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From Industrial Citizenship to Private Ordering?
Contract, Status, and the Question of Consent

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Abstract

This paper revisits the notions of contract and status found in classical sociology, legal theory, and labour law. Adopting an historical perspective, it explores the fragmentation of the status of industrial citizenship during the neoliberal period and discusses the enduring usefulness of the status/contract distinction in analyzing current trends in the regulation of working relations, including the spread of "gig" or platform-mediated work. Elements of status, it is argued, must always be present if work is to be performed and paid for as the parties require it. Claims to the contrary – for example, that the gig economy creates a labour market without search frictions and only minimal transaction costs: contracts without status – assume an undersocialized model of (monadic) social action that has no basis in the reality of social life (Durkheim, Weber). Still, status may come in a variety of forms that are more or less desirable from the perspective of workers, businesses, and society at large. The paper traces what it conceives as the privatization of status via contracts between employers and workers under the pressure of marketization and dominated by corporate hierarchies. Towards the end of the twentieth century, sociologists observed the division of workers into two groups or classes – core (with relatively well-paid and secure employment) and peripheral (low-paid and insecure). Thirty years later, gross inequalities of wealth and conceptions of the neoliberal self as ever-improving, ever-perfectible, are combining to create novel forms of status not fully anticipated by the literature.

Keywords: contract and status, corporatism, entrepreneurialism, gig economy, industrial citizenship, industrial democracy, master and servant, precarity

Zusammenfassung

Wir beginnen mit einem Rückblick auf zwei Begriffe, Vertrag und Status, die in der klassischen Soziologie, in der Rechtstheorie und im Arbeitsrecht eine prominente Rolle spielen. In einer historischen Perspektive untersuchen wir die Fragmentierung des auf industrielle Bürgerrechte gegründeten Arbeitnehmerstatus in der neoliberalen Periode und betonen den bleibenden Nutzen der Unterscheidung zwischen Status und Vertrag für die Analyse gegenwärtiger Entwicklungen in der Regulierung von Arbeitsbeziehungen, einschließlich der Ausbreitung von sogenannter Gig-Arbeit und durch Plattformen vermittelter Dienstleistungen. Unser Argument ist, dass Elemente von Status präsent sein müssen, wo immer Arbeit so geleistet und bezahlt werden soll, wie zwischen den Vertragsparteien vereinbart. Vorstellungen wie die, dass die Gig-Ökonomie einen Arbeitsmarkt ohne Suchkosten und mit nur minimalen Transaktionskosten hervorbringt – Vertrag ohne Status –, unterstellen ein untersozialisiertes Modell (monadischen) sozialen Handelns, das keine Grundlage in der Wirklichkeit des sozialen Lebens hat (Durkheim, Weber). Allerdings kann Status eine Vielzahl von Formen annehmen, die aus der Perspektive von Beschäftigern, Beschäftigten und der Gesellschaft als Ganzes mehr oder weniger wünschenswert sind. Das Papier verfolgt den Prozess der Privatisierung von Status mittels Vertrag unter dem Druck des Marktes und der Macht von Unternehmenshierarchien. Gegen Ende des 20. Jahrhunderts beobachteten Soziologen eine Spaltung der Arbeiterschaft in zwei Gruppen oder Klassen, die eine im Kern (mit relativ guter Bezahlung und vergleichsweise hoher Beschäftigungssicherheit) und die andere an der Peripherie (schlecht bezahlt und prekär) des Beschäftigungssystems. Drei Jahrzehnte später verbinden sich krasse wirtschaftliche Ungleichheit und Vorstellungen von einem in ständiger Verbesserung und Perfektionierung begriffenen neoliberalen Selbst in der Schaffung neuer, von der Literatur nicht antizipierter Formen von vertragsbasiertem Status.

Schlagwörter: Gig Economy, industrielle Bürgerrechte, industrielle Demokratie, Korporatismus, *master and servant*, Prekarität, Unternehmertum, Vertrag und Status

Contents

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1 Introduction

Whatever became of industrial citizenship? Once upon a time, when its heyday was already coming to an end, it was described as a peculiar configuration of *status and contract*. In the first part of this paper we revisit an essay written in 1986 by one of the authors, entitled "Status and Contract as Basic Categories of a Sociological Theory of Industrial Relations" (hereinafter "Status and Contract").[1] By returning to what now seems like the distant past, to an era still widely considered to have been the Golden Age of labour law and politics, we hope to learn about the present in the light of how and why it differs, and came to differ, from that time.[2]

We begin in section 2 ("Status and contract in the age of industrial citizenship") by reconsidering central concepts from the 1986 essay, preparing the ground for an assessment of their capacity to capture the profound changes that have taken place and continue to take place today. Concepts, as Philip Selznick reminds us, are "open-ended, subject to debate and revision, accessible to empirical judgment" (Selznick 1969, 4); they are time-bound, carrying different meanings in different historical contexts. In 1986, status was defined with reference to both classical sociology and postwar industrial relations scholarship as a necessary supplement to contract, both generally speaking and in the particular context of working relations. Contracts for the exchange of work for wages, it was noted, are typically agreed by parties of unequal bargaining power and, in respect of the specification of the obligations of the worker, incomplete; status fills in the gaps, securing in one way or another the worker's consent to work as the em-

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1 The essay was Streeck's *Habilitation* lecture at the University of Bielefeld in 1986. In written form it appeared first in 1988 as "Status und Kontrakt als Grundkategorien einer Theorie der industriellen Beziehungen", Discussion Paper SP-LMP, Wissenschaftszentrum Berlin. An extended English version was published two years later: Wolfgang Streeck. 1990. "Status and Contract as Basic Categories of a Sociological Theory of Industrial Relations." In *Regulating Corporate Groups in Europe*, edited by David Sugarman and Gunther Teubner, 105–45. Baden-Baden: Nomos. Lightly revised, it was included in Wolfgang Streeck. 1992. *Social Institutions and Economic Performance: Studies of Industrial Relations in Advanced Capitalist Economies*. London and Beverly Hills: Sage, 41–75. Further references are to this last version.

2 As in Streeck's original paper, our focus lies with the now post-industrial nations of the global north, which share a history of industrial democracy. In places, we use terminology that is specific to Anglo-American legal systems (e. g., the law of master and servant) in the knowledge that equivalents are found elsewhere and that the arguments made are therefore of wider application.

ployer wishes and directs her to do. The primary focus of the essay lay with industrial citizenship as providing a particular, democratic foundation for workers' consent. As globalization progressed and neoliberalism took hold, so it went on to observe (section 3, "The neoliberal turn: Flexibility versus justice"), the fracturing of postwar industrial relations and labour law gave rise to what it called a "polarization of status and contract", and a resultant dualism, comprising a core of workers with job security and employment rights, and a periphery of casualized and highly precarious labour. The essay concluded by considering the implications of dualism for economic productivity and social stability: how could these be achieved if employment relations was increasingly a realm of private ordering rather than industrial democracy?

In the fourth section of this paper, subtitled "Liberalization as emancipation?", we suggest that hindsight reveals a slightly different picture to the one painted in the 1980s. In charting a progression from contract to the particular status of industrial citizenship, the "Status and Contract" paper tended to obscure the inherent attraction of contract to workers as an emancipatory mechanism, freeing them from a servile status and a relation of service to their "master" – or indeed, from what might be perceived as the overregulated and stultifying routine of the Fordist industrial citizen. Industrial relations scholarship tended also to overestimate the attractions of industrial citizenship for employers: the economic benefit that they could secure by conceding employment rights to their workers, including rights to collective representation and participation in managerial decision-making. Especially in the expanding services sector, and with the help of developments in technology, it now appears increasingly possible to organize work in a manner that ensures managerial control *without* creating significant opportunities for workers to sabotage the labour process, thereby unburdening employers of the need to secure workers' good will.

In section 5 ("Four workers, peripheral and core"), an empirical examination of contemporary contracts for work expands upon and confirms these points. Notwithstanding the great variety of forms of contract for work and associated status around today, two trends are observable. In the case of peripheral workers hired on casual or even "spot" contracts, status does not disappear entirely, rather the relationship tends to assume a master-and-servant-like form with economic compulsion and new technologies used, in addition to and in combination with law, to secure the workers' consent. For both core and peripheral workers, meanwhile, self-employment and entrepreneurship have a new prominence in employment relations, holding a promise of freedom and autonomy which, for the vast majority, is not borne out by the realities of working life. Where the notion of entrepreneurship is internalized by the worker, consent to managerial direction may be given freely as likely to enhance her standing and marketability. In a final section ("Contract, status, and post-industrial justice"), we consider the extent and the limits of private ordering in employment relations today. An examination of the role of the state and of workers themselves in tolerating or facilitating private ordering by employing organizations provides some preliminary indications of how to address anew questions of industrial citizenship and justice at work.

2 Status and contract in the age of industrial citizenship

"Status and Contract" was written at a time when the postwar social compact of which national industrial relations systems formed a part was beginning to disintegrate. The ascent of Reagan and Thatcher to power figured here as both cause and manifestation. What was not clear was how far the disintegration process would go, exactly where it was heading, and whether it could and should be halted or even reversed by institutional reform. The emerging neoliberalism for which Reagan and Thatcher stood had been a reaction, among other things, to the global industrial unrest of the late 1960s and early 1970s. In the course of that unrest, the institutions of industrial relations in the capitalist democracies of the "West" came under pressure from two sides: from militant workers whose self-confidence was enhanced by apparently securely institutionalized rights of industrial citizenship, and from employers and governments who, for partly different reasons, felt that such rights were being used irresponsibly or had been allowed to develop too far, undermining the capitalist economy and the liberal-democratic polity. Intense discussions ensued, in politics and the academy, which revealed an underlying tension between industrial peace and social progress as institutionalized objectives in industrial relations, represented by different actors and diverse theoretical approaches. At some point this called for a re-examination of the conceptual foundations and the historical trajectories of industrial relations theory and practice; like the Owl of Minerva spreading its wings, however, the ensuing re-examination reached its climax just as the social arrangements in question began to dissolve.

Aligning itself with the social progress side of the debate, "Status and Contract" drew in the first instance on nineteenth-century theoretical reflections in sociology and law concerning the limited capacity of a liberal order to provide for social integration, constituted as it was by voluntary contractual relations between independent, autonomous individuals. In sociology, authors as diverse as Marx, Durkheim, and Weber were of the view that, in particular, relations between owners of capital and sellers of labour meeting in the newly instituted "labour markets" were so deeply distorted by differences in power, deriving from differences in need and urgency, that they could only give rise to unequal contracts. Formally voluntary agreements, these were in fact dictates by the stronger to the weaker party. As such they lacked the normative justification expected by liberal theorists, such as Maine and Spencer, to flow from the parties' exercise of "free will" in entering into their relationships.[3] Unless something was done, modern society was therefore threatened by disruptive conflicts especially at its very core – modern industry – where its material life and, presumably, growing prosperity were to be produced.

3 The paper quoted Max Weber, according to whom "the formal right of a worker to enter into any contract whatsoever with any employer whatsoever does not in practice represent for the employment seeker even the slightest freedom in the determination of his own conditions of work … It rather means, at least primarily, that the more powerful party in the market, i. e., normally the employer, has the possibility to set the terms, to offer the job 'take it or leave it', and, given the normally more pressing economic need of the worker, to impose his terms on him" (Weber [1922] 1978, 729–30).

In its dual concern with *economic productivity* and *social stability* – both inherited from the classical tradition and reflective of then current politics – the "Status and Contract" paper was characteristic of the industrial relations literature of the time. In two respects, the paper suggested, contract as such was rightly considered to be unable to pacify the relationship between capital and labour. This was so in the *market*, where employers seeking to hire labour could afford to wait, and so to force unemployed workers, in more urgent need of employment, to submit to the conditions offered to them, both exploiting and adding to economic inequality. It also applied, secondly, at the *workplace* where the contract, entered into by ostensibly free and equal partners, gave rise to a one-sided relationship of authority – and had to, given the inevitably incomplete job description in a contract written in and for a technologically and economically dynamic economy. Industrial relations, then, the subject of the original essay's theoretical effort, was conceived as the building and maintenance of essentially public institutions capable of healing the deficiencies of the private contract as a foundation for productive class cooperation.

