

## **The normative concept of labour citizenship as a determinant of the global value of economic migration**

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**Abstract:** This paper outlines the development of the key studies on conceptions of labour, citizenship, and migration, which combine to lay the theoretical foundations of the contemporary global governance in economic migration. The initial concern of this study is to build upon traditional accounts of labour and citizenship in order to develop a link between industrial citizenship and migrant workers' mobility. Such approach aims at establishing the normative concept of industrial citizenship as a determinant of the social and economic value of human mobility for the purpose of work. This is intended to further the idea that cross-border labour can be not only a pathway to national citizenship for migrants, but also the avenue to the transnational evolution of citizenship in general. The variety of analytical treatments of the concept of labour, citizenship and migration span from ancient Greek philosophy through to the Scholastics and mercantilists, to the forerunners of the classical political economy, and finally to present labour economics, law and political science. Such an interdisciplinary approach challenges the traditional hypothesis of labour as a basic analytical category in which the worker is increasingly invisible, and where the price of labour is regulated through the market in a manner similar to other factors of production.

**Keywords:** Labour theory of value; Economic migration; Industrial citizenship; Global governance of migration; Transnational labour citizenship; Cross-border labour mobility.

### **Normative developments in the labour theory of value**

The concept of labour as a normative source and as a determinant of social and economic value does not appear in ancient literature. It was only in the Middle Ages that labour assumed a distinct analytical role as one of the sources of an ethical, but also practical, theory of value.

In Ancient Greek philosophy, Aristotle only conceptualised labour as deriving from the notions of *poiêsis* (production, making) and *praxis* (doing,

action).<sup>1</sup> Life was *praxis* and slaves, or those who worked for others, were involved in *poiêsis*. Only *praxis* was entitled to full participation, membership and identity within the political, economic and cultural spheres of the polity (in other words, to citizenship).

On both the subjective and objective levels, the theory of value in labour can also be traced back to Aristotle.<sup>2</sup> The Greek philosopher was the first to speculate over the logical linkage of labour (or product, *ergon*) with trade (or equivalent exchange, *catallaxis*). Aristotle went further in arguing that a common measure was the precondition for commercial association, as the exchange of needs (*chreia*) would bring the contracting parties together. However, he could not find a common measure for things that were dissimilar, for instance a shoe and a house for a builder and a shoemaker respectively.<sup>3</sup>

This is because the very concept of labour as an abstract category did not exist in Greece, nor later in Rome.<sup>4</sup> The ancient economy was inclined to reason in terms of use and value, as it was the object of the work that mattered, not the labour of the producer. Under the Roman mentality, activity (*officium*) by full citizens (*cives*) was not considered labour, but rather a productive manifestation of leisure (*otium*). This approach always prevented the ancient Romans, as for the Greeks before, from conceptualising labour as a distinct measure of value, let alone recognising that there was a distinction between free and slave labour, since the latter did not have to be valued in the same way unless it was hired out to others. Certainly, in the later Roman Empire there were aspects of labour law present in relation to the contractual hire of menial and slave labour, and the legal concept of *specificatio* conferred rights of property under certain conditions to those who

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<sup>1</sup> See Aristotle, *EN*1140a2 ff., *Pol.*1254a5 ff., found in Cartledge, P., *The political economy of Greek slavery* in P. Cartledge, E. E. Cohen and L. Foxhall (eds), *Money, Labour and Land: Approaches to the Economies of Ancient Greece*, Routledge (London, 2002) at 156–166.

<sup>2</sup> Gilibert, G., *Necessary price* in Kurz, H. and N. Salvadori (eds), *The Elgar Companion to Classical Economics*, Edward Elgar (Cheltenham, 1998) at 166–177; see also Meikle, S., *Aristotle's Economic Thought*, Clarendon Press (Oxford, 1995) at 190.

<sup>3</sup> See further on Aristotle's Book V of the *Nicomachean Ethics*, as commented by Theocarakis, N. J., *Nicomachean ethics in political economy: The trajectory of the problem of value*, in *History of Economic Ideas*, 14 (1), Fabrizio Serra Editore (Pisa, 2006) at 9–53

<sup>4</sup> See for example Sadlek, G. M., *Idleness Working: The Discourse of Love's Labor from Ovid Through Chaucer and Gower*, Catholic University of America Press (Washington, DC., 2004) at 71; and Applebaum, H., *The Concept of Work: Ancient, Medieval, and Modern*, State University of New York Press (Albany, N.Y., 1992) at 93.

transformed raw materials into a new product (*nova species*) by their own labour.<sup>5</sup> However, neither a hypothesis of labour as one of the possible explanations of value, nor any analytical treatment of labour as a distinct conceptual category, emerged until the 13th century under Scholastic philosophy.

