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Labour Law as Social Questioning: the Contribution of the “Labour Conventions Approach” to a Different History of Socio-economic Institutions

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The “labour conventions approach” developed by Robert Salais (Salais 1989, 1994a; Storper/Salais 1997) explores a way of writing the history of socio-economic institutions that starts with what is, for Marx, the most obvious manifestation of capitalism, “an immense collection of commodities.”¹ At the heart of the method is the realization of the product, that is to say not only its production but also the reality test which for him is the “satisfaction of human needs” (Marx 1976). If capitalist society presents itself as “an immense collection of products,” it is in the sense of an enormous collection of “worlds of production,” that is to say, of social collectivities. The identification of “labour conventions” aims at unravelling the tangle of repeated interactions that occur in these “worlds of production.” It is as if a collection of social groups appeared on the marketplace, reflecting the existence of a complex division of labour across society as a whole.

But starting with the existence of “worlds of production” identified through their “products,” the “labour conventions approach” raises questions about the organizational forms taken by productive activities and the institutional foundations on which they are based. For example, in the context of an “industrial district,” it is not uncommon for productive activity to develop from small units in which work and family life merge. How can one explain, therefore, the crystallization of what is today the dominant form, that is the company and its correlate, the employee? Is the institutional dimension of this process linked to the constitution of an hierarchical space escaping from the functioning of the labour market (Williamson 1985), or to the existence of a legal framework defining the “rules of

the game” through which the interacting links between individuals are made and unmade (North 1991)?

This question does not really arise in classical social history since the division between employees and business leaders is taken as a given, inherent to capitalism. This primary partition is the starting point of a centralization of hierarchical power held by employers in accordance with a dynamic of concentration of capital based on efficiency which is both technical (reduction of production costs from the perspective of Marx) and informational (reduction of transaction costs from the perspective of Williamson). Labour law appears as a response to the “social question” posed by the division between employees and employers (Castel 1994) and as an element in the resolution of the “organizational problem” posed by the emergence of large firms (Williamson 1985). It is seen as an “institution” in the sense that it helps limit abuses, uncertainties and inefficiencies in the labour market.

The “labour conventions approach” leads to a different historical perspective, starting with freedom of trade established by the rule of law. It raises questions about the institutions which define the relationships between people who contribute to the realization of these products by refusing to take the employee and the company as given entities. From this point of view, *L'invention du chômage*, [“The Invention of Unemployment”] (Salais/Baverez/Reynaud 1986), represents a major advance in analysing the institutional framework from which the actors themselves apprehend the relationships they have forged in the realization of a product. This book demonstrated the historicity in France of a category such as unemployment and correlatively that of the employment contract. Following my meeting Robert Salais in 1990, it would lead me down the path of “historical sociology of labour law” abandoning the orientation of Bourdieu with its focus on building social groups through legal categories², thus integrating a “sociological point of view” on law as a motive of action for the agents (Weber

1978), that is to say how the actors mobilize legal norms in their social activities. Indeed, labour law is itself a historical product, whose crystallization is not only linked to the protection of workers or to optimizing company organization. It corresponds to a specific evolution of “institutions” as “the rules of the game” (North 1991) in the relations between producers, allowing players to see themselves as “employees” or as “employers.” It therefore does not contribute to defining the best organization or “governance” of work but rather to the actors themselves questioning the company organization outlined by the collective group of employees.

After returning to the “labour conventions approach”, I will start from the French case to consider the crystallization of the employment contract starting with the legacy of the Civil Code and then to the current consequences of existing labour law in the workplace.

1. From worlds of production to labour conventions

1.1. The product as a starting point

In Salais’ view, the product represents a collective activity of transformation of a world both natural and social. It testifies to the existence of deliberate individual activities guided by a common purpose and which, through their coordination, leads to a product that will be subjected to the “reality test,” that is to say, the fact of finding it a buyer.

