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France's 35 Hour Work Week and the Political Economy of André Gorz

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Hello, my name is Adam Storer, and I'm a Political Economy Major. My mentor is Professor Joseph Lough in the Political Economy department. My project is called "France's 35 Hour Work Week and the Political Economy of André Gorz."

Sitting in my first Political Economy class at Berkeley, the professor made a joke that his students had no job prospects after college. We laughed nervously, uncomfortably, and were secretly scared because the ultimate fear of a social science major is moving back home after graduating. But it also prompted me to look at the idea of work with a more critical eye. I studied social theorist André Gorz, who argued for a shortened work week in his 1985 book *Critique of Economic Reason*, saying that more free time would inherently change the way we view work, society, and ourselves. That being said, I was drawn to France's 35 hour work week legislation and in particular to the interplay of politics and social theory surrounding the legislation. In this paper I will argue that France's Socialist Party did not effectively combine social theory and politics in its campaign for the 35-hour work week, and thus failed to garner the popular support necessary to keep conservatives from undoing the 35 hour work week legislation. I will first look at the food service sector of the economy and its growth since the legislation had passed. Next I'll look at the law in more detail and the politics that let it be overturned almost as soon as it was enacted. Finally, I will address the differences between the political rhetoric which focused on unemployment, and the theory, which focused on much more than that.

A cursory overview of the legal framework of the 35 hour work week shows that the law was originally passed in 1998, and was scheduled to come into effect from 2000 to 2002. The law requires that after 35 hours of work, an employer must pay overtime. The law also mandates that employers and employees decide with each other the rules of working time, either through unions or individually [1]. Armed with this information, I first set out to evaluate the effectiveness of the legislation by gathering empirical evidence from the business sector to see if the legislation had changed the structure of the economy in France.

I decided to study the food service sector of France's economy in depth, and

chose a number of different variables with which I could analyze how the 35 hour work week had begun to change society, if at all. In this talk, I'll look at the number of people employed in the sector and the number of businesses open, for three accounting categories: Fast Food Restaurants, Traditional Restaurants, and Supermarkets.

My reason for choosing the food service sector was not random. Most work reduction theorists argue that the service sector is essentially a non-essential part of the economy. André Gorz argues that growth in this sector is inherently linked to capitalism. When the labor required for jobs in manufacturing is reduced through mechanization, Gorz believes that there is a logical disconnect. Some workers are fired and replaced by machines while others are forced to work long hours and take on more responsibilities, such as upkeep for the sophisticated machinery. But the commodities that the significantly smaller company produces still need to be sold, so a growing class of non-producing workers needs to be given the means to buy the commodities [2, p. 225–227].

This is where the service sector comes in. Those with money demand services from this group of workers who are no longer needed for actual production, and in turn the service workers demand the products that they no longer directly produce. The productive class soon begins to rely on others to cook their meals, rear their children, tend their gardens, and clean their office buildings and homes [2, p. 137–135].

So, if working time is reduced, the service sector should shrink, for two reasons. The companies which were producing tangible goods will be able to demand less time of their employees, so they will have to hire more, thus dipping into the pool of the service workers. In addition, employees with more free time may change their conception of how much their time is worth, and begin to look at those services they were once buying, cooking and gardening, as actual sources of pleasure. In the food service sector, one may even see mechanical jobs such as taking an order at a fast food restaurant or working the checkout counter at a supermarket be replaced by machines, or the check-out counter at supermarkets be replaced by machines. On the flip side, you may see more people working at or attending traditional restaurants in an attempt to spend more time appreciating their food.

That being said, I began to examine the economic data primarily by considering the sector as a whole with economic data collected by L'Institut National de la Statistique et des Études Économique (the French version of the Bureau of Economic Analysis), as well as data from some of the largest fast food and supermarket chains. However, I must point out before presenting my findings that the shortened work week did not exist in a vacuum. The period between 1998 and 2007 saw the slump from the dot-com bust, followed by a boom that turned into the recession that we're in now. In addition, the euro was adopted during this time, which may have changed the nature of France's economy in a number of ways.

But, what we see in that period is significant growth. From 1998 to 2005 the number of fast food restaurants rose by 50%, with a 270% growth in the number of employees [7]. The opposite of what I had expected was true; the fast

food sector was growing. Growth was high during this period, but the world economy was also growing in strength during this time.

In traditional restaurants, the growth was more modest. The sector grew about 6% in the same time period. Still, that is nothing to scoff at, especially considering that the number of restaurant employees did jump significantly during this time, from about 200,000 to about 500,000. Supermarkets also grew, nearly doubling the number of employees. Casino Group, which owns a number of supermarket chains, hired over 20,000 new employees [7].

So, what can we draw from these statistics? Remember, one of Gorz's ideas was to actually reduce the size of some sectors, so the overall growth we've seen isn't necessarily a good thing. But even if the philosophers may have liked to see levels of employment rising in some sectors and dropping others, politicians introduced the legislation to reduce unemployment, and they could likely make the argument that it did. Still, the economic data alone is not enough to make a final judgment on the 35 hour work week. So, with the statistics in mind I went back to the legal data with a more critical eye. I was trying to determine why or why not the food service sector would change its practices during this period, and what I found was telling. The food service negotiations had settled on a contract which stated that, because work in the food service sector involves significant periods of time in which the employees were inactive, the 35 hour work week could be 39 hours in that sector.

