Emergence and Transformations of Social Property

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A text from the French revolutionary era provides a clear characterization of the aporia of private property, on the basis of which the problematic of social property would subsequently unfold. It is an excerpt from a speech by National Convention member Harmand, given on 15 April 1793 in the course of the debate leading up to voting in the 1793 Constitution, known as the Montagnarde Constitution. Harmand:

Those men seeking truth will admit along with me that after having obtained equality under the law, the most pressing desire – and the most active – is that of effective equality. But I go further. I say that without the desire or the hope of such effective equality, equality before the law will remain but a cruel illusion, which, in lieu of the pleasures it had promised, will end up merely tantalizing the most numerous and most useful portion of citizens.

And Harmand followed up with a decisive question: “How are social institutions to procure for man this effective equality that nature has refused him, without encroaching upon landowning and industrial properties? How is it to be achieved without land-reform legislation and the sharing of fortunes?”

In the late eighteenth century, when Harmand raised this question, no answer was available. But it indicates in a backhanded way the space of the solution which was to be found a century later. In the late eighteenth century, the question of equality, or at any rate that of a substantial reduction of the disparities between citizens, could only be conceived of within the framework of the hegemony of private property. Equality supposed sharing private property. By the end of the nineteenth century, a new solution had become thinkable and begun to emerge – a solution which respected private property even while promoting a certain mode of equality between men. It did so by constructing an entirely new type of property, a property for security, which can be referred to as social property.

To clearly mark the originality of this emergence, I want to return to the aporia of private property as it was experienced at the threshold of modernity, beginning in the eighteenth century – or perhaps even in the second half of the seventeenth century – according to which private property seemed indispensable for founding the autonomy of the individual. Without it, it was felt, man was condemned to permanent social insecurity and dependency upon others. Yet at the same time, property could not be universalized without completely subverting the social structure through communism or collectivism – which, though they in fact were
alternative options that Harmand took into account, virtually no one wanted. This scant enthusiasm is illustrated by the fate of Grachus Babeuf and his "Conspiracy of Equals": Babeuf was guillotined, apparently without his execution raising much fuss; as illustrated too by the very limited scope of the measures for extending property through the sale of national Possessions: the measures benefited above all those who were property owners already. As for the projects undertaken by the Committee for the Elimination of Begging, designed to distribute communal lands to the destitute, not the slightest trace is to be found of it ever actually getting under way.2 The valorization of private property thus ran the risk of maintaining a cleavage, or rather a fundamental antagonism, between property owners and non-property-owners, which would have been still more serious than a class struggle, for it would have marked the opposition between social existence and non-existence, between being able to exist positively as a social subject and being sent back to total insignificance.

I shall endeavor to show that the constitution of “social property” was the answer to this aporia and that it began to take shape toward the end of the nineteenth century, subsequently becoming consolidated in the course of the twentieth century. It is the construction of an analogon of private property – in other words, of making available to non-property-owners a type of asset that was not the direct possession of a private holding or patrimony, but a right of access to collective goods and services which had a social purpose: ensuring the security – the social security – of the members of a modern society and reinforcing their interdependence in such a way that they continue to constitute a society. I will endeavor to clarify to some extent the nature of social property before returning to the current challenges to social property, which, as I will show, is bound up with an ambitious conception of the social state. A state, in other words, which fundamentally seeks – or sought – to be an insecurity reducer, a guarantor of effective political and legal regulations, and provider of collective services aimed at maintaining social cohesion. This conception of the social state as the driving force behind an active form of solidarity is, as we know, currently under attack. We will then be able to examine the impact the retreat of the social state is having on social property.

I. The “Non-owning Class”

Let us first return to what I referred to as the aporia of private property – an indispensable detour if we are to grasp the specificity of social property.

The classical Marxist tradition often associates the promotion of private property with the preponderance of a commercial and industrial “bourgeois class,” which imposed its leadership from the eighteenth century on. This interpretation is not necessarily wrong in its own terms, but it has to be placed in a more global context – that of the association which came about, at the threshold of modernity, between being able to exist positively as an individual and being a property
owner. We shall have to go back to John Locke, who was doubtless the first to clearly point out the necessity of this association. “Man,” writes Locke explicitly, “is master of himself, and proprietor of his own person, and the actions of labor of it.” The fact that man is the “proprietor of his own person” means that he has ceased to be someone else’s “man,” as in ancient feudal law, or more generally that he is no longer bound up in a network of interdependencies of subjection and protection, on the basis of which man gained his place and his identity from his status in what Louis Dumont would describe as a “holistic” society.

