

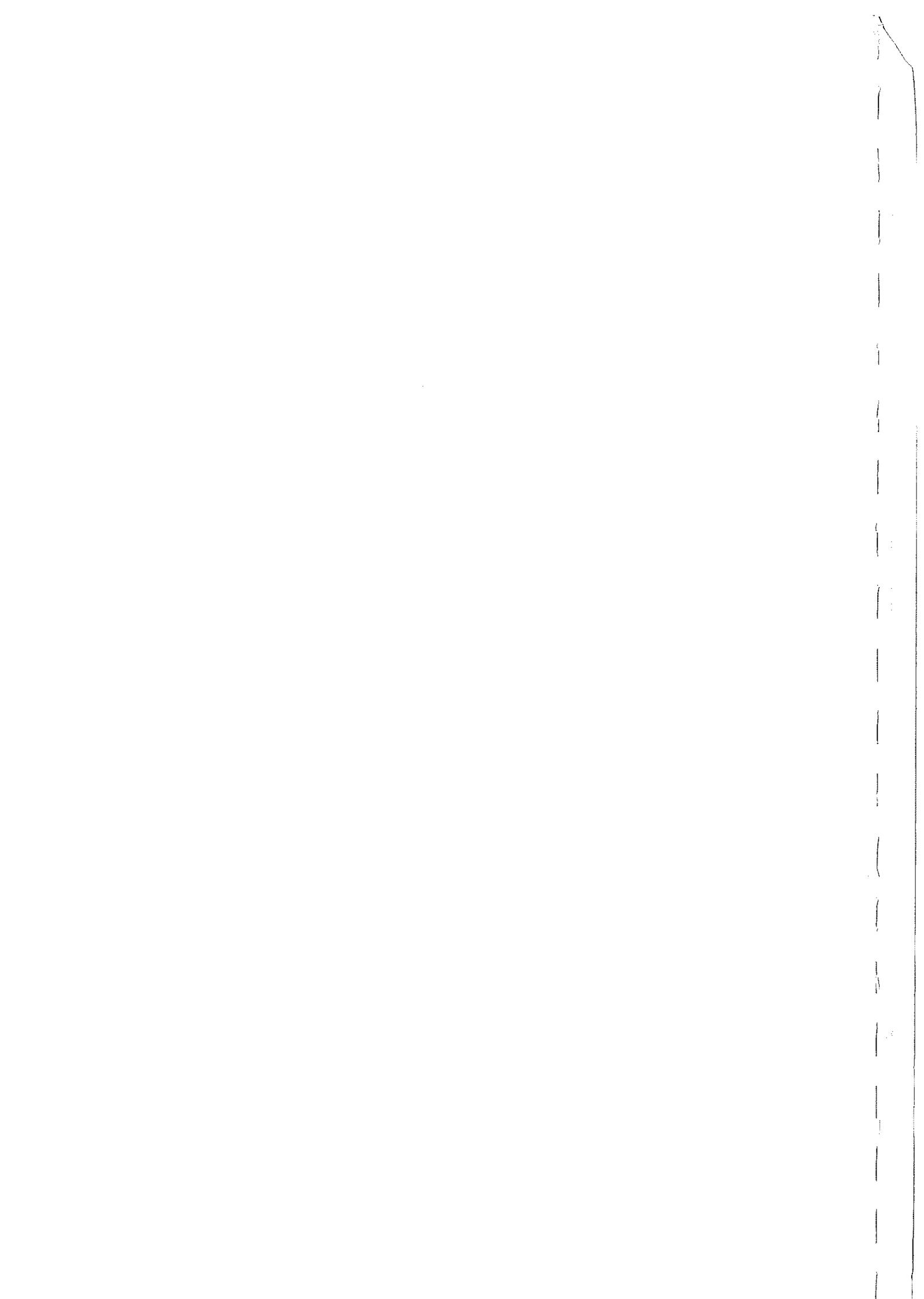
**SOCIAL EXCLUSION, SOCIAL RIGHTS
AND CITIZENSHIP**

The contribution of a social rights perspective to combatting
poverty and social exclusion

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CONTENTS

<i>Acknowledgements</i>	<i>page</i> 2
SECTION 1: SOCIAL RIGHTS IN CONTEXT	3
1. Background	3
1.1 Objectives of the report	3
1.2 Section structure	4
2. Social Rights	5
2.1 Notion of rights	5
2.2 The ascendancy of rights	7
2.3 Social rights, poverty and social exclusion	11
2.4 Social rights and integration	19
3. Conclusion	22
SECTION 2: RIGHTS ISSUES IN THE EUROPEAN UNION	23
1. Approaches to Social Rights in Europe	23
1.1 Framework for the analysis of social rights at Union level	24
1.2 The development of social rights in the reproduction of inequality	25
2. The Policy Context of Social Rights	26
2.1 The Green Paper on social policy	26
2.2 The revision of the Treaty	27
3. EU initiatives in social rights	28
3.1 Medium-term social action Programme 1995-1997	29
3.2 The fourth equal opportunities Programme	30
4. Conclusions	31
SECTION 3: SOCIAL RIGHTS IN IRELAND	32
1. Minimum income standard	32
2. Children's rights	38
3. Conclusions	43
SECTION 4: CONCLUSIONS	44
<i>Bibliography</i>	<i>49</i>
<i>Appendices:</i>	<i>56</i>
- Three Paradigms of Social Exclusion;	
- Summary of the Medium Term Social Action Programme 1995-1997;	
- Summary of the Fourth Equal Opportunities Programme;	
- Schematic Evaluation of Four Strategies to Reform Social Welfare.	



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SECTION ONE

SOCIAL RIGHTS IN CONTEXT

1. BACKGROUND

1.1 Objectives of the Report

The objective of this research is to open up a field of debate in Ireland by exploring issues raised in adopting a social rights approach to combatting poverty and social exclusion. This discussion paper is particularly timely given the imminent National Anti-Poverty Strategy, and announcement of the Minister for Social Welfare, Prionsias de Rossa (1995) to commit the government to an "across-the-board national strategy to address all aspects of poverty and inequality", and to "implement proposals to substantially reduce overall poverty in the shortest possible time and to reduce inequalities" (p. 1).

The paper considers the contribution of a social rights approach as a distinct political perspective, building on the previous efforts of the Combat Poverty Agency (1992). While the Agency has begun to consider the principles which would underpin a social rights approach, its commissioning of this research reflects its recognition of the need to further consider the relationship between social rights, social exclusion and policies to combat social exclusion. Indeed, the value of a social rights approach lies in providing a framework for integrating goals, objectives and principles as well as a 'vision' for social development. Rarely are the objectives of policy made explicit, and there is no systematic consideration of the contradictions and tensions between different objectives, such as adequacy, equity and equality (NESF, 1994). Yet these impinge on the effectiveness of policies in terms of both design, implementation and outcome. Therefore, a *strategic* approach to policy-making which focuses on systems and operational principles is required if a coherent and integrated set of policies which places poverty and social exclusion as the priority are to be effective. A social rights approach has much to offer in this regard and may help, if undertaken

systematically, to overcome a tendency to focus on ameliorating the effects of poverty.

Given the timescale and length of this report, it has been necessary to be highly selective in the choice of areas and issues to address and engage with. This report does therefore not claim to have covered in an exhaustive manner the entire range of possible issues. The following is intended as a preliminary discussion document and the author has not only used rights as a critical notion to assess policy and policy proposals, but she has also striven to frame the discussion in a way which provokes debate so as to gain maximum critical edge. Thus, only key issues are highlighted and outlined and a critical approach is adopted as a way of bringing these to the fore. Clearly, there is much to be gained by pursuing in greater depth certain aspects of this report.

