado.

El tiempo de una actividad humana específica puede ser objeto de transacción. Pero el tiempo que coincide con la vida misma de una persona, es decir, que la toma a ella en la totalidad de su existencia, obviamente no es transable. Nadie puede comprar su vida, como lo sabe toda persona y, de modo dramático, los que padecen enfermedades terminales. Mantener un juicio justo y verdadero sobre lo que corresponde a una y otra esfera es lo que puede mantener en el largo plazo la viabilidad de esta misma diferenciación. Una cultura del trabajo y de la libertad, en estos términos, implica superar el concepto de trabajo y trabajador como una categoría especial de la sociedad, en contraposición a otras, y asumir que la tecnología moderna, especialmente, de la información ha permitido universalizar el concepto de trabajo, al punto de hacerlo coextensivo a toda actividad humana para la cual tenga sentido contabilizar el tiempo, desde el juego y el espectáculo, hasta la actividad productiva y de servicios.

Nunca como antes el concepto mismo de servicio, que en la tradición cristiana se ha identificado siempre con el "oficio real" de Cristo, había tenido la oportunidad de concretarse de modo tan directo en el conjunto de la actividad económica como en el presente, pudiendo superar aquellas desviaciones ideológicas de carácter "moralista" para las cuales la idea de servicio no pasaba de tener un carácter solamente inspirador de las actividades humanas que se contradecía, sin embargo, en los hechos. El valor de un trabajo bien hecho, de su creatividad e imaginación, de su oportunidad, de su contribución efectiva al mejoramiento de la calidad de vida de la familia y de la sociedad, es uno de los rasgos esenciales de la moralidad que puede dar origen a una nueva cultura del trabajo, sea que se desarrolle en el ámbito funcionalizado de la sociedad o en el ámbito no funcional de la

familia y de las relaciones marcadas por la gratuidad. La creatividad trasciende ambas esferas, al punto de ser uno de los conceptos esenciales propuesto por el magisterio para el desarrollo de una teología del trabajo, es decir, no sólo para ver la actividad humana en la perspectiva una actividad intramundana y secular, sino también como colaboración con el Creador y como himno litúrgico de alabanza que alcanza hasta la eternidad.

Summary of the Discussion

From the point of view of life in the Third World, there is a dilemma about development. The tendency in developed countries seems to be to work so hard in order to be able to consume that there is less time for family and personal relationships. An Asian research project found Fillipinos the happiest people in the region, despite their poverty. Therefore, do we have to catch up with other countries or should they emulate our family and community values?

(Prof. Morande). Although the same could be said of many Third World countries, where work is motivated by the thought of fiesta, however, I think that modern technology does not allow us to maintain a strong divide between work and leisure. Today we live in a continuous space and are permanently preoccupied with information. Life at home is far from immune and "leisure" is permeated with information from the media, creating a continuity between the two types of activity. The crucial distinction is not therefore between work and leisure, but rather between one kind of work where time is considered as a scarce good and the other kind of (family) work where time is abundant.

One of the problems of economic development is indeed the increased value of time. This means that the opportunity costs of leisure (i.e. the costs of being non-productive) are becoming higher and higher. This has various consequences. On the one hand, there is a consistent increase in remunerated activities over non-paid ones such as sociability. On the other hand, as the value of time increases, deferred gratification becomes more demanding. Hence the fact that in the more developed countries savings are less because there are more needs to be satisfied before people begin to save. Curiously the result of this increased value of time and associated growth of productivity, is that eventually it becomes necessary to introduce a compulsory reduction in working hours, which means more time for unpaid activities. This leads to the difference between modernity and postmodernity. In the former, people saved, made efforts, worked, upgraded their skills, because their time-frame included generations, the importance of inheritance for their heirs, etc. In postmodernity, where time

is more valued, the concern is not to protect the future but to valorize the present because the institutions which used to be conducive to a future-orientation in economic behaviour have begun to decline in importance. Paradoxically, the only method of resolving this conflict seems to be by increasing the amount of time dedicated to unpaid activities.

(Prof. Morande). I believe that it is very difficult to introduce legislation which effects a compulsory reduction in work time. It seems a better solution to induce an increase in time devoted to unpaid activities in other parts of society, fostering solidarity. The latter implies a long-term, inter-generational reciprocity, as in ecological efforts or as with the original builders of cathedrals and cannot be weighed in the monetary scales.

In the past philosophy influenced the sciences profoundly: today the reverse is the case with philosophy been formed by the economy. Hence philosophical concepts are being subordinated to the functional imperatives of market competition (e.g. "time", "efficiency"). Yet a broader philosophy, unrestricted to concrete practices, functional requisites and the here and now is essential in order to reflect upon these elements. Philosophy must not become the prisoner of the economy.

The evocative phrase, "work which gives current value to the future", falls within the entire Christian perspective on eschatology — where the future lies above and outside of time. Faith and the Sacraments anticipate the Kingdom of God and thus structure this world, its history and its temporality in the light of a future which is quite other than them. Today it is commonplace to hear it said that modernity has secularized Christian hope, curtailing its horizon to that which can be realized in time, in history. If the acknowledgement that history and transcendence will meet is perverted into the concept of realizing the perfect society within the human time-frame, we deceive ourselves. From the Christian perspective, time must never be devalued, but time derives its value from the future that it anticipates eschatologically, which is always above and beyond that which can be realized in time. This notion of unpaid time, of a time for service, for giving, re-invokes the same idea, even if not stated in eschatological terms. The idea of time which is not reified, commodified or quantified, compared with transitory (work) time, fits well with knowing that we live in two Kingdoms. Yet time is integral, past, present and future are intertwined, but what counts is the eternal — that which alone is durable and in the face of which humanity recognizes its transitory nature and incapacity to realize perfection on earth.

There are various changes which have an impact on how the culture of work can change; in particular the fact that a considerable time is needed for the formation of human capital prior to insertion on the labour market; that today's mobility of labour presupposes a continuous up-dating of knowledge; that manual labour is disappearing and intellectual work is on the increase. All of these elements are converging and becoming intertwined today. From this perspective, can we understand the culture of work which is emerging in a positive sense? It is argued that this is the case precisely because it now commits much more of ourselves in the transformation of reality. But how is it possible to bridge the two cultures, given that one of which (remunerated) is diminishing, whilst the other ("gratuitous") is amplifying?

(Prof. Morande). I believe that when one talks of unpaid time spent in the family, this can easily be understood as an abstract, unreal concept, but I think that this "gratuity" has a sense which surpasses any calculations we can make. For example, economists have attempted to attach a monetary value to domestic activities, yet how can a cash value be associated with the task of socialization? Nevertheless, many prospective employers attach more importance to personal qualities than to formal qualifications. Qualities like trustworthiness have an economic value which cannot be quantified. However, with the development of information technology, the division between work time itself and the time when human capital is formed has become more fluid and more mutually integrated.

Christianity is not like other-worldly religions: it treats of time and eternity, as does, above all, the incarnation of Christ. The history of eschatology has generated various outlooks on society, such as those who wanted to draw eternity into history and thus produced different forms of millenarianism. The philosophical tendency to distinguish eternity as transcendental and historical time as real, which is often to say that the idea of eternity only serves to signify the limit of historical time, is the notion which has most influence on intellectual life today. I see this as a modern version of the old heresy of Doceticism, where the reality of the incarnation was reduced to a sign, outside history. On the contrary, eschatology has a value in the present, not just as a mere hypothesis about a perfect future, but as a reality which is present in the world of today.

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