The product is the starting point of an investigation which goes back through time to unravel the web of social interactions and individual activities which lie at its origins. But in the early stages of this investigation, very little is known about those who participated in its production. Who should be included in this “world of production”? Are they artisans, employees? Can we even say that they have “worked” to realize this product, when productive and family activities are so mixed together? We simply feel that these individuals have contributed to its production, and this has resulted in their remuneration. One imagines that if the product is sold, or at least allows the one who has advanced the funds to get back his investment with a surplus, the cycle will start again at a more or less sustained rhythm.

1.2. Productivity conventions

In this probable but still uncertain cycle leading to the realization of a product, we discover a set of individuals who have laboured to mine coal, to melt the metal parts and assemble them, spinning silk, cotton ... weaving, making clothes etc. Events unfurl more or less as planned, according to the instructions given, the competence of colleagues or the quality of raw materials. But it is still necessary to deal with these accompanying uncertainties, to adjust the coordination with others in order to arrive at a satisfactory product which may find a buyer. Here, I think, we are touching on what Salais (1989) calls the “conventions of productivity,” according to which individuals more or less know how to adjust to each other in dealing with various technical and social uncertainties, what to do depending on the equipment, the reactions of colleagues and what has been learned from past experiences. The notion of “convention” means that these adjustments to uncertainties are not limited to the instructions of a boss or a superior but suppose a form of initiative on the part of the actors – an initiative in their own activity participating in the division of labour and allocation of tasks among group members.

1.3. The conventions of unemployment

A second source of uncertainty in the realization of the product lies in its ability to find a buyer. Manufactured goods may remain for some time without finding a buyer and may not ever find one, or, inversely, they may arouse widespread enthusiasm. These fluctuations are the subject of a learning experience enabling producers to anticipate the rhythm of manufacturing, preparing for either over- or under-production. Thus, in an industry such as the garment trade, it is known that the approach of winter leads to increased sales and generates increased activity in garment shops and among home seamstresses. In the automotive industry of the Belle Époque, seasonality was reversed, with fine weather being conducive to an increase in car sales (Fridenson 1972). Thus, worlds of production are characterized by specific social rhythms anticipated by the actors and leading in the early twentieth century to seeing unemployment on a professional basis. This touches on a business management question which is just as sensitive for merchants and industrialists as it is, more broadly speaking, for all producers. This uncertainty about the product “finding a buyer” is partially reduced by a form of collective experience concerning expected quality and volume. It involves a division between the intention of

developing, or at least of maintaining, a group of firms and workers with the capabilities necessary for the manufacture of products, and that of retraining the workers and restructuring the firms. The forms taken by this division are the “conventions of unemployment,” the concept of “unemployment” here being a broad one, going beyond the historical category considered in *L’invention du chômage* (Salais/Baverez/Reynaud 1986).

2. Challenges posed by the “invention of unemployment”: the historicity of the employment contract

The “labour conventions approach” lays the foundation for a rethinking of economic dynamics having the merit of leaving open the institutional conditions of the individuals who take part. It therefore leads to questioning the place of these institutional dimensions, which characterizes in my view its strong singularity in relation to an approach to capitalism starting from the division between workers/employees and employers/capitalists. An identification of “productivity conventions” is an aid in understanding productive activities as a form of coordination which therefore does not rely on the authority of a central individual, the employer or the capitalist, but rather on the adjustments made by a plurality of actors. “Conventions of unemployment” reflect a “denaturalization” of unemployment as the immediate expression of economic fluctuations inherent in a market society. I would like to emphasize this point, returning to the scope of the *L’invention du chômage* in this denaturalization of unemployment.