At that time, philosophers such as Albert Magnus and Thomas Aquinas wrote extensive commentaries on Aristotle, adding a second basis for value, namely the factors of labour and expenses.<sup>6</sup> *Labor et expensae* were offered as a possible measure of what should constitute the just price (*justum praetium*) in commercial transactions.<sup>7</sup> The Scholastics ultimately believed that the just price of a thing should reflect the common estimation of the community, such that those who produced it and those who bought it preserved their status (*dignitas*) in the divinely ordained social hierarchy.<sup>8</sup> This implied a purely ethical theory of price determination within a static economy, not suited for the later development of a dynamic economy based on trade, in which merchants were required to save their immortal souls and their profits altogether, justifying even usury as remuneration for labour (*stipendium laboris*).<sup>9</sup>

Subsequently, mercantilist and natural law theorists argued that a utility and scarcity theory of value existed alongside a cost and labour theory. However, a proper labour theory of value eventually developed only under the influence of Locke's theory of property, and it became a prominent part of what is known as the classical political economy.

Based on the concept of *labor et expensae* persisting in natural law philosophy, the labour theory of value became more articulate, as the price of things was meant to "usually have a Regard to the Pains and Expenses the

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<sup>5</sup> Gaius, *Gaii Institutiones or Institutes of Roman Law by Gaius*, with a Translation and Commentary by Poste, E., Fourth edition, Clarendon Press, (Oxford, 1904) at 167.

<sup>6</sup> Baldwin, J. W., *The medieval theories of the just price: Romanists, Canonists, and Theologians in the twelfth and thirteenth centuries*, in Transactions of the American Philosophical Society (Philadelphia, 1959) at 49 (4), 74.

<sup>7</sup> See for example Baeck, L., *The Mediterranean Tradition in Economic Thought*, Routledge (London, 1994) at 157; and Kaye, J., *Economy and Nature in the Fourteenth Century: Money, Market Exchange, and the Emergence of Scientific Thought*, Cambridge University Press (Cambridge, 1998) at 68.

<sup>8</sup> See for example Wilson, G. W., *The economics of the just price*, in History of Political Economy, Duke University Press (Durham, 1975) at 7(1) 56–74; and Worland, S.T., *Justum pretium: One more round in an 'endless series'*, in History of Political Economy, Duke University Press (Durham, 1977) at 9(4) 504–521.

<sup>9</sup> Le Goff, J., *Your Money or Your Life: Economy and Religion in the Middle Ages*, Zone Books (New York, 1988) at 73.

Merchants and Traders have been at”.<sup>10</sup> Nevertheless, in the classical political economy, non-market factors (such as the dignity and fame of the artisans, and the needs of the contracting parties) were still largely contaminating the labour theory of value in terms of scarcity (*indigentia*) and utility or difficulty of acquisition.<sup>11</sup> Furthermore, the role of labour was seen as a dimension of production, rather than used to explain value.<sup>12</sup>

John Locke, often seen as the originator of the labour theory of value,<sup>13</sup> when arguing for a right to property, affirmed that labour “puts the difference of value on every thing”, and that “of the Products of the Earth useful to the Life of Man 9/10 are the effects of labour”.<sup>14</sup> In the post-mercantilist period, theories of a natural price of labour emerged, thus advancing the notion of a self-organised economy mediating through the market between different classes of people.<sup>15</sup> Hence, the principles of exchange needed an explanation in terms of demand and supply, measured only by ‘arguments of sense’ (i.e. ‘number, weight or measure’).<sup>16</sup> Other authors went further in affirming that “Industry and Labour are the only real Riches, ... Money therefore being nothing more than a Certificate of Labour”.<sup>17</sup>

As a medium of exchange for other labour and any commodities, labour was also seen as “more proper to be made a measure of value” than money, “thus the riches of a country are to be valued by the quantity of labor its inhabitants are

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<sup>10</sup>Grotius, H., *The Rights of War and Peace* (1625), edited and with an introduction by Tuck, R., from the edition by Barbeyrac, J., Liberty Fund (Indianapolis, 2005) at ii.xii §14.

<sup>11</sup>Carmichael, G., *Supplements and Observations upon Samuel Pufendorf’s On the Duty of Man and Citizen* (1724) in Moore, J. and M. Silverthorne (eds), *Natural Rights on the Threshold of the Scottish Enlightenment: The Writings of Gershom Carmichael*, Liberty Fund (Indianapolis, 2002) at 106.

<sup>12</sup>See further in Meek, R. L., *Studies in the Labour Theory of Value*, Lawrence and Wishart, Second edition (London, 1973) at 94-107.

<sup>13</sup>Marx, K. *Theorien über den Mehrwert* (Theory of revolution) vol. 26.1 in Marx-Engels, Volume IV of *Das Kapital* (The Capital), 1863 available at *Marxist* website, <<http://www.marxists.org/deutsch/archiv/marx-engels/1863/tumw/standard/index.htm>>.

<sup>14</sup>Locke, J., *Two Treatises of Government*, (1689) edited by Laslett, P., Cambridge University Press, (Cambridge, 1988) at §40-45.

