



Utopia, Dystopia and Labor Law

Utopía, distopía y derecho del trabajo

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Abstract

In this article we will analyze how work is described by some of the most classic utopias, including utopian socialism. We believe that authors such as More, Campanella, Bacon, Andrae, Saint-Simon, Owen, and Fourier, inter alia, when building their utopias must have necessarily referred to work in those non-existent worlds. Accordingly, those dreams can help illustrate the scope and perspectives of current labor law. In this paper, we take a look at the possible utopian nature of labor law, especially in the unwanted but socially necessary tasks, which are generally invisible.

Keywords: *work; utopia; dystopia; labor law.*

Resumen

En este artículo analizaremos cómo se contempla el trabajo en algunas de las más clásicas utopías incluyendo, además, el socialismo utópico. Autores como Moro, Campanella, Bacon, Andrae, Saint-Simon, Owen y Fourier, entre otros, al construir sus utopías debieron necesariamente referirse al trabajo en esos mundos inexistentes y esos sueños pueden iluminar los alcances y perspectivas del derecho laboral actual, preguntándonos acerca de su eventual carácter utópico respecto del trabajo, en especial en las labores indeseadas pero necesarias socialmente, que generalmente están invisibilizadas.

Palabras clave: *trabajo; utopía; distopía; derecho laboral.*

I. INTRODUCTION

This article is based on two fundamental questions or concerns.

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First, what do utopias say about work? To answer this question, we will review some of the most famous utopias in relation to work. Our intuition is that work in any society presents challenges that are difficult to solve, even in imagined worlds.

Looking into these challenges will help us solve the second question raised in this work: is labor law utopian?

Elster has emphasized that work is essential as a means of self-respect, a source of structure and order in everyday life, as well as a vehicle for the self-realization of human beings.¹ However, work also entails negative aspects, such as work that is useless, poorly paid, physically demanding, etc. Even in globalized high-tech contexts, such as Facebook, Instagram, or YouTube, where it seems that the algorithm that manages the information is almost perfect, there are jobs that are invisible and generally poorly paid.²

In this regard, the negative aspects of work have been well portrayed in literature. For example, in social romanticism of the 19th century (where work is glorified), it is compared to a prayer. Work is seen as a source of pride, it is holy, it is divine, it is liberating, etc. and at the same time it is seen as impious and as something that subjects the worker to merciless fatigue.³

In this essay we will focus on the work that nobody wants to do, but that is necessary and that is often invisible,⁴ poorly paid and often delegated to immigrants⁵ (who are exploited).⁶ These types of tasks are essential for society, such as collecting garbage, distributing food, physically demanding jobs, security guards' jobs, agricultural work, domestic service, slaughterhouse work, and gravediggers, *inter alia*. How are these tasks described in utopias? Who performs them? Are they dignified or are they still invisible?

A good description of unwanted but necessary work can be found in Asimov's story "Strikebreaker".⁷ The protagonist, Steven Lamorak, a sociologist

¹ ELSTER (1988), pp. 62-63.

² CHERRY (2016), pp. 71-86.

³ PICARD (2005), pp. 305-307.

⁴ Swift's dystopia so well portrays the invisible worker in Gulliver's Travels, which tells us about the governor who had the power to order whoever he saw fit, from the dead, to serve him and his family for 24 hours. These are the quintessential servants, dead in life, zombies, without rights and prospects, ignored by society. See SWIFT (1999), p. 282.

⁵ MANTOUVALOU (2018), pp. 188-204.

⁶ MANTOUVALOU (2015), pp. 39-60

⁷ ASIMOV (2016), pp. 733-747.

by profession, travels to a small and distant asteroid in the galaxy called Elsevere to observe the social development of the colony that exists there. He unfortunately arrives at a bad time. Although everything seems perfect, a worker named Igor Raguskin is on strike.

In this mini society everything is recycled, even excrement. The person in charge of this is Ragusnik, who has inherited this task (as many previous generations) according to which his son and grandchildren and other descendants must continue. The point is that they are despised for this job, even though they do not handle the excrement as everything is automated.

Ragusnik and his son live physically and socially isolated inside the recycling facilities, not talking to anyone, they have, no friends, etc., while being rejected by all the inhabitants of Elsevere and treated as living dead. Ragusnik does not want that fate for his child and is on strike asking to be treated like a human being, but the rest of the inhabitants do not want to give in to his demands.

The situation is desperate, in a few hours the asteroid will be overwhelmed by excrement and infections, which will cause the death of almost all its 30,000 inhabitants. No one wants to act as a strikebreaker, as he/she will be labeled and despised like Ragusnik. Given the intransigence of both parties and the possibility of thousands of deaths, including children, and although Lamorak recognizes that Ragusnik's request is fair, he decides to replace him at his job since he does not belong to the asteroid (he is an Earthling), and will later return to his home.

With the replacement made, the strike solved, and with Raguskik humiliated and devastated upon returning to work, the conflict is solved. The great surprise that awaits Lamorak will be that he will be retained and expelled from the asteroid. He is despised and treated as an undesirable, since he operated the recycling controls to save everyone's lives.

Although this fantastic dystopian tale has several aspects relevant to labor law, we will focus on highlighting that many of the people who do undesirable jobs feel like Ragusnik, even if they are not isolated or excluded from society. They feel cursed, of a lower caste and without future prospects for their families. For this reason, we want to study what utopias say about work and about these types of occupations.

In the final part of this article, we will focus on the following question: is labor law utopian or not? This exercise will allow us to take a new look at the

characteristics of labor law, usually perceived as protecting the worker (seen as a weak party to the contract).⁸

Finally, why link utopias with labor law? For the same reasons that Nussbaum believes it is relevant for judges to read novels. In other words, for the ability to imagine what it means to live the life of people who, in other circumstances, could be ourselves.⁹ If literature invites the reader to ask questions about himself/herself and to put himself/herself in the place of very diverse people,¹⁰ utopias can help us to better perceive the difficulties of unwanted but necessary work, which is usually invisible to our eyes.

As Levitas emphasizes, the interest in the study of utopias allows, first of all, to understand society itself, since utopias show us its shortcomings, what is missing, etc. Secondly, utopia is a counterfactual model regarding all or part of the social or political system. Similarly, utopia is used as a heuristic and discovery method, which allows for exploring the possible and the impossible. Third, the study of utopia seeks to see its effects in the real world. Thus, perceiving the aspirations of others (for building a better society) is a resource that allows us to better pursue our own aspirations.¹¹

In the following section (II) we will review the meanings and uses of the words Utopia, Eutopia, Dystopia and Uchronia and then, in section (III), study what the best-known Renaissance utopias say about work, including important nineteenth-century utopian socialists (section IV). In section (V) we will try to answer whether or not labor law is utopian, ending with some conclusions about the characteristics of labor law (VI).

II. THE MEANING AND USES OF THE CONCEPT OF UTOPIA

Utopia refers to any really good but unrealizable idea or plan.¹² Utopia in this first sense is found throughout literature¹³ where this concept is usually employed for “ideal cities”.¹⁴ Thus, those works that rely on it are characterized by being very personal and idiosyncratic.¹⁵ This classic or traditional meaning

⁸ GAMONAL (2020), pp. 17 *et seq.*

⁹ NUSSBAUM (1997), p. 29.

¹⁰ NUSSBAUM (1997), p. 30.

¹¹ LEVITAS (2001), pp. 26.

¹² MOLINER (2016).

¹³ SHKLAR (2021), p. 52.

¹⁴ MUMFORD (2015), p. 19.

¹⁵ RICOEUR (2019), p. 57.

of the word utopia is directly related to the literary genre that usually describes it.¹⁶ Who created the term is Thomas More by naming his work like that although there are numerous predecessors, such as Plato, perhaps the most famous, in his book *The Republic*.¹⁷

Etymologically, utopia is an ambiguous term, since the letter “u” in Latin can mean *ou* (no) or *eu* (good), i.e., “nowhere” or “in a good place”,¹⁸ but as Geuss has emphasized, the island of More is not only a good place (eutopia), but “the best place” (ideal and perfect), this third meaning being the one that makes up the current scope of the word.¹⁹

However, this merely speculative and fanciful meaning does not comprise the full scope of the word utopia.²⁰ Since the Enlightenment and Modernity, utopia was given a sense of possibility, as an ideal that can actually materialize in reality.²¹ As Sargent points out, the utopian idea (utopianism) is the genus and utopian literature is the species.²² The “utopian idea” or “utopian perspective” is social dreaming and refers to dreams that imagine a society radically different from the existing one and that propose different ways of organizing life in common.²³ These dreams can also be nightmares (we will talk about dystopias below).²⁴ As Jameson points out, a utopia has always been a political issue,²⁵ and the utopian form is itself a representational meditation on radical difference, to the point that one cannot imagine any fundamental change in our social existence that has not previously yielded utopian visions.²⁶

¹⁶ SARGENT (2010), p. 5.

¹⁷ SHKLAR (2021), p. 55.

¹⁸ MUMFORD (2015), p. 249. Mumford explains that “Thomas More was an inveterate joker, and the name Utopia is a mockery that refers either to <<*Outopia*>>, which means no-place, or to <<*Eutopia*>>, the good place” (*Id*). As we will see later, being a joker was a survival strategy in More’s time.

¹⁹ GEUSS (2016), p. 3.

²⁰ CLAEYS & SARGENT (2017), pp. 2 *et seq.*

²¹ POCH (2017), pp. XCIII-XCIV.

²² SARGENT (2010), p. 5.

²³ SARGENT (2010), p. 5.

²⁴ SARGENT (2010), p. 5.

²⁵ JAMESON (2015), p. 7.

²⁶ JAMESON (2015), p. 9.

We will later see that even in Thomas More's writings (well before the age of the Enlightenment) we can find both interpretations of the term, i.e., when used in utopian literature and as social dreaming.

Therefore, alluding to utopia supposes, on the one hand, a good but unattainable idea or place and, on the other, a desirable place or idea that may materialize in the future. In other words, there are unattainable utopias and others that, eventually, can become concrete realities. However, the first sense, although fanciful and unrealizable, is also relevant for helping to criticize the state of affairs in real society,²⁷ as we will see below.

In a third, more functional sense, we speak of utopia with a critical intent in connection with the current world,²⁸ given that utopia always has a certain incidence on reality.²⁹ Indeed, the utopian perspective, no matter how far removed from our current reality, always summons us forward, towards action and the possibilities of change. Utopia as a critical process proposes alternatives to social values, and is distinguished from mere speculative thought, since it combines an abstract perspective with its eventual applicability, testing its principles in an imaginary way.³⁰

Currently, Bregman has argued that society must reenchant itself with the future³¹ by believing in "weak utopias" that can help us think of new proposals for change in society.³² Hence, an open utopia without rigidities, rather than a finished and rigid project that is usually totalitarian and dystopian.³³ Accordingly, a vision that rather than offering concrete answers, asks the right questions.³⁴ A little earlier, and in this same vein, Wright argued for "real utopias" in order to reconstruct the possibility of emancipatory social change. For such purpose, he investigated radically different types of institutions and social relations that might help advance the egalitarian democratic goals historically associated with the idea of socialism.³⁵

²⁷ SARGENT (2010), p. 8

²⁸ POCH (2017), p. LXVIII.

²⁹ POCH (2017), pp. LXXXIII-LXXXIX.

³⁰ STILLMAN (2001), pp. 11-13.

³¹ BREGMAN (2017).

³² BREGMAN (2017), pp. 20-21.

³³ BREGMAN (2017), pp. 20-21

³⁴ BREGMAN (2017), p. 22

³⁵ WRIGHT (2015), p. 17.