This is also what Tocqueville suggests when he opposes “aristocratic centuries” to “democratic centuries”:

Aristocratic institutions have the effect of closely linking every man to a number of his fellow citizens. . . . All citizens are placed in a fixed position, above one another, which means that everyone always perceives a man in a still higher position whose protection is necessary for him. . . . Men who live in aristocratic centuries are thus almost always closely linked to something that is placed outside of themselves.

The possibility of being an individual for oneself, developing capacities of independence and autonomy, supposes an equalization of status, or, at the very least, a loosening of those built-in hierarchical and collective constraints. However, though a necessary condition, it is not a sufficient condition to allow one to be positively an individual. In the “aristocratic centuries,” there were individuals who were no one’s “man,” completely detached from traditional networks of dependency. This was the case, for instance, of the vagabond, “free” from any social subjection or territorial inscription. But the fate of these individuals is literally invisible in a “holist” society, and all the policies regarding vagabondage were in fact attempts to eradicate vagabonds.

In other words, to be positively an individual, a basis, indeed a variety of bases, is required. And when traditional bases disappear, the new basis required by the modern individual is private property. Locke saw that very clearly. He always associated ownership of the person – that is, the possibility of independence or autonomy – and ownership of property, possession of private holdings. “By property, I must be understood here, as in other places, to mean that property which men have in their persons as well as goods.” Locke thus appears as the lucid spokesman of the problematic of the individual who emerges along with modernity. In other words, modern man can be free, or independent, or “owner of his person.” But in order that he be positively those things, conditions apply (in plain language, one might say that the individual can’t stand on his own), and in the context of the emergence of modernity, the essential condition of existence, the preferred basis of the individual, is private property.

This interpretation is supported by observing the status attributed to property during the revolutionary period. The defense of private property is not, or not only, a conservative position: it is also a progressive position. Here are several indications of this quasi-unanimous valorization of private property:
• Property rights are enshrined in the first Article of the 1789 Declaration of the Rights of Man and of the Citizen, and qualified as “inalienable and sacred” rights in Article 17.
• On 18 March 1793, the Montagnard Convention voted unanimously in favor of the death penalty for “whomsoever shall propose or attempt to establish land-reform or other laws or measures subversive of territorial, commercial, or industrial properties.”
• Robespierre thought that property was too unequally distributed and wanted to regulate its usage by law, but not to abolish it. Saint-Juste declared “the properties of patriots to be sacred” and dreamed of a Republic of small property owners, preferably farmers, capable of taking up arms in defense of the homeland – their homeland.

One could multiply the examples, even including certain social demands of the Parisian sans-culottes, who also demanded access to property in the form of the acquisition of a sufficient share – a small workshop for the artisan, a piece of land and a plow for the peasant – to enable them to work in autonomous fashion and thereby ensure their independence. This valorization of property can thus by no means be reduced to a “bourgeois” or “capitalist” exaltation of property, which would no doubt develop subsequently, but which had not yet been constituted per se, or at least was in no way dominant in the late eighteenth century. Rather, it is the translation – and this point must be strongly emphasized – of a fundamental social or sociological observation. It is based on the diagnosis that was applied to the actual predicament of non-owners, and particularly of the considerable portion of laborers who had nothing but their labor with which “to earn their keep,” as the saying goes. In other words, if they have nothing, they are nothing. They are condemned to a sort of social nonexistence. They are not only wretched, they are unworthy.

I will limit myself to a single testimony, one which I have chosen deliberately, for it is taken from Abbé Sieyés, principal architect of the Declaration of the Rights of Man and of the Citizen. Sieyés refers in a note in the early 1780s – several years, that is, before the Declaration – to “the unfortunates condemned to hard drudgery, producers of enjoyment for others, and receiving scarcely enough to sustain their suffering and needy bodies . . . an immense crowd of two-legged instruments, possessing nothing but their profit-meager hands and an absorbed soul, without freedom and without morality.” And Sieyés then raised what is a truly devastating question: “Is that what you call men?” For indeed, socially speaking, they were not really men. Abbé Sieyés is not merely expressing class-inspired contempt; he is making an observation: the “two-legged instruments” are literally proletarians “possessing nothing but their profit-meager hands,” or rather – because the industrial proletariat did not yet exist at the time Sieyés was writing – it was the mass of small wage-earners, who had slipped through the regulations of the system of corporations, a nebula of small tradesmen, day laborers in
the towns and country, “people of sorrow and hands,” struggling for their survival.

It has often been emphasized that the modern period was marked by the discovery of the centrality of labor-value, the true source of the “wealth of nations,” as Adam Smith put it. One could in this respect go back farther than Smith and his famous pages on the division of labor, to Locke or even earlier. But this promotion of labor as the source of social wealth, to which Sieyès himself refers – “these unfortunates . . . producers of enjoyment for others” – in no way brought with it a promotion of laborers themselves, an acknowledgment of their social dignity as individuals. Or at least not for the laborers who are nothing but laborers – pure laborers, so to speak – “possessing but their profit-meager hands.” This literally refers to all those who own nothing but their labor. They make up those whom a revolutionary-era pamphleteer, Dufourny de Villiers, proposed in 1789 to call the “Fourth Order”: that part of the Third Estate that had no state and which grouped together the mass of laborers not inscribed in the system of corporations.