It is here that the second main concept of the paper came into play: status. Retracing the social-theoretical tradition, status was defined as "a complex of rights and duties imposed on individuals *a priori* as a consequence of their belonging to a particular social category …" (43), or, with Weber, as a "starting point for (an individual's) further legally relevant activities", more generally as "a special and intrinsic quality (that) is attributed to him by the law independently of his own acts of consociation".[4] As such, status could be treated as an institution that was part of what Durkheim, in his *Division of Labour* (1893), summarily described as the "non-contractual conditions of contract": the conditions which underpinned and made viable contractual relations, given that contract-pure-and-simple could not hold a society together.[5] Following the classical tradition, then, status was understood to designate an institution above or below, in any case beyond individual volition – in other words, a public institution. Contract, in contrast, was the institution that allowed individuals to arrange their mutual relations as they pleased, provided that their chosen arrangement remained within the limits drawn for them by their respective statuses. In the functionalist-cum-political perspective of the postwar era, the politics of industrial relations consisted in the construction of status rights and obligations suitable to repair the deficiencies of contract as a medium of social integration – the objective

4 As cited on p. 43 (Weber [1922] 1978, 669). Writing in the later twentieth century, Otto Kahn-Freund conceived of the contract of employment as the "general foundation" of the service or employment relation: from a legal perspective, there was no master and servant, or employer/employee, relation until the contract had been agreed (Kahn-Freund 1977). The status of citizen, in contrast, is logically prior to contract. Citizenship permits a person to enter a market and conclude a contract, as captured by T. H. Marshall's concept of "civil rights" in his famous essay of 1949 (Marshall 1965).

5 "If mutual interest draws men closer, it is never more than for a few moments … Indeed, if we look to the heart of the matter we shall see that every harmony of interests conceals a latent conflict, or one that is simply deferred … Self-interest is, in fact, the least constant thing in the world. Today it is useful for me to unite with you; tomorrow the same reason will make me your enemy …" (Durkheim [1893] 1964, 152). Similarly Weber, for whom a purely interest-based social order critically lacks stability.

being that contracts for work could and would be formed in a way that allowed them to be perceived as equitable and therefore just, in particular by the weaker party. In both the labour market and the workplace or firm, the task of the political institutionalization of industrial relations, including labour law, as a high art of class compromise if not reconciliation was to limit the freedom of contract of buyers and sellers of labour through the imposition of a modern, politically constructed status. As T.H. Marshall put it in his seminal account of the welfare state as a product of an evolving hierarchy of rights, the modern status in question was, specifically, *industrial citizenship* (Marshall 1965).[6] Whereas in pre-modern times, working relations had been determined by the parties' status as *master and servant*, industrial citizenship had as its paradigm the relationship between citizens in a democracy, egalitarian rather than hierarchical.

In the 1986 paper, status-building to facilitate the conclusion and performance of contracts for work was discussed separately with respect to workplaces and labour markets, drawing in the first instance on the then influential work of Alan Fox concerning the presumed dysfunctions of Fordist-Taylorist work organization (Fox 1974).[7] In the post-war decades, institutionalists, as they were then called, considered the undergirding of private contract by public status as essential for social justice, social justice as essential for social peace, and social peace as essential for industrial performance. As to how to achieve such undergirding there was, however, disagreement, especially in the 1960s and 1970s in the light of contemporary conflicts over industrial relations and its "reform". With the growing intensity of industrial conflict, a left wing of industrial relations reformists lost their faith in the desirability of integrative institutions. With an old or new allegiance to a class-theoretical view of society, which in the case of Alan Fox re-

6 Thomas H. Marshall. 1965. *Citizenship and Social Class.* In *Class, Citizenship, and Social Development: Essays by T. H. Marshall*. Garden City: Anchor Books, 71–134. Industrial citizenship as a concept is not particularly prominent in Marshall's exposition. It is introduced as something like an intermediate solution for the creation of social rights before the advent of the "Planned Society and the Welfare State" (102), as an improvised expedient before the full accomplishment of democracy and, with it, an interventionist modern state (122). According to Marshall, collective bargaining "meant that social progress was being sought by strengthening civil rights, not by creating social rights; through the use of contract in the open market, not through a minimum wage and social security" (103). Its significance lay in the fact that it amounted to an "extension of civil rights in the economic sphere", making it "an instrument [for the workers] for raising their social and economic status, that is to say, for establishing the claim that they, as citizens, were entitled to certain social rights" (103). Collective bargaining amounted to "the transfer of an important process from the political to the civil sphere of citizenship", at a time when workers "either did not possess, or had not yet learned to use, the political right of the franchise" – which they now, as Marshall was writing, had obtained. "Trade unionism has, therefore, created a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship" (103–4). In the present paper we use the concept of industrial citizenship in a somewhat broader sense, to refer to the entirety of "status" rights instituted to neutralize the market power differential between workers and employers in that they enable them to negotiate collective contracts, or agreements, on a level playing field, allowing workers to say no to offers they deem unacceptable.

7 Alan Fox. 1974. *Beyond Contract: Work, Power and Trust Relations*. London: Faber and Faber.

sulted in his departure from the "Oxford School",[8] they now considered as an historical possibility nothing less than the revolutionary overthrow of capitalism, brought about by contract insufficiently redeemed by status. Focusing on work organization and the need for mutual trust across hierarchical levels, Fox and others maintained not only that modern politicized status had been unable to supplant the feudal legacy of master and servant, but that without that legacy it would be unable to do its job: to guarantee the smooth operation of a hierarchical workplace organization. With its paternalistic implications, however, feudal status was subject to erosion by management insisting on its right to manage, if need be against workers' wishes, and by workers and unions insisting in turn on ever more specific, detailed, rigid circumscription of their rights and the duties of management, precisely to remove the last remnants of the master/servant tradition. According to Fox, these dynamics were bound to set in motion a "spiral of low trust", driven by an underlying fundamental class conflict that was incurable by even the most sophisticated of institutional stopgaps.

Similar considerations arose in respect of labour markets, as observed in particular by Tannenbaum and Marshall commenting on the role of trade unionism and collective bargaining in industrial democracies (Tannenbaum 1964). Already Marshall had wondered how institutionally empowered trade unions could be made to act "responsibly" – defining and defending their interests under industrial citizenship so as not to kill but rather feed and fondle the capitalist goose laying golden eggs, supposedly, not just for them but for society as a whole.[9] Contracting for work was to be pacified by balancing the secular move from status to contract by a secular countermove from contract to status, in the form of a legal right for workers to collective bargaining, politicizing the contract by collectivizing it. Reconciling this with a Keynesian responsibility for the government to provide for full employment turned out to be difficult, however, since full employment created opportunities for collective opportunism on the side of unions, as perceived by British and other governments in the 1960s and 1970s.[10] In fact it was

8 On the "Oxford School" see George Bain, "Oxford School of Industrial Relations: Fifty Years after Donovan", Nuffield College, Oxford, 24 October 2015, http://www.historyandpolicy.org/docs/uploads/george-bain-reading-on-oxford-school-of-industrial-relations.pdf, last seen on 4 November 2020. On Fox see his *Beyond Contract*.

9 "If citizenship is invoked in the defense of rights, the corresponding duties of citizenship cannot be ignored … [They] require … a lively sense of responsibility towards the welfare of the community. Trade union leaders in general accept this implication, but this is not true of all members of the rank and file … Unofficial strikes have become very frequent, and it is clear that one important element in industrial disputes is discord between trade union leaders and sections of trade union members. Now duties can derive either from status or from contract. Leaders of unofficial strikes are liable to reject both …" etc., etc. (Marshall 1965, 123). Obviously this anticipates the central themes of the industrial relations "reform" debates of the 1960s and 1970s.

10 This had been anticipated by Keynes as early as the 1920s. Keynes's attitude toward trade unions was always ambivalent. On the one hand they were useful as in a business downturn they protected demand by making wages "sticky". On the other hand this could exacerbate unemployment, which would require some sort of government intervention, including of a punitive kind. Trade unions could also cause inflation by forcing wage increases above the increase in productivity, which was possible especially where government guaranteed full employment. In such

widely taken for granted at the time that it had been the political guarantee of full employment that had led to the strike waves, the overshooting wage settlements and the rising rates of inflation in the 1960s and 1970s – the very developments that had in turn caused the re-thinking of industrial relations and labour law and the demand for industrial relations reform that we are here discussing. Worker "bloody-mindedness" – the opportunistic use of politically provided opportunities for "excessive" wage increases – was considered by "bourgeois" economists to be economically stupid and by left sociologists as retaliation for being locked into a proletarian existence, or simply a replication of observed capitalist behaviour. As early as 1944 Marshall had been of the view that the main burden in the restructuring of society to advance social justice should be borne by government and by social policy, in response to social rights grown out of political rights, with collective bargaining relegated to the back seat (Marshall 1965, 105–26). The 1970s and 1980s, then, was high time for debates on "incomes policy": how to get trade unions to behave "responsibly" even when, in the absence of either legal sanctions under "free collective bargaining" or the economic threat of unemployment, they didn't *have* to do so (Ulman and Flanagan 1971).[11]

Extracting wage restraint from politically empowered trade unions posed difficult problems of institutional design that were at the centre of contemporary discussions on industrial relations reform. In the postwar era governments had made contracting for work acceptable to workers by establishing a set of status-generating institutions that applied irrespective of market conditions to all citizens who sought or were in employment – a catalogue of rights written by public policy into private contracts, complementing and, if necessary, overriding what parties had agreed, to be monitored and enforced by the state. In the 1950s, this notion of inalienable worker rights before and beyond contract and protected from managerial discretion, constituted by legislation or collective bargaining, became the basis of the concept of an "industrial relations system", as famously developed in the United States by politically influential academics like John Dunlop and Clark Kerr.[12] Conceived as a subsystem of society in the sense of Parsonian structural-functionalism, separate from and on the same plane as the economic system, the industrial relations system was supposed to function with relative autonomy, according to a logic and to social values of its own that had to be respected by all parties in the labour market, especially the economically stronger (Parsons 1951).[13] At the same time, it had to be able to do its duty: to contribute to the governability of capitalist society and, in particular, the state-administered capitalism of the time (Brown 2015).

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instances Keynes advocated pragmatic political remedies, ranging from informal negotiations with trade union leaders ("moral suasion") to more or less hard institutional limitations on free collective bargaining.

11 See also, among many others, Robert Boyer, Ronald Dore, and Zoe Mars, eds. 1994. *The Return to Incomes Policy*. London: Francis Pinter.

12 See Dunlop (1958) 1993; Kerr 1960.

13 Talcott Parsons. 1951. *The Social System*. New York: The Free Press.

At this point yet another bipolar distinction appears in the "Status and Contract" paper, namely that between *pluralism* and *corporatism*. Pluralism denotes a capital-labour relationship where the class interests of either side are independently institutionalized as equally legitimate: the *social* interests of workers and the *economic* interests of employers, the rights of workers and management existing side by side, mutually undiluted, their conflict contained by procedural rules protecting the interests of society at large. While unions fight for wages and conditions, employers fight for productivity and profitability, both by right, and the government ensures that the fight does not excessively disrupt social peace and industrial cooperation. Institutionalized industrial relations, involving labour, capital, and the state, are to produce a "web of rules" for the conflictual interaction between interest-conscious workers and interest-conscious employers, one that stabilizes their relationship and protects both from fluctuations of markets and market power (Dunlop [1958] 1993). Pluralism in this sense *de-economizes* industrial relations, forcing employers to put up with a "pervasive moral indifference [on the part of] workforces to the firm's economic goals" and a corresponding "shift of [worker] loyalties toward the unions" (57). In practice this implied acceptance by workers and unions of the Taylorist organization of work, specifically designed to function "at arm's length", regardless of whether workers identified with their work or cared about their place of employment. It also implied acceptance by employers of hard bargaining, with their workplace conflicts settled not by appeals to shared values, such as company or national patriotism, but by a sober assessment of the two sides' conflicting interests and conjuncturally shifting power relations.