1.2 Section Structure

The present Section considers social rights as an intellectual and political notion. The task of considering social rights in relation to social exclusion is a highly complex one. There exists a vast and growing literature around both concepts. Silver and Wilkinson (1995) argue that insofar as social exclusion is a social construction, there exist important cross-national differences in policies to combat it. This observation is echoed by the work of the Observatory on National Policies to Combat Social Exclusion and of the CEC (CEC, 1993, Robbins, 1994).

In order, however, to progress the debate, it is first necessary to step back from these debates to *demystify* and deconstruct these notions and make explicit the assumptions which underpin their use. This is an essential groundclearing task which this report has engaged in undertaking. This section will focus on critically exploring the notion of social rights itself: it is here that there has been least attention with insufficient attention being accorded to conflicting principles and values of the welfare state (Barry, 1990), but which is certainly pivotal to taking the debate forward and successfully applying the notion in the policy process. A critical examination of the notion is a prerequisite to evaluating the extent to which policy in Ireland respects and enhances social rights and to suggest new approaches and strategies.

Four key headings have been identified under which key issues are raised:

- (1) the notion of rights;
- (2) the ascendancy of social rights in political discourse;
- (3) the limits of a social rights approach to combating poverty and social exclusion,
- (4) the applicability of a rights-based approach to integration.

This report does not seek to offer definitive answers but to raise issues, ask pertinent questions and challenge assumptions. Readers are referred to the references cited in the text and bibliography for more detailed discussion where appropriate.

A central argument of this research is that a narrow focus on social rights in combating poverty strategy is socially divisive and diverts political attention away from the structural and institutional forces of poverty and social exclusion towards ameliorative policies. The indivisibility of rights is stressed. A social rights approach to poverty and social exclusion is most meaningful when seen as part of a strategy of equality and democratic reform.

2. SOCIAL RIGHTS

2.1 *The Notion of Rights*

Rights have traditionally been central to philosophical, political and sociological theory on the nature of human and social relations. Although they developed in the context of nation states, they are not confined to national level, and rights have formed the centrepiece of international agreements in the post-war period, encapsulating a universal, global set of values bonding the international community¹, and a conceptual yardstick by which to measure social development.

Notwithstanding the centrality of rights discourse, it is often used vaguely with little specification as to what a "right" actually is. Broadly speaking, a right is

¹For example, the Universal Declaration of Human rights 1948; European Convention on Human Rights, 1963; Declaration on the Rights of the Child 1959, the Declaration on the Rights of Disabled People 1975; The Social Charter of the Fundamental Rights of Workers, 1989.

a conceptual device used in political discussion to allocate resources and prioritise aspects of human nature and social relations (Freedon, 1991). The language of rights is used to formulate social goals - for example, the goal of giving everyone the opportunity to enjoy an adequate standard of living (Copp, 1992). Rights, then, refer to a codified set of values and aspirations (Coote, 1992), officially articulated goals of public policy (Scheingold, 1974), codified access to collective provision or a claim to entitlement (Taylor, 1989). Rights may thus have individual (entitlements), institutional (allocative priorities) and societal dimensions (values, goals).

These formulations highlight the political utility and strategic value of social rights, offering both a framework for evaluation and action, and the rationale for such action, grounded in notions of social justice and morality. For example, social rights are justified on the grounds that the state has a duty to enable every citizen to meet their basic needs because it enhances their freedom to choose the kind of life they would prefer. Rights provide a conceptual and political framework within which to specify objectives, evaluate whether those objectives have been met and improve societal conditions for meeting human need (Doyal and Gough, 1991). The progressive character of rights is also based on the assumption, therefore, that they are a key agent of social/political change.

However, rights are not only social goals or human relationships governed by rules, but that they act as constraints on the pursuit of other social goals (Copp, 1992). For example, there may be a tension between a right to a minimum standard of living and the resources of society available to achieve this. Rights are therefore never absolute but are conditional because they depend on favourable circumstances, such as the wealth of a society and the respect of the State in upholding them (Copp, 1992; Barbalet, 1988; Doyal and Gough, 1991). Rights are therefore contingent, and best thought of as a "resource of uncertain worth" (Scheingold, 1974), an object of political dispute. Scheingold considers a *political approach to rights* which focuses on political mobilisation and action for asserting and realising rights.

2.2 The Ascendancy of Rights

The work of T.H. Marshall in the 1950s and 1960s on the emergence of the welfare state in England is generally regarded as setting the terms of the debate on the social rights of citizenship in a number of countries. After a lapse of two decades, during the late 1980s the concept of citizenship made a comeback in academic circles, particularly in Britain. Here, the language of rights was both popularised and politicised as rights became pivotal to strategies for social and political change. They emerged onto the agenda as the political terrain over which social and economic restructuring was fought over. This was a battle in which parties and groups across the political spectrum engaged themselves. Notable is the fact that, notwithstanding very real ideological differences, there was a consensus that social rights were central to the nation's macro-political and -economic strategy.

(a) The Political Uses of Rights

The present politicisation of citizenship rights may be regarded as a continuation of a historical process, whereby rights were the means by which to transform individual needs into political problems (Lamoureux, 1992). The utility of rights lies in being able to link the individual to the institutional and the political, in so doing transforming social relations. This has been used by both the Left and the Right in Britain: the former have used the idea of social rights as an essential element of any strategy for the support for state services and resistance to the Right's programme of strategic legislation aimed at privatising the welfare state (Plant 1990, Alcock, 1991). The Right have rooted unmet need in (state) institutions and emphasised the rights of individuals in terms of consumer choice, guaranteed through markets and the operation of market principles to state institutions.

It is important, therefore, to be aware that, while the language of rights has gained wide currency, indeed almost 'mythical' proportions (Seheingold, 1974), they are utilised for many different purposes with different outcomes. Indeed, the phrase development or strengthening of social rights implies progress and advancement, but it is important to note that such changes may be also be

reactionary and short-sighted². Thus, all depends on the *content of rights* (e.g. the extent to which they permit the long-term participation of individuals in society) and the political *ends* for which they are mobilised.

This makes any discussion of social rights problematic since their use can obscure rather than reveal. Because of the moral power of the language of rights, they are easily appropriated to confer political credibility onto policies. Rarely, however, are they used in any meaningful sense. For example, while there has been an extensive debate around the measurement and identification of poverty and exclusion and policy remedies needed to combat them, rarely have rights actually been central to the discussion on policy in any meaningful way³. They have not been an organising principle for developing inclusive policies. Furthermore, there may be an appearance of a social rights perspective being actively utilised to guide policy reform, but, this may be only in the broadest sense, and furthermore, often with a view to *legitimate* decisions and policies. Policies are defended on the grounds that they protect or extend existing entitlements (of the moral and political majority) and reference to 'rights' are used to postpone the strategic overhaul of systems. However, the reality of such policies may be that they undermine the dignity of citizens (cf. footnote 2).