That is the very core of the modern social question which began to be raised in the eighteenth century. It was doubtless not clearly stated as such, except by the odd marginal author like Dufourny de Villiers, or the inspector of apprentices placed in the general hospital, who, in late 1789, called the attention of the National Assembly to the need to “apply in a special way the grand principles of justice decreed in the Declaration of the Rights of Man and in the Constitution to the protection and conservation of the non-owning class.”

If this question which was to become central in the nineteenth century remained relatively marginal for so long, it is no doubt because this “non-owning class” occupied the opposite of a central position in the social structure. One might say that it was smoldering on the outskirts of the society, made up of heterogeneous and poorly differentiated groups ranging from beggars and vagabonds to what today we would call the “working poor” – in other words, those whose labor ill sufficed to ensure their subsistence, a group comprising seasonal workers and manual laborers for hire “on a day-to-day basis.” In fact, the different components of a pre-industrial wage-labor force, for which society recognized no status whatsoever.

What was to profoundly renew this problematic is that this “class” of non-property-owning laborers – which is not a class at all but the juxtaposition of heterogeneous groups – was to progressively gain consistency and shift to the very core of the society. The industrial laborer came to spearhead the production process. He was the proletarian – as Marx was to define him, simultaneously the product and the agent of the modern process of industrialization. And there lay the problem. Leaving things as they stood was to run the risk of fostering the establishment and development, at the very center of the social structure, of a mass of “two-legged instruments” – that is, individuals, with their families, who were not only destitute, but amoral and asocial, violent and dangerous. It was to encourage the proliferation of “new barbarians” at the very heart of the factories...
and housing estates. The problem was referred to in the first half of the nineteenth century as the “question of pauperism,” and it engendered an immense literature, translating the ruling classes’ distress at this discovery which so alarmed them: the idea that the development of industrialization, and thus the promotion of modernity, might have to be paid for by the establishment, at the very heart of society, of these destitute and asocial – and therefore dangerous – classes: “working classes, dangerous classes.”

No doubt, as the nineteenth century moved along, pauperism came to be painted in less systematically dramatic colors than it had been at the beginnings of industrialization. But whereas pauperism was confined for the most part to the relatively limited fringe group of the initial industrial proletariat, this condition henceforth threatened workers as a whole. Parallel to this, it became obvious that wage labor was an irreversible state of affairs, the expansion of which was organically linked to the transformation of modern society. Which was by no means self-evident: it was long held that for many laborers, in any case for the most deserving among them, wage labor was a transitory state, which one could eventually escape by purchasing two tools and a stall, becoming a miniscule owner worthy of consideration and won over to the bourgeois order. But with the development of industrialization and urbanization, it became clear – and the idea came to be generally held in France by the 1880s – that, as a rule, once one is a wage laborer, one is a wage laborer for life, and that there would therefore be more and more wage laborers in modern society. The condition of the wage laborers would thus profoundly affect the condition of industrial society. To allow the “non-owning class” to proliferate, often in a state of dereliction, was to sanction the presence of a zone of an evermore massive and potentially explosive vulnerability, condemned to permanent insecurity, and which, like a “gangrene,” would gnaw away at the body politic as a whole.12

II. Property of Transfer

The answer to this dilemma was the invention of social property. The term “invention” must of course be used with forbearance, but in this case it truly was an unheard-of discovery which was to overcome the impasses of private property. It was a discovery whose conditions of possibility only emerged at the end of the nineteenth century with the generalization of wage labor and its incrustation in the structures of modern society. From then on, if one discarded the revolutionary option embodied in different variants of socialism, the generalization of property was impossible. The philanthropic tinkering of the first half of the century was bound to continue, as was delegating to the owners’ paternalism the task of managing working-class upheaval. But while these recipes were not always ineffective, they were not on the same scale as the development of mass vulnerability, which seemed inscribed at the very heart of industrial societies inasmuch as it was borne by their own development.

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The solution that emerged in the late nineteenth century produced a reversal in the social paradigm. Instead of attempting to assist the victims of the most degraded situations, the idea was to link security to work itself – to impose a new device by means of which the worker would work not only to earn a wage enabling him to live or merely survive, but thanks to which he would also endeavor to build for himself a right to security. A socialized portion of his wage, capitalized in the form of social fees, promoted a shift in the foundation of security. Prior to this type of “product,” as we have seen, it was property which provided security. To be a property owner was to be ensured against the vagaries of existence and such major social risks as accidents, illness, old age without any resources, and so on. “As far as the owning class is concerned,” wrote Charles Gide lucidly, “property is an institution which renders all the others more or less superfluous.” But for the “non-property-owning class,” social property was to constitute a new institution, the counterpart of the private property which it lacked, basing its security upon work.

