MPRA

Munich Personal RePEc Archive

Workfare – The Reinvention of the Social

Herrmann, Peter

European Social, Organisational and Science Consultancy, University College Cork, Department of Applied Social Studies

July 2008

Peter Herrmann[i]

Workfare – The Reinvention of the Social[ii]

TABLE OF CONTENT

Introduction

The following presentation aims on refocusing the mainstream debate, starting from looking at work as the central reference rather than seeing the constituting problem of workfare as one of social policy/social security. Of course, at the end the objective is a clearer understanding of how measures aiming on work and employment integration can meaningfully be utilised for responsible policy making. For this, an introductory step will look at what we are actually dealing with when we talk about workfare. Then a second step will very briefly present the EUropean political debate, returning thereafter to the question what we are actually dealing with when we talk about workfare. Then, in a third step, a paradox is presented: the gain of employment, going hand in hand with a loss of work. The conclusion will discuss in the fourth step workfare in the light of power and life.

Work or Fare – What are We Talking About

Workfare – under this seemingly definite catchword we find a variety of concepts. The origin can be seen in the 1970s in the United States of Northern America. From there it spread across at least the OECD-countries, though being very much reflected in distinct ways, reflecting not only the different approaches in politics and policies, but moreover being a matter of fundamentally different concepts of state and citizenship. As such, there are as well different catchwords, sometimes second-level concepts attached: flexicurity and activation may be sufficient as catchwords. Although the concept is now resounded throughout the EU and even globally, thus seemingly widespread and dominating the policy agenda, the actual quantitative meaning is easily overstated. Rather than providing quantitative evidence, it is here more important to state that the real importance has to be seen in a fundamental shift of social policy making, namely the enforcement of an approach of 'contractualist social-policy', which goes far beyond any actual measures. What is more relevant is the shift that can be described in a secular perspective as being marked by roughly three steps:

* social policy based on charity and mercy, being concerned with provision and control;

* social policy as rights-based system of provisions, though still performing as means of control, being different as much as control is in this case linked to clear conditions as employment status, some form of disability, age or as well the status of taking part in educational/training measures – typically though not exclusively defined by one of the systems presented as welfare regime (insurance based, solidarity based or citizenship based);
* social policy as matter of contractually defined relationship.

However, typically such analysis starts from a reductionist concept of social policy-making, looking at specifically existing social policy measures and institutions, without aiming on developing an understanding of its wider meaning in a concept of society-building. In order of developing such perspective, it is suggested to take two distinct points of departure.

First, rather than starting from any social policy doctrine as a given set of measures, the first point of reference is a definition of the social, seen from the perspective of the work of the *European Foundation on Social Quality* as

> *outcome of the interaction between people and their constructed*
> *and natural environment. The subject matter is people's*
> *productive and reproductive relationships.*
> *(European Foundation on Social Quality; internal working paper)*

It is important to provide this as reference, thus allowing first the development of a clear framework of what 'integration policy' is about. Only in this way it is as well possible to achieve the understanding of social policy in its truly social meaning rather than seeing it as policies for individuals.

Second, making such reference allows as well comprehending the objective of integration in its historical character. As much as 'integration' can be accepted as 'general objective', the meaning of integration, the understanding of what integration is about and into what measures want and should integrate is historically and societaly different.

In short, taking the two points together, the explicit reference to a clear definition of the social allows seeing any policies as matter of relationality and processuality.

Second, rather than seeing work as means to achieve an end that is entirely outside of the work process, it is argued to understand work in a wider formation, elaborated by *Hannah Arendt* as 'vita activa'. As such, work – and employment – is one of three major elements. To quote *Hannah Arendt,* we are dealing with the following:

> *Labor is the activity which corresponds to the biological process of the human body ...*
>
> *Work is the activity which corresponds to the unnaturalness of human existence ...; [it] provides an 'artificial' world of things, distinctly different from all natural surroundings*
>
> *Action, the only activity that goes on directly between men without the intermediary of things or matter, corresponds to the human condition of plurality.*
> *(Arendt, Hannah: The Human Condition; Chicago : University of Chicago, 1958; passim)*

This means as well that we can develop a framework for social policy development that is not a simple reflection of an institutionally given system and framework – and subsequently permanently dealing with its reproduction. It is in this sense relevant when *Hannah Arendt* states

> *The ideals of homo faber, the fabricator of the world, which are permanence, stability, and durability, have been sacrificed to abundance, the idea of the animal laborans.*
> *(Arendt, Hannah: The Human Condition; Chicago : University of Chicago, 1958: 126)*

Here, *animal laborans* is not concerned with labour but with work in the understanding of employment.[1] It is geared to the production of commodities and has nothing to do with a process of real appropriation. It is reduced to a technicality. As such it looses its character as a means of power in the understanding of the same

---

[1]   This gets as well clear with her reference to *Karl Marx* when using this term.

author who refers to power in its reference to potentiality *(potentia, pouvoir, moegen, moeglich)* – here, instead, power becomes a matter of force.