Corporatism, in turn, was seen as an alternative to pluralism, or as an improved follow-up model, upon which some of the anti-neoliberal, or pre-neoliberal, industrial relations reformists of the 1980s placed great hopes. For present purposes, corporatism may be defined as another variant of public status underpinning private contracting for work, both in labour markets and in the governance of work at the point of production. Unlike pluralism, it pulls workers into management and unions into the state, as co-responsible co-agents on the inside of the firm and of government. In this way it promises to integrate worker interests in high wages and secure employment with business interests in economic productivity and state interests in political stability. In some quarters, corporatism – or more precisely, the neo-corporatist corporatism of postwar Western democracies – has always been mistrusted as a disguised form of paternalism, of cooptation of trade unions into capitalism, as a thin veiling of corruption and class betrayal if not fascism.[14] Its defenders, in contrast, understood it to be an impor-

14 Strangely enough this view was widely held in a country like Sweden, which for many was a model case of democratic corporatism. Walter Korpi in his seminal analyses of the Swedish political economy held that it was "power resources", not institutions, that accounted for Sweden's peaceful march into socialism. That Sweden had almost no strikes at the time Korpi explained by the capacity of the two arms of the labour movement, the unions and the social-democratic party, to get their demands through without having to resort to conflict. That Germany, which he did consider corporatist, had equally low strike rates was explained, not by the institution of codetermination on company boards and at the workplace, but by the submissiveness of Ger-

tant step in the organized working class's advance towards the commanding heights of the economy, via worker participation or codetermination, and of the democratic state, where trade unions, in their "conflictual partnership" with capital,[15] formed something like a "second tier of government",[16] indispensable, if properly institutionalized, to the proper functioning of the first tier. Taking their cues from countries like Sweden and, to an extent, Germany, neo-corporatists understood the concession of corporatist status to workers and unions to be the price – a high price to be sure – that capital had to pay in "political exchange" for the cooperation of labour in the pursuit of increased productivity, secure profitability, and monetary stability; goals that assumed particular importance in the face of rising international competition (Pizzorno 1978).

A corporatist transformation of pluralist industrial relations was the last expedient of social-democratic labour politics, peddled to capital and governments alike as the right (and only) European, or indeed Western, response to what was then seen as the "Japanese model" (Dore 1973). In contrast to Japanese-style enterprise unionism, class corporatism was supposed to even out inequalities not just within the working class but also between labour and capital, in line with egalitarian values. Adherence to these was argued to be essential not just for democracy but also for industry, in that it and it alone would restore a cooperative spirit among workers without which advanced capitalism either couldn't function at all, or could function only with inferior results. In fact, egalitarian values were upheld longer than elsewhere in countries that conformed to some extent to the democratic-corporatist model of industrial relations, renewing expectations that economic efficiency and social justice might be mutually conducive. Where it had proved impossible, during the 1970s and 1980s, to move from pluralism to either corporatism (or, for that matter, socialism), as for example in the UK and the US, the transition to neoliberalism began earlier, before the issue of status and contract took an entirely new turn in the 1990s, with the rapid progress of internationalization and globalization.[17]

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man workers inherited from the fascist past. See Walter Korpi. 1978. *The Working Class in Welfare Capitalism: Work, Unions, and Politics in Sweden*. London: Routledge & Kegan Paul; Walter Korpi. 1983. *The Democratic Class Struggle*. London: Routledge & Kegan Paul.

15 See Walther Müller-Jentsch. 2007. *Strukturwandel der industriellen Beziehungen: "Industrial Citizenship" zwischen Markt und Regulierung*. Wiesbaden: VS Verlag für Sozialwissenschaften.

16 The concept is from Stein Rokkan. 1966. "Norway. Numerical Democracy and Corporate Pluralism." In *Political Oppositions in Western Democracies*, edited by Robert A. Dahl, 70–115. New Haven: Yale University Press.

17 In the UK, the Bullock Committee of 1977 failed to convince employers and lawmakers of the benefits of legally institutionalized worker participation; as did the Dunlop Commission in the US in the early 1990s. Jim Phillips. 2011. "UK Business Power and Opposition to the Bullock Committee's 1977 Proposals on Worker Directors." *Historical Studies in Industrial Relations* 31 (2): 1–30.

3 The neoliberal turn: Flexibility versus justice

In its final section, the "Status and Contract" paper considered the relationship between "justice and flexibility", as it put it, in the context of "the neoliberal depoliticization of status and the limits to private order" (64). Much of the discussion was framed in terms of the "competitiveness" of Western economies – or more precisely, Western manufacturing – relative to Japan and its "production model", then seen as superior. Given the political nature of modern status embedded in national, and nationally different, industrial relations regimes, this perspective appeared natural at the time. A dominant concern was that firms that had the parameters of their employment practices set for them externally, standardized at national level by politics or a pluralist nation-wide industrial relations system, were unable to match the performance in global markets of competitors allowed by a committed workforce or by national laws flexibly to adjust to changing economic and technological conditions. Pressures for adaptation were mounting and were seen by many as threatening to abolish industrial relations "as an autonomous area of action decoupled from the overall strategy of the firm" (65). The questions were posed: what would succeed "the specific balance between status and contract that had been underlying the Fordist-Keynesian mode of regulation" (66); how much of that balance would and could be preserved by political reform; and how would the new regime differ from the old, especially with respect to the way contracts for work were to be completed or underpinned, if at all, by some kind of status?

By the 1990s at the latest, the principal concern in industrial relations was no longer to accommodate, or to exploit for progressive reform, the worker militancy of the 1970s, but rather how to adjust the capitalist economy of the "West" to global competition. In this context, the "Status and Contract" paper observed what it described as a "polarization" of industrial relations systems "in two opposite directions: 'back' to an overwhelmingly contractual and 'forward' to a primarily status-determined order" (66). This was meant in several ways. There was, first, a suggestion that different national systems might be differently affected by de-unionization leading to less status and more contract: "corporatist" Sweden and Germany less so than "pluralist" Britain and the United States. There was also the suggestion that corporatist systems, regardless of their relatively stable trade unions, might become more internally fragmented, due to diverging economic and technological conditions making encompassing class organization and regulation at the national level more difficult. More generally, a distinction was suggested between systems that sought to increase competitiveness through "a reduction of status rights accompanied by an extension of contractual obligations", and systems that aimed at "an extension of status obligations [of workers] in exchange for the protection or new creation of status (-like) rights [also] of workers" (66). Both approaches were regarded as attempts to restore flexibility through "renewed linkage of workers to the economic fate of the firm". The better understood approach, the paper suggested, was the first, "neo-liberal" one, described as implying "intensified recourse to short-term, (status-) 'free' labour contracts as a means towards the quantitative and qualitative adaptation of workforces." "Status", the paper continued, "survives in this variant at most

in its traditional form as a moral obligation of obedience, the importance of which for the stability of a neo-liberal contractual order is, however, probably slight compared to the compulsion of economic circumstances under high unemployment" (66).

The alternative path to "competitiveness", said to be less well understood, was described as encompassing a variety of forms of internal labour markets "with high security of employment, the adaptive capacity of which is guaranteed by increased internal flexibility" (66). Looming in the background was, again, the so-called Japanese model and the seminal work of Ronald Dore, who had identified "internal flexibility plus external rigidity on the basis of status-like employment" as "a functional equivalent to external flexibility plus, unavoidable in this case, high internal rigidity" (66).[18] Promises of long-term if not lifetime employment for some, *de facto* if not *de jure*, were set against short-time employment-at-will, based on contract-pure-and-simple, as conceded by weakened trade unions and condoned if not sponsored by governments concerned about unemployment, overburdened social security systems, low investment and, of course, national competitiveness.

The contrast between status-based and contract-based employment was understood to distinguish between corporatist and plurality-liberal countries, but also between sectors within countries, firms within sectors, and groups of workers within firms. Status had become, as it were, *privatized*: a matter of choice for human resource management rather than an external condition imposed upon employers and workers, *as* employers and workers, through politics, collective bargaining, and the law. Where the different status-and-contract configurations occurred in the same country and even the same firm, the concept that seemed most fitting was "dualism", appropriated from earlier literature on industrial organization (Berger and Piore 1980). For industrial relations, the notion of dualism was used influentially by John Goldthorpe to distinguish between two types of national industrial relations systems, corporatist and dualist (Goldthorpe 1984). The latter had corporatist elements in its economic "core", supported and made possible by flexible spot-market contracting at its "periphery". The former was characterized by a generally corporatist order supported and instituted politically and, one should add, at risk of gradually turning dualist under the pressure of business and political interests in competitiveness and profitability.

As it emerged in the 1980s at the beginning of the neoliberal revolution, the notion of a polarization of status and contract raised two conceptual issues that were both touched upon but, from today's perspective, not satisfactorily addressed. What is status like, and what can it achieve, if it does not take the form of industrial citizenship? Secondly, what is contract like if it is not based in status, and can it nevertheless perform the function of constituting and regulating stable employment relations? As to the former, it was argued in 1986 that in a dualist context, status ceases to be "a mechanism of political redis-

18 Referring to Ronald Dore. 1986. *Flexible Rigidities: Industrial Policy and Structural Adjustment in the Japanese Economy 1970–80*. London: Athlone.

tribution, and turns into an individual right of private property", no longer "against but within market and contract … an outcome of interest-led individual action and without recourse to either (re-) distributional politics or residues of feudal status" (68). As to the latter, transaction cost economics seemed to offer the prospect of successful voluntary, contractual, market-driven status-building through institution-building, depending on the nature of the labour services being traded.[19] Where these were transaction-specific, or idiosyncratic, requiring long-term investment making the parties vulnerable to each other's "opportunism with guile", the two sides would devise specific mechanisms of "governance" to stabilize their interaction and cooperation. If they regulated their mutual rights and obligations through "contracting in its entirety", they might construct a private but nevertheless stable order out of rational self-interest, customized for their particular needs and purposes. All contracts, or at least the contracts that matter, are by their nature *relational*; they must only be explicitly drafted so as to reflect the interests of both sides – a job to be performed, presumably, by experts in contract law.[20]

Both versions of this status-based-in-contract – status as private property or status as private government – depoliticize the regulation of contracting for work by turning it into a primarily private affair. Labour law gives way to contract law and mandatory institutions to voluntary agreement – spot-market contracting included if the parties to "contracting in its entirety" wish it. One consequence foreseen in the "Status and Contract" paper was the end of any comprehensive ordering of the labour market. In its place the paper envisaged a "multiplicity of the most diverse contractual forms and contents" (70), extending from a transformation of firms into "closed moral status communities" to a "disintegration of company hierarchies in favor of market- and contract-type supply relationships between autonomous 'profit centers' or even firms". Where highly specific assets were at stake, it was observed that, in the absence of community-type social integration, "the labour contract seems to lose its special features and become increasingly subject to the same laws as any supply or service contract – into which it often turns also in form". (Note that one of the peculiarities of the Japanese system, from a Western perspective, was long supply chains held together by subcontracting of a "relational" kind, blurring the exterior boundaries of large firms [Dore 1986].) Again the issue of dualism appeared, in that, where specialized "core" suppliers of work were internalized into the firm via long-term contracts of employment, their status contrasted

19 Starting with Oliver E. Williamson, Michael L. Wachter, and Jeffrey E. Harris. 1975. "Understanding the Employment Relation: The Analysis of Idiosyncratic Exchange." *The Bell Journal of Economics* 6 (1): 250–78.

20 How, then, are unequal contracts possible, wherein, for example, employers require workers to live in company towns and buy from the company shop? This, according to Williamson, can only be the fault of the workers, who are simply not rational enough – too emotional if not too human – for a capitalist world: "A chronic problem with labor market organization is that workers and their families are irrepressible optimists. They are taken in by vague assurances of good faith, by legally unenforceable promises, and by their own hopes for the good life. Tough-minded bargaining in its entirety never occurs or, if it occurs, comes too late. An objective assessment of employment hazards that should have preceded any employment agreement thus comes only after disappointment" (1985, 38).

starkly with the situation of "peripheral" workers transacting in a spot labour market where they were more exposed than ever to fluctuations in demand.