Furthermore, although social rights are commonly invoked by groups to indicate the failure of governments or policies in meeting particular objectives, it is less common for social rights to be articulated in a way which could meaningfully inform the policy process. The significance of the need thus to 'disaggregate' and disentangle 'social rights' as well as to consider the implications of adopting such an approach becomes apparent in the context of poverty: *there is no automatic*

² This idea is developed throughout the report, but an instant example of this can be provided by reference to the Social Welfare n° 2 Bill. The aim of this Bill was to ensure that a person would not be disadvantaged in terms of their social welfare entitlements by virtue of their changed legal status from married, separated or widowed to divorced. The Bill was presented therefore as having strengthened and extended entitlements. An alternative view is that it reinforces the concept of dependency, particularly of women, within social welfare and insofar as this is a principle contributory factor to life-long impoverishment, then the 'strengthening' of social rights also consolidates those processes of social exclusion and ultimately of poverty. It is in this sense that social rights may be reactionary for they have not addressed the cause of poverty but merely attempted to modify the effects by grafting on additional provisions to what can be argued to be an unsound system.

³ The seminar on the Measurement and Analysis of Social exclusion, 17-18 June 1994, organised by CRESEP, University of Bath, UK is typical in this respect. Whilst the papers stressed the multi-dimensional and dynamic character of social exclusion, they did not get beyond policy prescriptions which stressed the need for integrated policies and measures at local level, e.g. papers by Paugam, Whelan and Whelan, Walker, Moolaert.

link between strengthening social rights and making social protection systems more effective in preventing entry into, or promoting exit from, poverty/exclusion - indeed, promoting social rights and the policies to translate these may in certain cases compound poverty/social exclusion. The uncritical equation of combating poverty through strengthening rights is an assumption of many involved in policy evaluation and development and is a consequence of the theoretical models and political purposes of policy analysis. This is not to reject the concept of social rights in itself, but rather to encourage a critical and strategic approach to such issues and to press for further discussion as to the implications of this finding.

The starting point for this and further work on social rights must be that any practical use of the concept of social rights to promote change must be informed by the context within which the concept has evolved, its relationship to adjacent concepts by which that of rights obtains its specificity⁴, and their potential to impede as well as promote social and economic participation and development in the long-term.

(b) The State and Citizens: protection and control

Rights encapsulate a certain view of social relations: "the organising belief is no longer that those who have are obliged to give to those who have not, but rather that those who have not have rights to receive" (Culpitt, 1992, p. 5). This was the organising belief which underpinned the expansion of the welfare state; however, the debate on rights over the past has stressed the control function of rights as well as their welfare function. The 'new welfare paradigm' (Culpitt, 1992; Giddens, 1994; Roche, 1992) has redefined the rights debate and the role of the state in guaranteeing the welfare of individuals. Social rights have emerged as being claims for both immunity and protection, as well as for privileges and entitlements (Turner, 1993). The rights movement has challenged paternalistic and professional assumptions and prejudices underpinning apparently integrative policies and practices and used rights to protect individuals from state and overt intervention (Wilding, 1982). This brought attention to the exclusionary nature of rights and more lately the social and ecological unsustainability of western white

⁴ It is beyond the scope of this report to enter into the elaborate political-philosophical discussion which has emerged, but readers are referred to Plant, 1992; Freedon, 1991; Taylor-Gooby, 1991; Hewitt, 1992.

male models of social development, a theory subsequently developed by feminist, anti-racist and Green critiques of state welfare (cf. Pierson, 1992).

Relating to this is an emerging debate on the merits of a *human rights* approach as a competing notion to the rights of citizenship. Human rights was referred to by the European Commission in justifying its fourth anti-poverty programme (CEC, 1993), and has provided the frame of reference for the Council of Europe in thinking about social exclusion and poverty (Duffy, 1995). Human rights address a range of degradations and violations which are a fundamental threat to human dignity, right to liberty and security (Peters and Wolper, 1995). This concept has particularly been applied to the poverty debate: poverty is a degrading life experience and an affront to the dignity and worth of human beings (Veit Wilson, 1994); thus, fundamental human rights include the right to food, shelter and work, and the collective right to sustainable development. The exclusion of any group on whatever basis involves cultural definitions of the members of the group as less than human, and as not deserving of rights or of full participation and in turn becomes the basis on which violence and abuse against them is tolerated. Thus, racial discrimination is considered as such an abuse.

The preference for human rights lies principally in the idea that citizenship is too closely associated with the nation state and that it may not be the most appropriate response to protect individuals by countering state power and protecting human beings from the limitations of state institutions (Turner, 1993; Bottomore, 1992): "the mass of the world's population lives under circumstances of scarcity. The institutions which are meant to protect human beings from their own frailty now appear as part of the problem not the solution" (Turner, 1993). Citizenship rights are inappropriate given the erosion of national boundaries, whilst human rights may be instrumental in protecting individuals against the declining capacity of the state to guarantee security, by setting universal standards which may provide a reference for national development or which may be enforced by international institutions.

Worth mentioning here is the dispute over whether human rights are *more fundamental* than, or whether they are a subset of, citizenship rights. This is similar to a view advanced, within the citizenship debate, that civil and political rights are more important, in absolute terms, than social rights in protecting against and

combating poverty (cf Freedom, 1992). Without civil and political rights to permit mobilisation and ensure accountability, there exists no political force for the development of social rights. Civil and political rights are not only interdependent with social and economic rights (Boucaid, 1993), but they are a precondition of the latter (Council of Europe, 1995). The implication of this is that the social rights of citizenship are insufficient *in themselves* in protecting against poverty, and that an anti-poverty/exclusion strategy must be grounded in a broader and more sophisticated understanding of the relationship between exclusion and rights. This is further developed in the points below.

2.3 Social Rights, Poverty and Social Exclusion

It is clear from the above that social rights cannot be assumed, in themselves, to protect individuals against poverty or social exclusion, even though social exclusion is defined in terms of the denial of access to social rights (CEC, 1993b; Room, 1993; Robbins, 1994). The European Union in its Charter on the Fundamental Social Rights of Workers 1989 placed equal opportunities in access to rights at the centre of its political commitment to combat social exclusion⁵. The consequences of linking access to/denial of social rights has led researchers to develop indicators to measure or evaluate policies in terms of their impact on individuals or households' access to rights or in relation to the outcomes of policies designed to combat social exclusion (Euvrard and Prelis, 1994; Room, 1993). The limitations of social rights are outlined below:

(a) Formal Guarantees vs Informal Reciprocal Arrangements

A focus on rights ignores the successful informal reciprocal arrangements which ensure that the welfare of all members is met. There is no clear-cut relationship between the provision of rights and the well-being of citizens. In other words, policies have only been informed by the need to eliminate poverty in a very loose sense. Furthermore, historically, formal arrangements – entitlements –

⁵ "Whereas in order to ensure equal treatment it is important to combat every form of discrimination, including discrimination on the grounds of sex, colour, race, opinions and beliefs, and whereas, in a spirit of solidarity, it is important to combat social exclusion", Community Social Charter, 1989, p. 10.

provided by the state have in fact assumed successful informal arrangements within the family, and well as on the family as a key provider of welfare (Yeates, 1995a, 1995b). From a different perspective, Jordan and Redley (1994) have argued that social scientists' focus on rights and on the restructuring of administrative structures and institutions has in practice diverted attention away from fundamental issues raised by the current policy debate (welfare vs work), to do with issues of citizenship, social solidarity and the viability of the social order constructed under government policies. Thus, a focus on changes in existing rights precludes a wider consideration of the entire range of mechanisms which ensure that the welfare of all individuals are met. The importance of informal networks in preventing social exclusion is recognised in the French conceptualisation of social exclusion which places emphasis on the notion of social integration and its converse 'social isolation', social disaffiliation or 'disqualification' (Paugam, 1993, 1994; Rodgers et al, 1995; Castel, 1991).