The term “social property” came to enjoy frequent use by the end of the nineteenth century, and in particular among that family of thinkers linked to the Third Republic, who wanted to find a median way between the laissez-faire of the liberals, which they felt carried the risk of social splintering, and the collectivism advocated by various strains of revolutionary socialism, which they obviously considered unacceptable. In 1884, for instance, Alfred Fouillée wrote La Propriété sociale et la démocratie (Social property and democracy), which contains what is doubtless the most explicit definition of social property, or at any rate its central core:

The state can, without violating justice in the name of justice itself, demand of workers a minimum amount of foresight and guarantees for the future, for these guarantees of human capital are themselves the minimum amount of property necessary for every citizen who is truly free and equal to others, and are increasingly necessary to avoid the formation of a class of proletarians fatally condemned either to servitude, or to rebellion.14

In it, several points are clearly articulated:

• a justification of the intervention of public authorities in social questions: notwithstanding liberalism’s taboo, the state could and should intervene in the name of social justice;
• the privileged mode of the social state’s intervention: it should establish the obligation that workers be insured in order to take control of their future and consolidate their condition, prevent social risks and stabilize the working-class condition;
• the product of this intervention, which considers that “a minimum amount of property” consists in setting aside the resources necessary for everyone to attain citizenship and the destitute worker to become a self-sufficient being and, in a certain way, the equal of his fellow citizens;
• the political purpose of the operation is also explicitly stated: warding off the
danger of subversion borne by an unstable proletariat or working class, while at
the same time avoiding the humiliating tutelage stemming from relying on
social-assistance practices.

Such was the program that was to constitute a major underpinning of the social
laws of the Third Republic, and, above and beyond the Third Republic, best char-
acterized the central role of the state, conceived fundamentally as an insecurity
reducer. This risk control entailed the construction of a previously unknown type
of resource, which, from the security point of view, fulfills homologous functions
to that of private property. At the mechanism’s core, there is thus a form of prop-
erty which differs from private property even as it plays one of its essential roles
– that of promoting security. It is, of course, not a private patrimony which one
can draw freely upon at any moment. It results from the inscription in a legal
system of obligations, which in turn produce rights. It is comparable to what
jurists refer to as a function-law – in other words that the beneficiary can access
only in order accomplish the social purpose for which the law was devised, which
in this case is the security of the contributor. Which is why the credit cannot be
transferred to a third party. It is, for instance, not possible to sell one’s right to a
pension, for it is the property of a beneficiary which will take effect only at a
certain moment, under certain conditions, and within a strictly defined legal
framework.

This form of property is therefore not constituted and does not circulate in the
realm of market exchanges. It is directly produced through labor. One could
describe it as a property of transfer, stemming from labor. In other words, the
workers build themselves supports on the basis of their labor; they are supported
by their labor. Of course the wage laborer does indeed work for someone else in a
relationship of legal subordination, and can be described as alienated. But hence-
forth he also works, at least to some extent, for himself and his dependents, who
are also beneficiaries. A portion of the wage thus eludes the market and is no
longer merely direct payment for an act of work. The wage also pays for the secu-
rity of the worker and his family. It is what is often called an “indirect wage.” In
fact, it is a socialized portion of the wage which, straight from labor, pays for social
protection, and, as we have seen, even social cohesion, inasmuch as workers’
social insecurity was the principal factor of destabilization in industrial society.

On the basis of this pedestal of social property, workers could then continue to
“socialize” with their fellow men; in other words, the relations of interdependence
thanks to which a society can make up a cohesive whole can be maintained or
restored. Seen from the perspective of the individual, social property provided the
minimal resources thanks to which the non-owner can also exist positively as an
individual. Even deprived of any private patrimony, he is protected by strong
guarantees, which ensure him against the principal social risks. He is certain not
to fall into total decline. But that is not all. On the basis of these assurances, the
individual is to be capable of escaping from the dependency of need; he is to be progressively able to master the present, plan for the future instead of “living from day to day,” and develop personal strategies. The “society of individuals,” as Norbert Elias understands it,16 would doubtless have never been able to exist without the generalization of this type of support, which pulled a majority of workers from the clutches of permanent precariousness and insecurity.