2.1. Invention of unemployment or the birth of the unemployed?

To speak about *the invention* of unemployment has little meaning in a classical view of industrialization seen as a succession of “industrial revolutions” related to technical developments and organizational innovations. The product here plays only a secondary role in relation to the social relationship regarded as thus consubstantial to capitalism: wage labour. From this starting point, production relates immediately to “work”, that is to say, the activity of “workers” who are under the orders of an “employer” who in return for their “work” pays them “wages”. When sales stagnate or fall, the “employer” no longer makes a profit and reduces production thus laying-off redundant workers. The worker works or does not work. “Unemployment” is not strictly speaking “invented,” it is “identi-

fied” as a specific cause of involuntary deprivation of work compared to other factors such as lack of professional skills, illness, disability or old age. On this basis, in the views of Topalov (1994), the Naissance du chômeur [“birth of the unemployed”] corresponds to the birth of a political and social “category” identifying a new social group and related to a policy of mitigating workers suffering through the implementation of specific relief funds and job placement institutions.

A history emerges from *L’invention du chômage* which differs from the problematic category of “without a position” or “without employment” due to “other accidental lack of work” from the 1896 census (Salais/ Baverez/ Reynaud 1986: 33). While the statistician views unemployment as a lack of a position in a workplace, the answers provided by census figures show a complex set of women who were unemployed or in “unknown situations,” differing significantly from the figure of the “unemployed” man formerly hired in workplace. A surprising link is thus made between female unemployment and home work that disorganizes the “statistician’s model” and reflects the difficulty of the actors themselves in understanding their situation starting from the category of “without a job”. Indeed, the occasional lack of work for a woman working at home did not necessarily mean unemployment, conceived of as the rupture of a relationship with an employer, leading women to abstain from declaring themselves as being “without position” or as “unemployed” since they did not see themselves as being in this situation.

The existence of a “floating population” linked to the category of “unemployment” is related to another category which in this same period was the subject of a good amount of legislative and legal thinking: that of an “employment contract.” While it is possible to conceive of an inter-individual legal relationship between a worker and a “head of an enterprise,” the situation became more complicated concerning those described as “isolated,” that is to say, those who worked at home, frequently for intermediaries or “middle-men”. One of the questions in the debate on the employment contract that took place at that time specifically addressed the regulations for workers working at home who sometimes were described as “independents.” The employment contract was one of those tools used to identify the existence of a legal relationship between a merchant contractor and a worker, with the responsibilities of the former towards the latter gradually accumulating in terms of payment of wages, insurance against work accidents or of health and safety conditions.

This helped limit the “isolated” category without eliminating the complex situations in which the division between employers and employees remained unclear, as in the case of precision lathe cutting in the Arve Valley (Salais/Storper 1997).

2.2. Before the employment contract: the regime of the job contract [*louage d'ouvrage*]

With *L'invention du chômage* we can see the possibility of productive activity in which the coordination of producers does not necessarily require an employment contract. This raises questions concerning the institutional frameworks of this productive activity going back to how the available legal tools are mobilized by the actors in the realization of a product at the centre of a “world of production.” Often the Revolution is thought to have played a destructive role, establishing individual freedom by eliminating the collective regulations of the corporations and prohibiting collective forms of action which could bring them back. The Allarde decree and the Le Chapelier law of 1791 are taken as the founding acts of a regime, paving the way for a “liberal modernity” (Castel 1994) which is characterized by the abstention of the State and the reconstitution of the private guardianship of the employers over the workers. This analysis ignores how the players adopted the laws of the Revolution, codified in the Civil Code. As shown by Cottureau (2002), work relations were not reduced solely to the “service contract” [*louage de services*] in Article 1780 of the Civil Code. The actors themselves linked this to the complex architecture of the “job contract” [*louage d'ouvrage*] which, in addition to the service contract, included transport contracts and “quotes and markets” [*devis et marchés*], which together cover Articles 1780 to 1799 of the Civil Code. This legal architecture reflected the workers’ demand to establish a “real job contract” in which workers undertake a job at a “fixed price” in line with rates commonly accepted in the professional world.

