
From the Bearable to the Unbearable: How the Legitimate Becomes Illegitimate with the Transformation of Capitalism

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The book edited by Italo Pardo and Giuliana B. Prato (2019; henceforth the *Legitimacy* volume) is a useful contribution to understanding the complex links between legality, morality, ethics, responsibility and legitimacy. The theoretical introduction by the editors and the case studies offered by the authors help us to re-interpret our own fieldwork and the ‘processes of legitimation and delegitimation’ involved (Pardo and Prato 2019: 5)

For example, the contribution of Manos Spyridakis on the justification of a specific morality and ethos pertaining EU policies resonates with events in Clermont-Ferrand (France), where the Michelin Company built a justification of its system of labour exploitation. Indeed, the creation of a myth legitimates an entrepreneurial spirit — with its norms and values according to Michelin — which legitimates the spirit of capitalism (Weber 1950). In other words, and borrowing Luc Boltanski and Ève Chiapello’s definition, it legitimates the ‘ideology that justifies engagement in capitalism’ (2005: 8), evolving as it changes. It gives employees reasons (economic, social, moral and in terms of security) to commit to the company and remain loyal to it. In terms of content, the Michelin family constructed the ‘Michelin spirit’, based on moral and Christian values. It revolves around the idea of exemplary father figure, as paternalism legitimises the system for managing the workforce, and also around the standards governing secret and asceticism that ensure its effectiveness. These standards dictate the employees’ way of being and acting, and foster a feeling of belonging to the firm whose values are proudly defended, carried out and nurtured by its members. In other words, the power of the ‘father figure’ and of the hierarchy in general is accepted as legitimate because it has moral consent (Prato 2019: 30) and is ‘morally consistent’ with its value system (Pardo 2019: 58).

However, since the 1980s, the transformations of capitalism — of which Michelin is one of the biggest examples in the world — found local expression in Clermont-Ferrand through the end of paternalism and the lay-off of over half of the employees (from 30,000 in 1982 to approximately 14,000 in 2006 and 12,000 today), revealing in the process the ideological aspect of the Michelin spirit. As the *Legitimacy* volume well shows through different examples, top-down decisions and evolutions impact people’s daily life and identity (see also Prato 2010, Spyridakis 2013). With the end of paternalism, and the end of local job prospects, workers in Clermont-Ferrand have lost protection and security. Strong feelings of abandonment and injustice are emerging among the workforce, as the job cuts are experienced as a betrayal. The integrity, ‘honesty, accountability and responsibility’ (Prato 2019: 37) of the Michelin ‘value system’ and, therefore, of the personal moral character of the ‘father figure’, are questioned. As Pardo and Prato state, ‘the authority to rule depends on recognition of rulers’ legitimacy across society’ (Pardo and Prato 2019: 2). They underline that ‘A key task of governance is to establish

and nurture the connection with citizens' values, needs and expectations, the strength of which depends upon the observable quality of the link between political responsibility and trust and authority in the exercise of power' (Pardo and Prato 2010: 1; see also Pardo 2019). When this link is eroded, authority is weakened, as mistrust leads both to questioning its credibility (Pardo 2012) and to highlighting its character of authoritarianism (Pardo and Prato 2019: 6). In the case of Michelin, the mythical dimension of authority is de-sacralised. The workers, overcome by a sense of injustice, start a process of de-legitimation (Pardo 2019: 59) of the firm through a process of its desacralisation. This desacralisation takes place in two ways. First, the mythical narratives are questioned (for more details, see Vedrine 2018) and second, the code of silence linked to the norms of the firm is transgressed by speaking out through a public demand of justice.