Thus one sees that social property provides, if not the answer, at least an answer – and a consistent one – to the radical question Harmand raised on the basis of the aporia of a form of private property which could not be generalized without being abolished through collectivism. And one also sees that this answer is an answer by displacement. “Effective equality” was not achieved through social property. A society, even a democratic one, is not necessarily a society of equals. But it can be a society of fellows, to use Léon Bourgeois’ expression,17 if all the members partake of the common goods made up of minimal protections which prevent workers from teetering into dependency and enable them to maintain themselves in the common scheme of exchanges necessary to form a society. Which is what Alfred Fouillée also said in the text quoted above. Social property bestows “the minimum property necessary to every citizen who is truly free and truly equal to others.”18 The expression “truly equal” no doubt lacks nuance: the condition of the insured party does not bring about an effective equality with the condition of the property owner. But it is this reserve that makes it possible to identify with precision the specificity of social property. It brings about a shift from a problematic of private property to a problematic of collective security. Security is not property, but it takes its place for non-property-owners by guaranteeing their protection. Non-property-owners could thus be insured as well, which meant that they could henceforth enjoy a minimum amount of support enabling them to begin to take their destiny in hand. And as the majority of non-property-owners – “the most useful and most numerous portion of the society,” to quote Harmand one last time – was comprised of workers, it is clear that the solution-shift that was found was constructed on the basis of work. That is also why it was not thinkable in Harmand’s day – for the very possibility of linking protection to work itself supposed a structuring and collectivization in how labor was organized. And that was to require more than a century of social history before coming about.

III. The Generalization, Diversification, and Contestation of Social Property

If one admits the importance and the originality of the innovation that was social property, at least three questions arise: that of the extension of the notion in the framework of a wage-labor society, that of its internal coherency, and that of its status today.

1. Question one: How did this form of property which timidly emerged at the beginning of the twentieth century come to constitute the basic matrix of what
François Ewald has referred to as “an insurential society” (une société assurentielle)? How, for instance, did France move from the workers and farmers pension law – passed with great difficulty in 1910 after more than twenty years of fierce debate, and which concerned only the lowest wage-earners below a very low level of resources – to a generalized Social Security system after World War II, which “covers” the quasi totality of the population against the principal social risks?

Answering this question requires mobilizing the social history of the twentieth century. What occurred, in fact, was a shift from industrial society to wage-labor society. Ideologues of the Third Republic such as Alfred Fouillée, Émile Durkheim, and Léon Bourgeois were all primarily preoccupied with the integration of a wage-earning workforce which was still massively working-class. The differentiation and generalization of the wage-earning workforce was to lead to extending to the workforce as a whole – and even to practically the totality of the members of the “wage-earning society” – a type of protection that was originally constructed on the basis of the wage-labor workforce. It is obviously impossible to reconstitute here the long and conflict-ridden process which unfolded over almost a century. But this restitution, though not easy to do, does not raise any fundamental problems, and I have elsewhere endeavored, drawing upon the principal facts from social history, to reconstitute this “chronicle of the wage-labor workforce.”

The second question, though linked to the first, is more delicate. Social property has here been presented on the basis of what I believe to be its core component, or at any rate its most characteristic realization: the direct transfer of wages to security through the intermediary of obligatory insurance. The right to a pension is the clearest manifestation of this. The pension represents a patrimony attributable to an individual (the pensioner “gets his or her pension”), which, however, is not private in its mode of construction: it is produced by a system of collective regulations that is guaranteed by social law, under the aegis of the state. But social property cannot be reduced to a type of social service that ensures the protection of workers directly on the basis of their work. It also consists of ensuring the participation of non-property-owning individuals in collective services which are also placed under the responsibility of the state. “The society begins,” said Léon Bourgeois, “to open up to all its members social goods which are communicable to all” – in other words, with making available to all the opportunities not falling into the system of market exchange which characterizes private property.

It was, in the first place, the development of public services that the jurist Léon Duguit – perfectly in keeping with this republican ideology – defined as follows:

Any activity whose accomplishment has to be ensured, regulated by those who govern, because the accomplishment of this activity is indispensable for the realization and development of social interdependence, and is of such a nature that it can only be completely carried out through the intervention of governmental power.
One recognizes here the Durkheimian – and more generally republican – idea of “social interdependence,” of the need to maintain an “organic” solidarity between all members of society. And it is the “governmental power,” the state, which builds the means for this interdependence by making common services available to all. As Paul Brousse, leader of the socialist-reformists, put it, “the state is the totality of already established public services.”

One essential role of the modern state is to function as the agent of a concerted distribution of services in the name of the general interest. In so doing, it takes on purely kingly functions, strengthens social cohesion through the intermediary of the open distribution of services to all. These public services are a form of property which escapes private appropriation because of their collective utility. This conception of public service would culminate, after the Second World War, within the framework of a Keynesian economy, in the nationalization of companies: the public authorities had to manage certain companies because the goods they produced presented a collective interest, whose management could not be left to private initiative.