The Lyon silk industry appears, in this respect, as an exemplary “world of production” in which the *canuts* [silk weavers] and shop masters were those who took the job orders, demanding a rate which fixed prices in advance. They presented themselves as “entrepreneurs,” hired by the *négociants* [merchant-contractors], using in turn the services of *compagnons* [journeymen workers] and those, less formalized, of members of their own families. This architecture of work relations reveals a sharp division between merchant-contractors and workers, the merchants being in charge of the various operations in the production

of a piece of silk, from spinning to weaving and dyeing. Meanwhile, the workers world, in turn, was characterized by a significant heterogeneity with the corporatist division between “master” (shop master, worker sub-contractor [*ouvrier façonnier*]) and *compagnon*, in addition to the diffusion of the work in the countryside. This world was not devoid of collective regulations. Thus, in Lyon the demand for a rate was regularly advanced by the shop masters, as evidenced by the insurrections of 1831 and 1834.

This institutional architecture, while it has an affinity with the worlds of production close to the *fabrique collective* [collective workshop], can be found in more “industrial” universes such as in the mines or the steel industry. This was particularly the case in the mines of the Nord Pas de Calais region, but also in the mines of Saint-Bel (Grange 1994). This was also true in the steel industry, where the owners occasionally hid behind the ability of certain workers to recruit “helpers,” thus avoiding their liability in case of an infringement of the legislation on child labour or health and safety conditions. In a “labour conventions method,” a system of “job contracts” [*louage d'ouvrage*] emerges around the figure of the shop master or labour sub-contractor [*marchandeur*] which immediately puts the product at the centre of group discussions where the “configurations of meaning” take shape through which actors come to see their identities and their participation in a common world. Indeed, these discussions focused primarily on the “rate” for jobs as the basis of an agreement between the parties in a job contract, between the contractor and contractee, which might in turn lead to signing a service contract between the contractee and the workers.

The “corporatist grammar” based on the duality between *compagnons* [journeymen workers] and masters was never really erased. Beyond the particularism of corporations, it entered the general language of contract law established by the Civil Code. It forged links between workers on the basis of a common condition based on the fluctuating relationship *compagnon*-master (in the case of Lyon) and the remuneration of the *compagnon* according to a fixed proportion of the job rate signed by the master. This solidarity manifested itself in strikes that brought together all workers in opposition to the contractors, merchants and industrialists. It resulted in the rates and professional customs which develop in a given world of production with the weakness represented by the ambivalent attitude of sub-contractors considered as intermediaries. Gradually, the existence of these intermediaries was called into question due to the downward pressure on working conditions

which may result from too much competition. They were sometimes considered “*marchandeurs*” [labour sub-contractors], practicing “*marchandage*” [labour sub-contracting], a practice made illegal by the decree of March 2, 1848. Work accidents, but also the bankruptcy of *marchandeurs*, raised the problem of labour contractors in relation to workers in “service contracts.” Child labour laws heightened this responsibility, placing the labour contractors within the scope of a juridical offense and generating the need for the formalization of the legal relationship between the workers as a whole and the labour contractors.

“Corporatist grammar” could also be found in British Common Law, but in a more accentuated form through the residual aspects of the Master and Servants Act maintaining the “crime of desertion” with respect to the worker who wants to leave his master (Deakin/Wilkinson 2005). Moreover, the distinction between masters and merchant-contractors was not as sharp as evidenced by the case of the London silk industry where many masters were also shop owners (Hupfel 2010). This resulted in sharper antagonism between masters and workers. This antagonism fed the demand for equality of individual rights, in contrast to the relatively egalitarian and collective dynamic observed in France.