(b) Rights are exclusionary

Rights, and their institutional expression in the welfare state, are exclusionary as well as integrative (Taylor, 1989; Vincent, 1991; Lister, 1993; Phillips, 1991; Gordon, 1991; Lamoureux, 1991). The work of Vincent (1991) on the treatment of the poor in Britain throughout the 20th century, for example, shows that far from the development of rights being an evolutionary, inclusive progressive process as depicted by T.H. Marshall (1949, 1964) and others (e.g. Room, 1979), the terms excluding the poor from full citizenship have evolved⁶. Whether or not this derives from the inherent character of rights as a tool of the state or from practical politics of social policy development is debateable. The integration-exclusion dimension must be a central consideration in any strategy which uses rights to promoting social justice.

Two conclusions may be drawn at this point.

Firstly, to reject the very concept of rights on the grounds that they are inherently exclusionary is counterproductive and dangerous, principally because it fuels the arguments of those who dispute the legitimacy of making claims against

⁶ This has been illustrated in the case of the history of women's citizenship in the Irish context by the author of this report (Yeates, 1995, see also Cousins, 1994).

the state and who argue against the intervention of the state as a means of democratic control. It is important therefore to stress the legitimacy of rights in political discourse. One way of proceeding is to distinguish the *concept* of rights from their *content*. So, while the current content of rights may be critiqued this does not detract from the utility of the concept itself.

Secondly, however, unless an objective, critical stance is adopted then there is a tendency to assume that rights are inherently and primarily both integrative and inclusive. The logic of this is that social exclusion is regarded as a procedural anomaly or an unintended outcome of policy, instead of it residing in the *principles* underlying policies. Thus, a contradiction immediately arises: whereas the a principal advantage of the term social exclusion lies in its focus on the structural-institutional mechanisms expelling individuals, households and communities, the prevailing approach conceptualises in practice social exclusion as a side-effect of otherwise adequate policies and systems. This is a major difficulty with the present debate on social exclusion, for although there may be a consensus on the principles at an abstract level, this is not informing policy evaluation.

Indeed, historical research into social security in Ireland has exposed the fallacy of reforms which were ostensibly designed to address poverty. Yeates (1995a) thus demonstrated that social rights were only in the very broadest sense possible designed with the needs of the poorest in mind and actually directly contributed to further impoverishment of people who deviated from the groups for whom the system was designed. The assumption that social policy is necessarily beneficial is unquestioned within academic circles and accordingly guides research and policy analysis. Accordingly, under this model, the objective is to chart the incremental changes and improvements in the status of certain groups of citizens following the introduction of new legislation, rather than examining whether the overall terms of access to collective provision have become more inclusive and whether existing inequalities will be reproduced and widened. Therefore, although a social rights perspective is regarded as permitting a more dynamic and structural approach to poverty and to the process of impoverishment (e.g. Golding, 1986; Lister, 1990), it may actually be part of the problem of poverty insofar as it connects the (re)production of poverty and social exclusion to administrative

procedure rather than to the very principles and structure of institutions and systems.

Below are outlined a number of points to consider in considering rights as an anti-poverty/exclusion strategy.

(c) Social Rights and Need Satisfaction

Although rights is an abstract claim to meet need, there is no automatic equation in the meeting of need via the setting of rights and combating poverty. Firstly, a society could meet the objective of a right to an adequate standard of living without eliminating poverty. The existence of mass poverty in Europe (50 million plus) alongside formal rights to a minimum income illustrates this. The reasons for this could be procedural (e.g. Gardiner, 1992; Coote, 1992), e.g. administrative coordination, non take-up of benefits, or they could be substantive, e.g. terms of access to and level of welfare payments. There are two issues here: the first is adequacy, the second is power.

Adequacy. Central to this is the key concept of social participation i.e. participation in patterns of consumption. Thus, as poverty is relative, the ability to consume does not depend solely on people's absolute income but on their comparative income (Townsend, 1979; Baker, 1991). Baker (1991) thus discusses the paradox of 'rising incomes and increasing hardship', highlighting that poverty is to be measured not only in terms of incomes but in terms of consumption power. Thus, a right to a minimum standard of living must, in order to be meaningful, set the minimum income at a rate which is related to the level of expenditure enabling long-term participation.

Worth mentioning in relation to this is the work of John Veit Wilson (1994) who usefully distinguishes between the poverty line, minimum income standard and social assistance⁷. The value of this distinction for the purposes of the present discussion lies in the idea that although these are assumed to be the same, in reality there is no automatic link between them. Thus, the aim of social assistance is not necessarily to provide a sufficient income to combat poverty, but

⁷ The poverty line is based on a scientific standard about income needs and the costs of minimum participatory level of living, the minimum income standard is based on political decisions about the minimum politically acceptable level of living that Government wants to ensure for all citizens, while social assistance is based on political decisions about how much the government is willing to pay people.

to help people maintain their previous levels of living or to support their own efforts to exit poverty. The existence, thus, of a social right via social assistance tells us little about the adequacy of its content. A distinction must be drawn between need, need-satisfaction and rights - rights may be formal ways of providing for the satisfaction of needs, but the process and effectiveness in doing so is another issue. The measurement of policy outcomes is a crucial part of evaluating institutions and their effectiveness at realising rights (Doyal and Gough, 1991).

Informative in this respect are comparative studies, which show that there is no automatic link between a high minimum income and poverty rates. Karen Gardiner's study (1992) of poverty amongst French and British pensioners finds that despite a higher overall income set for pensioners in France, a greater proportion of them fall, in practice, below the poverty line, principally for reasons relating to the administration of benefits. Thus, the effectiveness of the link depends on institutional responses and effectiveness in realising the right. It also depends on the politics of income maintenance which determine the 'value' of entitlements. For example, research (Walker, 1992; Groves, 1992) has shown that the distribution of poverty in old age is in the main determined by the individual's lifetime pattern of labour market participation as well as the construction of old age and dependency which determines the 'value' of entitlements.

Power. "Abstract conceptions of rights and entitlements attached to citizenship must come to terms with the underlying structural power relations...The meeting of need implies not just set of rights but the power to achieve needs in terms of access to resources" (Taylor, 1989). The politicisation of needs as Taylor advocates is rooted in a strategy of substantive equality, which goes beyond mere formal equality⁸, and which takes account of different starting positions and which recognises the consequent greater 'effort' of those who have been disempowered through poverty which is required to achieve a given objective, such as to escape poverty.

⁸ Substantive equality relates to equality of outcome, of actual life chances and living conditions, although this does not imply that everyone is treated the same. Formal equality refers to equal status as a principle guiding institutions and policies, and in particular the law. Although the latter is a precondition for the former, it is 'formal' in the sense that there are a variety of circumstances and processes which in practice undermine the principle of equal status and which account for de facto unequal status. A further criticism relates to the model of equality adopted for the purposes of equality legislation.

(d) The Social Rights of the Poor vs the Indivisibility of Rights

Social rights are often a shorthand way of referring to the rights of the poorest. However, reference to rights of the poorest as social rights is rejected not only because a definition of poverty based on material resources is too narrow to encompass the concept of infringing fundamental human rights but also because it does not recognise gradation in pauperisation. That is, it does not recognise differing degrees of impoverishment or, consequently, that poverty is different from extreme inequality. A coherent definition of rights in relation to poverty must see anti-poverty policy in terms of structural processes of exclusion at the institutional level (Duffy, 1995, p. 48). Thus, addressing social exclusion requires that rights are seen as indivisible and universal (Council of Europe, 1995). Indeed, while social rights have in practice been problematised as part of a process of welfare restructuring and targeting the poor, it has been the rights of citizenship more broadly which have shaped and re-shaped the political discourse and public policy which affects the overall welfare of all citizens.