Overcoming such traditional and static approach as it had been outlined before, the reference to the 'vita activa' allows to assess existing and developing alternative approaches from the actual needs, and moreover: the *social* needs of individuals.

The explicit link of processuality and relationality as matter of a practice-oriented approach allows to set a framework that is on the one hand rights-based, and avoids on the other hand the definition of rights and obligations in a non-historic perspective as we find it for instance the *Human Development Approach* as suggested by *Armatya Kumar Sen* and his orientation along an anthropological line.

The European and Political Debate

The discussion on a wider understanding of workfare approaches – but also on the general matter of contractualisation of social policy – is especially remarkable when we take the mainstream debate and even more so the official political debate within the EU – into account. The terminology used is varied and a multitude of programs is issued: productive social policy, flexicurity, activation, the measures and projects in the framework of PROGRESS, the Active Inclusion Strategy are just some of the few, being chosen from many others as they somewhat dominate the public debate. At the end, they are following the one and only goal: 'jobs, jobs, jobs' *(the title of the Report of the Employment Task Force, chaired by Wim Kok was: Jobs, Jobs, Jobs. Creating More Employment in Europe; http://ec.europa.eu/employment_social/publications/2004/ke5703265_en.pdf; 07/07/08; 18:23).* Seeing this as strategy for employment, one can say, employment stands first for the direct measures of creating jobs. Employment then may be taken as part of the active inclusion strategy: inclusion into the labour market is seen as means of general social inclusion, the latter being a rather arbitrary concept, conceptualised on the basis of a loose definition of social inclusion as matter of the capacity of consumption and capacity of entering contracts. Despite the reductionist understanding of what (the) social is, the further shortcoming is concerned with the assumption of a rather mechanical relationship between the different mechanisms. As such it falls in many regards behind the discussions on the multidimensional character

of poverty, as they were conducted in the framework of the EU-poverty programs between the 1975s and early 1990s. Finally, the third it stands for 'flanking measures', increasing the fractual interruptions of employment careers, developments which are in instable economies and precarious labour markets unavoidable and also taking the risks from entrepreneurs.

Of course, all this is part of a complex system and what is said, can only be taken as a general perspective, notwithstanding the fact that individual aspects and individual measures are reaching far beyond the overall strategy. If so and to the extent to which they do, we cannot deny that such partial successes are not necessarily part of an overall strategy behind it. Rather, at most they can be seen as matter of the contradictions which are typical for multilevel policy making processes and involuntary policy mixes.[2]

However, putting this into a strategic framework, the following sequence can be elaborated as doctrine of the overall process: The overall European strategic goal had been in 2000 clearly defined as competitiveness and it is from here where the increase of (the) employment (rate) is expected to arise as consequence and appears as condition for a higher 'quality of life'. However, does this suggest that all workfare approaches are qualitatively the same – and are necessarily so?

Continued: Work or Fare – What are We Talking About

Stating the strategic dimension in that clarity is important in order to see the clear epistemological foundation of the individualist orientation. In this light, the way in which we talk about workfare has to deal with two dimensions of the individualisation: First, the contract orientation is in principal individualist as it is based on the following principles that constitute such an agreement, namely

* mutual obligation
* based on the principle of formal equality
* presupposing a common understanding of the content

---

[2] 'Involuntary policy mixes' – it is nothing else than a nice circumscription for uncoordinated and unbalanced policy making. The reference is not only relevant with regard to different levels and different policy areas (DG's) but as well it has to be seen as matter of different professional interests, including the occasional interest social professionals can exercise.

* being founded without force (voluntary)
* but bearing legal consequences if the obligations are not carried out by one or more parties.

In this context the validity of the individual moments can of course be disputed – they are very much given only as far as we are remaining 'within the contractual arrangement' and than they seem in principal to be valid conditions. And it is also important to highlight that these conditions, as valid as they are in formal terms they lack validity in some of the material aspects and consequently any contracts within this framework have to be seen as well against the background especially of factual power imbalances. It is probably justified to say that up to here we are dealing with the doctrinal aspect of law – and we can say as well that this is concerned with the subject-perspective of the legal relationship.