<sup>15</sup>See Meek, R. L., above n 12.

<sup>16</sup>Petty, W., *Political Arithmetick* (1690) edited by Hull, C., Cambridge University Press (Cambridge, 1899) at (1) 244.

<sup>17</sup>Tucker, J., *The Elements of Commerce and Theory of Taxes* (1755) in Schuyler R. L., (ed.), *Josiah Tucker: A Selection from His Economic and Political Writings*, Columbia University Press (New York, 1931) at 147.

able to purchase, and not by the quantity of silver and gold they possess”.<sup>18</sup> Following the early theories of exchange within the general concept of value as a ratio composed of scarcity and utility, labour (*fatica*) could be seen as the main determinant of scarcity, and thus the “sole object that gives value to things”.<sup>19</sup>

In the classical political economy, propounding the idea of labour as the single determinant of value required major analytical efforts to demonstrate how a labour theory of value might work in a capitalist economy.

Adam Smith was the first to link goods exchange to labour value by asserting that wealth depends upon what one can command from the labour of others. In other words, in a capitalist economy there is division of labour and each worker must rely on the labour of others by acquiring goods through exchange. The analytical hurdle was that, despite the assertion that labour is the measure of the value of everything, the exchange value of commodities was still measured by traders in terms of money. Another issue was the difficulty to equate and measure types of labour differing in skill and hardship. The answer was found in the market prices and quantities that imputed value to underlying labour, which was comparable between time periods and relatively permanent. However, Smith argued that labour only determines the exchange value of things in an ‘early and rude’ state of society where, for instance, “beaver and deerskins are exchanged in a ratio inversely proportional to the labour time required to hunt and skin them”.<sup>20</sup> Once, however, we are in a society with capitalists and landlords, profits and rents along with wages must be paid, so that the price of commodities ends up being the sum of the value of the three components. Labour is reduced to reflect the concept that “the real price of every thing, what every thing really costs to the man who wants to acquire it, is the toil and trouble of acquiring it”.<sup>21</sup> This argument shows its inconsistency, as the value of labour is only imputed, not determining but determined, and as such it cannot be a measure of value.

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<sup>18</sup> Franklin, B., *A modest inquiry into the nature and necessity of a paper currency* (1729) in Sparks, J., (ed.), *The Works of Benjamin Franklin*, Hilliard, Gray, and Company (Boston, 1836) at (II) 264.

<sup>19</sup> See Galiani, F., *Della moneta. Libri cinque*, published anonymously by G. Raimondi editore (Naples, 1751), in Caracciolo, A. and Merola, A. *Della moneta e scritti inediti*, Feltrinelli (Milan, 1973) at 36.

<sup>20</sup> Smith, A., *An Inquiry into the Nature and Causes of the Wealth of Nations*, (1976) in Campbell, R. H., Todd, W.B. and A.S. Skinner (eds), *Glasgow Edition of the Works and Correspondence of Adam Smith* (Clarendon, Oxford, 1979) at (2) I.v.2.: 47–48

<sup>21</sup> See Smith, above n 20.

A few decades later, David Ricardo reformulated the concept developed by Adam Smith into the foundational part of a consistent theory of value and distribution. To address Smith's analytical contradictions, Ricardo looked for instance at the agricultural sector, whose commodities were measured in physical units, aggregating both the produce and the cost of production, including wage and rent costs. It was therefore demonstrated that the labour theory of value would apply to "such commodities only as can be increased in quantity by the exertion of human industry, and on the production of which competition operates without restraint".<sup>22</sup> This meant that the labour theory of value was not to be limited to the 'early and rude state of society', but was applicable also to a competitive capitalist economy. Furthermore, it implied the assumption that determination of the level of wages takes place outside the sphere of exchange and production, separating analytically the question of distribution from that of value determination.

Based on these assumptions, Karl Marx moved forward to a philosophical conception of labour as the affirmation and actualisation of the human essence.<sup>23</sup> Labour was seen as "a process in which both man and Nature participate, and in which man of his own accord starts, regulates, and controls the material re-actions between himself and Nature".<sup>24</sup> While "Labour is *not the source* of all wealth. *Nature* is, ... the first source of all means and subjects of labour, as an owner, treats her [nature] as belonging to him [the man], his labour becomes the source of use values, and also of wealth".<sup>25</sup> Here it is clear there is a distinction between concrete labour (i.e. the technical-material labour process), and abstract labour, to be equalised through the process of exchange. Later commentators argued that, in a commodity economy, exchange value is determined by the distribution of labour, which in turn "is indirectly regulated through the market and the exchange of things".<sup>26</sup> This argument fits well with the famous Marxist distinction between abstract labour and labour power, which is the potentiality of labour to be realised

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<sup>22</sup>Ricardo, D., *On the Principles of Political Economy and Taxation* in Sraffa, P. and M. H. Dobb (eds), *The Works and Correspondence of David Ricardo*, Cambridge University Press (Cambridge, 1951) at (1) 12.