Thus, NGOs have called for improvements in specific social, economic, religious and cultural rights, which embrace rather than tolerate difference as part of a strategy to combat exclusion, and in the context of a discussion about black people, Gordon (1991) argues that "exclusion....from citizenship runs deeper than the barriers to benefits and the impact of poverty. It is to be found in the effects of a whole range of policies and laws, commissions and omissions, whose effect, intended or not, is to exclude black people from the rights and opportunities available to others". The Child Poverty Action Group have consistently adopted this view of exclusion and poverty, i.e. in the context of the broader range of cumulative practical and political effects of public as opposed to only social policy.

If it is accepted that rights are indivisible (Council of Europe, 1995), then a case can be made for incorporating new rights into an anti-poverty approach. The Observatory on policies to combat social exclusion (Room et al, 1993; Robbins et al, 1994) recognises this by considering political rights in evaluating national policies. That an anti-poverty strategy cannot be based on a social rights of the poor approach and that it must embrace a citizenship perspective which involves social, political and civil rights is further supported by the work of Gillian Pascall

(1992). She regards the 'compulsory altruism' of community care policies premised on women's unpaid caring work, which remains uncredited, as an explanatory factor in the extent and nature of poverty experienced by women. This is because unpaid work limits their ability to engage in paid work thereby contributing to their labour market marginalisation and/or exclusion. Pascall, writing from a British perspective argues that this is an infringement of women's civil rights. From an Irish perspective, it may be regarded as an infringement of the constitutional right to "an adequate means of livelihood" for all citizens (article 40.1) (see also Duffy, 1994).

Another example of the relationship between poverty and the infringement of civil rights is the area of domestic violence. Starting from the impact of social rights (the principle of dependency in the Constitution and the social welfare code) on civil rights, O'Connor (1995) argues that, firstly, insofar as women's dependency on men, as propagated by social welfare and housing policies (cf. Yeates, 1995a, 1995b), is a cause of women's poverty, and insofar as this prevents women's social participation, then this is an infringement of their civil rights. Furthermore, she argues that domestic violence, an infringement of the civil, if not human, rights of women also affects their ability to participate in and benefit from social and economic development policies. These two examples require a more careful consideration of the relationship between different rights - civil and social in these examples - in relation to the causes and effects of poverty and social exclusion. The above examples raise this point only briefly and would require more careful and considered analysis; however, it is important to note them in the context of the present discussion as they substantiate the initial proposition of this chapter that policy analysts should attempt to think both critically and strategically and to connect hitherto compartmentalised debates and categories which have prevented an integrated response.

(e) Social rights and equality

The development of social rights has traditionally been equated with the narrowing of class differentials: T.H. Marshall argued that social rights altered the nature of capitalism and of class relations in favour of a more equal arrangement. Accordingly, the development of social rights via the welfare state would

3 with regard to the conceptualisation and measurement of integration policies may provide a valuable, but unfortunately as yet unanalysed, source of research material.

Furthermore, in discussions of the concept of social exclusion, when integration is mentioned, it is not in the context of specific policies and actions to counter exclusion, but in the context of ideas about the nature of social relations which 'cohere' the majority - i.e. the already integrated. Appendix 1 illustrates this idea: it presents a schematic chart which categorises paradigms of social exclusion using different criteria. This model was drawn up by Hilary Silver (1994) and included in a book on social exclusion (to which readers are referred for the full explication of this chart). The relevance of the chart is that it distinguishes between different conceptions of integration, or of structures which 'cohere' society, out of which the excluded have somehow been driven (Silver does not consider these specifically).

A further point relating to this is that present attention is focused on understanding the processes of exclusion. While this would inform policies to combat exclusion by focusing on the mechanisms in an attempt to prevent it, it is not necessarily appropriate in the context of policies to (re)integrate individuals, households or communities. Thus the processes of exclusion and integration are not symmetrical. The relative lack of attention given to integration must be set against a research tradition which attends to the measurement and objectification of poverty and social exclusion rather than to policies which might be successful in combating it.

Notwithstanding the lack of focus on the concept of integration, two other notions are sometimes used in its place: inclusion, and to a lesser extent, insertion. *Insertion* is a widely used term in French political and administrative discourse, broadly conveying, firstly, an operational sense, a methodological principle of social policy and social work, and secondly, an evaluative or normative sense used to guide the formulation of policies. In the first case, the methodological dimension, insertion was originally used to describe the different stages of adaptation of immigrants to the host (French) society, the 'trajectories' and behaviour of 'clients' (the term is used by social workers), or the steps and objectives set out by practitioners for individuals to take to reach a socially or

occupationally 'autonomous' state. It is also used in an operational, or 'technical' sense, to delineate a specific type of action¹⁰ (Paugam, 1993; Autès, 1992).

It is thus used primarily in a social work context to describe a range of practices dealing with clients of welfare services (who are in a sense regarded as excluded by virtue of having recourse to social services - see Paugam, 1991), although it is presently used in political discourse to give legitimacy to policies to combat poverty (hence the RMI - the *Revenu Minimum d'Insertion*, France's key anti-poverty measure). From a different perspective, Pedrot (1994) takes it out of what he regards as a palliative and redistributive context to apply it using a more sociological sense in referring to changing patterns of social regulation: for him, insertion conveys a new method of regulating social networks, although he still uses it to refer to the situation of particular groups. Although in one sense social rights and entitlements are central to the concept, in another sense they are marginal for the emphasis and source of initiative now rests with citizens rather than the State. The notion therefore may indicate a shifting pattern of responsibility between the State and individuals, their families and communities in responding to poverty where the response has been decentralised and in effect amounts to a local solution. It is not therefore evident that a more effective strategy results from the reinvention and reconfiguration of social rights.

Inclusion has recently emerged as an alternative to integration. It appears, however, that there has, however, been no consideration of the implications of switching from integration to inclusion. This shift can be interpreted two ways: the first would argue inclusion as preferable on the grounds that inclusion is, linguistically, the antonym of exclusion, and on the grounds that integration is derogative, evoking assimilation (e.g. of minorities). (Note, however, the debate in Poverty 3 stressed that integration should mean the changing of both parts, ie of the part to be integrated and the 'host' part (Bruto da Costa, 1994)). The second interpretation, from a standpoint which stresses the structural dimension of integration, a shift to inclusion can be interpreted as a step backwards, as it may evoke a shift away from structural-materialist accounts to subjective feelings of belonging but "without the entitlements, rights and resources which may have been

¹⁰Hence 'l'insertion par l'économique', 'l'insertion par le logement', 'l'insertion par la santé'....These sets of actions are defined by reference to administrative-legal i.e. institutional powers.

devoted to its realistic achievement" (Conroy, 1995a). Conroy sees the replacement of exclusion with social inclusion as resulting from economic models which relegate social exclusion and deprivation to residual outcomes of the market, where the appropriate response to poverty is seen as primarily through ameliorating social security provisions to compensate for low, irregular or non-existent wages.