Second, however it is necessary to go a step further, especially when we want to arrive more in particular to the discussion of comparative perspective of law. Here it is not the reference to the formal aspect of 'constituting a relationship via contract'. Instead, in a comparative perspective we have to look at the object-side of the relationship. And this is in the present case concerned with asking what the contract regulates, i.e. what the object of the regulation is about. And it is an exciting disclosure that we can see now that despite the formal, legally defined equality of the relationships in different national settings – especially workfare mechanisms are in principal all based on the form of a contract – we can make out differences *(see in this context already Herrmann, Peter: Social Professional Activities and the State; New York: Nova, 2007).* At stake is in this perspective the understanding of citizenship in different perspectives. Without going into details, we can point in an exemplifying way on the different moments as they are captured in approaches as the Anglo-Saxon inclusion, the German Integration and the French insertion – these three being frequent points of reference for workfare policies.[3]/[4]

---

[3]   It has to be emphasised that we are here dealing with idealtypes or even archetypes. In particular in France, the concept of insertion underwent fundamental changes: the concept as it had been used for instance with the inauguration of the legislation on the *Revenu Minimum d'Insertion* in a rather different way if compared with the later understanding, then discharging policies from their strong citizen orientation as it refers to the French revolution.

* Whereas the first reflects very much the utilitarian perspective on the independent, self-sustaining individual (remember *Margaret Thatcher's* famous words that there would not be such thing as society), being reflected by a diversity of legal measures and systems in accordance with the common law tradition;

* is the second concept fundamentally informed by the 'corporatist solidarity' of negotiable positions, today enshrined in the legal framework of *Sozialgesetzbuch* (social code) II and XII;

* in turn, the third is characterised by a strong focus on the rights and the position of people concerned, opening in this way and being concerned with insertion the orientation on extra-formal measures; though being legally focused on the one regulation by the *Revenu Minimum d'Insertion,* supplemented by specific and frequently additional regulations, it is important to note the importance of non-financial dimension and the embedding of the system in the *action sociale,* a system, going beyond the purely transfer-oriented *aide sociale;* however, in this context we should not forget that this orientation means as well a major concern with *l'indaption (see for instance Alfandari, Elie: Action et Aide Sociales; Paris: Dalloz, 1989[4])*

As previously said, this is only a very rough sketch. And it would of course be interesting not only to make a deeper analysis but as well to go beyond the three cases presented before. For instance it is likely that the understanding of family solidarity in a highly individualised system of the Asian welfare states specifically shapes as well the introduction of contractual social policy mechanisms as they are part of the *developmental welfare state (see Herrmann, Peter: Social Quality – Looking for a Global Policy Approach. A Contribution to the Analysis of the Development of Welfare States; Hong Kong/Taipei: Casa Verde, forthcoming).* In any case, it is interesting to note the difficulties of implementing a firm legislative framework not due to the stage of economic development nor based on a different religious value system, but due to the distinct social fabric in which clan structures and strict hierarchical orders play an ongoing role for the cohesion of societies. In other words,

---

[4]   For an earlier analysis of concrete policies for France and the UK see for instance *Herrmann, Peter/Zielinski, Frances: The Systems of Guaranteeing Sufficient Resources in the Republic of France and the United Kingdom of Great Britain and Northern Ireland; in: Herrmann, Peter (Ed.): Between Politics and Sociology: Mapping Applied Social Studies; New York: Nova Science, 2003: 31 – 76*

both the concept of citizenship and the role of law are rather different and consequently moulding as well increasingly existing contractual forms of social policies. Looking at the situation today, we still can see repercussions of what *Max Weber* writes in his analysis of Confucianism and Taoism, namely

> *The anti-formalist patriarchical main feature could not be denied anywhere: displeasing moral conduct had been punished although there hadn't been a specific rule. However, the decisive moment was the internal character of the course of justice: not formal law, but material justice was the aim of ethically oriented patrimonialism here as anywhere. Consequently we do not find an official collection of precedents – in spite of the traditionalism as the formalism of law had been rejected and, moreover, there was no central court as in England.*
> *(Weber, Max: Die Wirtschaftsethik der Weltreligionen. Konfuzianismus and Taoismus. Schriften 1915-1920. Studienausgabe der Max Weber-Gesamausgabe. Band i/19; ed.: Helwig Schmidt-Glintzer in cooperation with Petra Kolonko; Tuebingen: J.C.B. Mohr [Paul Siebeck], 1991: 108 f.)*

In a perspective from a doctrine of law this is interesting to look at the specific characteristic of common law pattern *(Max Weber* points already on some important moments)*. In the perspective of a socio-political doctrine it is as well interesting to investigate in all the different country examples the role that social professional activities can and should play. Later in the conclusions, a framework will be presented that suggests at least some points of reference for elaborating such a framework, namely by presenting conditional, constitutional and normative factors.