It is thus obvious that considerable differences exist between the social appropriation of services and collective goods and the personal appropriation of protections guaranteed by social legislation on the basis of work. I want to suggest that they constitute the two principal poles of social property. Indeed, they both translate the same effort to overcome private property, both as a mode of access to social wealth, and as the very basis of personal security: on the one hand, generalization of the use of jointly-held goods, which can neither be appropriated individually nor marketed, and which are in the service of all; on the other hand, generalization of personal protections constituted on the basis of work and no longer on the basis of a private patrimony. These two forms of social property have complementary effects inasmuch as they promote the social rehabilitation of non-property-owners. Even lacking any private patrimony, they are able to broadly take part both in social wealth in the form of the consumption of collective goods and services made available by the public power, and social security in the form of insurance (also guaranteed by the state) against the principal risks of falling into social destitution. One might say that through social property, the individual in society acquires social citizenship by taking part in the collective benefits and services guaranteed by the state, which are analogous to private property for non-property-owners.

It is not certain that these different configurations of social property form a completely homogenous whole. One would, in any case, have to carry out more in-depth analyses to identify their articulation. At any rate, there can be no doubt that their setup and development were part of a common logic, which was that of the growing intervention of the social state in its role as what I described as an “insecurity reducer.” Whether to insure individuals on the basis of their work, or to organize their participation in collective services, it is invariably with a concern to make socially constructed resources (rather than those constituted in keeping with the pure logic of the market) available to the greatest number which is at stake.
3. The factor that confirms the solidarity of the forms of social property above and beyond their diversity is the common attack of which they are the object today. The current attacks on the involvement of the social state in different registers can be interpreted as so many attempts to reduce – and, ultimately, eliminate – the sphere of jurisdiction of social property. Unable here to analyze in detail the different fronts upon which social property is under fire from neo-liberal ideology and practice, let us merely list the most significant among them:

At the pole of the attack on collective goods and services, it was first of all the nationalized companies which were dismantled in the wave of privatization. It is not hard to understand why: nationalization was an attempt to extend public control to the production or management of market goods in the framework of a Keynesian-style planned economy. Based upon marketable products, one might say that – as with the abolition of customs tariffs – the market regained in this case its “natural” prerogatives, based upon competition and the quest for maximum profit, and which therefore applied directly to marketable goods.

What is taking place on the level of public services strictly speaking is more complex. On the one hand, one observes a tendency to bring their management into line with the operating modes of private-sector standards by insisting on the need for them to be efficient, profitable, to treat their users like clients, and so on – all of which is not necessarily incompatible with the fact that these services continue to ensure, as Léon Duguit would say, “social interdependence.” But one also observes a propensity to transfer to the private sector services which were first set up by the public sector in the name of the need to maintain and strengthen social interrelations. The example of telecommunications is enlightening in this regard. The telephone was financed and set up in France as a public service, because the state alone was capable of this type of investment; or in any case, it was not of interest to companies. But, now, France-Télécom has been partially privatized. In other words, the development of telecommunications has been reoriented in keeping with a logic of profit-making and competition. This transfer of the public to the private is pushed to its outer limits in certain countries, such as Argentina, for instance, where there are literally no further saleable public goods which have not been sold (and now parts of the national territory itself are being sold, pieces of Patagonia to Soros and Benetton, which amounts to privatizing not only social property, but the national property itself).

We have not reached that extent in Western Europe yet (though in Great Britain, for instance, the process is more noticeable), but this orientation raised a fundamental question: are there some goods which are not marketable – goods, that is, which it would be considered illegitimate to put onto the market, even in the hope of making a profit in doing so? Or, to pose the same question the other way round: even if some goods can be privatized at a profit, can they be recommodified while ensuring that they will still continue to assume the functions they were assigned in the name of “social interdependence”? These questions concern above all the two essential goods of health and education,
which no doubt constituted the two central pillars of public services. In these realms too, however, one observes an increase of a managerial spirit which tends to make the cost of a service a determinant criterion of choice. The concern with alleviating the weight of public expenditures cannot of course be condemned in and of itself, and is actually quite legitimate. The question is nevertheless to determine whether the cost of a service can be reduced to its market price. The tension is thus high between the imperative of cost-reduction, to be brought about by establishing competition between services, and the public service’s mission to maximize the service of general interest. Only the public power can be the guarantor of this concern for collective interest. But the progression of the logic of commodification can only come about by reducing the preeminence of the public jurisdiction, to the extent that the latter is subjected to criteria other than the quest for profit. Without giving oneself over to doomsday scenarios, it can be argued that today the balance of power between these two poles – that of profitability and that of the defense of social property in the service of the collective interest – is no longer in the latter’s favor.