<sup>23</sup>See further in Wood, A. W., *Karl Marx*, Second edition, Routledge (New York, 2004) at 16-30.

<sup>24</sup> Marx, K., *Capital: A Critique of Political Economy. Volume I: The Process of Capitalist Production*, (1867), translated by Moore, S., and E. Aveling, Charles H. Kerr and Co. (Chicago, 1909) at 197-198.

<sup>25</sup> See Marx, K., above n 13 at 15.

<sup>26</sup>Rubin, I. I., *Essays on Marx's Theory of Value*, Black-Red (Detroit, 1972 - translated from the third Russian edition, 1928), available at Marxist website <<http://www.marxists.org/archive/rubin/value/index.htm>> at 18.2.

in the labour process and purchased (i.e. exploited) by the capitalist. In other words, for the first time in modern history labour (power) was recognised as a commodity.

This became the major point of either attack on or appraisal of the political implications of Marx's system. However, labour had finally achieved the status of a major analytical concept in the explanation of value.<sup>27</sup>

The concept that labour was the sole determinant of value could not be tolerated for long, as it implied the ideologically dangerous postulate that labour has a rightful claim to the full product. A new politically harmless paradigm was found in the economic concept of marginal utility, which involved the labour theory of value only indirectly, as it was empirically based on the direct experience of market exchange and consumption of goods.<sup>28</sup> To the traditional and 'more philosophical' taxonomy of 'agents of production' including 'labour' and 'nature', an empirical classification was added that subsequently became conventional: 'labour, capital and land'.<sup>29</sup> However, in the light of the marginal utility theories, the very notion of agents of production implies that labour alone is not the sole producer of value. In other words, it is not labour that determines scarcity,<sup>30</sup> but instead labour creates value whenever there is scarcity.<sup>31</sup> This shifting assumption marks the beginning of the downward turn of the theory of labour value, increasingly seen as determined solely through the exchange of things in the market, as such expanding the Marxian theory of distribution of labour value but without the distinctive feature of labour power.<sup>32</sup> This completed the loss of the centrality of the concept of labour in the current political economy, a process that started with the commodification of labour and the regulation of its price through the market on a par with all the other factors of production. Following the theories of marginal productivity, which maximised individuals under different situations and levelled the factors of production with commodities, even the very concept of labour was fading away, being substituted by the subjective absence of leisure. This

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<sup>27</sup>Sweezy, P. M., (ed.) *Karl Marx and the Close of His System by Eugen Von Böhm-Bawerk and Böhm-Bawerk's Criticism of Marx by Rudolf Hilferding*, Augustus M. Kelley (New York, 1949) at 1–118.

<sup>28</sup>Marshall, A., *Principles of Economics*, Eighth edition, Macmillan (London, 1920) at (I) IV.

<sup>29</sup> Edgeworth, F.Y., *Agents of production* (1894) in *Palgrave's Dictionary of Political Economy*, Macmillan (London, 1926) at (1) 21–22.

<sup>30</sup> See Galiani, F., above n 19.

<sup>31</sup> Walras, A., *De la nature de la richesse et de l'origine de la valeur*, Furne (Paris, 1832) at 167.

<sup>32</sup> See Rubin, I.I., above n 26.

subjective component in the determination of value led the focus of the analytical treatment of labour towards its impact on utility-producing final goods for exchange between trading bodies.<sup>33</sup> Such a view obliterated the agents of production (labour, capital and land) concept in favour of a “space of economic goods”<sup>34</sup> where workers’ services and tools were on the same level. In other words, labour was just one more economic good and was considered only in relation to its ability to produce goods that themselves produce value in use (i.e. the utility of consuming a good),<sup>35</sup> a concept further renamed ‘derived demand’ in the theory of wages.<sup>36</sup>

However, before the advent of marginal productivity theories, wages were determined outside the market system, according to the concept of a ‘natural wage’ above a moral minimum reflecting the historical “habits and customs of the people”,<sup>37</sup> or, as more recent literature pointed out, as a result of social and power relations.<sup>38</sup> Conversely, the concept of marginal productivity ruled out the post-Marxist theories of labour exploitation by assuming that all factors of production were paid their marginal value of use. Accordingly, labour as a factor of production was also to be remunerated according to its actual contribution to the socio-economic system based on production and exchange of commodities.<sup>39</sup> The argument that workers must be paid their diminishing marginal product<sup>40</sup> was assumed not on the “interdependence between the quantity and the cost of production of a commodity produced under competitive conditions”, but rather on

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<sup>33</sup>See further in Jevons, W. S., *The Theory of Political Economy*, Third edition, Macmillan (London, 1888) at 27.