Private governance of contracting for work, the 1986 essay maintained, cannot and does not engender industrial citizenship. Rather than equalizing the status of sellers and buyers of labour across an entire society, it gives rise to a wide variety of local and sectoral industrial orders shaped by local power relations and the strategic whims of managements eager to cut costs and raise profits. Status of this sort "is based not on citizenship but on property rights", rendering it "unusable as a motor for redistribution and redistributive justice"; in fact, it "goes hand in hand with growing social inequality …". In such circumstances, "the corporatist conversion of the labour contract into a social contract, on the pattern of Sweden or postwar Germany and Austria, is ruled out" (70). The paper concludes with the question whether the new dualism, seen as penetrating not just into pluralist but also into corporatist labour regimes, will be a viable solution to the perceived competitiveness problems of Western manufacturing – and whether flexibility without justice, based on private ordering rather than public citizenship, will achieve its proclaimed objective against the Durkheimian odds: "the revitalization of Western capitalism for competition with its new Eastern rivals".

4 Liberalization as emancipation?

Looking back today to the 1980s and early 1990s, the extent to which both practical concerns and theoretical perspectives have changed in the meantime is nothing short of astonishing. When the sociological and legal tradition of status and contract was invoked to understand the dynamics of industrial relations, labour law, and indeed capitalist development since the 1970s, the primary concern was still the postwar problem of integrating an organized working class – one that had made itself powerfully heard in the industrial strife of the late 1960s and thereafter – into a capitalist production system dependent upon class cooperation. Industrial citizenship, as defined in the tradition of Marshall and others, was deemed essential for this: the price to be paid by capital and the state in order that labour should continue to play along. None of this is pertinent today and nor is the issue, of overriding importance in the 1980s, of the economic competitiveness of Western capitalist nations in relation to each other and, above all, to Japan. In both respects, domestic and international, what used to be the politics of industrial relations has dramatically lost its significance.

Several explanations, more or less related, offer themselves for the profound de-politicization of both industrial relations and the discourse regarding its legal regulation. One is globalization, in the form it took in the 1990s. Rather than pitching national systems with distinct national institutions against each other, as one might have expected in its early stages, globalization turned out to be, above all, a giant opportunity for capitalist

firms in the old industrial countries to relocate production to wherever suited them best.[21] As a consequence, production chains came to cross national boundaries in a major way. Comparison between Japan and China is instructive here: the Asian competitor of the 1980s and its counterpart and successor since the 1990s. Whereas Japan confronted Western capitalism with a distinct and compact production system of its own, China grew into an industrial power as a place for Western firms to "make or buy"– to set up plants to produce components for their products, or to rely on Chinese firms as subcontractors. In either case, they were by and large free to experiment with work and production regimes of their own choosing, unrestrained by national institutions of industrial citizenship, either at home or in their host country.

Especially where it involved the relocation of production in whatever form, globalization increased the power of internationalizing firms in their home labour markets and societies. One result was a dramatic decline in trade union membership and union-led strikes reinforced by successful government efforts to suppress inflation, which limited the capacity of unions to strike for high wage increases without risking unemployment (Tables 1, 2, and 2a).[22]

Another factor weakening postwar industrial citizenship was de-industrialization, which was accelerated by globalization. In its course, large production plants disappeared or were continuously downsized, partially solving the problem that Fox and others had in mind when they wrote about the need for concessions to workers to motivate them to cooperate within a Taylorist work organization intended and designed to function without such motivation.[23] Now, in a shrinking manufacturing sector, integrating the

21 The turning point was when, according to Rodrik, globalization changed into hyperglobalization – in other words, where international trade ceased to be a search for comparative advantage among different countries, as in Ricardo, but the building up of global production chains governed by global firms, in a unified world without national borders. Historically this coincided with the demise of the Soviet Union after 1989 and the replacement of GATT with the WTO, with China as a member, envisaging one world without borders as a hunting ground for American multinationals under US protection. Hyperglobalization was accompanied by the financialization of the American national economy and the attempt to compensate the American working class for its job losses with cheap imported consumer goods, in what has come to be called the Walmart economy. See Danni Rodrik. 2011. *The Globalization Paradox: Why Global Markets, States, and Democracy Can't Coexis*t. Oxford: Oxford University Press, and his article "The Great Globalization Lie", *Prospect*, No. 226, January 2018.

22 Table 1 shows a general decline over the past three decades in trade union membership for seven more or less representative "Western" countries. Density ratios for women have mostly also declined and, apart from Sweden, remained below male densities. The same applies to trade union organization in the new sectors of "commercial services". Table 2 documents the steep decline in the incidence of strikes (and lockouts) since the 1970s, to a level where labour conflicts have become almost a thing of the past in many countries (see Table 2a).

23 "Intended and designed" are the crucial concepts here. Frederick Winslow Taylor's "industrial engineering" promised employers an organizational technology that would free them from any need to reach any kind of understanding with workers, not even semantic. Taylor's world featured the huge factories of the American East Coast in the early twentieth century that em-

Table 1 Trade union organization in seven countries, 1990–2018

	All workers		
	1990	2005	2018
France	10,7	8,6	8,8
Germany	31,2	21,5	16,5
Italy	38,7	33,3	34,4
Netherlands	24,6	21,0	16,4
Sweden	80,1	75,7	64,9
UK	39,6	27,0	23,4
USA	15,5	12,0	10,1
	Women		
	c. 1990	c. 2005	c. 2018
France	n.d.	9,8	n.d.
Germany	25,5	14,3	12,9
Italy	n.d.	31,2	28,1
Netherlands	18,0	14,3	15,0
Sweden	84,8	73,2	69,6
UK	31,5	29,6	26,2
USA	12,3	10,8	9,9
	Commercial Services		
	c. 1990	c. 2005	c. 2018
France	11,5	8,6	10,0
Germany	n.d.	17,1	10,9
Italy	32,8	24,0	23,5
Netherlands	12,6	17,1	12,7
Sweden	64,2	64,0	60,0
UK	25,6	17,8	13,2
USA	9,5	7,7	5,5

Commercial services include trade and commerce; hotels, restaurants and catering; transport and communication; banking and insurance; business services and real estate.

Time-series on women and commercial services had a substantial number of missing observations in the years of interest. This has been solved by using observations from adjacent years, usually between one and three years before or after the year of interest.

Source: Jelle Visser, ICTWSS Data base. Version 6.1. Amsterdam Institute for Advanced Labour Studies (AIAS), October2019.

ployed German and Italian immigrants in large number, who were not expected to understand the civilized language of English. Work processes therefore had to be arranged – i. e., broken up into extremely simplified, standardized, and repetitive bodily movements – so as to make communication between workers and managers unnecessary. The unattained ideal of "industrial engineering" was training apes instead of humans to do the work. Subsequent critique of Taylorism discovered that no factory could work on strictly Taylorist prescription since even workers had to be treated as human beings, if only because they were capable of sabotaging the workflow if they were not, and also because task descriptions necessarily contained gaps that needed to be filled by workers interpreting them in good faith. Some critics recommended being nicer to workers, for example by painting the walls of workshops in bright colours, while others advocated various forms of power sharing with workers and trade unions, intended to make workers more cooperative by giving them some kind of voice regarding their work.

Table 2 Average number of days not worked due to strikes and lockouts in seven countries, five-year periods, 1971–2015

	France	Germany	Italy	Netherlands	Sweden	UK	USA
1971–1975	3,861,325	1,246,561	20,874,175	164,432	256,884	13,083,800	23,586,840
1976–1980	2,653,081	1,090,026	19,221,692	126,468	931,241	12,853,800	22,049,440
1981–1985	1,411,260	1,153,289	11,125,450	95,258	156,666	9,374,000	11,801,640
1986–1990	700,265	113,425	4,636,393	67,319	534,973	3,039,800	8,633,320
1991–1995	530,380	553,760	2,683,280	193,066	183,876	526,200	4,669,220
1996–2000	400,064	51,339	1,097,840	28,080	33,122	512,200	7,383,320
2001–2005	624,991	113,914	1,890,826	91,340	131,065	695,240	1,650,700
2006–2010	1,437,260	187,643	735,714	45,320	40,813	674,992	1,266,560
2011–2015	472,378	310,479	n.d.	69,860	14,803	608,100	676,220

For some five-year periods, there are fewer than five observations available. Where there are four or three data points, averages are calculated on these years only. In the one case where there are fewer than three data points (Italy 2011–2015), no average was calculated (n.d.).
For France, Germany, the Netherlands, and Sweden, ILOSTAT provides separate time-series for different periods between 1971 and 2015, which draw on different primary data sources.
Source: ILOSTAT, Work stoppages. United States 1971–1973: U.S. Bureau of Labor Statistics.

Table 2a Average number of days not worked due to strikes and lockouts in seven countries, five-year periods, 1971–2015, 1971–1975 = 100

	France	Germany	Italy	Nether-lands	Sweden	UK	USA	Summary index
1971–1975	100	100	100	100	100	100	100	100
1976–1980	69	87	92	77	363	98	93	93
1981–1985	37	93	53	58	61	72	50	56
1986–1990	18	9	22	41	208	23	37	28
1991–1995	14	44	13	117	72	4	20	15
1996–2000	10	4	5	17	13	4	31	15
2001–2005	16	9	9	56	51	5	7	8
2006–2010	37	15	4	28	16	5	5	7
2011–2015	12	25	n.d.	42	6	5	3	4

The summary index was calculated by taking the average strike days of the seven countries in each five-year period (for six countries in 2011–2015) and transforming the resulting into an index.

remaining workforce into the firm as an imagined productive community became much less expensive for employers than had previously been imagined: the mere possibility of relocation or downsizing was often enough to ensure a level of engagement, if not trust, sufficient for the performance of work tasks in something resembling good faith.

What does the contract/status distinction tell us about changes in working relations in the meantime? As a first step towards addressing that question, we suggest in what follows that the traditional framework of industrial relations and industrial sociology presented in the paper requires to be revised in a number of respects, especially as it relates to contracting for work.

A closer, more detailed, and less stylized look at the legal institutions in question reveals, first, the manner in which the industrial relations perspective of the 1980s underestimated the attraction of contract compared to status – the attraction, to be more precise, of contracting "freely", without the external imposition of the kind of rights and obliga-

tions constitutive of status. Rather than being invented, as it were *ex post*, as a political and civilizational remedy to the asymmetry of contract in capitalist labour markets, status in fact predated the advent of capitalism in the form of the master-servant relation. This was noted, as we have seen, by Fox, in his perceptive analysis of the functions and dysfunctions of Fordist-Taylorist work organization. As described in greater detail by Fox's colleague Otto Kahn-Freund, pre-modern (meaning pre-twentieth century) labour law specified the obligations and rights of those able to avail themselves as "masters" of the labour power of "servants", in a manner that was heavily weighted in favour of the former to the disadvantage of the latter (Kahn-Freund 1977; Deakin and Wilkinson 2005). Indeed, as late as the eighteenth century, service for some was not so very different to serfdom or slavery, involving a duty to serve one's master at any time, day or night – a "state of subjection", as Blackstone put it – that could endure for a year or several years (Kahn-Freund 1977, 516–18, 522). Seeking nonetheless to differentiate the position of servants from that of serfs or slaves, contemporary commentaries placed great emphasis on the exercise by the former of (formal) freedom of contract (Steedman 2009, 18). "A Servant in the Intendment of our Law seems to be such a one as by Agreement and retainer oweth Duty and Service to another, who therefore is called Master".[24] "The terms of the Covenant convey to the Master a right over the Offices of his servant, but I think, not over his Person".[25] When Lord Mansfield was called upon to decide the case of Charlotte Howe, purchased as a slave in America and brought to England to work as a domestic, it was precisely the lack of a contract which led him to conclude that she was not a servant.[26] "The statute says there must be a hiring, and here there was no hiring at all. She does not come within the description".[27] If a contract – an agreement, or "hiring" – was required to create the relation of master and servant, however, it is equally the case that the nature of that relation was governed not only by the terms of the agreement but also, as Kahn-Freund explained, by a set of statutory and common law rules that were highly punitive from the perspective of the worker (Kahn-Freund 1977). Not only slaves but also servants, then, might readily have perceived a transition "from status to contract" as emancipatory, a point that must be conceded to nineteenth-century liberal progressivism. In principle at least, contract fixed the obliga-

24 1785 text on the *Law Concerning Masters and Servants,* cited in Steedman 2009, 18.