Today's Paradox: The Gain of Employment – The Loss of Work

As far as the contractualist workfare strategies are successful – and looking at general figures, we have to admit that some success cannot be denied at all – we find an increase of employment expressed in employment rates, job growth and even income can be seen as being by and large positive if seen in the perspective of the overall development.

Of course, the first problem is already the doubt that can be raised against the overall figures. Taking only one example, we can see an increasing inequality going hand in hand with the overall economic growth. Part of this is as well that even the positive balance of employment development has to be qualified. Although being possibly positive on the aggregate level, we see hand in hand with this the increase of precarious jobs, the neglect of training needs in favour of short-term inclusion into the labour market and very important in many cases the forced neglect of long term orientations for instance due to parents that cannot sufficiently look after their children's needs. However, the more fundamental, as structural aspect is concerned with the fact that despite increasing employment – and perhaps even because of its purely capitalistically alienated nature – we find at the very same time a loss of work and activities. It is another interpretation of the formula that opportunities to work do not exist any longer. As everything is geared towards and defined as meaningful only if it is pressed into the form of employment, and as in actual fact already the form of employment carries with it the flaw of expense and the pressure to overcome it as economically costly factor by rationalisation, replacing it by machines and robots, there is despite the growth of employment also the loss of employment. In other word, more areas of labour and action are defined as work (in the sense of employment) but also less labour and action is needed to fulfil the work, and with this to be employed. This seems to be a tendency that is true despite all qualification that is needed when it comes to discussing certain sectors and/or the situation in several countries.

In any case, we cannot remain at this point of reflection. Having said that increasingly everything is geared towards employment, we see at the same time that even moments that are ongoing labour and especially action in the definition of *Hannah Arendt,* are equally devoid of meaning by being indirectly subordinated under the law of the capitalist processes of production and reproduction. The paradox is that social life and socialisation is individualised to the same extent to which employment gains power: employment as application of individual power to work which is only artificially and ex post combined.

The contractualisation of work in the form of employment is mirrored in the contract of the sales-purchase act – and now it is with the new patterns of workfare, service contracts and the total and direct subordination of social policy under the auspices of – at least factually – private law rather than extending the meaning of social law. In other words, the real meaning of the policy shift that is linked to workfare is not the social injustice as it is frequently highlighted.

Workfare – Power and Life

Having said that social injustice is not the real problematique of workfare as means of social policy, does by no means suggest that the approach is based on or producing social justice. As with any formal approach towards issues of social relationships, workfare falls short in tackling at least two fundamental issues. First, it fails addressing the complexity, underlying the process of exclusion. As much as the actual challenge of inclusion/Integration/insertion is concerned with a complex mismatch between the personality, individual and society/the respective societal setting, a formal approach has to remain by definition limited. Second, though possibly 'only' due to insufficient consideration of side effects in the phase of design and/or mechanisms of implementation, workfare approaches are commonly producing collateral meanings and even counterproductive consequences at least in the long run. For instance, – especially lone – parents are frequently confronted with the necessity of choosing between taking up a job offer and full-filling their – felt and socially expected – educational responsibilities. This, in consequence, causes psychological distress (usually for both: the parent and the child) and/or the actual neglect of educational needs of the child/children. Other aspects could be mentioned – and they had been mentioned in other presentations, in particular by *Veronica Sheen,* speaking about *Precarious Employment, Workfare, and Social Protection for Disadvantaged Women in Australia: International Implications (Workshop 31 during the 33rd Global Conference of the International Council on Social Welfare in Tours [30th of June to 3rd of July 2008)].*

Still, the major concern here, when saying that social injustice is not the real problematique of workfare, can be presented as follows. Any conractualist 'social policy' is a further step of individualising and privatising these areas. This means,

however, establishing a structural contradiction in form of a contradiction in terms. Starting from social quality as axiomatic reference for social policy, defined as

> *social quality as a high degree of people's ability to participate in the social-economic, cultural, juridical and political life of their communities under conditions which enhance their well-being and individual potentials for contributing to societal development as well*
> *(Herrmann, Peter/van der Maesen, Laurent J.G.: Social Quality and Precarity: Approaching New Patterns of Societal (Dis-)Integration; The Hague: European Foundation on Social Quality, January 2008: 12 – Forthcoming as Foundation's Working Paper),*

we see immediately that structural limitation.

Workfare approaches as we know them from mainstream policy debates are not enforcing a merger between the different dimensions that define social quality. By focusing on one or two sides of the given formation, in particular aiming on bringing 'systems' and 'biographical processes', together, they equally neglect the challenge of developing a cohesive system that focuses on rights-based personality development as it is expressed by opening spaces for development and the individual's contribution to communities and society. The overall concept is reflected in the following graph.