The same tension is at work in the ongoing reorganization of social protection. It has been emphasized that it was by establishing the obligation for insurance leading to generalized Social Security that social property asserted itself most strikingly. There is also much talk today of a “crisis” in this system of social protection, which is characterized first and foremost as a crisis in how it is financed. It is true that if the better part of the protection is financed through labor – by means of wage-laborers’ and employers’ contributions – the fact that work is ever more rare and precarious threatens to block the mechanism. If one adds to that the demographic argument of an aging population, it will soon be an active minority that will have to contribute for an inactive majority. Hence the partial reforms which are either newly in place (for instance, the CSG, or generalized social contribution, in France, which is a partial financing of protection through income tax) or envisaged (for instance the ongoing discussions regarding a reform of the pension system).

But beyond these questions of how it is to be financed, it is the system’s very logic which is currently thrown into question. One must recall that the very spirit of social property was to cover whole populations through general measures. Insurance is thus opposed to assistance because it has a universalist vocation, whereas assistance is targeted at particular groups situated outside of the common system. And in fact Social Security – in keeping in this respect with the spirit of its promoters – asserted itself, up until the early 1970s, in an ever more universalist mode.

It is no longer the prevailing orientation. On the contrary, there has been a multiplication of social minimums – in other words, of benefits allocated on the condition of resources to groups experiencing particular difficulties. There are now seven social minimums in France, the most recent being the Revenu minimum d’insertion (RMI, or Minimum Insertion Benefits). The point is in no way to condemn these
types of measures, which are in every respect preferable to the outright abandonment of persons in need. They are ways of preserving protection or of trying to create new measures in a conjuncture which has become difficult. But one has to wonder if one is not in fact witnessing, at the same time, a transformation of the social protection system itself. Instead of general systems for the protection of wage-labor society, a two-track system is emerging: general and robust insurance schemes for those who are still thoroughly integrated in the structures of wage-labor society, and particular benefits for those who have ceased to fit with general regulations and who are given compensation. These assistance-type benefits are (arguably) lower, but they threaten to have (and indeed already have) a stigmatizing dimension inasmuch as they are granted on the basis of the recognition of a deficiency, or, at any rate, of the observation that the individual is unable to fit into the common system. The “positive discrimination” characteristic of affirmative action could thereby turn into negative discrimination (which is already occurring, as can be observed in the case of the French RMI, where the label “RMist” – someone receiving minimum insertion benefits – has quickly become quite pejorative). This is in profound contradiction with the very logic of social property, which not only does not discriminate against, but which dignifies – if I may say – its beneficiary, maintaining him or her within the common system by providing new, positive attributes. With the erosion of collective securities, one sees the multiplication of individuals without support, of individuals by default. Still outside of private property, enabling them to exist positively as individuals, but no longer benefiting from the collective resources of social property, they are in danger of finding themselves negatively individualized in the same way that the “non-property-owning class” was before the establishment of the regulatory systems set up around the status of employment.

We might well fear that we are witness to a sort of vengeance of private property on social property. Social property never abolished private property; it was entirely different than the collectivist option. But it did manage to limit its hegemony, essentially by ensuring the security of the non-property-owners and by providing them access to services that did not obey market logic. Today, it is perhaps the figure of the owner which has returned to the forefront – moreover, in highly new forms. The new owner is no longer the landowner who prevailed prior to industrialization. Nor is he the Balzacian person of independent means, whose possession of a guaranteed income freed him from any need to work even as it conferred him with social respectability. But nor is he any longer the capitalist from the time of industrialization. The dominant figure of property has become that of finance capital no longer linked to a person or a territory – that of financial flux seeking investments to maximize profits for profits’ sake. If that type of property were to triumph utterly, there would no longer be any place for the coupling of social property and the social state, and their functions of market regulation in the framework of wage-earning society.

This erosion of social property is thus indeed a powerful tendency within the contemporary conjuncture, underpinned by thoroughgoing transformations of the
economic and technological order. However, to conclude that its obliteration is ineluctable seems today to be at least premature. On the one hand, because, as we have already emphasized, we are still surrounded and supported by protections, and even the new precariousness is entirely different from the precariousness before the protections, before the invention of social property. On the other hand, one cannot rule out setting up other forms of social property adapted to the new economic and technological context. Significantly, envisaging a new “metamorphosis of wage-earning society,” Michel Aglietta makes explicit reference to social property in the framework of new capitalism that he refers to as “patrimonial.” It is a form of wage earners’ shareholding, managed in such a way as to contribute to regulating the financial flux by guaranteeing wage earners a minimal security. It is thus a way of coupling labor and protections, which, as we have seen, is at the very heart of the process of constituting social property. It is doubtless not the place here to discuss the credibility of this proposal, the implementation of which seems highly doubtful. I only mention it among other possibilities because it illustrates what could be the status of the worker, associating mobility and security. Social property does not have a nature that is given once and for all; it is rather an historical construct which has been transformed and enriched over the course of almost a century of social history. It seemed to have found its most solid configuration in what was known as the “social compromise,” which culminated in the early 1970s. The context which had made it possible has since undergone profound transformation, both in terms of the organization of work, the relative weight of the different “social partners” (unions and management) involved, and the social state’s room for maneuver. It is thus out of the question to be able to preserve the specific form which this compromise took, and wanting to do so is condemned to failure. It is even possible, given the strength of the deregulation process currently underway, that it continue to deteriorate. Nevertheless, it is in my opinion impossible today to decide if the period of intense turbulence which we are currently experiencing is a transitory phase in the transformation of capitalism, or if it represents its definitive form for the future. It is therefore not out of the question either that a redeployment of social property become possible, which would bring about a new compromise between new economic and technological imperatives and the ongoing imperative to organize the social resources ensuring the security of all those who produce its wealth.