2.3. The birth of labour law as a reverse questioning of law and worlds of production

The role of intermediaries in France was questioned throughout the nineteenth century, with milestones such as the prohibition of *marchandage* [labour sub-contracting] in March 1848, but also that of child labour starting from the 1841 Guizot Law, the first of a long series. Salais (2011) suggests that in France this critique of *marchandage* is the basis of a reflection on the specific character of the identified link between workers and job contractors (merchants-contractors, factory owners) compared to a purely market link, that is to say similar to that of a sale between a consumer and a merchant. This criticism led to a gradual abandonment of the reference to the “job contract,” [*louage d’ouvrage*] discarding the model of a “workers sub- enterprise” (sections 1787 to 1799 Civil Code) to focus on the “service contract” [*louage de services*] (Article 1780), as a general model of the employment relationship. The service contract became the legal matrix of work relationships in the face of the legal need to identify the accountability relationship that developed between job contractors [*donneurs d’ouvrage*] and work-

ers within a broader institutional evolution in which the term of work itself was being clarified. With many situations in which production took place at home, providing additional resources to small farmers in the regions of large manufacturing towns (the silk industry in Lyon, ribbon production in St. Etienne, cloth in Rouen, and linen in Cholet, etc.), entire families became involved in production. It then became necessary to refine the concept of work itself, as something distinct from the family activity by excluding children and, to a lesser extent, women (prohibition of night work of women by the law of 2nd of November 1892).

The debates that took place in the Superior Labour Council [*Conseil Supérieur du Travail*] and the Legislative Studies Association [*Société d’Etudes Législatives*] (between 1904 and 1906) tended to identify those elements based on the “service contract” which would form the substance of an “employment contract.” Thus, the “employment contract” was defined in relation to the situation of the artisan who offered his work to the “public.” However, unlike the commercial contract of the artisan, the employment contract is characterized by an exclusive and therefore lasting link between one “employee” and one or more given “employers” (Didry 2002). From this developed a profoundly transformed legal grammar of labour relationships: while the job contract (*louage d’ouvrage*) referred to a community relationship between a group of producers (under the direction of a *marchandeur*), the employment contract is characterized by an *individual* relationship between a worker and one or more employers. This language provides the basis for an analysis of the *legal subordination* of the worker, which certainly leaves open the possibility of an assertion of the employer’s authority over the latter, but simultaneously recognizes the worker as someone with rights in relation to his employer, able to question the employer’s responsibilities.

This new juridical status did not find any immediate consecration in the law (even if it played an important role in the adoption of the Labour Code in 1910), but it played a key regulatory role in the transformation of work relationships in a situation marked by the growth of large factories. It cannot be reduced to a simple “reflection” of the technical evolution which gave rise to the formation of large production units. It also helped to clarify the situation of workers at home, as in the case of home-based garment workers at the heart of the law of 1915 establishing a “minimum wage.” This was not only a law which protected against the damaging effects on wages of competition between

seamstresses. It also required the systematic registration of wage rates by the job contractors, that is, besides the army, the large department stores. It was supplemented by a second law in 1917 which established, for the same seamstresses, the “English week,” that is to say, consecutive rest days on Saturday and Sunday. These laws introduced a radical transformation in an industry initially dominated by piecework, establishing a quasi-wage link between seamstresses and department stores without eliminating the concept of “entrepreneur” which is a possible professional classification of the activity of seamstresses in the agreements of 1936 (Machu 2011).

3. From the employment contract to the company

These institutional changes could put into question the essential point of the “labour conventions approach” i.e., which considers all the participants in a “world of production” as actors. If workers are bound by an individual contract with an employer, they are placed under the authority of the latter and their role as “actors” may be reduced. The employment contract represents a fundamental change in the “legal grammar” of work relations. However, it must be considered in relation to the irreducibly collective dimension of work. It tends to show the structural duality which this contract embodies, insofar as in this modern labour law “next to its contractual dimension, the labour relation ... is linked to industrial relations.” (Jeammaud 1990: 4, translated by the author). Thus, the juridical classification of an individual relationship between the worker and the employer opens an investigation into the coordination of these workers amongst themselves, as a permanent capacity to cope with the uncertainties that arise in the production process regardless of the employer’s instructions. This coordination which employees experience in their work is the basis, I believe, of the new demands for “workers’ control” [Contrôle ouvrier] (Dehove 1937) which came forward in the great strikes of the Popular Front and continued into the on-going debates on labour law in the frequent cases of restructuring leading to a reduction of company jobs.