Fourth, utopia can be analyzed in a historical perspective. This approach is named *Uchronia*³⁶ and refers to a special type of historical utopia, built from hypothetical data that allows for the creation of an alternative past.³⁷

Fifthly, we must point out that utopia is not the same as dystopia, where the latter is a general situation in which everything is undesirable, and which is very popular in works of fiction.³⁸ The term dystopia was used for the first time in 1747 by Henry Lewis Younger in his work *Utopia: or, Apollo's Golden Days*.³⁹ However, we must note that, although utopia and dystopia can be seen in the abstract as antonyms, both notions can overlap in narrative fiction and in historical reality. For example, many revolutionary processes begin by pursuing a utopian ideal that ends up being, in fact, a dystopia or, as Claeys and Sargent say, an “anti-utopia”.⁴⁰ Likewise, past utopias such as that of Plato and More may seem dystopian to us today.⁴¹

Sixthly, it is common to pejoratively qualify an idea or project as utopian, i.e., as delusional, and naive, similar to daydreams.⁴² This use is different from the third meaning explained above, of critical intent, where utopia seeks to make the shortcomings of the current world visible. To the contrary, according to this sixth sense of the concept, ironically referring to an idea or project as Utopian implies belittling it and denouncing its naivete.⁴³ Accordingly, that is how liberals describe the Saint-Simonians: through an intense ideological campaign they describe their positions as utopian.⁴⁴ Similarly, Marx and Engels take up this idea, albeit with a different scope, describing Saint-Simon, Fourier,

³⁶ Concept created in the novel by Charles Renouvier, where he poses a series of hypothetical consequences if the Roman Emperor Marcus Aurelius, instead of naming his son Commodus as his successor, had appointed General Avidius Cassius. Vid. RENOUVIER (2019).

³⁷ MOLINER (2016).

³⁸ MOLINER (2016). There are as many dystopias as utopias. For example, the most known ones are the novels “*Brave New World*” by Huxley, “*1984*” by Orwell and the short story “*Harrison Bergeron*” by Vonnegut.

³⁹ SARGENT (2010), p. 4.

⁴⁰ CLAEYS & SARGENT (2017), p. 3.

⁴¹ JAMESON (2015), p. 204.

⁴² BLOCH (2017), pp. 55 and 61. Mannheim points out that the dominant groups and defenders of the existing order always describe transforming ideas as utopian. MANNHEIM (2019), p. 240.

⁴³ SHKLAR (2021), p. 53.

⁴⁴ Thanks to a couple of articles published in 1836 and 1838, Louis Reybaud was one of the first to label Saint-Simonians as utopians. Cfr. MARTÍNEZ (2013), p. 87.

and Owen as “utopian”⁴⁵ socialists, whose new social systems were born condemned to move in the realm of utopia; the more detailed and thorough they were, the more they degenerated into pure fantasies”.⁴⁶ In contrast, Marx’s socialism was scientific and not utopian.⁴⁷ The utopian socialists are seen as ideological by traditional Marxism because they are opposed to science; the former have a pre-scientific nature, focused on the unreal.⁴⁸

In seventh place, Mannheim speaks of “counter-utopia” as conservatism’s response to utopias, i.e., a form of defense.⁴⁹ Thus, the great variety of utopias (where many oppose each other) causes liberal⁵⁰ and revolutionary socialist counter-utopias⁵¹ to prosper.

Finally, in the eighth place, we can speak of utopia as a danger, in the sense that utopians may try to impose their vision by force, in a dictatorial or totalitarian way.⁵² According to this perspective, we find very loose exaggerations, such as maintaining that all utopias are totalitarian or that the regimes such as those of Hitler and Stalin were utopian.⁵³

Before these various meanings, Mumford distinguishes between utopias of escape and reconstruction. The escape ones leave the world as it is, seeking liberation from the frustrations that overwhelm us. Reconstruction utopias, to the contrary, try to change the world, establishing the conditions of our future freedom.⁵⁴

Shklar has attempted to outline a typology of utopias. (i) Utopia as a happy state which, at the same time, is nowhere,⁵⁵ (ii) utopia as the numerous practical projects or communal enterprises that emerged in the nineteenth century and that seek happiness and wish to be located somewhere;⁵⁶ miniature

⁴⁵ MARX & ENGELS (2012), pp. 614-617.

⁴⁶ ENGELS (2014), p. 297.

⁴⁷ ONFRAY (2017), p. 19.

⁴⁸ RICOEUR (2019), p. 49. On Ricoeur’s critique of this approach in pp. 57 and 291.

⁴⁹ MANNHEIM (2019), p. 267.

⁵⁰ On liberalism as utopia cfr. ONFRAY (2017), pp. 27-54.

⁵¹ RICOEUR (2019), p. 295.

⁵² STILLMAN (2001), p. 9.

⁵³ LEVITAS (2001), p. 32.

⁵⁴ MUMFORD (2015), p. 27.

⁵⁵ SHKLAR (2021), p. 52.

⁵⁶ SHKLAR (2021), p. 52

societies completely happy and rational⁵⁷ such as those found in Robert Owen's New Harmony experiment or in Charles Fourier's phalansteries, and in Étienne Cabet's Icaria,⁵⁸ (iii) utopia as a pronoun to label undesirable and impossible projects,⁵⁹ and finally (iv) utopia in the sense of political hope, as attempts to transform the existing reality,⁶⁰ although the author is skeptical about this last sense in political theory.⁶¹

Ricoeur explains that many utopias are opposed to each other given the many topics they cover (family, consumption, property, public life, religion, etc.), so it is necessary to unravel their functional structure.⁶² For this author, the most important function of utopias is the development of new possible perspectives. This includes analyzing reality from a "no place" perspective, as proposed by Thomas More. A "no place" approach means one that can take a look at our reality and digress on what is possible.⁶³ Thus, utopia helps us to radically rethink our certainties, because it introduces imaginative variations on issues (such as society, power, government, family, religion).⁶⁴ Utopia always has a transforming potential of the existing order.⁶⁵ What is ultimately at stake before all these questions is the use of power in all of them.⁶⁶

With a different nuance, Jameson emphasizes that in utopias there is a fundamentally negative principle, in the sense that they are maps or plans that must be read negatively, i.e., as what must be achieved after demolitions and eliminations.⁶⁷

In the next section and the rest of this article we will focus on how various utopias address work. Beyond the functional structure of the utopia proposed by Ricoeur, we are interested in reviewing some classic Renaissance authors

⁵⁷ SHKLAR (2021), p. 68.

⁵⁸ SHKLAR (2021), pp. 68-69.

⁵⁹ SHKLAR (2021), p. 53.

⁶⁰ SHKLAR (2021), p. 54.

⁶¹ SHKLAR (2021), p. 88.

⁶² RICOEUR (2019), p. 58.

⁶³ RICOEUR (2019), p. 58.

⁶⁴ RICOEUR (2019), p. 58.

⁶⁵ MANNHEIM (2019), p. 242.

⁶⁶ RICOEUR (2019), p. 59

⁶⁷ JAMESON (2015), p. 27. In the same sense, MANNHEIM (2019), pp. 229-230.

(More, Campanella, Andrae and Bacon) who, when constructing their literary utopias, must necessarily have referred to work in those non-existent worlds.

Based on this analysis, we will reflect on unwanted but necessary work and its repercussions on labor law. Thus, we will try to link all of the above with the meanings of the word utopia, which we have explained in this section. Before turning our gaze to labor law, we must review the notion of work in the most famous practical utopias⁶⁸ of the 19th century (Saint-Simon, Owen, and Fourier), many of which tried to be real utopias (Wright, Bregman) through the experiments or miniature societies mentioned by Shklar.

III. WORK IN THE RENAISSANCE UTOPIA: THE CONCEALED DYSTOPIA

Thomas More's utopia of 1516 is probably the best-known book by that name. He coins the name "Utopia", although the utopian perspective and writings referring to ideal and desirable places existed much earlier and not only in the West, but in other traditions such as ancient China, Egypt, and India.⁶⁹

We will analyze the works of More (1478-1535), Campanella (1568-1639), Andrae (1586-1654) and Bacon (1560-1626). We will not describe their writings entirely, however, we will consider what is essential for our study. We have chosen these four Renaissance writings because we believe they are the most classical in the field. However, it should be noted that the number of utopian works is enormous⁷⁰ and date back to the ancient world.⁷¹

The analysis of More's Utopia will be more extensive because it is the first book that bears this name and because it constitutes a model for later ones. More titles his work "Utopia: On the Best State of a Republic and on the New

⁶⁸ SARGENT (2010), pp. 5-7.

⁶⁹ CLAEYS & SARGENT (2017), p. 5.

⁷⁰ CLAEYS & SARGENT (2017), *passim*.

⁷¹ Bloch has pointed out that, in the utopias of antiquity, work was practically absent because working was considered shameful, cf. BLOCH (2017), p. 40. Indeed, the references to work are minimal. For example, in Plato's *The Republic*, it is addressed when speaking of servants (not very recognized by their intelligence but who possess sufficient body strength for heavy tasks), who sell the use of force and receive consideration for it (371e). Another reference is to slavery, in the sense that coerced bodily labor does not harm the body (536e). In the latter case, it is an educational counterpoint since the soul learns nothing under coercion and therefore must be discarded in education. PLATON (2000), pp. 127 and 375, respectively.

Island of Utopia”, pointing out that it is a truly golden little book, no less beneficial than entertaining.⁷²

More’s Utopia is divided into two parts, Book I, which has an introductory nature, and Book II on Utopia. Book I narrates his meeting with Raphael Hythloday,⁷³ who will be the narrator of his own journey to the island of Utopia.

The future narrator is introduced, and an interesting conversation takes place where this wise traveler (Raphael Hythloday) exposes a series of critical ideas that allude to the political situation of the time. For example, explaining why he does not offer his services to the kings, who surely would not listen to him because they are more concerned with war than peace and determined to acquire new domains by legal and illegal means.⁷⁴

Another issue is punishment and misery, given that according to the wise traveler, punishing thieves with the death penalty is unjust, cruel and lacks public utility. Raphael Hythloday considers that they have no other means of supporting themselves given that they are affected by mutilations caused by the numerous wars. He argues that crime is caused by the pernicious consequences of a nobility composed of lazybones, which are surrounded by a host of idle servants, who exploit the colonists in the countryside and whose greed and abuse cause mischief on most of the population that is in a state of poverty.⁷⁵ Another critical issue will be that of private property and money, which prevent a republic from being just.⁷⁶

Before entering Book II, we must make a couple of clarifications. First, More’s own appreciation of his work as being merely entertaining may be misleading. This observation has helped scholars believe that More’s intention was merely novelistic, only fictional, without political intent.

In this regard, we must remember that in the 16th century there was no freedom of opinion (as we currently know it), and dissidence was severely punished. For this reason, More and other authors hid their opinions in works

⁷² MORO (2017), p. 1.

⁷³ Hythloday from the Greek *huthlos* (nonsense, trifles) and *daio* (distribute, kindle), thus “peddler of nonsense” or “expert in trifles”, although Richard Halpern suggests a less ironic sense such as “skilled in pleasant speech”. See BRUCE (1999), p. XXII and note of p. 213.

⁷⁴ MORO (2017), p. 13-17.

⁷⁵ MORO (2017), pp. 17-19 y 22-25.

⁷⁶ MORO (2017), pp. 50-52.

of fiction. Furthermore, we must not overlook More's friendship with Erasmus of Rotterdam, who dedicated his "In Praise of Folly"⁷⁷ to him in 1511.

There is continuity between the writings of both; they were involved in a Christian humanist program and religious reform on the basis of humanism.⁷⁸ In the book dedication to More, Erasmus insists on the innocence of his "little speech", stating that there will be no shortage of plaintiffs who will seek to slander him for frivolities unbecoming of a theologian, and in part because of his biting inappropriate for Christian modesty, attacking everyone, notwithstanding his intention only being to recover the style of old comedy, cultivated by Luciano and other great authors.⁷⁹

If Erasmus shields his criticism in satire,⁸⁰ More invents and shields his criticism in utopia as a literary genre. Another strategy was to maintain the author's anonymity.⁸¹ Praise and Utopia are works written by both friends in parallel.⁸² This strategy of discharging authors of any liability (caused by times of intolerance, whereby authors were censored and politically persecuted) was later used by authors such as Jonathan Swift in *Gulliver's Travels*.⁸³ Finally, we should remember that years later More was sentenced and executed for his religious differences with Henry VIII.⁸⁴

Second, as we said at the beginning of this article, a first sense of utopia is that of a literary genre,⁸⁵ i.e., an imaginative work of fiction that falls within the field of literary creation.⁸⁶ Accordingly, when utopia is presented as a literary genre it lacks a sense of reality, therefore, it is something that is not

⁷⁸ GRANADA (2017), p. CXIV.

⁷⁹ ROTTERDAM (2019), pp. 21-22.