25 John Taylor. 1755. *Elements of the Civil Law*, cited in Steedman 2009, 2.

26 *The King v the Inhabitants of Thames Ditton* 1785, discussed in Steedman 2009, 121–27. Like others purchased as slaves and brought to England, Charlotte Howe was thus curiously without status in the eyes of the law, since – as Lord Mansfield underlined in the famous Somerset case – neither the common law nor statute recognized the existence of slavery within English borders. In the common consciousness of the white population of England, meanwhile, the social status of slave was almost entirely conflated with race (Blackett 2019, 54). Note, for example, that in the Somerset ruling, Lord Mansfield refers to James Somerset variously as "the negro", "the slave", and "the black" (Wiecek 1974). In Howe's case, the result was the rather circular reasoning that because she was a slave, there had been no hiring, and because there was no hiring, she could not be a servant.

27 Cited in Steedman 2009, 124. The statute referred to was the Settlement Act – Poor Relief Act 1662 (14 Car 2 c 12) – under the terms of which a person could gain settlement within a parish if he or she were hired there for over a year and a day.

tions of workers in the form of terms which circumscribed what had previously been general, open-ended duties to serve. In principle, it provided workers with the opportunity to agree or not to the terms offered and to enforce agreed terms against errant employers. As such, the contractualisation of work, based on nothing more than what Marshall called civil as distinguished from political or social rights, offered intrinsic attractions to workers well into the era when contracts for work had been embedded in the modern status of industrial citizenship – especially to those categories of workers who were still caught in traditional master-servant-like relationships. Where, for example, early twentieth-century efforts at organizing domestic servants were partially or temporarily successful, the primary desire expressed by the workers was precisely for a "contract" (Delap 2011, 87ff.).

This brings us to our second point. Contrary to the conventional view, the master-servant model of employment was not straightforwardly replaced by a contractual model at or around the time of the industrial revolution, nor indeed at any later date. While working relations may have become increasingly "contractualised" during the course of the nineteenth century, the master and servant model continued to influence the nature of such relations and the law regulating them in very significant ways (Deakin and Wilkinson 2005). Even at the height of industrial citizenship in the mid-twentieth century, the characterization of the civilized wage relationship – the modern status-supported contract of employment – as *universal*, and of industrial relations systems as consequently *comprehensive*, involved gross exaggeration. Neither trade unions nor the law were ever able, indeed ever came close to being able, to penetrate into the more remote corners of the economic landscape – agriculture, domestic service, construction, hospitality and catering – where powerful employers, unorganized workers and non-industrial ways of production stood in the way of regularizing contracting for work along the lines of high industrialism. In these remote and typically overlooked corners of national and sectoral labour constitutions, alternative forms of working relation survived which looked rather more like master and servant than industrial citizenship. In those sectors where industrial citizenship did become well established, it remained the case, moreover, that contracts of employment were by their nature incomplete, the efforts of trade unions to eliminate pre-modern elements of the employment relationship in favour of contractual specification of mutual rights and duties having met with effective resistance by employers. When called upon to "fill the gaps" in contracts of employment, courts often read into them obligations derived from the old master-servant model: general duties of obedience and loyalty owed by the worker to the employer (Freedland 2015). Even today, therefore, it remains possible to detect remnants of employees' status as servants in contemporary systems of labour law, not least in the very notion of a contract *of service*, which is a widely used synonym for the contract of employment (Riley 2016). The law implies into all such contracts some rules that accord with the notion of industrial citizenship – rights to a minimum wage, to paid breaks and holidays, and so on, and to participate collectively in some kinds of decision-making through membership of a trade union – and others that are redolent of a hierarchical relationship of service (Deakin and Wilkinson 2005).

Just as pre-modern status survives alongside or even inside modern industrial citizenship, sometimes coming to the fore by imposing itself on the practical execution and legal interpretation of contracts for work, so the attraction of contract as a vehicle of personal freedom, first felt in the transition from feudalism to industrialism, also endured into the Golden Age of labour market regulation and beyond. The advance of neoliberalism and the disintegration of industrial citizenship cannot be fully understood without taking into account the possibilities for self-determination that *self*-employment, or entrepreneurship, was and still is widely understood to open up (Foucault 2004/2008).[28] The neoliberal *liberation* of contracting for work from the status of wage earner or industrial citizen has proven, at least in some cases, surprisingly appealing to workers, with the institutions of industrial citizenship seen, or portrayed, as limiting personal freedom, choice, and "flexibility" in daily life. The Auden poem concerning *The Unknown Citizen* comes to mind here, with its satirising of the mundane, heavily regulated existence of the Fordist worker, and its concluding response to the questions, "Was he free? Was he happy? The question is absurd."[29] For some workers today, entrepreneurship seems to hold the promise of freedom, above all else: freedom from the routine and fixed hours of a permanent job, from the supervision and direction of a manager, from the obligations imposed by union membership to act, at times, in solidarity with other members. In return for her greatly expanded freedom of choice, of course, an entrepreneur must assume personal responsibility for the consequences of choices made or not made; for her own failings and shortcomings but also, potentially, for the decisions of others; or for sheer bad luck. Together with freedom in place of constraint comes precarity in place of security.

In the 1970s and 1980s, industrial citizenship theory also overestimated the attractions of modern status for employers: the economic benefit that they might secure by conceding to their workers industrial citizenship rights and a share in managerial prerogative, as required by law or "voluntarily" through collective bargaining. The more power employers have in the labour market and the organization of work, the less they require industrial citizenship. With globalization and the associated weakening of trade unions and social welfare systems, the power imbalance has swung yet further in favour of employing organizations. In the expanding services sector, work can now be organized in a manner that ensures managerial control without creating significant opportunities for workers to sabotage the labour process, unburdening employers of the need to secure workers' good will. At the same time, the absence of trade unions enables management not just to use economic pressures to extract compliance, but also to draw on workers' intrinsic motivations for high performance in support of employer objectives, both through new "scientific" methods of human resource management and the invitation into the labour process of what has been called a "new spirit of capitalism":

28 Michel Foucault. 2004/2008. *The Birth of Biopolitics: Lectures at the College de France 1978–1979,* translated by Graham Burchill, London: Palgrave Macmillan.

29 W. H. Auden, "The Unknown Citizen", originally published in W. H. Auden. 1940. *Another Time*. New York: Random House.

the re-design of work tasks to allow for, what was considered post-1968, "personal self-realization" (Boltanski and Chiapello 2018).

In what follows we undertake to expand upon and further substantiate our suggested revisions to the 1986 narration of the fate of industrial citizenship with an empirical investigation of the employment relations of four archetypal workers in the third decade of the twenty-first century. Before turning to the four archetypes, however, it may be helpful to address directly what has been assumed until now, namely the fundamental distinction, in modern systems of labour law, between employment and self-employment. The employee is one who works under a contract of employment, or contract of service, whereas the self-employed worker has a contract for services, or a series of such contracts with different clients. The distinction is fundamental because, typically, only employees are accorded employment rights, including collective or solidaristic rights to form and join trade unions. (In some jurisdictions, there is also an intermediary category of "dependent contractor" – essentially an own-account worker who works for one employer only for a period of time – who enjoys some but not all of the rights of an employee [Williams and Lapeyre 2020].) The law recognizes that the employee is in a position of subordination or vulnerability relative to the employing organization and treats the self-employed worker, in contrast, as independent – economically, organizationally – from those with whom she contracts to work in return for money, and, as such, not in need of the protection of the law or union membership. Where parties agree a contract for work, the law performs two functions simultaneously: it both identifies the type of contract in question (is it a contract of service or a contract for services?) and it prescribes, accordingly, the functioning of that contract, injecting it with elements of status, or status-ordained rules (Freedland 2016b).

In labour law scholarship, there can be a tendency to treat self-employment as a residual category: if a worker is not an employee, she is self-employed; if it's not a contract of service, then it must be a contract for services. It ought to be borne in mind, however, that self-employment is also a specific kind of legal status – albeit a rather thin one – meaning that some rights and obligations attach to the self-employed worker (and possibly also to the "employing" organization or client) by reason of her being self-employed.[30] The legal status of self-employment and the imaginary or ideology of entrepreneurship are closely related conceptually and usually go hand in hand but they may occur in isolation of one other. An employee may be encouraged to think of herself as an entrepreneur, for example – to "own" the job, to "invest" in the career – or a self-employed worker to covet employment status. Insofar as the status of self-employment, or employment, has its basis in contract, it becomes a matter that is, at least in principle, up for negotiation or contestable. In practice, employing organizations typically enjoy a wide freedom to draft the terms of the contract unilaterally, offering these to pro-

30 We have in mind here chiefly obligations and rights in respect of tax and social insurance; employment rights, as has been explained, are not accorded to self-employed workers. See further Williams and Lapeyre 2020.

spective workers on a take it or leave it basis. That said, the context within which such drafting or negotiation proceeds is shaped by the law in a wide variety of ways, both direct and indirect.[31] Particular rules might act to incentivise and facilitate the parties' choice of self-employment over employment, or vice versa (Behling and Harvey 2015). The law might be constructed so as to give more or less weight to the explicit terms of an agreement over the "realities" of the corresponding working relation,[32] and it might make it easier, or not, for a worker to contest her employer's characterization of their relationship in the written contract on the basis that it is not a true reflection of those realities.[33] Even in the case of spot contracts, then, contracting for work is never wholly private but always shaped, to some degree, by public institutions including, in particular, labour, tax, and social security law.

5 Four workers, peripheral and core

In 1939, the archetypal worker was employed by a large factory or other organization: in Auden's poem by "Fudge Motors Inc.". "Except for the War till the day he retired/ He worked in a factory and never got fired … Yet he wasn't a scab or odd in his views/ For his Union reports that he paid his dues". Today, the world of work is greatly fissured or fragmented, so that even the terms "core" and "periphery" cannot anymore be understood to demarcate two easily distinguishable groups. Characteristics originally associated with peripheral work, including prominently the short duration of contracts, lack of employment security, and weakness or absence of trade unions, have become widespread indeed, infiltrating in some cases the working relations of even those with multiple university degrees and professional qualifications. The subtitle for this part of the paper must be understood accordingly, with the contemporary significance of "peripheral" and "core" falling to be investigated rather than assumed. Similarly, the designation of four workers as archetypal is not intended to imply any particular representativeness in terms of the overall numbers involved. Rather, these are job types which seem to us to loom large in the current collective consciousness, much commented upon in the academic literature as well as the mainstream media and figuring in contemporary fiction and film. The first two, gigging and fulfilling orders in an Amazon warehouse, are of interest in part for their apparent novelty; the latter two, home care work and academia, because of ongoing changes, rapid and significant, in the organization of the work.

31 Freedland speaks of the contract occupying a space "between agreement and regulation": (Freedland 2016a, 11–18).

32 ILO Recommendation R198 on the Employment Relationship.

33 By facilitating union membership, funding a labour inspectorate, administering a system of easily and cheaply accessible employment tribunals or labour courts.