3.1. Collective agreements of the Popular Front

The employment contract affects how productive actors see their relations, that is, their “configuration of meaning.” This explains the close association that I have noted in the legal debates of the years 1904–1906, between employment

contract and collective agreement (Didry 2002). The “collective agreement” was defined as a contract regulating the conditions of individual employment contracts. The question of compensation, a central point at the time when it set the “rate” of “jobs,” was then integrated into the broader question of work organization itself, linked to the regulation of its duration, whose genesis was the Sunday rest day (1906) and the 8 hour day (1919). This work organization made the distinction between “skilled workers” [*ouvriers professionnels*] and “unskilled workers” [*ouvriers spécialisés*] established during the War in the arms industry and which led to the question of workers’ *skills*, making it possible to establish a series of minimum wages.

Collective agreements negotiated in the aftermath of the great strikes of the Popular Front (May–July 1936) developed out of the “institutional apprenticeship” that had taken place on the basis of the legislative progress of the first decades of the century. The analyses done by Robert Salais and myself, in line with an historical “labour conventions approach” led us to identify a “world of production” crucial to the dynamic of these strikes and the subsequent collective bargaining: the defence sector and more specifically that of aeronautics (Didry/Salais 1995). Since the early 1930s, this sector had been marked by a very strong dynamic of development in a general context of crisis and unemployment. It had to face the contradictions brought forth by the renewal of the forms of work organization that had been practiced during the First World War in a universe dominated by the figure of the skilled worker whose work was fettered by full compliance to the foreman’s instructions and authority. The revival of aircraft production faced difficulties in developing large scale production in a world dominated by many small manufacturers. In this context, the worlds of the metallurgical industry in Paris and St. Etienne lend themselves to a group examination of the productive organization supported by the unions.

The collective agreement in the Parisian metal industry in July 1936 was the first response to these organizational problems, with the establishment of a scale of skills based on the duality skilled/unskilled worker (*ouvrier professionnel/ouvrier spécialisé*) and the subsequent negotiation of a convention for employees, technicians, foremen and engineers. As shown by Salais and Storper (1997), the negotiation of this “pilot” agreement of the Parisian metal working industry contributed to the crystallization of a world of production characteristic of what was considered the “splendour of the Paris region” based on the companies at the centre of the subsequent innovative dynamic of the

aeronautics industry and more generally of “State production.” The law of 24 June 1936 and the “model” agreement of the Parisian metal working industry tended to set a form of work organization around the duo “skilled/unskilled worker,” from which an explanation of the specific features of different modes of production becomes possible. These legal references help reveal unique worlds of production, especially in less “industrial” cases such as that of the precision lathe cutters of the Arve Valley who are divided between workers in small workshops and home workers (Didry 1998a).

3.2. The dynamics of corporate restructuring

The “labour conventions approach” leads to a reflection on the genesis of both the work contract and of the company from which progressively emerges the figure of the “entrepreneur” gradually demanding control over the organization of work. This figure develops in the early years of the twentieth century in a context in which the company’s identification as an employer is accompanied by questions both as to its strategies in the organization of production as well as to its choice of products. This questioning is at the centre of many historical monographs produced by the research group *Institutions, Emploi, et Politiques Économiques* [“Institutions, Employment and Economic Policy”], directed by R. Salais during the 1990s (Salais 1994b). It can also be found in research undertaken by R. Salais on corporate restructuring in the 1980s leading to collective redundancies and assistance from the Fund for Industrial Modernization (Salais 1992). This set of surveys reveals another dimension of the “labour conventions approach”: the plurality of possible worlds of production which can be present within the same company. In other words, if the company and the employment contract are the main institutional frameworks of activity in a “world of production,” the same company may experience evolution of production describing a trajectory between the different possible worlds of production which are outlined by labour conventions (Salais 1994a).