⁸⁰ Erasmus presents and insists that his work is buffoonery or loony, since he sought to defend himself against attacks and censorship. Likewise, he was criticized by the theologian Dorp who accused him of denigrating Christianity and eternal life, and the Praise finally angered both Catholics and Protestants. In 1527, the Sorbonne condemned it as incompatible with faith and morals. GIL (2019), pp. 9 and 15.

⁸¹ PEREDNIK (1999), p. 9.

⁸² André Prevost cited by GRANADA (2017), p. CXVI.

⁸³ PEREDNIK (1999), pp. 7-11.

⁸⁴ POCH (2017), pp. XXVI-XLIII.

⁸⁵ SARGENT (2010), p. 5.

⁸⁶ POCH (2017), p. LXXXIII.

thought possible.⁸⁷ In this vein, Poch insinuates that More does not expose his real convictions in his writings, considering that criticism of servitude, marriage, priests, or divorce go against the convictions of the time.⁸⁸

In the same sense, Ricoeur explains that he has chosen as significant utopias those of Saint-Simon and Fourier and not that of More. This, because although More's utopian thoughts are an alternative to reality, they did not have the slightest hope of being materialized.⁸⁹ Although there is much debate on this point,⁹⁰ we believe that both interpretations are wrong. After reading the work and perceiving how Book I and Book II are like opposing mirrors, it can be inferred that the criticisms of the first part are resolved with the description of the island of Utopia.⁹¹ Accordingly, we agree with Mumford when he indicated that "Nowhere may be an imaginary country, but *News from Nowhere* is real news,"⁹² and with Jameson in the sense that More's Utopia as satire must be reorganized with respect to Book I. Indeed, the 54 cities of Utopia allude to the 54 boroughs of London and More's utopian vision is clearly a commentary on the English situation.⁹³

Let's now examine the wise traveler on the island of Utopia, in Book II.⁹⁴ We are told that the inhabitants of the island have developed a degree of civilization and humanism that surpasses that of the rest of almost all mortals.⁹⁵ Nothing is private on the island, even the houses are raffled every ten years.⁹⁶ Likewise, cities that have over thirty families elect a magistrate. Similarly, the families (there are two hundred in total) elect the ruling prince by secret vote from among 4 candidates proposed by the village. The elected prince has this capacity for life unless he becomes a tyrant.⁹⁷ In the utopian republic, gold, and

⁸⁷ POCH (2017), p. LXXXVIII.

⁸⁸ POCH (2017), pp. LXXXI-LXXXII.

⁸⁹ RICOEUR (2019), p. 324.

⁹⁰ BRUCE (1999), pp. IX-XLII.

⁹¹ There is certainty that More wrote the Second Book before the First Book. Therefore, as Jameson points out, it is not the same to give priority to Book I as satire as it is to give priority to Book II as a travelogue. Cfr. JAMESON (2015), pp. 39-41. For my part, I believe that More's book should be read in the order proposed by the author, where the equivalences between both parts must be emphasized.

⁹² MUMFORD (2015), p. 36. Underlined in the original.

⁹³ JAMESON (2015), p. 51.

⁹⁴ MORO (2017), p. 54.

⁹⁵ MORO (2017), p. 59.

⁹⁶ MORO (2017), p. 65.

⁹⁷ MORO (2017), p. 67.

silver⁹⁸ are despised, as well as sumptuous clothing,⁹⁹ and its inhabitants do not understand how in other latitudes people with wealth¹⁰⁰ are admired, because they despise the rich and greed.¹⁰¹

The work in the field is carried out in shifts (of two years) by the families of the cities.¹⁰² Agriculture is the trade common to men and women and, in addition, each one learns a specific trade, without distinguishing between men and women.¹⁰³ More specifies that, in any case, given the feminine weakness,¹⁰⁴ women tend to take care of lighter jobs, working with wool and linen.¹⁰⁵

The main task of the rulers is to monitor and ensure that no one is idle, as well as that no one overworks: “And yet for all that, not to be wearied from early in the morning to late in the evening with continual work, like labouring and toiling beasts. For this is worse than the miserable and wretched conditions of bondmen”.¹⁰⁶

In fact, Utopians only work 6 hours a day, three hours before noon, then they eat and rest for two hours to work another three hours and finish with dinner.¹⁰⁷ Without prejudice to the eight hours of sleep, free time allows both men and women to dedicate themselves to cultivating humanities.¹⁰⁸

Although the 6-hour day is short, there is no shortage. The wise traveler points out that there are goods in abundance, since there are no inactive inhabitants on the island of Utopia as in other latitudes (as occurs with women, priests, religious, the rich, the nobles and the beggars).¹⁰⁹ Outside the utopian

⁹⁸ MORO (2017), pp. 89-90.

⁹⁹ MORO (2017), pp. 91-92.

¹⁰⁰ MORO (2017), p. 94.

¹⁰¹ MORO (2017), p. 103.

¹⁰² MORO (2017), pp. 60-61.

¹⁰³ MORO (2017), p. 69.

¹⁰⁴ It is difficult for works from the year 1516 to consider women as a holder of rights, as today. From the perspective of women, at least in the West, when comparing their current status with the utopian works of the 16th and 17th centuries, there is an inversion, i.e., current reality constitutes a real and concrete utopia in relation to those societies imagined.

¹⁰⁵ MORO (2017), p. 69.

¹⁰⁶ MORE (1999), pp. 57-58.

¹⁰⁷ MORO (2017), p. 70. In the second English edition there is a misprint that implies that there are 9 and not 6 hours of work. See MORE (1999), p. 58 and note p. 222.

¹⁰⁸ MORO (2017), p. 71.

¹⁰⁹ MORO (2017), p. 72.

republic, societies survive thanks to the work of a few because: “For where money beareth all the swing, there are many vain and superfluous occupations must need be used, to serve only for riotous superfluity and dishonest pleasure”.¹¹⁰

Consequently, if all the idlers worked on useful tasks, it could be argued that with little time it is enough to provide the need or comfort of the entire community and, according to the narrator, this is precisely what the facts reveal of Utopia.¹¹¹ Only a tiny number of people are exempted from work, namely, magistrates and those devoted to the study of science, unless the latter disappoint the hopes placed in them, in which case they return to being workers. Furthermore, if a craftsman shows aptitude for humanities, he/she may be promoted to the literate class, from which magistrates, priests, and the prince himself are nominated.¹¹²

However, not all work is idyllic on the island of Utopia since there are also slaves¹¹³ and servants who are not citizens. Indeed, in the food markets the servants clean the dead animals. According to the narrator’s words: “For they permit not their free citizens to accustom themselves to the killing of beasts, through the use whereof they think clemency, the gentlest affection of our nature, by little and little to decay and perish”.¹¹⁴ The butchers are slaves, who are also reserved for hunting animals, a cruel activity for any free man.¹¹⁵ At meals, all the services that involve a little more effort are performed by slaves¹¹⁶ and “public slaves” are available which may be assigned to citizens who wish to travel.¹¹⁷

Slavery is also imposed as a penalty. For example, to travel, an authorization from the prince is required, and if someone travels without those papers, he/she is punished and, if he/she reoffends, he/she is punished with slavery.¹¹⁸ As there is religious tolerance on the island of Utopia, anyone who

¹¹⁰ MORE (1999), p. 59.

¹¹¹ MORO (2017), p. 73.

¹¹² MORO (2017), pp. 73-74.

¹¹³ MORO (2017), pp. 61 and 115-116.

¹¹⁴ MORE (1999), p. 64.

¹¹⁵ MORO (2017), p. 104. Posttraumatic stress disorder (PTSD) in war veterans has now been documented in slaughterhouse workers as well. Cf. MACNAIR (2005), p. 87-88.

¹¹⁶ MORO (2017), p. 81.

¹¹⁷ MORO (2017), p. 85.

¹¹⁸ MORO (2017), p. 85.

tries to impose a religion by violent means is also punished with slavery (or exile).¹¹⁹

The utopians do not make prisoners of war nor the children slaves, or anyone who, while being a slave in another town, may be bought by utopians.¹²⁰ They only make slaves out of criminals and those condemned in foreign cities for a confessed felony (the latter are acquired cheaply and even for free).¹²¹ These slaves must work continuously and are always chained.¹²² Slavery is also reserved for desecration of marriage and for the most serious infringements. They apply this rule given that said infringing individuals are more useful to the community as slaves (versus condemning them to the death sentence). Similarly, this measure helps them with the dissuasive purposes sought by the community.¹²³ If the slaves are patient and show repentance, they may see their slavery revised and may even regain their freedom.¹²⁴

The narrator ends his story praising life in the utopian republic, where everything belongs to everyone, there is no scarcity and there is no poverty; everyone is rich given their lack of concern for money, they are cheerful and calm, without fear of poverty that may affect their children, etc.¹²⁵ He thus critically contrasts this utopian idyll with the situation of his time.¹²⁶

At the end of Raphael's story, More explains that, although there were things that seemed absurd in the customs and laws of the island of Utopia, he did not raise them to Raphael Hythloday considering his tiredness after such a long story.¹²⁷ More concludes by pointing out that there are many things in the utopian republic that he would rather wish for than hope for.¹²⁸

¹¹⁹ MORO (2017), p. 143.

¹²⁰ MORO (2017), p. 115. However, More later contradicts himself when speaking of war and military commitment, admitting the slavery of the vanquished. p. 138.

¹²¹ MORO (2017), p. 115.

¹²² MORO (2017), p. 115.

¹²³ MORO (2017), pp. 119-120.

¹²⁴ MORO (2017), p. 120.

¹²⁵ MORO (2017), p. 156.

¹²⁶ MORO (2017), pp. 157-158.

¹²⁷ MORO (2017), pp. 161-162.

¹²⁸ MORO (2017), p. 162.

Tommaso de Campanella's utopia is titled "The City of the Sun". It was written in 1602 and published in 1623.¹²⁹ According to commentators, this book does not have the literary quality of More's, his style is deficient and lacks all elegance.¹³⁰ Commentators say it is written in an unstructured way, without logical articulation of themes and with ridiculous dialogues.¹³¹ As Mumford points out, it is a kind of puzzle made up of fragments of Plato and More.¹³²

In Campanella's work, as in More's, there is a dialogue with a Genovese traveler, who recounts how on one of his trips he was arrested and taken to the City of the Sun. The city was divided into seven very large circles, named after the seven planets,¹³³ and was governed by a Priest-Prince who was called Sun.¹³⁴ The founders of the city were people who came from India, and many were philosophers who decided to live in a philosophical way, where all things are common, and nothing can be appropriated.¹³⁵ There is a community of women¹³⁶ and private property is prohibited, as well as having a wife and children of ones own (which prevents the birth of self-esteem, the source of numerous social ills).¹³⁷

The inhabitants of the city are instructed in all the arts, and those who learn the most arts and perform the best are considered to be of the greatest nobility; they laugh at "us", says the Genovese traveler, given that we call artisans ignoble and we deem noble those who do not learn any arts and are idle and have so many servants in idleness and lewdness that ultimately ruin the republic.¹³⁸ As in More, in the City of the Sun gold and silver are despised.¹³⁹

There is a division of labor by gender. Accordingly, the tasks that must be performed sitting down or on foot are generally women's tasks, such as weaving, sewing, making dresses, etc. In addition, the cultivation of music is

¹²⁹ The work was written in jail. Campanella was accused of heresy and spent 27 years in prison. Cfr. ESTÉBANEZ (2006), p. 43.

¹³⁰ ESTÉBANEZ (2006), p. 118.

¹³¹ ESTÉBANEZ (2006), p. 120

¹³² MUMFORD (2015), p. 106.

¹³³ CAMPANELLA (2006), p. 140.

¹³⁴ CAMPANELLA (2006), p. 142.

¹³⁵ CAMPANELLA (2006), p. 145.

¹³⁶ CAMPANELLA (2006), p. 145.

¹³⁷ CAMPANELLA (2006), p. 145.