<sup>34</sup>Menger, C., *Principles of Economics*, (1871) translated by Dingwall, J., and B.F. Hoselitz, Ludwig von Mises Institute, (Auburn, Alabama, 2004) available at <<http://mises.org/Books/Mengerprinciples.pdf>> at 57.

<sup>35</sup>See Marshall, A., above n 28.

<sup>36</sup>See further in Hicks, J. R. *The Theory of Wages*, Second edition, Macmillan (London, 1963) at 241.

<sup>37</sup>See Ricardo, D., above n 22 at (1) 97.

<sup>38</sup>See further in Bharadwaj, K., *Wages in classical economics* in Eatwell, J. et al, Cambridge University Press (Cambridge, 1987) at (4) 843–846; and Stirati, A., *The Theory of Wages in Classical Economics: A Study of Adam Smith, David Ricardo and their Contemporaries* (Elgar Publishing, Aldershot, UK, 1994) at 80.

<sup>39</sup>Böhm-Bawerk, E.V., *Kapital und Kapitalzins*, Fourth Edition (G. Fischer, Jena, 1884 - Oxford University, 1921) at 327.

<sup>40</sup>Lester, R. A., *Shortcomings of marginal analysis for wage employment problems*, American Economic Review (Pittsburgh, 1946) at 36 (1) 63–82.



the “change in the basis of the theory of value, from cost of production to utility”.<sup>41</sup> This is a theory of marginal productivity of labour that appears to have inspired most of the industry-driven bilateral and regional agreements regulating cross-border labour migration, as it looked at managing migratory flows in terms of diminishing marginal utility and reward of capital. The notion of utility in labour theory conveyed a further analytical alteration through its opposite, labour as disutility, or as the absence of leisure. At the theoretical level, this approach not only related the equation of labour to all other agents of production and its rewards to those of any commodity, but also led to labour being considered as a “special case of the general theory of value” to the extent that the analytical interpretation of labour dissolved into the subjective and immeasurable notion of absence of leisure.<sup>42</sup>

In the post-war decades, the theoretical basis of neoclassical revisionism (until the 1960s) and later experimental economics focused on the effects of social structures and behaviour on economic structures, thus recognising the worker as a sentient being and not just as an agent of production or utility.<sup>43</sup> However, little analytical development was devoted to the operation of competitive labour markets, as the debate focused on the “strength and effectiveness of competition in actual labor markets”.<sup>44</sup> Therefore, it appears that this approach did not really examine labour as part of a social process, but rather hypothesized a worker outside of the social process, with instrumental rationality and preferences created outside the work environment.

It is true that labour market anomalies, such as wage setting under competitive conditions, and the deviation between wages and the value of marginal product, were explained in light of the openness and indeterminacy of the employment relationship, to be cleared through the lenses of ‘efficiency wages or

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<sup>41</sup> Sraffa, P., *On the relations between cost and quantity produced* (1925) in Pasinetti L.L. (ed.), *Italian Economic Papers*, Vol. 3, Oxford University Press (Oxford, 1997) at (3) 325.

<sup>42</sup> See Hicks, J. R., above n 36 at 1.

<sup>43</sup> See further in Kerr, C., *The social economics revisionists: The “real world” study of labor markets and institutions* in Industrial Relations, Kerr, C., and P. D. Staudohar (eds), Georgia State University - Wiley (Atlanta, 1994) at 66–108; and Dunlop J. et al, Kaufman, B. E. (ed.), *How Labor Markets Work: Reflections on Theory and Practice*, Lexington Books (Lexington, 1988) at 85.

<sup>44</sup> Reynolds, L.G., *The problem of relative wage rates* in Reynolds, L.G., Taft C.H. and R.M. MacDonald, *The Evolution of Wage Structure*, Yale University Press (New Haven, 1956) at 2.

earnings' with the function of 'motivating and retaining' labour.<sup>45</sup> Thus, the notion of efficiency wages links to a concept of labour implying an employment relationship based on a wage-effort contract maximizing the worker's utility function (positive in wages and negative in effort).<sup>46</sup> However, industrial relations literature points out that the determination and monitoring of effort is hard and costly to quantify,<sup>47</sup> that workers react strategically to control by management, and that the motivation of workers is ultimately linked to issues of trust and fairness, which do not fit well with an instrumentally rational (i.e. opportunistic) worker.<sup>48</sup> Thus, in such a labour environment where there is no social scope for workers' preferences and behaviour, the contractual employment relationship is seen merely as an optimal incentive to make the worker commit to a level of effort otherwise unrealisable.<sup>49</sup> This approach contrasts with later research in experimental economics rejecting the notion of instrumental rationality in labour in light of an 'economics of reciprocity', implying that a simple contractual arrangement is insufficient to regulate employment.<sup>50</sup> This theory has a significant impact on the industrial relations and labour standards spheres of legal systems fostering the collective bargaining of trade unions and the statutory protection of individual employment rights, which are driven by the social interest in protecting the employment relationship from the inherently asymmetric contractual power between employer and employee.<sup>51</sup>

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<sup>45</sup> Marshall, A. and Marshall, P.M., *The Economics of Industry*, Macmillan (London, 1879) at 17.