3. Conclusion

This chapter has aimed to raise a number of questions about the concept of social rights and to explore briefly some problems in applying it to the social exclusion and poverty debate. The moral and political power of the concept has insulated it from critical appraisal with the result that it has informed and continues to inform not only research into poverty but resultant policy prescriptions and measures which aim to combat poverty. It is perhaps worth stressing in this context that there is no automatic link between strengthening social rights and making social protection systems more effective in preventing entry into, or promoting exit from, poverty or exclusion. Acceptance of this conclusion does not however invalidate or undermine political support for social rights in themselves at any cost, but, rather, usefully enables us to step back and evaluate those systems and policies which create or recreate poverty. It allows us to appraise the current content of rights so as to define a more appropriate content which would truly address the needs of not only the poor but of all citizens who may need to avail of their social rights.

SECTION TWO

RIGHTS ISSUES IN THE EUROPEAN UNION

This section considers the context of present developments in social rights at Union level and assesses the scope for future social rights initiatives at that level. It does not attempt to forecast developments beyond the next inter-governmental conference, but to identify key aspects of current policy and the implications for the social rights debate in Ireland.

1. APPROACHES TO SOCIAL RIGHTS IN EUROPE

There is increasingly a tendency to regard the development of social rights, particularly at Union level, as a yardstick with which to measure or evaluate European integration and the construction of a political community embracing an increasing number of states across Europe. Their emergence and subsequent development at Union level is often seen as the expression of core principles and values of a modern, civilised Europe. The content of these social rights have thus taken on particular political significance as indicators of social development.

Political discourse in Community social policy during the 1980s can be said to have been strongly characterised by a social rights perspective. Without entering into the debate either on the adequacy of the *acquis communautaire* (the legal framework for social policy) or the implementation and enforcement of Community law, what is striking is the legitimacy role of rights: the rights discourse was a means of political mobilisation in favour of an expanded social dimension, albeit the human face of the reorganisation of the sphere of production in Europe. The presence of a social rights discourse is important for its symbolic and political value.

1.1 A Framework for the Analysis of Social Rights at Union Level

The debate on European social policy, which in fact comprises national and Union policies, however tends to be discussed at Union level. European social policy is regarded as one area of expertise within the wider debate on social policy development, from which national developments can clearly be distinguished and separated. This has a number of consequences for the way in which national policies are analysed and evaluated and strategies for change devised; one notable example is assumption of a linear relationship between the development of social policy and social rights at national and Union levels. Accordingly, the assumption is that the addition of social rights at Union level will not only directly impact on national legislation, but it will lead to a net improvement in the quality of social rights and thus of the overall standard of living of citizens. This has guided the study of EU social policy and in particular attempts to evaluate the impact of EU social policy on national policies and institutions.

There is, in other words, a need for more critical scrutiny of Union social policy. This may be summarised as a move away from evaluating the content of the Social Dimension and focusing on the net addition of rights, towards a broader appreciation of the impact of European public policy on the welfare of all citizens, with particular reference to poverty and social exclusion. The convergence of economic policy and EMU and its implications for public spending and welfare institutions is becoming increasingly appreciable (cf. Burkitt and Baimbridge, 1994). Welfare restructuring at national level is only now perceived as being directly linked to economic and monetary policy at EU level. The strengthening of social rights at Union level and the formal adoption of a social rights discourse with accompanying legislative or non-legislative measures cannot be taken in itself as an indicator of the improvement of the overall welfare of citizens (Room, 1994). The recent White paper on Growth, Competitiveness and Employment vaguely affirmed the necessity for 'solidarity mechanisms' whilst calling for a reduction of employers' non-labour costs which form the basis of social protection systems.

A rights perspective could be important strategically with which to contest restructuring and to influence public policy nationally. It is crucial, however, that rights extend beyond social i.e. welfare rights to recognise the indivisibility of

rights and to place pressure on broadening the narrow focus on welfare policy to address the causative factors of poverty and exclusion. This would require NGOs and anti-poverty lobbies to become proficient in engaging in economic debates and attending to the structural factors operating at global level which de facto erode social rights and redefine principles of welfare faster than they are being constructed. Focus on institutional reform and the improvement of political rights may also prove crucial insofar as it provides political impetus and foundations for further developments in social policy.

1.2 The Development of Social Rights in the Reproduction of Inequality

Worth noting in this context is the idea that the relationship between social, civil and political rights takes on a different dynamic at Union level. While it is commonly accepted that although social objectives were central to the Treaty of Rome, social rights are less well developed than civil rights (freedom of movement and investment) but more so than political rights (notwithstanding the inclusion of EU citizenship in the Treaty of Maastricht, article 8) (Meehan, 1993). Rather than social rights developing through the exercise of political rights, they have developed through the exercise of civil rights in the European Court of Justice (Twine, 1994). Thus, social rights have become established and incorporated into European law either through the Court's interpretation of provisions for civil rights relating to freedom of movement or as a Commission initiative justified on the grounds of facilitating core objectives of promoting the freedom of movement.

Of note in this regard are recent developments in research adding to an already growing literature on the reproduction of inequality and the creation of exclusionary institutional structures as part of European integration. These structures may fall within the institutional definition of social policy (e.g. hierarchies of citizen, residency and self-sufficiency as criteria governing access to the benefits of the Single Market) or outside of it (e.g. immigration control, Trevi and Schengen) (Paul, 1991; Fekete and Webber, 1994).

The role of the Court is instrumental in this respect: Scheiwe (1994), Lewis and Ostner (1994) and Cousins (1994) all highlight the scope of the Court in interpreting EU law, noting that while it has been relatively generous in some

instances (e.g. interpretation of 'pay') in others it has applied a highly restricted definition (e.g. its failure to take into account the sharing of paid and unpaid work¹¹). Attention is increasingly turning to the limitations of the concept of equal opportunities as a means of promoting gender equality, and, importantly, to the *reproduction* of gender inequality in the Court's interpretation of European law, with its implications for national legislation. The operation of institutions which reproduce inequalities, as distinct from the absence of measures to combat inequality and exclusion, is an important but neglected area to existing approaches in the evaluation of the impact of European integration on equality/inequality and poverty nationally.

2. THE POLICY CONTEXT OF SOCIAL RIGHTS

The evolution of the debate on social rights is progressing not only as a result of more critical thinking on the effects of the Single Market and European integration on citizens, but also as a result of developments in the macro-political framework.

2.1 *The Green Paper consultation on the Future of Social Policy in Europe* (COM (93) 551) launched by the Commissioner for Social affairs, Pdraig Flynn, made little use of social rights, preferring 'social standards' (Kuper 1994). The Paper had two objectives: firstly, to ensure coordination between economic and social development, (i.e. that economic efficiency is seen to be dependant on social efficiency), and to ensure that European integration is perceived as improving the standard of living for citizens (Szyszczak, 1995). Whether the preference for social standards in this document reflects a substantive policy shift towards *perceptions* of well-being is debateable, but relevant here, perhaps, is the parallel move to use the familial term inclusion (e.g. the Structural Funds framework initiative) (cf.

¹¹ The Hoffman case related to the interpretation by the European Court of Justice in 1984. The Court ruled that the Equal Treatment Directive "is not designed to settle questions concerning the organisation of the family or to alter the division of responsibility between parents". Scheiwe (1994) notes the degree of discretion of the Court, noting its upholding of the traditional, 'male breadwinner' model of the family and the 'gendered' nature of subsidiarity.