¹³⁸ CAMPANELLA (2006), pp. 147-148

¹³⁹ CAMPANELLA (2006), p. 155.

only for women, as well as the preparation of food.¹⁴⁰ In the City of the Sun there are no slaves, because, according to Campanella, the inhabitants are self-sufficient.¹⁴¹ The counterpoint is immediately made with the city of Naples, where only a few work and are ruined. In this regard, the idlers are lost in greed, lasciviousness, and usury, spoiling many people by keeping them in servitude and poverty or by making them participants of their vices.¹⁴² To the contrary, in The City of the Sun, where the trades, arts and jobs are distributed among all, it is not necessary to work more than four hours a day, therefore, the rest of the day is for learning through play, discussing, reading, teaching, walking, everything is always done with joy.¹⁴³

Just as poverty makes men vile, cunning, thieves, insidious, outlaws, liars and false witnesses, and wealth makes them insolent, arrogant, ignorant, traitors, unloving and presumptuous of what they do not know, in The City of the Sun the community makes everyone rich and poor at the same time, i.e., rich because they have and possess everything, and poor because they do not serve things, but things serve them.¹⁴⁴

All the inhabitants of The City of the Sun cultivate military art, agriculture, and livestock, and as we have already explained, less physically demanding jobs are reserved for women. The most tiring trades, like being a blacksmith or a bricklayer, are the most prestigious ones.¹⁴⁵

Although Campanella had emphasized that there are no slaves in the city,¹⁴⁶ later on he contradicts himself by pointing out that they sell the slaves they take in war or they make them dig graves or do tiresome activities outside the city.¹⁴⁷

The third utopia that we will analyze is Christianopolis, by Johann Valentin Andreae from the year 1619. It is the first utopia produced by

¹⁴⁰ CAMPANELLA (2006), p. 150.

¹⁴¹ CAMPANELLA (2006), p. 157. As we will see later, Campanella contradicts himself since there are slaves in The City of the Sun.

¹⁴² CAMPANELLA (2006), p. 157.

¹⁴³ CAMPANELLA (2006), p. 157.

¹⁴⁴ CAMPANELLA (2006), pp. 157-158.

¹⁴⁵ CAMPANELLA (2006), p. 164

¹⁴⁶ CAMPANELLA (2006), p. 157.

¹⁴⁷ CAMPANELLA (2006), p. 165.

Protestantism,¹⁴⁸ described by Mumford as a “republic of workers”.¹⁴⁹ Like More, the author speaks of his book as a game and hopes to be more easily excused for being less witty than his predecessor.¹⁵⁰

Again, we are faced with a traveler who is shipwrecked on an island¹⁵¹ governed by a Chancellor and a triumvirate¹⁵² of princes who represent religion, justice, and erudition (i.e., a theologian,¹⁵³ a judge¹⁵⁴ and an erudite).¹⁵⁵ The narrator explains that aristocracy has been preferred as a system of government, as it is closer to Christian society, based on equality, peace, and contempt for riches.¹⁵⁶

In this ideal city the artisans are almost all educated, because in Christianopolis there is no problem if a man wishes to learn both humanities and trades.¹⁵⁷ All the products of labor are deposited in the public warehouses,¹⁵⁸ since the entire city is like a single workshop.¹⁵⁹ There are prefects who direct workers’ labor, nobody has money and there is no private use of it; citizens are happy because nobody can prevail because of their wealth. What is admired is industriousness and ingenuity, as well as good manners and piety. There are few working hours, there is no absenteeism since idleness is frowned upon. If everyone works, it is up to each one of them to take a little rest, unlike other places where ten workers feed one idler.¹⁶⁰ The narrator concludes that, when there is no servitude, no reluctance takes over the body that overwhelms or unnerves it.¹⁶¹ Women do not do any maid work.¹⁶² On the

¹⁴⁸ ESTÉBANEZ (2010), p. 88.

¹⁴⁹ MUMFORD (2015), p. 90.

¹⁵⁰ ANDREAE (2010), p. 112.

¹⁵¹ ANDREAE (2010), pp. 115-116.

¹⁵² ANDREAE (2010), pp. 142-143.

¹⁵³ ANDREAE (2010), p. 148.

¹⁵⁴ ANDREAE (2010), p. 153.

¹⁵⁵ ANDREAE (2010), p. 154.

¹⁵⁶ ANDREAE (2010), p. 198.

¹⁵⁷ ANDREAE (2010), p. 128.

¹⁵⁸ ANDREAE (2010), p. 131.

¹⁵⁹ MUMFORD (2015), p. 92.

¹⁶⁰ MUMFORD (2015), p. 92.

¹⁶¹ ANDREAE (2010), p. 132.

¹⁶² ANDREAE (2010), p. 220.

other hand, beggars are not accepted, and, except for health reasons, no one can refuse to do a job.¹⁶³

All the products of labor are distributed in such a way that no one receives less than what is fair,¹⁶⁴ and women are in charge of cooking the food.¹⁶⁵ Within the teaching methods, one of the punishments is “work” and abstinence (it should be noted that these punishments sometimes involve whipping and rarely jail).¹⁶⁶

In Christianopolis, the most serious crimes are punished by expulsion from the republic rather than the death penalty, and among the less intense punishments extreme and sordid jobs are found, including whipping.¹⁶⁷

Let us now turn to our fourth author, Francis Bacon. His utopia dates back to 1626, it is called “The New Atlantis” and was left unfinished. Like More, the reader is warned that this is a fable that describes an educational establishment with a model republic system.¹⁶⁸

It is the story of a traveler in the southern seas, who sets sail from Peru and after several months of navigation arrives at a beautiful city on an unknown island, with inhabitants who speak several languages and show great humanity.¹⁶⁹ The idyllic situation in this city named New Atlantis is protected from foreign visitors (entrance to foreigners is prohibited), without prejudice to aiding those who forcibly reach its shores.¹⁷⁰

Local customs and laws were established nineteen hundred years earlier by King Solamona,¹⁷¹ who also founded the House of Solomon dedicated to the study of the Creator’s¹⁷² works and creatures. Every twelve years, this society of scholars sends travelers to different countries to learn about the state of the sciences, arts, industries, and inventions around the world, bringing back

¹⁶³ ANDREAE (2010), p. 229

¹⁶⁴ ANDREAE (2010), p. 153.

¹⁶⁵ ANDREAE (2010), p. 154.

¹⁶⁶ ANDREAE (2010), p. 174.

¹⁶⁷ ANDREAE (2010), p. 216.

¹⁶⁸ BACON (2013), p. 131. This introductory warning to the reader is signed by William Rawley, Bacon’s secretary, who first published the work in 1627, after Bacon’s death.

¹⁶⁹ BACON (2013), pp. 133-136.

¹⁷⁰ BACON (2013), pp. 164-165.

¹⁷¹ BACON (2013), p. 163.

¹⁷² BACON (2013), p. 166.

books, instruments, and plans of all types, all covertly so as not to reveal the real existence of New Atlantis.¹⁷³

Then, the narrator has an encounter with one of the members of the House of Solomon, who explains that the purpose of the educational establishment is the knowledge of the hidden causes and movements of things; they seek to extend the limits of human knowledge to make all things possible.¹⁷⁴ Regarding jobs and trades, in the House of Solomon, the twelve members who sail undercover to foreign countries and return with new knowledge are called merchants of light,¹⁷⁵ and the narrator explains the names and functions of the other members, from experimental work to reflection.¹⁷⁶ There are also apprentices and novices, so that the continuity of the members of the House is not lost. And, in addition, there are a large number of servants and assistants, men and women.¹⁷⁷

This is the only thing that Bacon mentions regarding labor. As we already pointed out, his work is unfinished.¹⁷⁸

What can these four utopias teach us about work?

We can see several meeting points and demonstrate that More's work influenced his successors. In the utopias of More, Campanella and Bacon there is a patriarchal division of labor (women are assigned less physically demanding jobs), and although Bacon says nothing about it, in the House of Solomon no wise woman or teacher is mentioned.

We also see an appreciation of manual and artisanal work, both in More and in Campanella, and also in Andreae, where artisans are educated. Another relevant point is the short work hours achieved by the work of all, in shifts in the case of More (in agriculture), without idle classes and without exploitation of the neediest (More, Campanella and Andreae). Nobody can refuse to work in the utopias of More and Andreae. In Andreae's utopia, there is reference to

¹⁷³ BACON (2013), pp. 167 and 198-199.

¹⁷⁴ BACON (2013), p. 183.

¹⁷⁵ BACON (2013), pp. 198-199.

¹⁷⁶ BACON (2013), p. 199.

¹⁷⁷ BACON (2013), p. 200.

¹⁷⁸ Bacon's hermeticism and lack of information to the reader about the institutions of New Atlantis raise numerous doubts and interpretations beyond the scope of this essay. See BRUCE (1999), pp. XXXI-XXXVI.

subordination in those situations where the prefects direct the workers' labor. Campanella, for his part, emphasizes that there are no idlers in his utopia.

And what about the work that no one wants to do, but which is necessary, such as heavy or filthy work and dehumanized work (as in slaughterhouses)? It can be assumed that it exists in these four utopias, given that there is servitude and slave labor.

Indeed, More speaks of penalties, arduous work, beast of burden work in slaughterhouses, in butcher shops and dirty services, all of which fall on slaves (as punishment) and servants, and he even mentions that in Utopia there are "public slaves".

Campanella boasts that there are no slaves in *The City of the Sun*, but towards the end of the book he admits that there is slavery of those imprisoned in wars and that they are employed in "arduous work". Likewise, Andreae explains that one of the punishments in *Christianopolis* is forced labor, with extreme and sordid work, including whipping. And finally, Bacon, in the description of *Solomon's House*, makes it clear that there are many servants and assistants of both genders.

At this point the proposals cease to be original. If Utopia is an ideal place, why consider an institution as ferocious as slavery? Mumford could provide an explanation when commenting on slavery in More's Utopia. He provides that an ideal society could not exist if repulsive daily tasks, such as the slaughter of cattle, still had to be carried out. This explains why More tries to kill two birds with one stone when referring to the creation of the class of slaves (who have committed crimes) but agreeing with Mumford's opinion, he bypasses the ultimate objection to slavery in all its forms; namely, that it tends to corrupt the master.¹⁷⁹

As we can see, each of these utopias contains a hidden labor dystopia. In these imagined worlds, the problem of unwanted but necessary work is not solved. It is performed by slaves, domestic workers and servants. On the one hand, labor is utopian, with few working hours thanks to the work of the entire community, with no idle members, but, on the other hand, unwanted but necessary work must still be carried out, and for this the slaves and servants are adequate.

Clearly being a slave is rather dystopian and being a servant implies being on the lowest social scale. This contradiction is more common than one

¹⁷⁹ MUMFORD (2015), pp. 80-81.

might think, in the sense that instead of defending a single principle, utopias tend to propose a plurality of principles that may be inconsistent and incompatible with each other.¹⁸⁰

Next, we will see what utopian socialists say in this regard three centuries later.

IV. WORK IN UTOPIAN SOCIALISM

Bloch emphasizes that, with the outbreak of the Industrial Revolution, utopia is transformed as it assimilates to the spirit of the age without restrictions, evolving from blessed islands to precise social itineraries.¹⁸¹ Within these itineraries, the work and production method play an important role.

We will review three authors of this period, from the beginning of the 19th century, initiators of utopian socialism,¹⁸² Saint-Simon, Owen and Fourier, focusing once again on how they address work, notwithstanding the contextualization of their work.

The writings of Claude-Henri de Saint-Simon (1760-1825) constitute a great social project¹⁸³ that, in essence, predicts that in the future industrial society will be managed (not governed) by a group of industrialists made up of the owners, by workers' organizations, by scientists and technologists.¹⁸⁴

For Saint-Simon, French society is in a process of transition from the feudal to the industrial regime,¹⁸⁵ and the model to be followed was the nascent North American society and its struggle for industrial freedom.¹⁸⁶

Work is the source of all virtues¹⁸⁷ and society is the collection and union of men who perform useful work.¹⁸⁸ The industrialists are the men who work to produce or put within the reach of the members of society, one or several

¹⁸⁰ STILLMAN (2001), p. 16.

¹⁸¹ BLOCH (2017), p. 56.

¹⁸² HOBBSAWM (2011), pp. 201-222.

¹⁸³ IONESCU (2005), pp. 11-85, p. 12.

¹⁸⁴ IONESCU (2005), p. 12.

¹⁸⁵ SAINT-SIMON (1999), pp. 53 and 61.

¹⁸⁶ SAINT-SIMON (2005a), p. 136.

¹⁸⁷ SAINT-SIMON (1999), p. 53.