Indeed, the demand of justice emerges in conjunction with a demand for security and recognition. Since 2001, the new ways of combating the different forms of injustice in the Michelin company have generally taken a path that until then was tentative or altogether new. Faced with the failure of union action, which has become obsolete, new modes of action have effectively taken shape that have a public scope as they use video evidence (echoing Prato's work [2019] on a television show in Albania that uses satire to expose corruption) and call on the legal system, leading to trials for union discrimination. In the Jocelyne Lemaire-Darnaud's documentary film *Paroles de Bibs*¹ (2001), workers from Clermont-Ferrand reacted to the book *And why not?* published in France in 1998 (English version, Levai et al. 2003). In this book, the father figure embodied by the boss François Michelin, converses with two journalists, Ivan Levai and Yves Messarovitch. With *Paroles de Bibs*, the director gave the workers the opportunity both to reply to their boss and to appear in public — in the sense of becoming visible — on cinema screens and in debating arenas where the film continues to be regularly projected. More generally, since its release, *Paroles de Bibs* has become a resistance tool because it helps workers to be heard and to be seen in hitherto inaccessible public arenas, but also because screening it in different environments allows the Bibs to infiltrate the widest possible resistance networks. Screening-discussions are frequently held in Universities, graduate schools and the alternative scene, which has made it an audio-visual tool for trade unions, political parties and left-wing movements (such as the *Parti Communiste Français*, the *Fédération anarchiste*, and so on) to denounce working conditions. Public space is mobilized here as a space for exchange, discussion and meetings. Here, the word *public* should be understood, with Habermas (1988), as giving *publicity to*. 'In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world' (Arendt 1998: 179), reclaiming their dignity in the process. As she stated on various occasions in the press, Jocelyne Lemaire-Darnaud wanted to make a film about 'speech being legitimate'. It is 'like a date with the workers', as well as 'an extension of the field of combat' for union members and a right to speak for non-union members. The film has allowed

¹ This translates as Bibs' Words, to mean 'broken silence'. As the employees are called in reference to *Bibendum*, also known as 'the Michelin man' the company's symbol and mascot.

the Bibs to appear on the so-called activist scene by revealing a number of injustices, echoing the sources of indignation inspired by the critics of capitalism (Boltanski and Chiapello 2005).

Moreover, the demands for recognition and consideration set the pace of the documentary: ‘Me, I’ve been at Michelin for thirty years. Maybe there are things they could criticise about me, but certainly not in my work. [...] I say: we don’t refuse to work, on the contrary. What we want is consideration’ (Josiane Chabridon, worker of thirty years). These remarks highlight that it is not about a recognition of work but a recognition of the person. ‘Justice results from the fact that work provides social gratification and a sense of fulfilment. Conversely, feelings of injustice stem from [...] a subjective sense of alienation: tiredness, weariness, a lack of interest for the job, feelings of contempt and powerlessness about one’s work’ (Dubet 2005: 508).² These feelings are expressed in the documentary and contempt emerges time and again as is the impact of the transformations of capitalism. Among the issues raised by the workers are the redundancy plans, the frequent internal movements, de-skilling, the end of career development, a demotivated workforce who go to work ‘in reverse gear’ awaiting retirement and the state of disrepair of the ‘totally rotten’ buildings, suggesting that the workshops are going to close down.

This case study highlights an interesting process. Without social protection, it emerges, what seemed until now legitimate is becoming illegitimate, therefore unfair, amoral, unbearable, intolerable and despicable. François Dubet theory of ‘legitimate inequalities’ (2005) is useful to take further the analysis of the complexity of the links between morality and justice set out in *Legitimacy*. It helps to address the ‘arrangement of legitimacy’ (Hurtado-Tarazona 2019: 163), to understand the way in which ‘actions that are ordinarily undertaken at grassroots level and that are not always strictly legal may enjoy legitimacy in the eye of the actors and their significant others’ (Pardo 2019: 57). Drawing on a theory of ‘unfair inequalities’, Dubet shows how actors, in this case the workers, stand up as ‘moral subjects’, as the driving force behind certain normative or legitimate actions that allow them to describe the inequalities and injustices that they experience. Aspects of work, such as status, exchange value and creative activity refer to the three principles of justice, namely equality, merit and autonomy. The principle of equality assumes that work is seen as an integration factor conferring social status and position. Work leads to injustice as soon as it generates exclusion and contempt. Despite the division of labour, in a democratic society work ‘leads to social participation, which is the condition for a more fundamental equality. In other words, work tends towards a horizon of justice that exceeds the mere experience of work when it concerns the place of the worker in society and in a widened solidarity’ (Dubet 2005: 498).