Section 1, 2.4). The social policy debate is thus being forced to take account of the economic competitiveness debate, opening up new opportunities to examine institutions' effectiveness in combating poverty and highlighting the extent to which poverty is regarded as a 'social' problem for which a non-economic solution is required. This in turn will fuel existing debates in social policy as to, firstly, the tension between social demands and economic constraints, and, secondly, the extent to which social rights are being 'marketised' and becoming uncertain privileges or civil opportunities (e.g. Twine, 1994).

Of particular note is the relative lack of consideration and weight accorded to social exclusion, compared with the prioritising of "the social and economic integration of all citizens"¹². The rhetoric focused on the term 'active' (as distinct from currently passive systems): the Paper introduced the concept of 'the active society' and emphasised the need for an 'active social policy' in the context of consolidation, subsidiarity and diversity.

2.2 *The Revision of the Treaty*, provides the main focus for the debate on social rights at the present time. An indication of the agenda of governments has been recently published by the Inter-Governmental Reflection Group (CEC, 1995a). The Group identifies democracy and effectiveness as the key themes guiding institutional reform, and in particular:

- (a) The democratic deficit and transparency;
- (b) the implications of the enlargement of the Union ('widening' and 'deepening').

The Group identifies the priority issues of unemployment, the environment and promoting solidarity but does not specify any further how these may structure institutional reform beyond the following guiding statement: "the European model forges a fundamental link between the social dimension, human rights and civic rights."

From the perspective of national and European networks of NGOs, preparations and discussion are already under way. The Social Action Programme (Appendix 2) mentions the possibility of inserting social rights as a constitutional

¹² Notwithstanding the 8 million elderly people living in poverty, the Green Paper considers the principal problem to be the "social integration of the aged", p. 46.

3. Reform of the Social Insurance System

Central to any strategy which integrates tax and social welfare and which aims to protect against poverty is the option to strengthen entitlements for all as a means to improve social protection. This is currently an approach favoured by defenders of the welfare state such as Peter Townsend (Townsend and Walker, 1995) and Fran Bennett (1993). Although there is no direct relationship between strengthening entitlements and reducing poverty, rendering the system more flexible and inclusive of different work patterns would have to address the shifting nature of risk, addressing the treatment of groups which have different relationships to the labour market and different relationships to earnings (eg. self-employed, casual employees, temporary workers, seasonal workers, homeworkers), the coverage of risks (child-or elder-care?), and the appropriate relationship between social insurance and private (personal or occupational) provision (Bennett, 1993; NESF, 1994).

Like the Basic Income, there are a number of options, including limiting the scope of insurance benefits either by extending means testing to target the poorest and where those able to would turn to private provision, strengthen the contributory system by indexing benefits to wages so as to increase the value of benefits and tailoring them to individual needs over the life-cycle. (This option would strengthen the notion of entitlement as right which is legally enforceable and would reduce political manipulation); relax contribution conditions to recognise different working patterns or include employment history (this could include time spent in education), or move to contingency-based earnings replacement benefit (receipt of which would not be based on work or contribution record but would require the individual to have fulfilled certain contingencies ie. they were off work sick, unemployed or retired).

While there is scope for basic income to be profoundly redistributive, the extent to which it reduced or eliminated poverty would depend on a number of factors: the level at which it is set - if the level is low, means tested top-up payments will have to be retained, with the accompanying problems of stigma, exclusion and low take-up attached to such payments and greater complexity in administering the system; the sources used for its financing, one of the obstacles

which is frequently put forward regarding the introduction of a system of basic income is that it would require a tax rate on all other income of at least 70% (Callan et al, 1994). A wider tax base than income tax, for example putting in place a certain level of BI financed from income tax and a possible wealth tax, accompanied by a social dividend financed out of capital gains (Parker, 1993).

Redistribution could also occur in terms of hours and jobs. This is currently inhibited by gender and occupational (class) privilege. Because of men's continued gender dominance as primary, although no longer exclusive breadwinners, participation in and rewards from the waged work sphere are still skewed in their favour. Women in many cases are still forced into financial dependence as unpaid family carers, due to inflexibility of working life, lack of child care facilities and structural and attitudinal obstacles. BI would mark a break in the current equation of work with employment. It could allow for personal decision to be made about whether to participate in the labour market and for what proportion of the week, year and lifetime. Thus it could facilitate the redistribution of work in society and the recognition that wages ie payment for jobs is no longer an acceptable mechanism for income redistribution.

The Minimum Wage: a glaring gap in the existing debate is the absence of any consideration of a national minimum wage and its relationship to the Basic Income or to the estimates used for the Basic Income costings, until the announcement by the Minister for Social Welfare himself in November 1995. This is to be praised, particularly given his recognition that a basic income without a minimum wage effectively subsidises labour costs for employers¹⁶, whilst promoting a low wage economy and the levelling down of working conditions, the costs of which are borne by taxpayers. Furthermore, research has shown that while there exists a direct link between unemployment and poverty, the risk of poverty exists for those at work also, particularly women. Low wages are a disincentive to

¹⁶ One possible indication of this phenomenon lies in the increase in expenditure on Family Income Supplement, a means-tested benefit for low-paid working families, the aim of which is to preserve the incentive to work for these families in circumstances where they are only marginally better off than if they were in receipt of unemployment benefit/assistance. Expenditure on FIS has increased by 229% between 1989 and 1994, compared a 55% increase in total Family Income Support Expenditure ie. four times as fast. The total number of recipient families over the period rose from 6,066 (1989) to 10,671 (1994) (Department of Social Welfare, 1991, 1995). Further research would need to be undertaken to ascertain the extent to which this increase is a result of take-up campaigns as against rising need.

work constitute very real barriers to taking up employment and thus exiting from social welfare, creating poverty traps and dependency on social welfare payments.

The focus on Basic Income is insufficient in itself as it fails to make explicit the labour market and gender dimensions: it is assumed that the inefficiencies of the existing social welfare and tax systems, once resolved, will solve the problem of dependency, unemployment and poverty traps and the underground economy. These are false and until the question of the statutory minimum wage is more fully explored as a possibility then the debate will continue to focus on the rights of the poor and to politically marginalise the question of poverty. Possibilities that could be considered are the introduction of a statutory minimum wage in conjunction with social and fiscal welfare reform. Taken together, the introduction of a minimum wage in conjunction with state welfare for individuals and businesses could provide an appealing package. This may substantially overcome the 'technical' problem of the poverty trap, raise the standards of living for low earners and provide a minimum standard around which flexible employment patterns could develop and be supported.

2. CHILDREN'S RIGHTS

Research has shown that the proportion of households with children living in poverty rose has risen dramatically over the past two decades to the extent that children now face a higher risk of poverty than do adults. The risk of poverty of households with children is greater than those without, and this risk increases with the number of children in the household (Callan et al 1989). More than one in four children are living in households with incomes less than half the national average. This rise in child poverty is particularly associated with the changing structure of the labour market - the increase in households whose head was unemployed (Nolan and Farrell, 1990), but also with low pay, lone parenthood and fiscal policy (ESRI, 1988, Callan et al, 1989). One quarter of all children in respect of whom child benefit is claimed are living in households which are in receipt of unemployment payments (Focus on Children, 1994).