¹⁸⁸ SAINT-SIMON (2005a), p. 133.

material means of satisfying their needs or wants.¹⁸⁹ It is a broad concept that includes farmers, blacksmiths, carpenters, shoemakers, merchants, etc.¹⁹⁰

Saint-Simon believed that industrial society should be endowed with a public administration composed of the most honest, selfless, and best-qualified members, namely industrialists and professionals, and by those who came from the sciences, and arts.¹⁹¹ Ionescu has characterized Saint-Simon's work as a theory of technological-industrial society, especially with regards to its political organization.¹⁹²

In his writings, Saint-Simon recognizes the importance of work and workers' organizations¹⁹³ and, as in classical utopias, distinguishes a parasitic, non-productive idle class,¹⁹⁴ made up of soldiers, jurists, clergy, councilors, judges, private owners, nobility, etc., who live off the work of others.¹⁹⁵

In his latest works, he also distinguishes, within the industrialists, the owners of the means of production who obtain profits without working (parasites or dissipators)¹⁹⁶ from the workers or exploited proletariat.¹⁹⁷

Saint-Simon praises useful jobs, from physicists, mathematicians, engineers, sculptors and musicians to bankers, writers, and surgeons. In short, the most capable in the sciences, the fine arts and in the arts and crafts.¹⁹⁸ Therefore, jobs that do not meet these requirements are useless jobs which are represented by the richest owners of the nobility.¹⁹⁹

For this author, the society of his time was immoral, because those who carried out useful work were subordinated to more or less incapable bureaucrats. He describes this immorality by the fact that the poor must be generous with the rich, since they must daily deprive themselves of what is necessary for them to increase what is superfluous to the great owners.²⁰⁰ In

¹⁸⁹ SAINT-SIMON (1999), p. 35.

¹⁹⁰ SAINT-SIMON (1999), p. 35.

¹⁹¹ IONESCU (2005), p. 41.

¹⁹² IONESCU (2005), p. 48.

¹⁹³ IONESCU (2005), p. 53.

¹⁹⁴ SAINT-SIMON (2005a), p. 134.

¹⁹⁵ SAINT-SIMON (2005b), pp. 189-190.

¹⁹⁶ IONESCU (2005), p. 75.

¹⁹⁷ IONESCU (2005), p. 51.

¹⁹⁸ SAINT-SIMON (2005b), pp. 187-188.

¹⁹⁹ SAINT-SIMON (2005b), pp. 189-190.

²⁰⁰ SAINT-SIMON (2005b), p. 191.

other words, the incapable direct the capable; the immoral are in charge of educating citizens in virtue and, from the perspective of distributive justice, it is the major criminals who are responsible for punishing the misdemeanors of petty offenders.²⁰¹

To the contrary, in industrial society arbitrariness will be reduced to a minimum,²⁰² the principle of perfect equality will be established, as opposed to birth rights and privileges.²⁰³ This will be achieved by means of a democracy with great participation of the producers through their corporations, companies, unions and districts, and society will be interrelated and with a process of permanent consultation with all actors.²⁰⁴

In this type of society, the organization thereof will be the most favorable to the industry, encompassing all types of useful work, both theoretical and applied. Similarly, political power is limited to preventing useful work from being hindered. Thus, workers (whose meeting constitutes the true society) will be able to directly and freely exchange their products.²⁰⁵

Its members will be happy working in love and company given that there will no longer be exploitation. In addition, natural resources will be exploited collectively and will be inexhaustible thanks to the new sciences and techniques.²⁰⁶ As the human race has a common goal and interests, every man should be considered only (in social relations) as enrolled in a company of workers.²⁰⁷

Saint-Simon's ideas had a profound impact in the first half of the 19th century,²⁰⁸ with numerous disciples and followers in the literary movements linked to social romanticism.²⁰⁹

Next, we will turn to Robert Owen (1771-1858), who is the most fascinating author studied, considering his ideas and the way he put them into

²⁰¹ SAINT-SIMON (2005b), pp. 191-192.

²⁰² IONESCU (2005), p. 61.

²⁰³ SAINT-SIMON (1999), p. 61.

²⁰⁴ IONESCU (2005), p. 62.

²⁰⁵ SAINT-SIMON (2005a), p. 140.

²⁰⁶ SAINT-SIMON (2005a), p. 140.

²⁰⁷ SAINT-SIMON (2005a), p. 145.

²⁰⁸ It should be noted that Saint-Simon and, later, his disciples, varied their approaches, moralizing their discourse, coming to postulate a new Christianity (extracting from the old Christianity a morality adapted to industrial society). Cfr. MARTÍNEZ (2013), pp. 74-83.

²⁰⁹ PICARD (2005), pp. 236-250.

practice. In effect, Onfray defines this author as a brilliant entrepreneur, an actor of paternalistic capitalism, one of the first thinkers of socialism, an activist of utopian communities, and an inventor of communist micro-societies (in order to resist the violence of liberalism of the industrial Revolution).²¹⁰

Owen puts his ideas and his philanthropic management into practice in his own company, the largest spinning mill in New Lanark, Scotland, an industrial establishment that is both profitable and morally worthy for its members.²¹¹

The huge profits he makes in New Lanark allow for better working conditions and lives for his staff, including women and children. He is concerned with housing, hygiene, health, food, and that work time be limited.

Owen abolishes the work of children under 10 years of age²¹² and reduces the working day to just over 10 hours (including breaks), which was absolutely revolutionary for his time (where the regular working day was 16 to 18 hours). He takes the children away from production and takes them to school, where they learn to read and write.

At school he forbids punishment, and encourages a playful method of teaching, excluding memory and religious education. In 1806, in the face of the cotton boycott from the United States to Great Britain, instead of firing his workers, he kept them hired for the four months of the boycott, preserving the machines, and regularly paying wages (which were higher than the competition).

In addition, he built grocery stores for his workers, where he sold wholesale supplies at cost, and medicines and medical care were free.²¹³

Along with these reforms, he maximized production and achieved higher profits than his competitors.²¹⁴

Between 1813 and 1816 Owen publishes “A New View of Society; or Essays on the Principle of the Formation of the Human Character, and the

²¹⁰ ONFRAY (2017), p. 141.

²¹¹ PINILLA (2015), p. 17.

²¹² At that time, even 3-year-olds could work. In fact, John Locke had proposed, a century earlier, a system of forced labor (Work Schools) for children between the ages of 3 and 14 who could not be supported by their parents. In this way, the parishes would save on maintenance costs. Cfr. LOCKE (2011), pp. 202-204.

²¹³ ONFRAY (2017), pp. 144-146.

²¹⁴ ONFRAY (2017), p. 147.

Application of the Principle to Practice”, where he exposes his experience of 16 years in New Lanark,²¹⁵ proposing a National Education Project for Great Britain.²¹⁶

In this book, he proposes a system of happiness for the excluded, based on the principle that the happiness of only one person can be achieved through behavior that promotes the happiness of the entire community, leaving aside ambition, selfishness, and irrational moral principles of the society of his time.²¹⁷

In 1815, Owen appeals to the need for legislative intervention in the factories, since left to their natural development they will generate the most unfortunate and permanent consequences.²¹⁸ This analysis arises from the degradation and miserable life of the workers, victims of the principle of unlimited benefits of the employers. For example, parents having to sacrifice their children by sending them to work in order to survive.²¹⁹ The worker is a mere instrument of the employer who, if not limited legislatively, will plunge the country into a formidable state of danger.²²⁰

For Owen, the education of children and young people (which shapes character)²²¹ and the legal protection of work are key; based on philanthropic reasons, he believes that education combats “white slavery”. Next, he argues that if philanthropic reasons were an insufficient reason for the powerful, at least they should they be interested in economic cynicism,²²² since a worker with better working conditions increases his productivity and, therefore, the profits of the employer,²²³ and if there are other costs they can be passed on to the consumer.²²⁴

²¹⁵ OWEN (2015a), pp. 50 and 71.

²¹⁶ ONFRAY (2017), p. 166.

²¹⁷ OWEN (2015a), pp. 53-54.

²¹⁸ OWEN (2015b), p. 128.

²¹⁹ OWEN (2015b), pp. 129-130.

²²⁰ OWEN (2015b), p. 131.

²²¹ OWEN (2015a), p. 58.

²²² ONFRAY (2017), p. 149. Economic cynicism is present in each proposal for labor regulation, characterized as “Marketing of the law”, cfr. GAMONAL (2020), p. 19.

²²³ OWEN (2015b), p. 133.

²²⁴ OWEN (2015b), p. 133.

His proposal includes child labor,²²⁵ working hours²²⁶ and the creation of labor inspectors.²²⁷ He concludes that factory owners should not be affected by being forced to treat their workers in the general interest of the country.²²⁸

In his writings Owen proposes that the State give work to all people²²⁹ (Owen is the forerunner of the right to work), so that they can support their families with dignity and in this way, charity can be suppressed as it only humiliates the poor. Similarly, by limiting charity, the power of the clergy over the neediest is mitigated.²³⁰

Faced with the success of New Lanark, Owen also had failures, such as the community that he founded in the United States, Indiana, New Harmony, in 1825, where things did not turn out as he thought or in Queenwood (Surrey), in 1840.²³¹

These projects were more ambitious and pursued a whole new way of life, with an agrarian form of communism in stages²³². Like other utopians, Owen establishes a list of undesirable activities and institutions: priests, lawyers, magistrates, soldiers, politicians, notaries, religion, laws, marriage, and private property.²³³

As we can see, Owen is a very complete character, intellectual and practical at the same time. We believe it is not fair to cloister him within utopian socialism, considering his success at New Lanark and the fact that his proposals have ended up forming an essential part of what we understand today as individual labor rights.

The third utopian socialist we will review is Charles Fourier (1772-1837), known for the “new world of love”²³⁴ that he proposes in his utopia.²³⁵ His anti-

²²⁵ OWEN (2015b), pp. 131-132.

²²⁶ OWEN (2015b), p. 131.

²²⁷ ONFRAY (2017), p. 149.

²²⁸ OWEN (2015b), p. 134

²²⁹ OWEN (2015a), p. 122.

²³⁰ ONFRAY (2017), p. 169.

²³¹ ONFRAY (2017), pp. 151-152.

²³² ONFRAY (2017), p. 153.

²³³ ONFRAY (2017), p. 154.

²³⁴ FOURIER (2019), *passim*.

²³⁵ ONFRAY (2017), p. 173.

liberal and anti-capitalist ideas stem from his experience as a merchant, where middlemen got rich speculating while producers made small profits.²³⁶

In 1808, he published his first book, “The Theory of the Four Movements”, and his extensive writings in twelve volumes. His work is difficult to understand, very fanciful,²³⁷ disconcerting,²³⁸ full of extravagant considerations²³⁹ and neologisms.²⁴⁰

Fourier developed a psychological theory of instinctual drive and devised a social model with detailed instructions for the design and industrial organization of ideal communities, which would accommodate different human personalities.²⁴¹

In his writings, he proposed a new society made up of small groups or phalanxes grouped into “phalansteries”, where its members could develop all their abilities and achieve happiness.²⁴² The organization of all humanity in phalansteries corresponded to a divine plan.²⁴³ Consequently, his followers try to put into practice in various communities and in various countries²⁴⁴ his love utopia (phalansteries), with numerous adaptations and changes to the original program.²⁴⁵ Furthermore, Fourier is considered the father of cooperativism.²⁴⁶

The cornerstone of his system is a complex theological notion: the “passionate attraction”,²⁴⁷ deduced from the interpretation of nature, i.e., of God. According to this theory, individuals could achieve personal and collective

²³⁶ ONFRAY (2017), p. 176.

²³⁷ FERRATER MORA (1999), p. 1389.

²³⁸ PICARD (2005), p. 254.

²³⁹ ONFRAY (2017), p. 178.

²⁴⁰ In his work, *New World of Love*, for example: *hiperceledonia*, *angelicado*, *omnigamy*, *triginia*, *furtive polygamy*, *loving philanthropy*, *fidelidad compuesta*, etc. Cfr. ONFRAY (2017), p. 181.

²⁴¹ PREUCEL & PENDERY (2006), p. 12.