<sup>46</sup> Lazear, E.P., *Personnel economics: Past lessons and future directions*, *Journal of Labor Economics*, University of Chicago Press (Chicago, 1999) at 17(2), 199–236.

<sup>47</sup> See further in Baldamus, W., *Efficiency and Effort*, Tavistock, (London, 1961) at 114-122.

<sup>48</sup> See for example Fox, A., *Beyond Contract: Work, Power and Trust Relations*, Faber (London, 1974) at 386-408; and Hyman, R. and Brough, I., *Social Values and Industrial Relations: A Study of Fairness and Inequality*, Blackwell (Oxford, 1975) at 262-277.

<sup>49</sup> Parsons, D.O., *The employment relationship: Job attachment, work effort, and the nature of contracts*, in O.C. Ashenfelter and R. Layard (eds), *Handbook of Labor Economics*, North-Holland (Amsterdam, 1986) at 789–848.

<sup>50</sup> See further in Fehr, E. and Gächter, S., *Fairness and retaliation: The economics of reciprocity*, *Journal of Economic Perspectives* (Pittsburgh, 2000) at 14 (3), 159–181.

<sup>51</sup> Brown, W. A., *Industrial relations and the economy* in Floud, R. and P. A. Johnson (eds), *The Cambridge Economic History of Modern Britain, Volume 3: Structural Change and Growth, 1939–2000*, Cambridge University Press (Cambridge, 2004) at 400.

## The emerging concepts of citizenship at work

T.H. Marshall first introduced the concept of industrial citizenship in the aftermath of the Second World War in his famous account of the relationship between citizenship and social class.<sup>52</sup> According to Marshall's perspective, citizenship in general refers to the membership of a national community of individuals equally enjoying civil, political and social rights. More specifically, industrial citizenship relates to employees having the equal right to engage in a variety of actions in pursuit of improved conditions of employment.<sup>53</sup> Only a relatively small body of literature developed the concept of industrial citizenship, however, largely because it was seen as secondary to civil and social citizenship, and it could not be equated to ideas of industrial democracy.<sup>54</sup>

The above-mentioned lack of interest in developing the concept of industrial citizenship can be found in Marshall's account in the first instance. This explains much of the subsequent scholarly attitude in separating the dimensions of civil, political and social citizenship. Thus, in terms of the established framework of rights, industrial citizenship is maintained as a secondary feature at the cultural level, and an anomaly at the normative level.<sup>55</sup>

Despite the recent resurgence of legal interest in the issue of citizenship in a globalising world,<sup>56</sup> to date, the discussion of workers' rights raised by the idea of citizenship appears to be confined to a merely aspirational rather than analytical

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<sup>52</sup>See Marshall, T.H., *Citizenship and Social Class*, Cambridge University Press (Cambridge, 1950) at I (1-85).

<sup>53</sup> See Marshall, T.H., above n 52, at 114.

<sup>54</sup> Amongst the few commentators on industrial citizenship see: Barbalet, J.M., *Citizenship Rights, Struggle and Class Inequality*, University Minnesota Press (Minneapolis, 1988) at 22-7; Gersuny, C., *Industrial Rights: A Neglected Facet of Citizenship Theory*, in *Economic and Industrial Democracy*, SAGE Publication (Uppsala University, Sweden, 1994) at Vol. 15, No. 2: 211-26; Muller-Jentsch, W., *Productive Forces and Industrial Citizenship: An Evolutionary Perspective on Labour Relations*, in *Economic and Industrial Democracy*, SAGE Publication (Uppsala University, Sweden, 1996) at Vol. 12, No. 4: 439-467; Streeck, W., *Industrial citizenship under regime competition: the case of European works councils*, in *Journal of European Public Policy*, Routledge (London, 1997) at Vol. 4,4: 643-64; Woodiwiss, A., *Behind Governmentality: Sociological Theory, Pacific Capitalism and Industrial Citizenship*, in *Citizenship Studies*, Routledge (London, 1997) at Vol. 1,1: 87-114.

<sup>55</sup> See Marshall, T.H., above n 52, at 14.