It is in any case a hypothesis deserving of discussion considering the importance of the attendant issues. The invention of social property has proven that the condition of permanent insecurity, which had for centuries been the fate of the majority of the “non-property-owning class,” was not a destiny at all. We are perhaps entitled to infer, though without any certainty, that the increasing process of insecurity affecting non-property-owners, which seems to characterize the present conjuncture, is not a destiny either, sealed once and for all.

(Translated by Stephen Wright)
NOTES

2. C. Bloch, A. Tuetey, Procès verbaux et Rapports du Comité pour l’extinction de la mendicité, 4th Report (Paris, 1910). The Duke de la Rochefoucauld-Laincourt, “convinced that poverty is eliminated by property and assuaged by labor,” is the author of two proposals: “grasp current circumstance to augment the number of property owners by ordering that a portion of state-owned and church-owned lands, of which the Nation has projected the alienation, be sold in very small lots, nevertheless sufficient to enable a family to live, and thereby making them available to the greatest number of buyers” (319); and, distribute the “between fifteen and twenty-million acres that are part of state-owned lands languishing unused below the aridity of moors, beneath the muck of swamps, or under the tyranny of custom (usages). Once returned to cultivation by the hands of the destitute, who will be paid for a portion of their work by transferring to them a portion of the terrain they have rendered fertile, these lands will ensure and increase the affluence of hapless families, and thereby bind them to their homeland through their own interest. . .” (388).
10. L. Dufourny de Villiers, Traité du Quatrième Ordre (Paris, 1789). Dufourny de Villiers makes explicit reference to the “poorly day laborers.” Conversely, belonging to a corporation conferred a certain status upon the “mechanical arts,” which formed the last link in the hierarchical chain attached to the Throne, each ring of which was endowed with an “estate.” The dividing line between social dignity and social indignity thus passed right through the middle of the Third Estate, if not indeed through the middle of manual labor, between “regulated trades” (guilds and jurands) and wage-earning of the day laborers and tacticians in the towns and countryside.
12. “The working class must be moralized, for it is the gangrened member of society.” Abbé Meyssonnier, quoted in L. Reybaud, Études sur le régime des manufactures (Paris, 1955), 276.
15. Abraham de Swaan also uses the term “property of transfer.” See his Care of the State (Cambridge: Polity, 1988).
18. Fouillée, La Propriété social et la démocratie, 148.

24. All the more so in that I have not drawn up an exhaustive inventory of the different forms of social property. One would, in particular, have to devote special attention to social housing, which represents another modality of collective property, which, based upon conditions of resources, can be appropriated for private use, and which also played an important role in tackling the vulnerability that went with the condition of certain working-class groups.


26. They are the old-age minimum, the invalidity minimum, handicapped-adult benefits, single-parent benefits, widow insurance benefits, specific solidarity benefits for the unemployed, and the RMI (or minimum income of insertion).

27. A still more degraded version of the transformation of structures of protection might consist in reducing unconditional coverage to a limited number of risks for the disfavored categories of the population, while the more “affluent” categories are invited to insure themselves, voluntarily financing their insurance policies in keeping with the logic of private and no longer of public property. The cleavage here is between poor public insurance systems for the poor who are unable to look after themselves, and private insurance schemes for responsible and respectable citizens. It is more or less this configuration that prevails in the American health-care system, with its cleavage between the right to Medicare for the poor and the population over sixty-five years of age, and the recourse to private insurance policies for everyone else. The difference is not only in terms of the quality of the care provided. It cleaves the population into two categories: those who are dependent and those who are autonomous.


29. One could also mention Alain Supiot’s work, in particular *Au-delà de l’emploi* (Paris: Flammarion, 1999), which envisages the deployment of the right to work and the status of employment while taking account of the transformation of employment situations in the sense of increased mobility and the flexibilization and individualization of tasks.