²⁴² For Fourier, the phalansteries were experiments created to demonstrate the feasibility of their proposals. Cfr. FOURIER, (2021), pp. 32 *et seq.*

²⁴³ FOURIER, (2021), pp. 32 *et seq.*

²⁴⁴ ONFRAY (2017), p. 183.

²⁴⁵ PREUCEL & PENDERY (2006), pp. 16-17.

²⁴⁶ FERRATER MORA (1999), p. 1389.

²⁴⁷ ONFRAY (2017), pp. 186 and 191.

happiness, based on passions, desires, and drives that God has placed in what is real.²⁴⁸

Fourier used to compare his “discovery” of passionate attraction to that of Newton²⁴⁹ and his theory of universal gravitation,²⁵⁰ and claimed that he wanted to make social science an exact science,²⁵¹ notwithstanding the bizarreness and irrationality of his writings.²⁵²

The other basis of his thought is the “theory of analogy”, where he suggests that everything in the universe is linked, therefore, there are codes or hieroglyphs that must be deciphered.²⁵³ The essential formula consisted in discovering the analogy between universal attraction and universal harmony, a discovery that makes him compare himself with Columbus and Galileo and call himself “the inventor of the mathematical calculation of destinies” and “wise among wise men”.²⁵⁴

In his work, Fourier criticizes capitalism, given that it generates pauperization and misery, indigence and poverty, enslavement of workers and generalized alienation.²⁵⁵ He also criticizes the state of absolute servitude of women.²⁵⁶

In his book “The New Industrial World”,²⁵⁷ he presents liberalism as free competition without brakes, without a State, without law, as a perverse mode of existence.²⁵⁸ When the industry progresses, people suffer and this state of affairs

²⁴⁸ ONFRAY (2017), pp. 191-192.

²⁴⁹ There are numerous references to Newton, both to point out that he failed to discover the passionate attraction and to point out that Fourier is the continuator of his discovery of the law of gravity, but in a much broader perspective (as is passionate attraction). Cfr. FOURIER (2021), pp. 26, 34 and 56.

²⁵⁰ PREUCEL & PENDERY (2006), p. 13.

²⁵¹ PICARD (2005), p. 253.

²⁵² PICARD (2005), pp. 253-256.

²⁵³ ONFRAY (2017), p. 193. Fourier proposes equivalences and his analogies become insane, namely: between morality and the blackberry, the elephant and civilization, the beetroot and slavery, the ostrich and poverty of spirit, the radish and the farmers, and many of these relations are explained by the copulation of planets and the copulation of the earth with itself. Cfr. ONFRAY (2017), pp. 194-195.

²⁵⁴ PICARD (2005), p. 260.

²⁵⁵ ONFRAY (2017), p. 196.

²⁵⁶ PREUCEL & PENDERY (2006), p. 12.

²⁵⁷ There is a selection of this work in Spanish, cfr. FOURIER (2021), *passim*.

²⁵⁸ FOURIER (2021), *passim*.

must cease.²⁵⁹ Fourier speaks that the “world is upside down” and his proposal seeks the correct meaning of things based on the use of truth and an attractive industry.²⁶⁰

Another anecdote that marked Fourier was witnessing the destruction of rice stocks in the port of Marseille for speculative reasons, while people were starving. On the one hand, he points out that the rich die of indigestion, while the poor die of malnutrition or starvation.²⁶¹ On the contrary, in “Harmony”, which is Fourier’s utopia, there will be abundance.²⁶²

In addition, Fourier is the forerunner of environmentalists, given that he denounced the deterioration of the planet and the poor quality of meals (slow poisons), products, food, and drinks, as well as climate change.²⁶³ Civilization destroys the planet, but in “Harmony” the balance in nature and climatic values will be restored.²⁶⁴

The despotism of money, unbridled free competition and the free market generate urgent, speculative, and imminent hunger.²⁶⁵ The first, by starvation, the second, by unhealthy food, and the third, because of overwork or fatigue that cause fevers, accidents and diseases.²⁶⁶ To the contrary, in “Harmony” the most modest workers will enjoy five hundred thousand palaces.²⁶⁷

In civilization work is a burden, in “Harmony” it will be a pleasure.²⁶⁸ In the phalansteries there is a lot of work and constant change of activity,²⁶⁹ the workers are associates, i.e., they are paid by dividends and not by wages, there are breaks during the day, they work in the company of friends, and the

²⁵⁹ FOURIER (2021), *passim*.

²⁶⁰ FOURIER (2021), pp. 24-25, 39 and 66.

²⁶¹ ONFRAY (2017), pp. 197-198.

²⁶² ONFRAY (2017), pp. 197-198.

²⁶³ ONFRAY (2017), pp. 198-201.

²⁶⁴ ONFRAY (2017), p. 200-201.

²⁶⁵ FOURIER (2021), pp. 62-63.

²⁶⁶ FOURIER (2021), pp. 62-63.

²⁶⁷ FOURIER (2021), p. 52.

²⁶⁸ The new corporate order will create the “industrial attraction”, where even the idlers will be up at four in the morning to devote themselves ardently to useful work, which will become attractive. Cfr. FOURIER (2021), pp. 24, 36, 49 and 52.

²⁶⁹ FOURIER (2021), p. 28.

workshops are clean and elegant.²⁷⁰ Consequently, work has ceased to be a punishment to become a factor of fullness and harmony with the community.²⁷¹ The community of “Harmony” implies that there are neither rich nor poor, and each person can practice the profession that he/she wishes.²⁷²

The full freedom of the passions, which will guarantee general harmony, will also shape the distribution of work, the organization of pleasures and games, and the thousand bonds of social life. Likewise, Fourier admits a providential, universal, and perfect God, a guarantee of the unity of the world and of distributive justice.²⁷³ By following their passions, men will be grouped into series among which work will be divided, distributing harmony among all social groups.²⁷⁴

The most relevant idea of Fourier, from the perspective of labor law, is the “right to work”,²⁷⁵ also present in Owen,²⁷⁶ as noted above. There are two relevant ideas in Fourier at this point. The first is that Fourier is not egalitarian, in the sense that the poor do not want to be equal to the rich, but rather have a job that allows them to survive (in his words, to work as servants for the rich).²⁷⁷ Sovereign rights are a mockery for the poor if they cannot subsist; the poor would be content with a right to serfdom, the right to work for the pleasure of the idle rich. In other words, accepting their subordinate status.²⁷⁸

The second relevant idea is that his notion of the right to work evolves in his writings. For example, from 1808 onwards he mentions the right to work without making further advances. In 1849, he speaks of minimum working conditions (guarantee of a minimum of arable land), and an unconditional minimum standard for those who cannot provide for themselves.

In any case, this minimum standard is linked to the new organization of work that he proposes for the phalansteries, i.e., a society with attractive

²⁷⁰ SCOTTO (2021), p. 185.

²⁷¹ ONFRAY (2017), p. 208.

²⁷² ONFRAY (2017), p. 209.

²⁷³ PICARD (2005), p. 259.

²⁷⁴ PICARD (2005), p. 262.

²⁷⁵ SCOTTO (2021), p. 179.

²⁷⁶ Fourier was very critical of Owen’s proposals, considering him the founder of an atheist sect, with false ideas that discredited the idea of association and presented him as a fraudster. Cfr. FOURIER (2021), pp. 27, 58, 59, 74 y 81.

²⁷⁷ SCOTTO (2021), p. 183.

²⁷⁸ SCOTTO (2021), pp. 184-185 and 189.

work.²⁷⁹ As a result, no one will be forced to engage in disgusting work.²⁸⁰ Consequently, Fourier was critical of the idea of providing general subsistence minimums to the working class (his proposal was aimed at those who cannot provide for themselves). He believed that this benefit could push individuals into laziness, citing the case of England as an example.²⁸¹ To the contrary, his remedy for laziness and other vices involved looking for mechanisms that promoted industrial attraction. Fourier thought that these mechanisms would transform jobs into pleasures and would guarantee the persistence of people at work.²⁸²

As utopian and extravagant as Fourier's ideas were for the time, some are a current reality, such as the rational organization of work, collaborative work, and the role of urban planning,²⁸³ as well as environmentalism.²⁸⁴ Other ideas, related to industrial attraction, according to which children would work happily from the age of three, have not prospered.²⁸⁵ To the contrary, Owen's vision of eliminating child labor has persisted over time, although there are still many children who are forced to work throughout the world.

Saint-Simon, Owen, and Fourier will be remembered as the initiators of socialism in the industrial age, as leading intellectuals of the rational ideal and of the belief in progress propagated by the Enlightenment; they were convinced that it was enough to proclaim its truths (of the Enlightenment) for it to be immediately recognized and adopted by the educated and sensible men of the time. For such purpose, they initially directed their propaganda at the influential classes and at building pilot plans for socialism.²⁸⁶

²⁷⁹ SCOTTO (2021), pp. 186-187.

²⁸⁰ SCOTTO (2021), p. 188.

²⁸¹ This criticism of the English situation refers to the experience of Speenhamland, where since 1795 the wages of the poor were subsidized until they reached subsistence levels. This measure, despite its success and its spread throughout the south of England, had many enemies who pointed out that it only encouraged laziness. Towards 1830 a parliamentary investigation of more than 13,000 pages determined that the system had been a failure and followed the same fate as the English Poor Laws: they were repealed. Today we know from investigations in the 1960s and 1970s that this report was a fraud and an invention, without any evidence to substantiate its negative conclusions. Cfr. BREGMAN (2017), pp. 78-89.

²⁸² FOURIER (2021), pp. 26-27.

²⁸³ PICARD (2005), p. 262.

²⁸⁴ FOURIER (2021), pp. 42 and 44.

²⁸⁵ FOURIER (2021), pp. 28, 49, 75 and 76.

²⁸⁶ HOBBSAWM (2011), p. 221.

Beyond the failure of their proposals, many of their ideas have prospered in capitalist society, especially in the case of Owen and Fourier, and their criticism of the unbridled market seems to once again acquire relevance in the current trance of our globalized society.

What can utopian socialists teach us about work?

In Saint-Simon's utopia work is praised as something essential and both this author and Owen and Fourier are very critical of unbridled capitalism. In each one's utopia, arbitrariness will be reduced to the maximum and work will be done with love (Saint-Simon), excluded workers will be happy (Owen), the most modest workers will live in palaces, work will not be a burden but a place of fullness (Fourier).

All criticize the leisure class (nobility, clergy, jurists, advisors, etc.), as indicated by More, Campanella and Andreae. Saint-Simon praises useful jobs, including manual jobs such as being a carpenter or a blacksmith, Owen advocates dignified work. He is the first to suggest specific labor protection measures (which will influence labor law in the 21st century) and even proposes that the State provide work for everyone. He is known as being the father of the "right to work". Fourier, for his part, points out that each one will practice the profession that he/she wishes and in "Harmony" the work will be attractive.

And what about the work that no one wants to do, but that is necessary, such as heavy or filthy work and dehumanized work (as in slaughterhouses)?

Saint-Simon says nothing about it, which contrasts with his posture that work is the source of all virtues.²⁸⁷ Owen speaks of the "happiness of the excluded" and Fourier points out that one of the causes of "imminent hunger" is overwork and fatigue and that, once the organization of work in "Harmony" is renewed, no one will be forced to engage in loathsome work, though some degree of domestic service will subsist.²⁸⁸ Everyone assumes that there will be no unwanted jobs.

Without a doubt, this may seem paradoxical, as in the classic Renaissance utopias (More, Campanella, Andreae and Bacon) there is reference to these tasks when considering slavery and servitude. Why this omission? We believe that for two reasons.

First, slavery no longer existed in Europe and any future utopia could not consider it. Second, and perhaps the most important reason, when Saint-

²⁸⁷ SAINT-SIMON (1999), p. 53.

²⁸⁸ FOURIER (2021), p. 30.

Simon, Owen and Fourier wrote their books, the first industrial revolution had already been installed, and the unwanted but necessary work was absolutely invisible due to the poor general conditions of the workers and children in industries.

In other words, Owen's list of those excluded is much broader than unwanted jobs. In turn, Fourier suggests the possibility of subsisting by working for the rich. In other words, a general improvement in working conditions was imperative, regardless of whether it was unwanted, and between dying of hunger and subordinate work, the latter condition was better. As we will see, this involuntary blindness (involving necessary work that no one wants to do) has marked labor law to this day.