Gig workers

The term *gig economy* is said to have been coined in 2009 by Tina Brown, the American journalist and newspaper and magazine editor. Over a short period of time, the people Brown knew had stopped having jobs and instead had "gigs": "a bunch of free-floating projects, consultancies, and part-time bits and pieces they try and stitch together".[34] While the terminology may have been novel, the phenomenon was decidedly not: "it used to be called piecework".[35] What was remarkable for Brown was the recent spread of gigging from low-paid workers to high-earning college graduates, and the degradation of terms and conditions that it entailed:

> For a while last year, the downsized people I know went around pretending they enjoyed the "freedom" and "variety" of doing "a whole lot of interesting things." Twelve months later … everyone knows what it actually feels like, this penny-ante slog of working three times as hard for the same amount of money … Minus benefits, of course. (Brown 2009)

Today, the term gigging is usually reserved for platform-mediated work, meaning that from its original associations with live music, the definition of gig has been stretched to include not only the kinds of projects and consultancies referenced by Brown, but also single taxi journeys or food deliveries, or even the kinds of online micro-task that take only a minute or a few seconds to complete.[36] When the most prominent platforms launched around a decade ago,[37] they promised freedom, flexibility, and autonomy to workers, characterizing them explicitly as self-employed "entrepreneurs" (Ravenelle 2017, 286–88). By commentators in business schools, the platforms were hailed as a truly novel form of institution, hybrids of market and hierarchy, with digital technologies facilitating the minimization of coordination costs (Sundararajan 2017, 69). As experience quickly revealed, however, it was *not* the case that platforms had invented a modus operandi which obviated the need for the kind of top-down control of the labour process, and managerial prerogative, typical of vertically integrated employing organizations. For Uber, TaskRabbit, and the like to function as intended, they require at a minimum that a sufficient number of drivers, couriers, or taskers make themselves available for work at the right times of day and, secondly, that those workers readily agree to undertake whatever gigs are assigned to them. In some cases, platforms also require that the gigs be completed in a particular way, for example, with a particular level of customer service. While they have not done away with the need for control and direction, however, the platforms have succeeded in minimizing or obviating their reliance on contractual or other legal obligations to ensure that workers perform as required. In part this is achieved through technological innovation, including close monitoring and the embedding within the app of a ratings system. At a time when weakened employment rights and rights to social welfare have significantly lessened the attractiveness of

34 Tina Brown, "The Gig Economy", *The Daily Beast*, 12 January, 2009.
35 Brown 2009; see also Dubal 2017.
36 For a good general overview see Prassl 2018. On the novelty of gig work see Dukes 2020.
37 TaskRabbit 2008, Uber 2009, Lyft 2012, Deliveroo 2013, Foodora 2014.

exit options for gig workers, the constant threat of "deactivation" – summary dismissal, by any other name – or lesser forms of punishment, such as the withholding by the platform of better (more lucrative) gigs, also contribute significantly to ensuring good behaviour.[38] To orchestrate a supply of labour that is always sufficient to meet demand for services, meanwhile, platforms wield the promise of the award to a worker not only of a better rate of pay – "surge-pricing" – but of a higher rating and, consequently, better gigs; the threat of a lower rating and poorer gigs. There is nothing transparent about these ratings systems, however, and of course no right of appeal for workers when they don't function as promised or expected (Prassl 2019).

As the question of gig workers' legal status has been litigated in courts around the world, judges have shown themselves unwilling to accept that the lack of enforceable legal or contractual obligations on the worker is decisive: obligations to turn up for work, for example – ever, or at an appointed time – and, when at work, to accept the gigs offered to her via the app. Instead they have tended to focus on the powers that the platform has *in reality* to direct the worker and control the manner of work, finding variously that workers are employees or dependent contractors rather than independent self-employed workers.[39] Unless and until such decisions are reached by the courts, however, the opportunities for appeal exhausted, *and* the judgements respected by the platform in question, the notion of entrepreneurship performs important functions: legal functions, insofar as the purported self-employment of workers allows platforms to escape employment law and social security obligations, and to wield the threat of deactivation; and an ideological function, serving to legitimise the expropriation of the workers' employment rights (Braverman 1974). In some cases at least, gig workers internalize the platforms' vision, coming to think of themselves as entrepreneurs (Dubal 2017). A sense of injustice may arise, accordingly, *not* because of the lack of employee status and non-applicability of employment rights, but by reason of the platform's failure to treat the workforce as it ought to treat self-employed independent contractors: allowing them, for example, to grow their own client base and to make informed judgements about which gigs to agree to take on (Dubal 2017). In other cases, workers appear to view gigging essentially as a job like any other, resenting above all the low rates of pay (Ravenelle 2017).

Amazon warehouse workers

In Amazon warehouses across the globe, the talk is not of entrepreneurship but of happy co-working by teams of associates (Bloodworth 2018).[40] Everyone is an associate

38 Cour de Cassation, Social Chamber, 4th March 2020, no. 19-13.316.

39 See, e. g., the Cour de Cassation decision cited at fn. 38 above; *Uber BV v Aslam* [2018] ICR 453.

40 James Bloodworth. 2018. *Hired! Six Months Undercover in Low-Wage Britain*. London: Atlantic Books; Jörn Boewe, and Johannes Schulten. 2017. *The Long Struggle of the Amazon Employees*. Brussels: Rosa Luxemburg Stiftung.

at Amazon, from the worker who walks an average of ten miles a day, criss-crossing a poorly heated, ill-lit, cavernous "fulfilment centre" to collect items to be sent out for delivery, to the multi-billionaire Jeff Bezos, founder and CEO. While television advertisements offer consumers a rosy picture of a contented, smiling workforce, the workers themselves are presented daily with motivational posters and management speak: *We love coming to work and miss it when we're not here!* In fact, the mode of operation very closely resembles the Taylorism of an earlier era, with wearable tech and security guards replacing the relentless rhythm of the assembly line and ever-present foremen as supervisory and disciplinary mechanisms.[41] In addition to providing details of which items to collect, warehouse workers' handheld devices constantly monitor their speed, comparing them with co-workers, and recording "idle time", including time spent on toilet breaks. Remote line managers offer additional instructions and admonishments via the devices, while security guards check bags and pockets each time the workers enter and leave the warehouse.

In Amazon, as in platform-mediated gig work, a system of strict monitoring and control is underpinned by the company's manipulation of the workers' legal status. Despite their fixed hours and regular shifts, and their patent subordination to managerial control, these workers are not, for the most part, employees, but rather dependent contractors, recruited by employment agencies on casual – "zero hours" – contracts (Briken and Taylor 2018).[42] As such, they may enjoy a limited number of employment rights (to a minimum wage, perhaps, or to short rest breaks during a long shift) but, crucially, do not have any rights to the job. They have no legal protection against unfair dismissal, redundancy, or temporary lay-off; no right, that is, to be offered the shifts next week that they were offered this, or indeed any shifts at all. Although these workers are technically self-employed, however, the notion of entrepreneurship plays no role here. Instead, the promise of employee status is used as a carrot to control the workers, together with the stick of the constant threat of lay-off (Bloodworth 2018; Bricken and Taylor 2018). For any infraction of company rules, for late arrival, or in the case of a day of absence due to ill health, "points" will be awarded to a worker, together with the warning that a certain number of points will lead them to be shown the door. To induce workers to compete with each other to work ever faster, meanwhile, or to take on extra shifts when labour is temporarily in short supply, a manager may dangle the carrot of permanent employment: the award of a "blue badge".

41 Thompson refers to "digital Taylorism" (2020, 302).

42 Under a so-called "zero hours" contract, the worker agrees to work in exchange for wages if and when work is offered but the employer does not undertake to offer any work.

Care workers

The job of a home care worker involves visiting elderly, sick, or disabled care users in their own homes and assisting them with tasks such as getting washed and dressed, using the bathroom, and preparing and eating meals. While the job has not changed much over the years in terms of its function, there have, in England as elsewhere, been very significant changes to the type of contract used to hire workers and, consequently, to the workers' legal status and terms and conditions (Hayes 2017).[43] Until recently, home care workers in England tended to be employed directly by local authorities, enjoying the same rights as other employees, including rights to sick pay and holiday pay, and a measure of job security. Being under a statutory duty to provide care to those who need it and, at the same time, under pressure to save money, local authorities then took the step of contracting with private sector companies, which undertook to provide an equivalent care service at a much reduced cost. Given the labour-intensive nature of care, however, costs could only really be cut by offering the already low-paid workers poorer terms and conditions. By hiring them on casual or zero-hours contracts, private providers were able to externalise many of the costs and economic risks incurred when employing someone, offloading them, instead, to the worker: the costs of training, of a uniform, of paid time-off due to ill health or parenthood. In effect, they expropriated the workers' employment rights. To ensure the flexibility that allows them to minimize labour costs, private providers typically went on to hire more workers than they needed, causing them to be hungry for shifts and, consequently, always available for work. This resulted in less continuity of care for care users and lower job satisfaction for workers, who could no longer be sure that they would continue to care for the same individuals over a period of time. As with gig workers and Amazon workers, care workers' lack of job security created an effective barrier to the enforcement of any rights that they did have, contractual or statutory, for fear of losing their jobs.

Pursuant to the Care Act 2014, the UK Government has most recently taken steps to individualize the sourcing of care services in England. Using a discourse of autonomy, independence and above all choice for the service *user*, it has placed an obligation on local authorities to create a market in care, offering individual service users a choice between different care providers. That obligation is met through the provision to those who qualify of a personal budget from which they can purchase care services. According to the logic of the market, the interests of the service user and the care worker are thereby thrown into conflict as, respectively, the purchaser and vendor of care services. Relations *between* workers take the form of competition between sellers, each trying to make a sale; willing, perhaps, to forego the protections of health and safety law or minimum

43 Lydia Hayes. 2017. *Stories of Care: A Labour of Law*. London: Palgrave Macmillan. See also Eileen Boris and Jennifer Klein. 2012. *Caring for America: Home Health Workers in the Shadow of the Welfare State*. Oxford: Oxford University Press; Linda Moberg. 2017. "Marketisation of Nordic Eldercare – Is the Model Still Universal?" *Journal of Social Policy* 46 (3): 603–21; Kaye Broadbent. 2014. "'I'd rather work in a supermarket': privatization of home care work in Japan." *Work, Employment and Society* 28 (5): 702–17.

wage standards if this is what it takes to secure a contract. Under the resultant legal regime, workers may be employed directly by service users, they may be self-employed, or they may work for a private care provider. If they are self-employed, employment rights will not apply to them; if they are casual workers, they are unlikely to attempt to enforce those few rights that they have for fear of losing shifts. If they are employed directly by a service user, employment rights will be almost impossible to enforce, since this would involve legal action against the cared-for old or disabled individual, and the payment by that individual of any compensation or other sum awarded by the court.

In her empirical study of home care workers, Hayes notes the degree to which the notion of "care as enterprise" – of a market in care and of the supreme importance of individual choice – may be internalized by workers (Hayes 2017, 172–73). In interviews, she found the workers' own narration of their working lives to be "steeped" in the aspirational language of opportunity and explicit criticisms of the old welfare service era of social care provision. She also noted that pride was taken by some in their own ability to navigate a very difficult set of circumstances so as to secure for themselves sufficient paid hours per week and a corresponding income. Marketization was not "done to" the workers, Hayes concluded, but was rather a process in which they were centrally engaged, both as objects and agents (Hayes 2017, 172).

University professors

Among academic staff, we find at first glance the kind of dualism identified at the end of the last century between core and peripheral workers performing the same, or a similar range of, tasks and roles but under very different contractual terms and conditions (Streeck 1992; Gorz 1999). Within the same universities or departments, a proportion of the staff may be employed on contracts of employment, enjoying a relatively good measure of job security, even tenure, while close colleagues are hired on fixed-term or casual or even zero-hours contracts (Gallas 2018). The nature of contractual terms in any individual case may reflect academic seniority, with so-called "early career researchers" (ECRs) expected to complete a series of short-term or casual contracts before eventually landing a "permanent" post – typically at a time of life, namely their late twenties and early thirties, when they might also wish to start families and provide secure homes for them. It is also far from unknown, however, for promoted academics to be hired for a fixed term, or even, in extreme but not unusual cases, on a contract drafted so as to place upon the *worker* sole responsibility for securing funds, in the form of research grants, to pay her own salary and associated costs. In some institutions, there has been an increase in teaching-only academic positions designed to increase the time available to research "stars", so as to further enhance both individual and institutional reputations (Brennan, Naidoo, and Franco 2017). In the US, the existence of "tenure-track" and "non-tenure-track" positions divides the workforce into some who will likely and some who may never progress from insecure to secure employment.

> For full-time non-tenure-track faculty, job security, compensation, protection of academic freedom and inclusion in shared governance are all inferior relative to their tenure-track colleagues. The chasm is even wider when comparing tenure-system faculty to part-time contingent faculty. (Atkins et al. 2018)

In higher education as elsewhere, the proliferation of different contract types has been driven by processes of marketization involving, in this case, the characterization of students as consumers and the introduction, in place of common standards, goals, and ideals, of the logics of service provision and competition between and within particular institutions (Slaughter and Leslie 2001). Individual staff members have been thrown into competition with one another for the best (tenure-track or permanent) positions at the "best" universities and for the best treatment once in post: promotions and wage increases but also workload allocation, office and laboratory space, individual research budgets, and so on (Brennan, Naidoo, and Franco 2017). In line with the logic of competition, there has been a very marked increase in the use of quantification to produce assessments that are easily compared and ranked (Dix et al. 2020). The rating of academic staff is facilitated by linking the funding of research to individual termed projects, whose "outputs" can be readily evaluated. Impact factors become a proxy for the quality of journals, H-indices for the accomplishments of a scholar, university rankings for the standard of education that a student may expect to receive in a particular institution and the type of research that might be done there. Wages and other terms and conditions are increasingly individualized through the institution of performance related pay and annual appraisals. Performance is judged with reference to both the (quantified) "quality" and the quantity of outputs, to external grant "capture", and to other quantifiable measures.