In this sense, a guaranteed social protection or minimum wage, for example, are part of what Dubet calls ‘tolerable inequalities’. The first kind of injustice, he argues, is about inequality that is perceived as unfair because it ‘clashes with my (our) idea of a fair hierarchical order’ (2005: 499). It is fair, he goes on to say, that long-standing employees earn more than new employees, or that graduates earn more than employees without a degree, because this kind

² The quotations from Dubet were translated by Karen Tengbergen-Moyes.

of fair hierarchy respects ‘the positions of rights and duties’ (2005: 500). However, he suggests, it is not fair that unionised employees are paid less than non-unionised employees. In short, the feeling of injustice does not stem so much from the fact that democratic equality does not annihilate hierarchical inequalities, which ultimately are seen as fair, but, rather, from the fact ‘that legitimate hierarchical inequalities have been infringed’, which triggers de facto ‘a moral kind of criticism since what is at stake is basic social cohesion’ (Dubet 2005: 501). In other words, the feeling of injustice is fuelled by excess, or by going beyond what is acceptable in terms of inequality.

Fair inequalities underpin the merit principle, which sees work as the exchange of a strength for an income and draws on the fairness of the tests set for entrance exams, bonuses, and so on. Merit becomes a moral good when it serves the common good, when it contributes to the common wealth by changing ‘private selfishness into a collective virtue’ (Dubet 2005: 506). When selfishness is no longer a collective value, it is accused of being at the root of injustice. The lawsuit brought against Michelin following the announcement of the 1994 redundancy plan should be seen in that light. At the time, the trade unions accused the company of being unable to justify the job cuts, in view of its record high profit in recent years. The case was dismissed and the employees were left without any response to their feelings of injustice generated by selfish corporate interests promoted at the expense of the workers who were excluded from both economic and symbolic wealth (in view of Michelin’s prominent role in global technology development).

The three justice principles described by Dubet — equality, merit and autonomy — are interconnected, and most of the time actors create an ‘intermediary justice’ by applying, ‘without knowing it, the Rawls principle according to which an inequality is tolerable when it avoids an even greater inequality’ (Dubet 2005: 516). According to Dubet, feelings of injustice ‘are supported and justified by more essential principles’; if ‘one is enraged’, it is ‘because, beyond disregard for the rules, more essential principles have been affected that are so vital that one’s most intimate identity has been hurt’ (2005: 521).

Pardo and Prato show that the contours of legitimacy ‘may change over time alongside changes in people’s values and moral expectations’ (2019: 3). Until the law against discriminations including trade union discrimination was passed in 2001, it was *fair*, or ‘*normal*’, for union activists to be discriminated at Michelin; the company’s internal regulations are clear in this respect.³ Moreover, it was *fair* to be treated differently, precisely because activists are not like any other employee: they sacrifice their wages to defend the rights of all. Their greatness or merit makes them ‘*better*’ and potentially makes them heroes. It is, however, *unfair* not to receive equal pay for equal work. What used to be a fair injustice became unacceptable when, in 2001, the courts set up a legal framework giving union members access

³ Union discrimination finds expression in an unequal system of sanctions and rewards, which allocates a coefficient linked to each position and appraises the points-accounts matching the savings that the employees receive on retirement. Union members and strikers, labelled as ‘negative people’, are punished by the hierarchy that is in charge of wage increases and the number of points awarded.

to the justice system. Before society acknowledged that the victims of trade union discrimination were treated unfairly, which made compensation for damage possible, union activists had to *make do* with the internal regulations by modifying them in their favour as merit regulations. The merit of union members, now armed with legal tools, has in turn shifted to signify the bravery to face Michelin in a legal arena. This shift also confers them a new greatness, providing them with a new struggle in a context where they feel powerless to deal with the impact of new management methods.