During these restructuring processes, labour law provides the basis for interrogating the nature of conventions operating at work, not only through a reconsideration of the company’s strategy identifiable in its financial data, but also through the mobilization of workers. The works council [comité d’entreprise] becomes a place for debate leading actors to question the expected evolution and therefore existing labour conventions, prior to considering the conditions for the possibility of new forms of production

that emerge from it. Here again, the “labour conventions approach” means freeing ourselves from the conception of the company as a management unit under the authority of a “boss”, to consider it as a work collective whose members come to question their activities. The lawsuits involving works councils in situations of mass redundancies enabled me during the 1990s to identify a plurality of registers of criticism of corporate management in the debates and forms of worker mobilization, revealing the texture of the labour conventions that are forged in the productive activity of relevant companies (Didry 1998b).

In the context of financialization, marked in France by the search for the “factoryless” company centred on design and conception, and, more generally, by a blurring of company boundaries, it could be suggested that the “labour conventions approach” is losing its relevance. Restructuring is taking a dramatic turn in which the initial “critical” registers are increasingly difficult to apply in the face of managerial determination to cut jobs considered too expensive. However, dynamics of negotiation are emerging, not only to consider the fate of the dismissed employees but also to define the substance of the company through its work, around agreements to clarify its general outline in the future, whether this is through the “forward management of employment and skills” [gestion prévisionnelle de l’emploi et des compétences] or, more directly, through the determination of “economic and social units” [unités économiques et sociales] (Didry/Jobert 2010). Given these dynamics, the “labour conventions approach” has helped me better understand the issues of collective mobilization and debate deeply rooted in the productive dimensions, leaving behind a macro-social analysis which held these “micro-mobilizations” to be a negligible quantity and concluded that there was a progressive disappearance of the labour movement. It has the great advantage of removing the prisms of great social visions such as the “post-industrial society,” and “post-Fordism,” to return to the reflections and analyses of those who through their work in the company have measured its possibilities.

Conclusion

Based on the regularities that emerge in productive activities, the “labour conventions approach” has contributed to a profound renewal of socio-economic history, leaving behind the analysis of a linear evolution that identified a succession of historical periods such as Fordism or post-Fordism. At the same time, it has generated a new per-

spective on labour law, compared to classic social history with its postulate of an irreducible confrontation between workers and capitalists leading to the development of a body of measures protecting against the most extreme forms of exploitation. It has enabled an analysis of the historicity of the categories of employees/workers and capitalists/bosses/employers, considering juridical frameworks as historical categories contributing to the construction of a “horizon of meaning” by the actors themselves. What emerges is a history open to a plurality of inextricable economic and social dynamics in which the future is difficult to predict but which can be seen in the activities and projects of individuals who, while trying to shed light on their practices, contribute to the transformation of the institutional and therefore juridical frameworks of their experience. Labour law is thus an element in a complex process of development in which, to the experiences and questions which actors develop starting from these categories, responds the continuous evolution of jurisprudence and legislation.

Claude Didry, sociologist, is senior researcher at the CNRS, and director of the research laboratory Institutions et Dynamiques Historiques de l'Economie at the Ecole normale supérieure de Cachan/Paris. He has recently edited (in French, with Annette Jobert) a book on restructuring firms. His researches are focused on contemporary and historical issues in industrial relations and labour law.

Endnotes

1 “The wealth of societies in which the capitalist mode of production prevails appears as an ‘immense collection of commodities’; the individual commodity appears as its elementary form.” (Marx 1976: 125).

2 “Law is the quintessential form of the symbolic power of naming that creates the things named, and creates social groups in particular.” (Bourdieu 1987: 838).

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