Like home care workers, academic staff should be recognized as not only the objects but also the agents of marketization. While some aspects of the processes at play might be found objectionable (the characterization of students as consumers, for example, or the casualization of ECRs), much is masked by a semblance of meritocracy (Young 1958). Those who suffer the worst terms and conditions have, it might be assumed, only themselves to blame. Conversely, those with the best deals and highest salaries have deserved it. If anyone dares to complain about his lot, his opinions may be dismissed on the basis that he is simply envious of those who have done better: a loser and a bad one at that. Similarly, long-standing notions of science as a vocation can work with rather than against marketization (Weber [1918] 1961). Notions of the scholar as an heroic figure who follows a calling may be internalized by scholars, with the result that they more or less readily submit to a "totalizing imperative" that requires them to commit themselves completely to their role, working evenings, weekends, holidays (Peter 2017). To complain in such circumstances about unfair treatment would be to demonstrate a lack of dedication.

Despite the stark inequalities that undoubtedly exist in the terms and conditions of professors and early career researchers, tenured and non-tenured staff, it would be wrong to assume that the status of the better-treated "core" is that of industrial citizenship. As was noted in the 1986 paper, the very existence of two or more classes of worker

within the same organization or the same sector is at odds with egalitarian notions of citizenship. "Modern industrial status which is, so to speak, 'particularized' in a dualist environment loses its constitutive character of a right of citizenship, as well as its function as a mechanism of political redistribution." It works "not against but within market and contract … as an outcome of interest-led individual action" (Streeck 1992, 68). It should also be borne in mind that while the contractual terms of core academic staff are likely very much more generous than those of their "junior" colleagues, the legal rights that they enjoy as employees have been significantly downgraded in the course of the past two or three decades. Across jurisdictions, employment rights have been both hollowed out in terms of substance and rendered more difficult to enforce: because of the disappearance or weakening of trade unions, the underfunding of labour inspectorates, and changes to procedural rules concerning employment tribunals and lower courts. As employment *law* is increasingly sidelined, the reach of Human Resource Management (HRM) policies and procedures has expanded to fill the gap within universities, as within other employing organizations, private and public sector. Employees may be encouraged, more or less actively, to identify fairness at work with respect for these policies and procedures rather than with the terms of employment law (Edelman 2016).

A final point to note here is the extent to which marketization entails treating academic staff, and encouraging them to think of themselves, as entrepreneurs (Peter 2017). This is most obviously the case where scientific research has the potential to result in patent-protected innovations and "spin-out" profit-making companies (Slaughter and Leslie 2001). Across all disciplines, however, academics who lead research projects, secure research funding, and hire and manage teams of ECRs and postgraduate students, can begin to feel themselves quite independent of the institutions which formally employ them, akin, at least in some respects, to small businesspeople. Confidence in their own personal marketability and capacity to find employment elsewhere may reinforce such impressions. It may cause them to make significant investments in "building their brands"; not only working unpaid overtime, spending long hours on social media, personally financing travel for work purposes, but even, perhaps, paying somebody else – a research assistant, copy editor, ghostwriter – to do parts of the job.

As for early career and contingent staff, on fixed-term and casual contracts, we believe that it may not be as outrageous as it first seems to draw a comparison here with Amazon warehouse workers. The nature of the work and the physical conditions in which it is carried out are of course quite incomparable; rates of pay may be too, at least on the face of it.[44] Just as in the case of Amazon workers, however, the contracts of these academics are drafted so as to render them insecure or precarious, perhaps for very significant portions of their working lives, and so to allow both the carrot of permanent

44 A nominally hourly rate for casualized staff may have to cover, in practice, several hours of "invisible labour" including teaching preparation, marking, emailing with students. See for example UCU Glasgow. 2020. *The Realties of Casualisation at Glasgow University*. https://ucuglasgow.files.wordpress.com/2020/04/ucu-glasgow-anti-casualisation-report.pdf.

employment or tenure and the stick of termination to be liberally wielded with the aim of eliciting dedicated, obedient, hard work. If you can only publish *this* number of articles in journals with *that* impact factor, and secure a research grant of *so* many figures, you too might be awarded a blue badge.

6 Contract, status, and post-industrial justice

In 1986, the "Status and Contract" essay observed the privatization and depoliticization of status, as industrial citizenship was replaced by a proliferation of different arrangements stipulated to a significant extent by contract and no longer by externally imposed rules and conditions. It described the division of workers into two groups or classes in terms – core and periphery – that were later commonly used to signify the fragmentation of once (broadly) unitary systems of labour law and industrial relations. In 1999, for example, André Gorz also referred to the emergence of a core and periphery of workers, but placing rather more emphasis than Streeck on what he called "corporate culture" and "corporate loyalty" (Gorz 1999, 36). So great were the demands placed upon core workers by the corporations for which they worked that their employment relations could usefully be characterized, in Gorz's view, as neo-feudal: "The firm offers workers the kind of security monastic orders, sects and work communities provide. It asks them to give up everything – any other form of allegiance – in order to give themselves, body and soul, to the company" (1999, 36).

Twenty years later, the privatization and depoliticization of status have progressed to such an extent that the terms core and periphery have lost much of their currency, while the analogy with feudal relations appears increasingly flawed and misleading. As Otto Kahn-Freund pointed out many decades ago, the comparison of modern employment with feudalism could only ever be taken so far given the many obvious differences between the statuses – most importantly the unilateral right of the employee to quit for any reason, though perhaps with a requirement to give notice (Selznick 1969, 69).[45] It remains the case today that even the most down-trodden of workers enjoys formal freedom of contract, which fundamentally distinguishes her, as Marshall taught us, from a vassal or a serf.[46] Even in the case of relatively secure employees, moreover, what we tend to observe is not a thickening of status, as suggested by Gorz, but rather its retreat, as employment relations become ever more marketized (Gorz 1999).[47] When heavy de-

45 Philip Selznick. 1969. *Law, Society, and Industrial Justice*. New York: Russel Sage Foundation, 69, citing Otto Kahn-Freund in Karl Renner. 1949. *The Institutions of Private Law and their Social Functions*. London: Routledge, 170.

46 See fn. 4 above.

47 Gorz recognized this very clearly in his characterization of the working relations of peripheral workers. At the end of the chapter, he briefly remarks upon the marketization of "core" employment relations as well as peripheral (1999, 51).

mands are made of a worker today, the expectation is that they will be met not out of loyalty or commitment to the employing organization but because the "experience" and "skills" acquired will serve to improve the worker's cv and marketability. No promise is made and no expectations encouraged of employment for life, and too great a degree of firm-loyalty may even be taken as a marker of a lack of ambition (Gershon 2017).

To speak of the retreat of status is not, of course, to imply that it has anywhere disappeared entirely. Elements of status must always be present if work is to be performed and paid for as the parties require it; if the worker is to consent to work as the employer wishes and directs her to do. Claims to the contrary – for example, that the gig economy creates a labour market without search frictions and only minimal transaction costs: contracts without status – assume an undersocialized model of (monadic) social action that has no basis in the reality of social life. As we have seen, the terms of written contracts may be misleading in this respect: straightforwardly "bogus" and misrepresentative of the realities of the working relation, or – especially in large, bureaucratic organizations – supplemented by HRM rules and procedures which shape the status of the worker by creating and imposing their own non-contractual conditions of contract. Tech can also perform the function of a contractual term or the exercise of managerial prerogative, mandating, enforcing or ruling out certain behaviours on the part of the workers (Hildebrandt 2015).

While the freedom to stipulate contract terms and shape workers' statuses undoubtedly lies largely with employing organizations, it remains important to consider the agency of workers themselves. Even where they have little power or opportunity to influence the explicit terms of their contracts for work, workers can shape the rules that regulate their working relations through either the routine observation of those rules or, alternatively, acts of micro-resistance and everyday transgressions; through either the internalization or the rejection of the status ascribed to them by their employers (Blackett 2019, 43–45). In their perceptions and enactments of their employment relationships, workers may be influenced by interactions with co-workers, especially where such interactions occur on a daily basis (Dukes and Streeck 2020). In the social organization of work, particular understandings can arise of a just order, producing social norms and, in some cases, even mechanisms for their enforcement: norms concerning questions of how and when work should be done and who should do it, and of the desired or just boundaries between the commodified and non-commodified spheres of workers' lives; of what workers will consent to and what they should resist. An assertion of legal rights, statutory or contractual, by an individual worker may be conditional on a sense of injustice that is shared with and reinforced by colleagues and on the existence of social bonds at the workplace.

While shared understandings, social norms and prevailing beliefs *may* engender relations of solidarity between workers, strengthening their arm to challenge aspects of their contracts or assigned legal statuses, they can also be discriminatory and exclusionary. Especially in such circumstances, legal statuses may become bound up with or influenced by social statuses associated with gender, race, age, nationality, and so

on. In eighteenth-century England, as we have seen, the status of slave was almost entirely conflated with race in the common consciousness of the white population, so that a black woman performing domestic service was not recognized to be a servant like any other, even if the law didn't acknowledge, either, the existence of slavery within its borders.[48] Throughout the twentieth century and into the twenty-first, the gender and racial identity of a worker have continued to influence perceptions of the type of work and role to which she is best suited, such perceptions being then internalized or resisted by the worker herself (Glucksmann 1990). The age of a worker, too, can shape opinion regarding the acceptability or appropriateness of the terms and conditions of work, with younger workers possessing a greater readiness to suffer low pay and insecurity if they regard the job in question as temporary, as an opportunity to gain experience, or as the first rung on a "career ladder" stretching high above. Status may be understood to be transitional, liquid, earned through promotion and bound up with the life course; work careers to be long successive periods of probation, under the watchful eye of the market and the personnel department, the promise of a secure job with employment rights always just out of reach.

If we speak of *privatization* and *private* ordering in connection with employment relations, we nonetheless recognize the importance of the role of the state in facilitating, encouraging and even engineering the expanded power and freedom of employing organizations relative to labour, and in broader processes of economic liberalization. The negotiation by private actors of contracts for work is shaped in myriad ways, direct and indirect, by state legislation and public institutions so that not only labour laws fall to be investigated here but social security and tax, immigration laws, and the provision (or not) of childcare and other public services. The private ordering of employment relations is a matter of great public interest. Where wages sink below the cost of living, the public purse must make up the difference; where workers are classified as self-employed in ever greater number, tax revenues and social insurance funds shrink. If self-employment chimes well with the demands of workers in some sectors of the contemporary workforce for freedom and flexibility at work, it is also the case that it undermines security and stability for workers and in many cases provides them with little opportunity to engage in the entrepreneurship that they desire.

Where there is political will to address such concerns, certain courses of action readily present themselves. Simple steps could be taken, for example, to make self-employment and other forms of contract for work more difficult for an employing organization to establish; easier for a worker to challenge; and anyway less attractive from an employer's point of view by reason of the application thereto of obligations to pay social security and pension contributions (Williams and Lapeyre 2020). The law could be changed, in other words, to limit freedom of contract again in the field of employment relations, circumscribing the range of contractual arrangements available and thickening the associated statuses.

48 See footnotes 26 and 27 above, and associated text.

The route to a full reconstruction of industrial citizenship is rather more difficult to chart. It is no longer as easy as it once was to demonstrate that the concession of status rights to workers across the board will benefit capital, integrating an organized and potentially disruptive working class into a system of production dependent upon class cooperation. Workers are for the most part unorganized; trade unions are weakened; means of production have been developed that are less reliant on worker cooperation, at least on the face of it; and where worker consent is needed, there are good reasons why this may be given quite willingly. In such circumstances, the single most important objective for law reform, we believe, is to strengthen workers' rights of freedom of association, extending or reimagining these rights to fit with the realities of working relations today. Social bonds among workers in the same occupation or workplace produce and sustain strong and enduring beliefs regarding fairness and justice at work. It has long been recognized, by scholars of labour law and industrial relations alike, that procedural rules can open up the regulation of working relations to the participation of workers and employers, correcting the tendency of contract law to obscure the collective nature of such regulation; the important public interests at play. How this will happen, if at all, is not a matter of theory but of political practice: of social movements and collective agency.