It is therefore no coincidence that the demand for acknowledgement is a recurring element in the Bibs' discourse and in the various legal claims against Michelin. Contempt is an affront to both the equality principle and the autonomy principle. The latter entails that work is considered as a matter of ethics, in Weber's sense, and more generally as an activity that allows personal fulfilment through the creation of a piece of work and that offers, by the same token, social gratifications. Court action effectively expresses the demand that the insult be acknowledged. The legal system is asked to judge, in the sense of 'settling a matter with a view to putting an end to uncertainty' in order to ensure public peace (Ricœur 1992: 20).⁴ This is about dealing with the injustice underpinning the conflict by assessing and evaluating the damage, and by bringing the actors concerned to an agreement (Ricœur 1992). Mobilising the legal system is therefore a means for making demands for public acknowledgement of the injustice, on the one hand, and for the need for compensation (by punishing the culprit), on the other. The workers express a demand for moral reparation of the injustice *via* the mobilisation of the justice system, as exemplified in the contribution of Sarfati (2019: 18) on the demand for justice expressed in South Korea over government actions.

Being visible and listened to in the public arena has helped the workers in Clermont-Ferrand to gain the recognition that they repeatedly demanded in Jocelyne Lemaire-Darnaud's film. Pardo and Prato underline that today the question, "what will happen to us?" is cogently asked' in *Legitimacy* (2019: 7). In this film, the workers ask this question in front of the camera. The eye of the camera and that of the viewers, made it possible to respond to the workers' demands, which could be rendered as 'Look at us!' and 'Listen to us!', or 'Give us the attention our boss refuses to give us, look who we are, hear about our working conditions and the contempt we are subjected to in this well-known company. The boss doesn't care anymore about us but you do look at us.'

As Pardo and Prato wrote it, *Legitimacy* raises 'fundamental questions on how citizenship and the management of power are construed, defined and made to operate' (2019: 20). In the case study that I have outlined in this brief essay, what is stake is the very notion of citizenship, as defined by Pardo and Prato: 'citizenship cannot be merely defined in legal and political terms; it needs to include socio-economic, civil and cultural rights — rights that give real meaning to belonging, sharing and participation in the common good' (2010: 18). In the case of Michelin, we see that 'what people demand is quite simply the fulfilment of fundamental rights of citizenship' (Pardo and Prato *ibid.*). Indeed, people are not puppets (Pardo 1996,

⁴ Translation by Karen Tengbergen-Moyes.

Spyridakis 2013). They do not accept ‘uncritically or unconditionally’ (Spyridakis 2019: 87) the decisions made by the rulers. The Clermont-Ferrand ethnography shows that those in power should steer away from ‘obeying some arbitrary morality; they must, instead, take up the complex cultural, political, economic and juridical instances of citizenship’ (Pardo and Prato 2011: 18). When this fails, people become affected by actions ‘which they resent as morally illegitimate’ (Pardo 2012: 72), which also explains why they are able to put up resistance.

To conclude, through the trade-union discrimination court case and the film *Paroles de Bibs*, the Michelin employees have reclaimed dignity and have obtained recognition both from the legal system and civil society. As we have seen, it is not so much a demand for recognition of their work that is expressed here, although it should not be overlooked, but, rather, for recognition of the person. Contempt is denounced by denouncing inequalities and the tension between the equality principle and the autonomy principle. The workers have demanded that the person be treated as an individual and universal subject: ‘this arrangement is called recognition’ (Dubet 2005: 519). It is about receiving recognition as a person at work: ‘The desire to be recognised’ which ‘can take a number of forms’, the ‘recognition of the dignity and the usefulness of the work carried out’ (Dubet *ibid.*), as well as of the hardship involved. The recognition that the employees seek concerns the hierarchy: ‘in this case injustice is not the direct result of the way work is organised, but of the nature of interpersonal relations, of “looks” and “words” that hurt, humiliate and are experienced as a denial of people and personalities’ (Dubet 2005.: 520).

The *Legitimacy* volume is truly stimulating both theoretically and ethnographically. It engages intellectually, inviting us to reconsider the data of our own work in the light of the diverse contributions. It stimulates us to investigate in depth the complex links between legitimacy, recognition, citizenship and identity.

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