<sup>56</sup> For example see: Bosniak, L., *Critical Reflections on 'Citizenship' as a Progressive Aspiration*, in *Labour Law in an Era of Globalization: Transformative Practices and Possibilities*, J. Conaghan, M. Fischl, and K. Klare, eds., Oxford University Press (Oxford, 2002) at 339-349.

conceptualisation.<sup>57</sup> This normative indeterminacy can permeate citizenship with a broad (and vague) range of positive values, such as a sense of identity, inclusion, self-governance, equal membership and entitlement to rights.<sup>58</sup> However, such indeterminacy does not help address the opposing issues of exclusion entailed in the notion of citizenship.<sup>59</sup> Well before the effect of globalisation became visible, a vast body of literature was already able to demonstrate how, in the first place, citizenship is the outcome of political struggles,<sup>60</sup> and consequently, its nature is often affected by racial, ethnic and gender patterns.<sup>61</sup>

Therefore, much of the work on citizenship focused on the criticism and modification of its various dimensions of inequality and exclusion.<sup>62</sup> When structural social changes relating to globalisation and welfare state decline occurred,<sup>63</sup> the scholarly debate about citizenship again conceptualised the related social inequalities and conflicts largely in terms of culture. This approach neglected the more specific context of industrial citizenship and its nexus with cross-border workers' mobility.<sup>64</sup>

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<sup>57</sup> For example see: McCallum, R., *Collective labour law, citizenship and the future*, Melbourne University Law Review (Melbourne, 1998) at 22:(1) 42-61.

<sup>58</sup> On the inclusive meaning of citizenship for migrants, see for instance: Barbalet, J.M., above n 54, at 99.

<sup>59</sup> Lister, R., *Inclusion/Exclusion: The Janus Face of Citizenship*, in *Towards a Gendered Political Economy*, J. Cook, J. Roberts, and G. Waylen, eds., MacMillan (Houndsmills, Basingstoke, UK, 2000) at 98-120.

<sup>60</sup> Turner, B., *Contemporary Problems in the Theory of Citizenship*, in *Citizenship and Social Theory*, B. Turner, ed., SAGE Publications (London, 1993) at 1-18.

<sup>61</sup> For example see: Baines, D., and N.Sharma, *Migrant Workers as Non-Citizens: The Case Against Citizenship as a Social Policy Concept* in *Studies in Political Economy*, Carleton University (Ottawa, 2002) at 69.75-108; and Orloff, A.S., *Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations*, *American Sociological Review*, SAGE Publication (Thousand Oaks, CA, USA, 1993) at 58(3), 303-328.

<sup>62</sup> See for example: Isin E.F., and P.K.Wood, *Citizenship and Identity*, SAGE Publications (London, 1999) at 1-24; Nash, K., *Contemporary Political Sociology: Globalization, Politics, and Power*, Blackwell (Oxford, 2000) at 4:131-192; Sypnowich, C., *The Culture of Citizenship*, in *Politics and Society*, N.Stevenson ed., SAGE Publications (London, 2001) at Vol 28, 4 (2000), 531-555.

<sup>63</sup> See further the discussion of "The rise and fall of the welfare state for migrants" in chapter 3.9.

<sup>64</sup> See Roche, M., *Rethinking Citizenship: Welfare, Ideology and Change in Modern Society*, Polity Press (Cambridge, MA 1992) at 26; Delanty, G., *Citizenship in a global age: Society, culture, politics*, Open University Press (London, 2000) at 79-92; Glenn, E., *Citizenship and Inequality: Historical and Global Perspectives*, in *Social Problems*, University of California

In summary, the literature on citizenship is mainly divided between those who maintain the validity of T.H. Marshall's scheme, believing that social citizenship is all-embracing and the most desirable form of citizenship, and those who remark that such a concept of citizenship is not gender or racially neutral.

### **The transnational evolution of normative theories of labour migration**

A substantial area of literature is also emerging on the global aspects of citizenship at work and migration. Moving ahead of the traditional concept of industrial citizenship, the key theoretical development underlying this study is the recent conceptualisation of "transnational labour citizenship" by J. Gordon.<sup>65</sup> This innovative notion seeks to incorporate the role and views of civil society organisations, including those working on behalf of migrant workers' rights. By contrast to the state-centric definitions of economic/industrial citizenship outlined above, Gordon describes labour citizenship as "the *status* of membership in a workers' organization, and to the *act* of participation in the decision making processes of that organization, with the *goal* of improving wages, working conditions, and the dignity of work." Gordon also adds "a fourth component, *identity*, as participants come to identify with their organization and with their fellow 'labour citizens'".<sup>66</sup>

According to Gordon's account of transnational labour citizenship, at the present stage only union members are, in practical terms, full industrial citizens. Thus, Gordon's theory of supranational industrial citizenship conceptualises new purpose-formed unions to accommodate a constant flow of new migrants through a model that would tie immigration status to membership in organisations of transnational workers, rather than to a particular employer or a national union. These memberships would entitle migrants to transnational services, benefits and rights. The creation of multinational and multilevel labour networks would conglomerate the interests of national and cross-border workers equally.<sup>67</sup>

According to Gordon, a successful management of global labour mobility can best be achieved through the implementation of comprehensive and cooperative policies that uphold justice at work for migrants. Ensuring global

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Press, (Berkeley, 2000) at Vol. 47, No. 1: 1-20; Urry, J., *Sociology Beyond Societies: mobilities for the twenty-first century*, Routledge, (London, 2000) at 7:161-187.