So in a sense, business managed to nullify the shortened work week legislation for food service workers. This opens up a new question. Did the way in which the law was enacted affect the way business reacted to the new legislation? By looking into the body of labor laws surrounding the reduction of working time in France, I determined that there may be reason to believe that businesses knew they would not have to permanently change their practices to conform to the shortened work week.

How could that be, though, since even today the 35 hour work week is part of French law? Well, to begin with, the law stipulates that the shortened work week is not set by the government. The agreements are supposed to be arrived at independently, between businesses and employees or employers unions and workers unions. However, only a very small percentage of French employees are actually members of a union, so employers may have understood from the beginning that they held the upper hand. Moreover, the law gave some monetary incentive to change, but imposed few penalties for delaying the agreement process [1]. So, the actual text of the law may have been a signal to business that change wasn't necessary.

More importantly, in 2002, the same year that the working time legislation began to take full effect, there was a change in the political tides. Jacques Chirac was reelected as president in a landslide victory in which he won over 80% of the second-round vote. As the new government was forming, the stance on working time was changing, and the more conservative government began to argue that working time was really something that should be decided on a company-wide level.

In the following years new legislation began to weaken the 35 hour work week.

It began as an employer's union, the Movement of French Enterprises argued to "modernize the labor code" [3]. Even then, working time was seemingly safe.

However, in 2008 new labor laws were introduced which directly circumvented the existing working time laws. One law introduced a type of contract which had a defined purpose, instead of a defined amount of time. The law makes it easier to hire engineers and professionals without restricting them to working time. More importantly, another law was passed which directly relates to the working time in France. Deemed a law "to promote purchasing power," it basically allows the employees to opt out of the 35 hour work week, which because of their financial situations, many did [5]. New laws were also passed which gave the employees more power in negotiating working time. By this time, working time for full time employees averaged 39 hours [4]. This is interesting because, while the 35 hour work week is part of French law, there are also a number of laws piled on top of it which have the effect of saying "We know it's law in name but we've also made it unenforceable, so don't worry about it." It's as if Republicans took over the United States Congress in 2012, and instead of appealing health care reform, simply passed a new law on top of it changing all of the rules.

Could employers have known that the law would be devalued? It's likely that the conservative government, which was against the shortened work week, made it clear through political rhetoric and legal action that the law would not last long. But, this is not the end of the story. With business hiring more employees for longer hours and standards loosening on working time, where did the 35 hour work week go wrong?

There is a sense in which the centrist theorists of *The Economist* see French labor legislation as too blunt. The 35 hour work week was legislation which demanded a reduction in working time without telling anyone how to do it, without tough enforcement procedures, and with a hint that the legislation may not last for long. In this sense, the work week legislation is not alone. Recent legislation passed in France mandates that 40% of French executives must be women within a few years under similar conditions, which *The Economist* argues is not the best way to promote equality in the work force [6]. If the businesses aren't on board with these laws, it can be very difficult to get them to adhere to government mandate while remaining competitive. Though legislation can change business simply through mandate, if these laws do not have enough support to mobilize against attackers, then it is likely to be law only in name, and not in power.

So, perhaps the law surrounding the shortened work week was doomed from the beginning. Why did it have to be that way? I think the answer lies in the fact that, when I explained the law, I did not have to talk much about social theory. Neither did the politicians. Pushed simply as a way to reduce unemployment and maybe gain a little perspective, this version of the shortened work week simply does not have the theoretical clout to stand up against the freedom to spend my time and money exactly as I choose.

But for social theorists like Gorz, the law was supposed to symbolize much more. The idea of the shortened work week was the result of a long, well

planned study on growing levels of unemployment, the presence of labor-saving machinery, and the growth of the service sector. To Gorz, the 35 hour work week was not necessarily, then, to simply curb unemployment. Gorz argued that the 35 hour work week should actually change the structure of the economy more broadly.

Moreover, the legislation was meant to change the general feeling towards leisure time more. Gorz wanted to create a system in which people looked at their time off from work not simply as time to, sit back, watch TV, eat a meal, and sleep, but as a period in which one could view their free time as a space for the pursuit of happiness. This means time to pursue art, an individual project, travel, or accrue new skills. This would be done by annualizing labor time, creating periods in which one may work 40 hours a week for 8 months, then take 4 months off. Or even more radically, one might work two years and then take a year of paid vacation. Gorz argues the economy could support this if people weren't forced to view their free time as "unemployment" but as a deserved reward [2, p. 233–235].

Moreover, according to Gorz, a shortened work week in conjunction with increased benefits would create an environment in which one could comprehend the political implications of their work. Instead of simply being forced into a job, a person could have the opportunity to turn down a job even in a period of unemployment. He could say "I don't believe in the goal or practices of McDonalds" or of a car company, or of a nuclear energy plant, so I choose not to work there [2, p. 230–231].

Unfortunately, the Socialist Party did not manage to create a strong enough bond to these ideals in the French population to protect the legislation from conservative attack. In this talk, I've argued that as a means to counter unemployment, the shortened work week fails to connect with Gorz's theoretical implications, and loses its power as employment increases. However, this too opens up a new question: Is it possible to create a movement based on Gorz's theory, or social theory more generally, and if so, how?

I hope a graduate school allows me to study this question in more depth, because if not, I fear my mom will not agree that my pending unemployment should be viewed as a vacation. Instead, I may be forced to pick up a job flipping burgers.

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