V. IS LABOR LAW UTOPIAN?

The traditional perception of labor law is that it is a branch of the law that seeks the protection of the worker, understood as the weak part of the contractual relationship. In Latin America this idea is portrayed with the principle of worker protection²⁸⁹. Likewise, there are other more economic accounts, such as the contribution of labor law to development,²⁹⁰ and the correction of market failures and information asymmetries.²⁹¹

Public policies related to labor law are varied and can be seen through laws that establish a minimum of mandatory rights.²⁹² However, since the eighties (of the last century)²⁹³ these measures have been flexibilized. Perhaps, the best-known protective labor law measure is collective bargaining, where unions and employers establish regulations at the sectorial or company level.²⁹⁴

Is labor law utopian? Depends. It is clearly not utopian in the first sense of this word (as a very good but unrealizable idea or plan).

It may be considered utopian if academic proposals involving labor law and legal reform projects are understood as a transforming option for today's society (in the second sense of the word utopia, as proposals for different ways

²⁸⁹ GAMONAL & ROSADO (2019), pp. 31-62.

²⁹⁰ DEAKIN (2011), pp. 156-175.

²⁹¹ SUNSTEIN (1984), pp. 1046-1056.

²⁹² GAMONAL (2020), p. 191.

²⁹³ GAMONAL (2020), pp. 240-250.

²⁹⁴ GAMONAL (2020), pp. 68 and 69.

of organizing society). Similarly, under such premise, it can be utopian in the third sense of the word, i.e., when analyzed with critical intent.

Can labor law be a dystopian right? The answer is yes. After our tour of the classic utopias of More, Campanella, Andreae and Bacon, we discovered that each utopia contained a covert labor dystopia, considering that being a slave or servant did not seem ideal in a perfect society. Labor law is also part of this ambivalence for various reasons.

Effectively, regulations improve the lives of workers, but they tend to benefit less weak workers, middle- or upper-class workers, unlike blue collar and manual workers, who had less protection in various systems during the 20th century than compared to non-manual workers (the latter defined as workers who performed tasks with greater intellectual effort).

On the other hand, sectoral collective bargaining tends to exclude workers in small companies and collective bargaining only takes place in large and medium-sized companies. Additionally, it should be added that labor laws and migration regulations tend to facilitate informal work, often in contexts of exploitation.²⁹⁵

In other words, labor law usually operates at two speeds, to the benefit of the strongest workers and to the detriment of the weakest workers and, in this sense, it is utopian like the revised classic utopias, but in a negative sense, i.e., a disguised dystopia.

And how is labor law linked to utopian socialisms? It is partly linked. On the one hand, utopian socialisms propose radical changes that have not occurred. Saint-Simon's industrial society did not come into being, although his ideas may be latent in later thinkers such as the first Labor scholar, Hugo Sinzheimer and his proposal for economic democracy in the Weimar Republic.²⁹⁶

The system proposed by Owen did not succeed either and the phalansteries of Fourier's disciples ended in failure. Therefore, labor law has not included these approaches.

However, there are other quite strong links with utopian socialism, notably with some ideas of Owen and Fourier. Saint-Simon, Owen, and Fourier's critiques of unbridled capitalism are quite relevant in the face of neoliberal capitalism in the 21st century. Their observations can inspire those

²⁹⁵ MANTOUVALOU (2015), pp. 39-60.

²⁹⁶ DUKES (2014), pp. 1-32.

who wish to argue for greater equality, dignified labor, and ecological care of the planet.

In this sense, the Welfare State of the 20th century and the development of labor law in that period,²⁹⁷ moderated wild capitalism and allowed enough prosperity in the richest countries. To some extent, these advances were victims of their own success,²⁹⁸ and the proposals in favor of market liberalization in the 1980s were neither countered by the opinions of these authors and their diagnoses made 180 years earlier, nor by how beneficial a protective labor law system was for capitalism.²⁹⁹

As much as society, technology, and work have changed, today's injustices are disturbingly similar to those of that time. On the other hand, the Welfare State in Europe and the United States and their post-World War II labor law also have their own covert dystopia: the countries of the South. In other words, the utopia of the Welfare State was based on asymmetric trade terms with the dystopian underdeveloped societies (exporters of essential raw materials for the first world).

The current prosperity of these countries and their successful companies still depends on disguised dystopias. Let's look at the case of an iPhone, a 21st century technology phone that brings together all the industrial revolutions in its development. It involves a high-tech design from Silicon Valley, built in China in deplorable working conditions, with long working hours, very low pay and even worker suicide,³⁰⁰ and which occupies a very scarce mineral, Coltan, extracted by child slaves in the Democratic Republic of the Congo.³⁰¹

On the other hand, some of Owen's proposals are a reality in labor law, namely, the right to rest as a fundamental right and labor inspections. Similarly, the ideas of Owen and Fourier, on the right to work, and despite the fact that

²⁹⁷ During the 20th century, since the founding of the ILO in 1919 and especially after the Second World War, labor law reached a great development in the countries of advanced capitalism, with laws establishing minimum inalienable rights and sectoral collective bargaining. Cfr. GAMONAL (2019), *passim*.

²⁹⁸ GAMONAL (2018), p. 335.

²⁹⁹ In 1992, the economist John Kenneth Galbraith published his book *The Culture of Contentment*, where he analyzed how middle classes, once they attain welfare, tend to vote against regulations and tax increases, as they adhere to a short-term culture of immediate gratification, which leads to contentment and hinders long-term progress. See GALBRAITH (2017), *passim*.

³⁰⁰ NGAI, CHAN & SELDEN (2014), *passim*.

³⁰¹ MARTÍNEZ (2020), pp. 121-151.

they are not applied in modern societies, have an impact on current debates. Therefore, as we anticipated, these socialist ideas were only partly utopian since they currently inspire current legal statutes and debates related to labor.

From a dystopian perspective, the organization and discipline in the utopias of Owen and Fourier, for some are the precedent of the paternalistic management of the workforce in the second half of the nineteenth century.³⁰² However, said paternalistic management of the workforce can be found much earlier, in Bentham's Panopticon.³⁰³ Bentham was not exactly a utopian socialist. Furthermore, paternalistic management was reinforced by the legislator and by decisions issued by judges in the first half of the 19th century.³⁰⁴

And what about the work that no one wants to do, but that is necessary, such as heavy or filthy and dehumanized work? This has been the great defeat of labor law. Many informal workers in the world, many slaves in the 21st century, such as child workers and undocumented immigrants in rich and poor countries, give us an account of a hidden labor dystopia in many discourses. We do not want to diminish the merits of labor law, but it is clearly not enough.

Invisible work lingers in classical utopias where slavery and servitude are admitted, and it lingers in utopian socialisms, given that the general conditions of misery that afflicted workers in the 19th century overshadowed its causes. In a way, something similar happens to labor law, because its consolidation in the 20th century forgot those it left behind, focusing on its successes that allowed the consolidation of the middle class in developed countries.

The diagnosis of this path is dystopian and reminds us of what Fourier stated, namely, that the poor do not want to be equal to the rich, but rather a job that allows them to survive. In other words, they are willing to accept their subordinate condition. Indeed, at a time when unemployment often threatens workers and migrants, and undocumented immigrants lack the right to vote, Fourier's approach portrays the greatest enemy (invisible work) in our world. Fourier's approach fits the current labor situation given that the average worker is constantly worried about being laid off and waives his rights in order to

³⁰² SIERRA (1984), pp. 29-44.

³⁰³ Bentham proposes that the Panopticon system be used in manufacturing as well. Cfr. BENTHAM (2004), pp. 101-102.

³⁰⁴ For example, at the beginning of the 19th century, in the United States, the courts quickly applied some principles of the Master and Servant Act to the new employment relationships, to the detriment of the autonomy of the workers, who were subject to the discipline and control of their employers. Cfr. TOMLINS (1993), pp. 259-292.

remain employed. Thus, this *status quo* makes it difficult to make those who are in the worse conditions visible.

On the other hand, the proposals involving labor reforms that try to change paradigms, for example, the participation of workers in company decisions, or the right to strike, can be seen as utopian reconstruction manifestations, as Mumford understands them. Following Ricoeur, they help us to rethink our certainties.

Finally: is there room for future utopias? Yes. We will propose some ideas to dignify unwanted work, but leveling up instead of down, as proposed by many deregulatory neoliberal policies.³⁰⁵

It is possible to propose three solutions to unwanted but necessary work. The first proposal is the best, as long as technological development allows it: these jobs should be carried out by humanoid robots that can take care of these tasks.³⁰⁶

The second proposal depends more on the political factor than on the technological one: unwanted jobs should be the best paid on the entire social scale,³⁰⁷ perhaps by the State via taxes, partially rescuing Owen's idea of state work (right to work).

The third proposal suggests that in society unwanted work could be carried out by all adults, as a civic duty, through a shift system as More proposes with agriculture. For example, the collection of garbage in our cities.³⁰⁸ Let us remember that in the phalansteries there is constant work and change of

³⁰⁵ GAMONAL (2018), *passim*.

³⁰⁶ This idea is quite old. Wilde proposed the "slavery of the machine" instead of degrading work. See WILDE (1891), p. 22.

Walzer points out the difficulty of this solution, considering that technological advances and automation have not focused on replacing this type of labor. See WALZER (1983), p. 167.

³⁰⁷ Walzer explains that the improvement of wages and working conditions of the undesirable jobs would raise costs throughout the economy and challenge the existing social hierarchy. For this, many developed economies recruit workers in poor countries, "guest workers", which he criticizes from a political justice perspective. See WALZER (1983), pp. 56-61.

³⁰⁸ Kibbutz's work is a contemporary example of rotating labor that is not without its difficulties. See WALZER (1983), pp. 172-174.

activity.³⁰⁹ This latter option is the least optimal, especially if it derives into a type of forced labor of the population.³¹⁰

A syncretic option could result from the combination of the three proposals, i.e., the socially necessary but unwanted jobs should be carried out in shifts, with the greatest possible technological assistance and with the highest salary on the social scale.

VI. CONCLUSIONS

In this essay we have tried to answer two questions, namely, what do utopias say about work? And is labor law a utopian right? These questions are relevant considering the importance of labor in any social order, especially unwanted but necessary work, generally invisible in our society.

To this purpose, we analyzed the meanings of the word utopia and studied four Renaissance authors: More, Campanella, Andreae and Bacon, where work is ideal. However, the unwanted but necessary work was carried out by slaves and servants. Therefore, in these utopias there is also a hidden dystopia, that of invisible work.

Then, we studied the three most famous utopian socialists, Saint-Simon, Owen, and Fourier, where we found that they face a paradox: in their systems invisible work is not subject to special treatment. Accordingly, it was completely invisible due to the poor general conditions of the workers and boys and girls in the industries of the early nineteenth century. Therefore, the urgent need for a general improvement of working conditions generated an involuntary blindness in these authors that has also defined labor law to a certain extent to this day.

We must note that there are great contributions from these three authors. For example, the consideration of work being key in society (Saint-Simon), that child labor should be prohibited, limits to the working day and the creation of a labor inspection system (Owen), as well as the right to work (Owen and Fourier). Indeed, labeling said authors as “utopian” socialists does not do justice to these authors.

³⁰⁹ One of Fourier's more fanciful ideas was that children could collect garbage since they like to play in the dirt. But, as Walzer points out, the parallel is hard to claim, since to say that garbage collectors play with garbage is, at the very least, inaccurate. See WALZER (1983), p. 168.

³¹⁰ Work shared by all citizens may require a high degree of state control. See WALZER (1983), p. 175.

Is labor law utopian? Depends. It is not utopian when considered as a very good idea or plan, but unfeasible. However, it can be considered utopian due to the constant labor reform projects that seek to understand it as a transforming option for society. According to said perspective, labor law can operate under a critical perspective.

Perhaps the most novel thing is to consider that labor law can be a partial dystopia. Indeed, labor law usually operates at two speeds, to the benefit of the strongest workers and to the detriment of the weakest workers and, following this perspective, it is utopian like the classic utopias revised above, but in a negative sense, a covert dystopia.