References

Atkins, Celeste, Louis E. Esparza, Ruth Milkman, and Catherine L. Moran. 2018. "Organizing the Academic Precariat in the United States." *Global Labour Journal* 9 (1).

Behling, Felix, and Mark Harvey. 2015. "The Evolution of False Self-Employment in the British Construction Industry: A Neo-Polanyian Account of Labour Market Formation." *Work, Employment and Society* 29 (6): 969–88.

Berger, Suzanne, and Michael J. Piore. 1980. *Dualism and Discontinuity in Industrial Societies*. Cambridge, MA: Cambridge University Press.

Blackett, Adelle. 2019. *Everyday Transgressions: Domestic Workers' Transnational Challenge to International Labor Law*. Ithaca: Cornell University Press.

Bloodworth, James. 2018. *Hired: Six Months Undercover in Low-Wage Britain*. London: Atlantic Books.

Boltanski, Luc, and Eve Chiapello. 2018. *The New Spirit of Capitalism*. Translated by Gregory Elliott. London: Verso.

Boris, Eileen, and Jennifer Klein. 2012. *Caring for America: Home Health Workers in the Shadow of the Welfare State*. Oxford: Oxford University Press.

Braverman, Harry. 1974. *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*. New York: Free Press.

Brennan, John, Rajani Naidoo, and Monica Franco. 2017. "From Academic Profession to Higher Education Workforce: Academic Careers in the UK." In *Challenges and Options: The Academic Profession in Europe*, edited by Maria de Lourdes Machado-Taylor, Virgilio Meira Soares, and Ulrich Teichler, 231–52. Dordrecht: Springer.

Briken, Kendra, and Phil Taylor. 2018. "Fulfilling the 'British Way': Beyond Constrained Choice – Amazon Workers' Lived Experiences of Workfare." *Industrial Relations Journal* 49 (5–6): 438–58.

Broadbent, Kaye. 2014. "'I'd Rather Work in a Supermarket': Privatization of Home Care Work in Japan." *Work, Employment and Society* 28 (5): 702–17.

Brown, Tina. 2009. "The Gig Economy." *The Daily Beast*, 12 January 2009.

Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. Cambridge, MA: Zone Books.

Deakin, Simon, and Frank Wilkinson. 2005. *The Law of the Labour Market: Industrialization, Employment, and Legal Evolution*. Oxford: Oxford University Press.

Delap, Lucy. 2011. *Knowing Their Place: Domestic Service in Twentieth-Century Britain*. Oxford: Oxford University Press.

Dix, Guus, Wolfgang Kaltenbrunner, Joeri Tijdink, Govert Valkenburg, and Sarah de Rijcke. 2020. "Algorithmic Allocation: Untangling Rival Considerations of Fairness in Research Management." *Politics and Governance* 8 (2): 15–25.

Dore, Ronald Philip. 1973. *British Factory, Japanese Factory: The Origins of National Diversity in Industrial Relations*. London: Allen and Unwin.

Dore, Ronald Philip. 1986. *Flexible Rigidities: Industrial Policy and Structural Adjustment in the Japanese Economy, 1970–80*. London: Athlone.

Dore, Ronald Philip, Robert Boyer, and Zoe Mars. 1994. *The Return to Incomes Policy*. London: Pinter Publishers.

Dubal, Veena B. 2017. "Winning the Battle, Losing the War: Assessing the Impact of Misclassification Litigation on Workers in the Gig Economy." *Wisconsin Law Review* 4: 739–802.

Dukes, Ruth. 2020. "Regulating Gigs." *The Modern Law Review* 83 (1): 217–28.

Dukes, Ruth, and Wolfgang Streeck. 2020. "Labour Constitutions and Occupational Communities: Social Norms and Legal Norms at Work." *Journal of Law and Society* 47 (4): forthcoming.

Dunlop, John Thomas. (1958) 1993. *Industrial Relations Systems*. Boston, MA: Harvard Business School Press.

Durkheim, Émile. (1893) 1964. *The Division of Labor in Society*. Translated by George Simpson. New York: The Free Press.

Edelman, Lauren B. 2016. *Working Law: Courts, Corporations, and Symbolic Civil Rights*. Chicago: University of Chicago Press.
Foucault, Michel. 2004/2008. *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*. Translated by Graham Burchell. London: Palgrave Macmillan.
Fox, Alan. 1974. *Beyond Contract: Work, Power and Trust Relations*. London: Faber and Faber.
Freedland, Mark. 2016a. "General Introduction." In *The Contract of Employment*, edited by Mark Freedland, Alan Bogg, David Cabrelli, Hugh Collins, Nicola Countouris, A. C. L. Davies, Simon Deakin, and Jeremias Prassl, 3–27. Oxford: Oxford University Press.
Freedland, Mark. 2016b. "The Legal Structure of the Contact of Employment." In *The Contract of Employment*, edited by Mark Freedland, Alan Bogg, David Cabrelli, Hugh Collins, Nicola Countouris, A. C. L. Davies, Simon Deakin, and Jeremias Prassl, 28–51. Oxford: Oxford University Press.
Freedland, Mark. 2015. "Otto Kahn-Freund, the Contract of Employment and the Autonomy of Labour Law." In *The Autonomy of Labour Law*, edited by Alan Bogg, Cathrin Costello, A. C. L. Davies, and Jeremias Prassl, 29–44. Oxford: Hart.
Gallas, Alexander. 2018. "Precarious Academic Labour in Germany: Termed Contracts and a New Berufsverbot." *Global Labour Journal* 9 (1).
Gershon, Ilana. 2017. *Down and Out in the New Economy: How People Find (or Don't Find) Work Today*. Chicago: University of Chicago Press.
Glucksmann, Miriam. 1990. *Women Assemble: Women Workers and the New Industries in Inter-war Britain*. London: Routledge.
Goldthorpe, John H. 1984. *Order and Conflict in Contemporary Capitalism*. Oxford: Clarendon Press.
Gorz, André. 1999. "The Latest Forms of Work." In *Reclaiming Work: Beyond the Wage-Based Society*, edited by André Gorz, 27–54. Cambridge: Polity Press.
Hayes, LJB. 2017. *Stories of Care: A Labour of Law: Gender and Class at Work*. London: Palgrave Macmillan.
Hildebrandt, Mireille. 2015. *Smart Technologies and the End(s) of Law: Novel Entanglements of Law and Technology*. Cheltenham: Edward Elgar Publishing.
Kahn-Freund, Otto. 1977. "Blackstone's Neglected Child: The Contract of Employment." *Law Quarterly Review* 93: 508–28.
Kerr, Clark. 1960. *Industrialism and Industrial Man: The Problems of Labor and Management in Economic Growth*. Cambridge, MA: Harvard University Press.
Korpi, Walter. 1978. *The Working Class in Welfare Capitalism: Work, Unions, and Politics in Sweden*. London: Routledge & Kegan Paul.
Korpi, Walter. 1983. *The Democratic Class Struggle*. London: Routledge & Kegan Paul.
Marshall, Thomas H. 1965. "Citizenship and Social Class." In *Class, Citizenship, and Social Development: Essays*, edited by Thomas H. Marshall, 71–134. Garden City: Anchor Books.
Moberg, Linda. 2017. "Marketisation of Nordic Eldercare – Is the Model Still Universal?" *Journal of Social Policy* 46 (3): 603–21.
Müller-Jentsch, Walther. 2007. *Strukturwandel der industriellen Beziehungen: ‚Industrial Citizenship' zwischen Markt und Regulierung*. Wiesbaden: VS Verlag für Sozialwissenschaften.
Parsons, Talcott. 1951. *The Social System*. New York: The Free Press.
Peter, Tobias. 2017. "Akademische Entrepreneure: Der homo academicus zwischen Passion, Reputation und Projekt." *Berliner Debatte Initial* 28 (1): 110–21.
Phillips, Jim. 2011. "UK Business Power and Opposition to the Bullock Committee's 1977 Proposals on Worker Directors." *Historical Studies in Industrial Relations* (31-32): 1–30.
Pizzorno, Alessandro. 1978. "Political Exchange and Collective Identity in Industrial Conflict." In *Resurgence of Class Conflict in Western Europe Since 1968,* Vol. 2: *Comparative Analysis*, edited by Colin Crouch and Alessandro Pizzorno, 277–98. London: Palgrave Macmillan.
Prassl, Jeremias. 2018. *Humans as a Service: The Promise and Perils of Work in the Gig Economy*. Oxford: Oxford University Press.

Prassl, Jeremias. 2019. "What if Your Boss Was an Algorithm? Economic Incentives, Legal Challenges, and the Rise of Artificial Intelligence at Work." *Comparative Labor Law and Policy Journal* 41 (1).
Ravenelle, Alexandrea J. 2017. "Sharing Economy Workers: Selling, Not Sharing." *Cambridge Journal of Regions, Economy and Society* 10 (2): 281–95.
Riley, Joellen. 2016. "The Definition of the Contract of Employment and Its Differentiation from Other Contracts and Other Work Relation." In *The Contract of Employment*, edited by Mark Freedland, Alan Bogg, David Cabrelli, Hugh Collins, Nicola Countouris, A. C. L. Davies, Simon Deakin, and Jeremias Prassl, 321–40. Oxford: Oxford University Press.
Rodrik, Dani. 2011. *The Globalization Paradox: Why Global Markets, States, and Democracy Can't Coexist*. Oxford: Oxford University Press.
Rokkan, Stein. 1966. "Norway: Numerical Democracy and Corporate Pluralism." In *Political Oppositions in Western Democracies*, edited by Robert Alan Dahl, 70–115. New Haven: Yale University Press.
Selznick, Philip. 1969. *Law, Society, and Industrial Justice*. New York: Russell Sage Foundation.
Slaughter, Sheila, and Larry L. Leslie. 2001. "Expanding and Elaborating the Concept of Academic Capitalism." *Organization* 8 (2): 154–61.
Steedman, Carolyn. 2009. *Labours Lost: Domestic Service and the Making of Modern England*. Cambridge: Cambridge University Press.
Streeck, Wolfgang. 1992. "Revisiting Status and Contract: Pluralism, Corporatism and Flexibility." In *Social Institutions and Economic Performance: Studies of Industrial Relations in Advanced Capitalist Economies*, edited by Wolfgang Streeck, 41–75. London and Beverly Hills: Sage.
Sundararajan, Arun. 2017. *The Sharing Economy: The End of Employment and the Rise of Crowd-based Capitalism*. Boston: MIT Press.
Tannenbaum, Frank. 1964. *The True Society: A Philosophy of Labour*. London: Jonathan Cape.
Thompson, Paul. 2020. "Capitalism, Technology and Work: Interrogating the Tipping Point Thesis." *The Political Quarterly* 91 (2): 299–309.
Ulman, Lloyd, Robert and J. Flanagan. 1971. *Wage Restraint: A Study of Incomes Policies in Western Europe*. Berkeley: University of California Press.
Weber, Max. (1918) 1961. "Science as a Vocation." In *From Max Weber: Essays in Sociology*, edited by Hans H. Gerth and Charles Wright Mills, 129–56. London: Routledge & Kegan Paul.
Weber, Max. (1922) 1978. *Economy and Society: An Outline of Interpretive Sociology, Vol. 2*. Edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press.
Wiecek, Somerset. 1974. "Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World." *University of Chicago Law Review* 42 (1): 86–146.
Williams, Colin C., and Frédéric Lapeyre. 2020. "Dependent Self-Employment and Newer Forms of Informal Employment: Trends, Challenges and Policy Responses in the EU." In *Transition to Formality and Structural Transformation: Challenges and Policy Options*, edited by Iyanatul Islam and Frédéric Lapeyre, 256–319. Geneve: ILO.
Williamson, Oliver E. 1985. *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*. New York: Free Press.
Williamson, Oliver E., Michael L. Wachter, and Jeffrey E. Harris. 1975. "Understanding the Employment Relation: The Analysis of Idiosyncratic Exchange." *The Bell Journal of Economics* 6 (1): 250–78.
Young, Michael. 1958. *The Rise of the Meritocracy*. New Brunswick: Transaction Publishers.

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