<sup>65</sup> Gordon, J., *Transnational Labour Citizenship*, Southern California Law Review, (Los Angeles, 2007) at Volume 80 pp.503-587.

<sup>66</sup> See Gordon, J., above n 65, at 510-511.

<sup>67</sup> See Gordon, J., above n 65, at 578.

labour mobility, and its full economic and human potential, is paramount in order to protect the human rights of migrants. The liberalisation of labour migration would entitle migrants to services, benefits and rights that cross borders just as the workers do, promoting transparent recruitment and employment policies essential to upholding the rights of migrant workers.<sup>68</sup>

In the area of migration and human rights, existing studies take critical perspectives on global governance of labour mobility, especially with regard to policies and regimes of temporary and guest work in relation to socio-economic development. For instance, researchers such as K. Hujo and N. Piper focus on the important issue of 'South-South migration', despite the fact that migration debates occur mostly in the context of flows from developing to developed countries.<sup>69</sup> Other studies focus on issues from a migrant rights perspective, such as guest and temporary work programmes leading to the commodification of workers and the privatisation of migrant worker schemes. According to this perspective, such national migrant worker programmes increase the number of 'forever temporary' migrants, maintaining barriers and discrimination between guests and residents and substantially privatising immigration.<sup>70</sup>

Moreover, other studies criticise the concept of free trade agreements including provisions on labour mobility, such as deals that allow for a limited number of workers' categories into host countries on a temporary basis, prompting critics to argue that such deals merely institutionalise commodification, exploitation and international trade in workers.<sup>71</sup>

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<sup>68</sup> See Gordon, J., above n 65, at 561-578.

<sup>69</sup> Hujo, K. and Piper, N. (eds), *South-South Migration – Implications for Social Policy and Development*, Palgrave Macmillan (London, 2010) at 8-15.

<sup>70</sup> Grugel, J. and Piper, N., *Critical Perspectives on Global Governance: Rights and Regulation in Governing Regimes*, Routledge (London, 2007) at 3:41-64; furthermore, this strand of literature may be linked to seminal work framing the discourse on the international governance of migration in terms of reclaiming State's sovereignty, rather than ceding it, see for instance: Newman, K., *The governance of international migration: mechanisms, processes and institutions*, Migration Policy Institute, Global Commission on International Migration (Geneva, 2005) at 17.

<sup>71</sup> See in particular Chi, X., *Challenging Managed Temporary Labor Migration as a Model for Rights and Development for Labor-Sending Countries*, *New York University Journal of International Law and Politics* (New York, 2008) at 40(2): 497-540.

## **Conclusion**

The academic development and practical viability of the research question calls for comprehensive and multi-layered responses that are based on a better understanding of the socio-economic and institutional forces at play in shaping working conditions across different industrial sectors and geographical regions. This study was intended to single out the elements necessary for a sound analytical framework for managing labour migration globally, identifying in particular multilateral and inter-state cooperation, labour market regulation and harmonisation, and effective mobilisation of all concerned social actors.

The variety of analytical treatments of the concept of labour, citizenship and migration spanned from ancient Greek philosophy through to the Scholastics and mercantilists, to the forerunners of the classical political economy, and finally to present labour economics, law and political science. Such an interdisciplinary approach challenges the traditional hypothesis of labour as a basic analytical category in which the worker is increasingly invisible, and where the price of labour is regulated through the market in a manner similar to other factors of production. The vast body of existing literature combining citizenship and migration issues suggests that a key factor driving the management of borderless labour movement schemes will be the composition of migration flows, meaning the evaluation of the timing, duration and frequency of the aggregate of individual migration projects. Also, the migrant workers' intentions regarding their plans call for a more precise interpretation at the policy making level. In fact, the circularisation of global migration patterns assigns the migrants a major role as vehicles of technological advancement and knowledge transfer, thus recognising migrant workers as investors of human capital rather than commodified agents of production.

The successful management of global labour mobility can best be achieved through the implementation of comprehensive and cooperative policies that ensure protection of the rights of migrant workers. Well-informed choices by migrants, governments, home and host communities, civil societies and the private sector can help realise the positive potential of migration in social, economic and political terms. Academic research has a crucial role in giving society directions for better management of global labour mobility through action-oriented approaches to manage labour mobility for the benefit of all.

Therefore, the main challenge of further studies in this field is to understand whether, how and to what extent a soft-bordered concept of industrial citizenship can be formulated as the foundation for a new deal of labour mobility

governance, with a view to harmoniously embrace economic migration in the global social contract.

In addition, there are points to be drawn from contrasting current transnational labour arrangements with guest and temporary work programmes across the world, both of which inevitably maintain barriers between guests and residents.

Ultimately, there is scope to go beyond current theories of industrial citizenship to develop the conceptual premise for the establishment of post-national labour networks, conglomerating both national and cross-border workers for a complete, fair, advanced and dynamic approach to migration issues.