Many of the injustices denounced both in the classical utopias of the Renaissance and in socialist utopias are still valid, despite the enormous social, cultural, and technological changes. Given that labor law still has to improve, we end this study with a proposal (utopian?) about the necessary but unwanted jobs:

- i. These jobs should be carried out by humanoid robots that could take on these tasks.
- ii. Unwanted jobs must be the best paid on the entire social scale, perhaps by the State via taxes, partially rescuing Owen's idea of state work.
- iii. Unwanted work could be carried out by all adults, as a citizen duty, by a shift system. However, this solution can become dystopian, if implemented as a type of forced labor.
- iv. A syncretic option could be the combination of the three previous options, i.e., the socially necessary but unwanted jobs should be carried out in shifts, with the greatest possible technological assistance and with the highest salary on the social scale.

Probably the worst dystopia is believing that social ills are impossible to solve, to stop dreaming of a better world. For this reason, in this study we have wanted to show part of the evolution of utopian thought, its scope and ambiguities, without giving up on making proposals for the future in order to perfect labor law.

BIBLIOGRAPHY CITED

- ANDREAE, Johann Valentin (2010), *Cristianópolis*, (Akal).
- ASIMOV, Isaac (2016), “Esquirol”, en *Cuentos Completos I*, (Ediciones B, Random House), pp. 733-747.
- BACON, Francis (2013), *La Nueva Atlántida*, (Losada).
- BENTHAM, Jeremy (2004), *El panóptico*, (publicado originalmente en 1791, Editorial Quadrata).
- BLOCH, Ernst (2017), *¿Despedida de la Utopía?*, (A. Machado Libros).
- BREGMAN, Rutger (2017), *Utopía para Realistas* (Salamandra).
- BRUCE, Susan (1999), “Introduction”, en Susan Bruce (ed.) *Three Early Modern Utopias. Utopia, New Atlantis and The Isle of Pines*, (Oxford University Press), pp. IX-XLII.
- CAMPANELLA, Tommaso (2006), *La Ciudad del Sol*, (Akal), p. 140.
- CHERRY, Miriam A. (2016), “Virtual Work and Invisible Work”, en Marions G. Crain, Winifred R. Poster y Miriam A. Cherry (eds.) *Invisible Labor. Hidden Work in the Contemporary World*, pp. 71-86.
- CLAEYS, Gregory & SARGENT, Lyman Tower (2017), *The Utopia Reader*, (2a ed., New York University Press).
- DEAKIN, Simon (2011), “The Contribution of Labour Law to Economic and Human Development”, en Guy Davidov y Brian Langille (eds.) *The Idea of Labour Law*, (Oxford University Press), pp. 156-175.
- DUKES, Ruth (2014), *The Labor Constitution. The Enduring Idea of Labour Law*, (Oxford University Press).
- ELSTER, John (1988), “Is There (or Should There Be) a Right to Work?”, en Amy Gutmann (ed.) *Democracy and the Welfare State*, (Princeton University Press), pp. 53-78.
- ENGELS, Friedrich (2014), “Del Socialismo Utópico al Socialismo Científico”, en Friedrich Engels *El papel del trabajo en la transformación del mono en hombre y otros escritos*, (Ediciones Godot), 289-351.
- ESTÉBANEZ, Emilio García (2006), “Introducción”, en Tommaso Campanella *La Ciudad del Sol*, (Akal), pp. 7-135.
- ESTÉBANEZ, Emilio García (2010), “Introducción”, en Johann Valentin Andreae *Cristianópolis*, (Akal), pp. 5-99.
- FERRATER MORA, José (1999), *Diccionario de Filosofía*, tomo III, (Editorial Ariel).
- FOURIER, Charles (2019), *Il Nuovo Mondo Amorofo*, (SE).
- FOURIER, Charles (2021), *El falansterio. La utopía de la felicidad social*, (Marge Books, Montaber).
- GALBRAITH, John Kenneth (2017), *The Culture of Contentment* (Princeton University Press).
- GAMONAL C., Sergio (2018), “Labor Law, Economic Narrative and Law & Economics: The Method is the Problem”, en *Hofstra Labor Law & Employment Law Journal*, Vol. 35, N° 2, pp. 317-336.

- GAMONAL C., Sergio (2019), “El Futuro del Derecho del Trabajo: Una mirada desde el Sur”, *Latin American Legal Studies*, Vol. 5 2019, pp. 111-132.
- GAMONAL C., Sergio (2020), *Fundamento de Derecho Laboral*, (5ª edición, editorial DER).
- GAMONAL C., Sergio y Rosado Marzán, César (2019), *Principled Labor Law. U.S. Labor Law Through a Latin American Method*, (Oxford University Press).
- GEUSS, Raymond (2016), *Reality and its Dreams*, (Harvard University Press).
- GIL, Eduardo (2019), “Introducción”, en Erasmo de Rotterdam *Alabanza de la Estupidez*, (Penguin), pp. 7-15.
- GRANADA, Miguel A. (2017), “Introducción”, en Tomás Moro *Utopía*, (5ª edición, Tecnos), pp. CV-CLI.
- HOBBSAWM, Eric (2011), *La Era de la Revolución 1789-1848*, (Crítica).
- IONESCU, Ghita (2005), “Introducción”, en Ghita Ionescu *El Pensamiento Político de Saint-Simón*, (Fondo de Cultura Económica), pp. 11-85.
- JAMESON, Fredric (2015), *Arqueologías del futuro. El deseo llamado utopía y otras aproximaciones de ciencia ficción*, (Akal).
- LEVITAS, Ruth (2001), “For Utopia: The (Limits of the) utopian Function in Late Capitalism Society”, en Barbara Goodwin (ed.) *The Philosophy of Utopia*, (Routledge), pp. 25-43.
- LOCKE, John (2011), “Ensayo sobre la Ley de Pobres”, en *Ensayo sobre la tolerancia y otros escritos sobre ética y obediencia civil* (publicado originalmente en 1697, Biblioteca Nueva), pp. 191-213.
- MACNAIR, Rachel M. (2005), *Perpetration-Induced Traumatic Stress. The Psychological Consequences of Killing*, (Authors Choice Press).
- MANNHEIM, Karl (2019), *Ideología y utopía. Introducción a la sociología del conocimiento*, (Fondo de Cultura Económica).
- MANTOUVALOU, Virginia (2015), “The Right to Non-Exploitative Work”, en Virginia Mantouvalou (ed.) *The Right to Work. Legal and Philosophical Perspectives*, (Hart Publishing), pp. 39-60.
- MANTOUVALOU, Virginia (2018), “Legal Construction of Structures of Exploitation”, en Hugh Collins, Gillian Lester & Virginia Mantouvalou (eds.) *Philosophical Foundations of Labour Law*, (Hart Publishing), pp. 188-204.
- MARTÍNEZ, Carmen (2020), “Las diferentes iniciativas sobre diligencia debida en la cadena de suministro de minerales de zonas de conflicto y de alto riesgo: ¿existen alternativas viables más eficaces?”, en *Estudios Internacionales*, Vol. 197, pp. 121-151.
- MARTÍNEZ, Francisco (2013), “Utopía, cultura crítica y sociedad industrial: una aproximación a la naturaleza subversiva del discurso sansimoniano”, en *Foro Interno*, Vol. 13, pp.60-90.

- MARX, Karl & ENGELS, Friedrich (2012), “Manifiesto del Partido Comunista”, en Karl Marx *Textos Selectos*, (trad. De Jacobo Muñoz Vega, Gredos), pp. 577-650.
- MOLINER, María (2016), *Diccionario de uso español*, (Gredos).
- MORE, Thomas (1999), “Utopía”, en Susan Bruce (ed.) *Three Early Modern Utopias. Utopia, New Atlantis and The Isle of Pines*, (Oxford University Press), pp. 1-148.
- MORO, Tomás (2017), *Utopía*, (5ª edición, Tecnos).
- MUMFORD, Lewis (2015), *Historia de las utopías*, (1ª edición en inglés de 1922, Pepitas de Calabaza).
- NGAI, Pun, CHAN, Jenny & SELDEN, Mark (2014), *Morir por un iPhone. Apple, Foxconn y las luchas de los trabajadores en China*, (Peña Lillo. Ediciones Continente).
- NUSSBAUM, Martha (1997), *Justicia poética*, (Editorial Andrés Bello).
- ONFRAY, Michel (2017), *El Eudemonismo Social. Contrahistoria de la filosofía V*, (el cuenco de plata), p. 19.
- OWEN, Robert (2015a), “Una nueva visión de la sociedad o Ensayo sobre el principio de la formación de la personalidad humana, y las aplicaciones del mismo principio a la práctica”, en José Ramón Álvarez Layna (ed.) *Robert Owen Textos del Socialista Utópico*, (Consejo Superior de Investigaciones Científicas), pp. 41-126.
- OWEN, Robert (2015b), “Observaciones sobre las consecuencias del sistema fabril”, en José Ramón Álvarez Layna (ed.) *Robert Owen Textos del Socialista Utópico*, (Consejo Superior de Investigaciones Científicas), pp. 127-136.
- PEREDNIK, Jorge Santiago (1999), “Prólogo”, en Jonathan Swift *Los viajes de Gulliver*, (Losada), pp. 7-32.
- PICARD, Roger (2005), *El Romanticismo Social*, (Fondo de Cultura Económica).
- PINILLA, Julio Seaone (2015), “Prólogo”, en José Ramón Álvarez Layna (ed.) *Robert Owen Textos del Socialista Utópico*, (Consejo Superior de Investigaciones Científicas), pp. 15-19.
- PLATÓN (2000), *Diálogos IV. La República*, (Editorial Gredos).
- POCH, Antonio (2017), “Estudio preliminar”, en Tomás Moro *Utopía*, (5ª edición, Tecnos), pp. IX-CIII.
- PREUCEL, Robert W. y Pendery, Steven R. (2006), “Envisioning Utopia: Transcendentalist and Fourierist Landscapes at Brook Farm, West Roxbury, Massachusetts”, *Historical Archaeology*, 40 (1), pp. 6-19.
- RENOUVIER, Charles (2019), *Ucronía. La utopía en la historia*, (publicada originalmente en 1857 en tres artículos, Ediciones Akal).
- RICOEUR, Paul (2019), *Ideología y utopía*, (Gedisa).
- ROTTERDAM, Erasmo de (2019), *Alabanza de la Estupidez*, (Penguin).
- SAINT-SIMON (1999), *Catecismo Político de los Industriales*, (publicado originalmente en 1823, Folio).

-
- SAINT-SIMON (2005a), “La Industria (1)”, en Ghita Ionescu *El Pensamiento Político de Saint-Simón*, (publicado originalmente en 1817, Fondo de Cultura Económica), pp. 133-147.
- SAINT-SIMON (2005b), “El Organizador”, en Ghita Ionescu *El Pensamiento Político de Saint-Simón*, (publicado originalmente en 1819, Fondo de Cultura Económica), pp. 187-205.
- SARGENT, Lyman Tower (2010), *Utopianism. A Very Short Introduction*, (Oxford University Press).
- SCOTTO, Pablo (2021), *Los orígenes del derecho del trabajo en Francia (1789-1848)*, (Centro de Estudios Políticos y Constitucionales).
- SHKLAR, Judith (2021), *Sobre la utopía*, (Página Indómita).
- SIERRA, José (1984), “De las Utopías Socialistas a las Utopías Patronales: para una genealogía de las disciplinas industriales paternalistas”, en *Reis. Revista Española de Investigaciones Sociológicas*, Vol. 26, pp. 29-44.
- STILLMAN, Peter G. (2001), “‘Nothing is, but what is not’: Utopias as Practical Political Philosophy”, en Barbara Goodwin (ed.) *The Philosophy of Utopia*, (Routledge), pp. 9-24.
- SUNSTEIN, Cass (1984), “Rights, Minimal terms and Solidarity: A Comment”, en *University of Chicago Law Review*, Vol. 51, pp. 1041-1060.
- SWIFT, Jonathan (1999), *Los viajes de Gulliver*, (Losada).
- TOMLINS, Christopher L. (1993), *Law, Labor, and Ideology in the Early American Republic* (Cambridge University Press).
- WALZER, Michael (1983), *Spheres of Justice. A Defence of Pluralism & Equality* (Basic Books).
- WILDE, Oscar (1891), *The Soul of Man Under the Socialism*, (Sanage Publishing) Kindle Version.
- WRIGHT, Eric Olin (2015), *Construyendo Utopías Reales*, (primera edición e inglés de 2010, Akal).