Taking this as broad framework, three sets of factors are decisive in further elaborating the concept – and not least in determining criteria for policy assessment. This are listed in the following table.

CONDITIONAL FACTORS	CONSTITUTIONAL FACTORS	NORMATIVE FACTORS
socio-economic security	personal security	social justice (equity)
social cohesion	social recognition	solidarity
social inclusion	social responsiveness	democratic based citizenship
social empowerment	personal capacity	human dignity

Of course, in this context the reference made above to power is getting clearer. It is obvious that we are dealing with a central moment of any policy in this area. It is not only a matter of the centrality of the conditional factor of social empowerment *(s. as well Herrmann, Peter: Empowerment – the Core of Social Quality; in: The European Journal of Social Quality; volume 5; New York/Oxford: Berghahn Journals, 2005: pp. 292-302; Herrmann, Peter: Social Empowerment – A Matter of Enabling Society to Cope with Personalities; in: The Second Social Quality Conference in Asia. Social Quality and Sustainable Welfare Societies: Towards a new Partnership between Asian Universities and Universities of the European Union; Book of Papers; Taipei: National Taiwan University, 2007: 501-521 [as well linked as* 賦權－在通向永續福利社會之路，重新定義公民地位的關鍵性概念 *from: http://140.112.156.220/index.aspx?id=61 - 19/07/07; 11:55]).* Rather, we are dealing with the fundamental meaning of social law – understood with *Hans F. Zacher* as law, overcoming or compensating unwanted inequalities, arising from conditions and circumstances that are beyond the control of individuals concerned *(passim).* Then, rights, in a truly social understanding, are subsequently a matter of establishing social spaces of opportunities, as spaces of power by which the individual can develop his/her personality in a way of social meaning and meaningfulness. – And in this sense, we find that different traditions – as for instance the occidental ancient thoughts or the oriental approaches on the question of what 'good life' is about – are actually not so different, at least when it comes to their orientation on the fact that any being can only be understood as inter-being.[5] Of course, from here the old debate in social work and related professions is raised again: there can actually not be anything

---

[5] Of course, a closer look then shows important differences between the 'managerial' perspective in Greek *Socratic* thinking and the contemplative and subordinating Chinese approach as brought forward by *Meng-Tzu* and especially by *Kung-Tse* and as well in the *Buddhist* teaching.

like a client, we can only find citizens *(see for instance the brief debate in Herrmann, Peter: Quality and Accessibility of Social Services for Inclusion. General Report: Brussels: Eurodiaconia, 2005: 12 f.; linked from http://www.eurodiaconia.org/projects/quasi/Start.html - 07/07/08 - 18:17).*

In any case, against this wider understanding it is no surprise that a major feature of current policy concerns is – despite the suggested quantitative success – a qualitative setback, namely an increase of precarious employment. And precarity can be defined as the opposite of social quality, namely

> *as a lack of people's ability to participate in the social-economic, cultural, juridical and political life of their communities under conditions which enhance their well-being and individual potentials for contributing to societal development as well*
>
> *(Herrmann, Peter/van der Maesen, Laurent J.G.: Social Quality and Precarity: Approaching New Patterns of Societal (Dis-)Integration; The Hague: European Foundation on Social Quality, January 2008: 12 – Forthcoming as Foundation's Working Paper)*

As such, it is exactly the opposite of what social policy, better: publicly responsible possible for a welfare society should be about.

---

[i] dr.phil. (Bremen, Germany). Studies in Sociology (Bielefeld, Germany), Economics (Hamburg), Political Science and Political Economy (Bisdorf) and Social Policy and Philosophy (Bremen). Had been teaching at various Third Level Institutions within and outside of the Europe; currently correspondent to the Max Planck Institute for Foreign and International Social Law (Munich, Germany), senior advisor to the European Foundation on Social Quality (The Hague, Netherlands) and Advisor to the Social Policy Centre at the National Taiwan University, Taipei; Taiwan.
He is director of the Independent Research Institute European Social, Organisational and Science Consultancy (Aghabullogue, Ireland). At the University College of Cork, Department of Applied Social Studies, (Cork, Ireland) he holds the position of a senior research fellow. He holds also the position as Adjunct Professor at the University of Kuopio, Finland, Department of Social Policy and Social Psychology.

[ii] The following contribution goes back to a presentation during the *33rd Global Conference of the International Council on Social Welfare* in Tours (30th of June to 3rd of July 2008). It is a substantially extended version of the presentation, including