The relationship between current proposals to reform public income maintenance and the present policy of targeting children in order to tackle poverty are therefore linked but nonetheless distinct. The following discussion considers current policy on children's right, in this case to security, examining the implications for policy analysis of bringing to the fore the rights of children and thereby breaking "one of the most potent factors in reinforcing exclusion...policy silence" (Robbins, 1994, p. 71). In its current Programme for Government, a specific commitment is made to the introduction of a Child Basic Income. The aim is to target families with children and unify the range of measures comprising child income support (i.e. Child Benefit, Family Income Supplement, Child Dependent Allowances, child additions to tax exemption limits). The relative merits of a universal child benefit plus a supplement to low income families versus an increase in child benefit are still the subject of wide-ranging debate in political and academic circles.

The objectives of support for children through the social welfare and tax systems are diverse, and discussion of reforms in provision must make the policy choices explicit. In their outline of policy options to address child poverty, Nolan and Farrell (1990) and Nolan (1993) make explicit the various objectives in considering the relative merits of different strategies to increase the incomes of families:

- maintaining the financial incentive to work, reducing the dependency of families on social welfare;
- equity of treatment of households with or without children;
- equity of treatment of households across the lifecycle;
- distribution of resources between adults and children;
- alleviation of poverty;
- vertical equity of treatment of households;

It is not the intention of this report to comprehensively evaluate present proposals but instead to raise a number of questions which existing discussions have not considered:

(A) Is targeting children through reforming and unifying child support to be understood primarily as a Basic Income for children which values the fundamental value of children as human beings or as an option which more effectively maintains work incentives for parents?

(B) Is the objective the alleviation of poverty through compensating for low wages or unemployment or through tackling the economic development model by regulating the labour market and wages. In other words, are the rights of children subordinated to the imperatives of economic competitiveness and efficiency?

(C) If parental employment and children's poverty are inextricably linked (Lichter and Eggebeen, 1994), and if it is the quality of employment which is central to the reduction in child poverty in the long term, then policies to address child poverty must be framed to improve the opportunities of the parents vis a vis the labour market. However, labour market participation at any cost is not a viable alternative nor would it necessarily mean an end to welfare dependency. Conroy (1995b) notes the drift in Europe towards "serious attempts to welfarise the labour market for categories of citizens for whom no real jobs are available. Empowerment through the right to a job and a wage is substituted with the right to a semi-job on a semi-wage" (p.66). Thus, present labour market and income maintenance policies (e.g. Basic Income for children) represent modified attempts to manage poverty in the light of the restructuring of the labour market.

(D) Can children's rights most effectively be realised by prioritising the right to employment of parents? The most effective means of securing the rights of children may be thus to develop structures which realise the rights of their parents as citizens. This would therefore entail addressing putting a social infrastructure in place, with resource implications to realise women's rights (e.g. to adequate child care) as well as structural reforms to the principles underpinning the tax and social welfare system which mitigate against women's access to entering and exiting labour market reintegration initiatives. However, parental employment is not a panacea for alleviating either child poverty or welfare dependency under the present structure of the labour market.

(E) Prioritising the rights of women, as the primary carers of children. The assumption that targetting mothers leads automatically to reducing child poverty may reinforce the role of women as mothers and also their access to resources as dependent on their family status. This raises a key policy issue at the present time: are mothers to be treated as breadwinners or as homemakers? In Ireland the social welfare system or women's access to capital is determined primarily by their status as homemakers (Yeates, 1995a, 1995b; Conroy, 1993; Cousins, 1994). The objective of improving children's rights via the improvement of mothers' rights may be counteracted by the broader and unequal treatment of motherhood and of women as mothers. If the rights of the latter are disadvantageous or less than equal then this would require giving priority to individualisation of rights as a strategy to ensure equal treatment. The unequal treatment of women deriving from their motherhood thus requires resolving. In policy terms, the alternative strategies of treating women as individuals (reflecting the need for employment and autonomy) or as mothers (recognising that the needs of children are most effectively guaranteed through the mother or by supporting the mother as primary carer) may conflict. In this respect, then, Nolan's (1993) judgement that a particular advantage of increasing the level of Child Benefit is to improve the position of women in the home (Child Benefit is paid to mothers) may in fact be detrimental to the broader objective of equality of treatment for all women as autonomous individuals.

(F) Targeting children through unifying children's benefits may not offset the overall shift in the quality of and access to social protection for families (particularly the shift from social insurance to means-tested benefits¹⁷), nor will it in itself address the unequal treatment of different family types and thus of children within them.

¹⁷ The introduction in 1984 of Family Income Supplement as a means-tested top-up payment for low-income families in employment (except for self-employed people and farmers) was accompanied by an increase in and taxation of Child Benefit. This would eventually replace the need for FIS. In 1986, however, when tax allowances for dependant children were abolished the reforms to Child Benefit had not been implemented. The net effect was the substitution of a universal benefit by a means-tested one.

(G) The insertion of a clause on the right to adequate standard of living for children will not ensure children are treated equally and justly or that it will guarantee their rights regarding self development. Similarly, increasing child support/benefit will not automatically lift children out of poverty due to inequalities in the intra-household distribution of resources.

(H) If the objective is to redistribute resources away from adults towards children with a view to valuing the human dignity of children, then this redistribution must be guided by the principle of the equal status of children in order to prevent lower standards from being adopted. The Constitutional implications of this would be the redefinition of the principle of inequality within the family, redefinition of citizen to include children. This could not be achieved without a parallel revaluation of article 41 which institutionalises the legal, social and political basis for the unequal treatment of women. In the context of unequal family relations, if the child is accorded equal status to that of adults, in respect of whom is the child equal - the father or the mother?

(I) Similarly, at present children are de facto treated unequally as a result of the unequal treatment of family types which do not conform to the Constitutional family, i.e. lone parents, cohabitees, lesbian and gay families. The State is constitutionally bound to treat the marital family more favourably than other family types. Given the increasing number of children affected by family breakdown, the treatment of different family types is becoming increasingly relevant. Social welfare must address not only the equitable treatment of children and non-children households, but also the equitable treatment of first, second and third... families. The rights of children must thus inform the priorities of the broader system of income maintenance, such as strengthening procedures and mechanisms for the enforcement of maintenance, as well as support for children in other areas, such as policies which support children's rights to live in a violence- and abuse-free environment (e.g. the provision of adequate support in the event of domestic violence).

(J) The allocation of resources between groups of children. The example of resources for education illustrates this point. If the priority is for policy to combat exclusion is to prevent childhood deprivation and to strengthen and integrate support systems throughout the child's education, then an argument can be made for reallocating resources away from young people on training schemes and in third level education, towards pre-school and primary school children (O'Sullivan, 1995). Current government policy channelled resources into post-secondary training and education as a means of compensating for the lack of job opportunities. This has not only been regressive but follows an anti-poverty and social development strategy based on developing the skills for the labour force rather than one premised on prevention of exclusion and its effects on child development through integrated action. This highlights the relationship between an anti-poverty strategy and an inclusive model of social development.

3. Conclusions

In this chapter, an original exercise in the kind of strategic thinking called for in chapter one on intellectual grounds and in chapter two on the grounds of current EU policy, was presented. Due to space and time limitations, just two areas were chosen which would have topical appeal, the minimum income standard and children's rights. The contradictions and options available with a discussion of their implications were presented and used to evaluate current proposals. This type of exercise is difficult in the absence of basic research into key areas of social policy. It may be useful to develop this type of approach and apply it to other areas, such as policies to combat unemployment, policies towards marginalised communities and marginalised groups and spatial exclusion. This could inform the type of research to be undertaken in future and would operationalise what an anti-poverty/exclusion strategy may look like in practice, as well as the true meaning of inclusive policies for social development.

citizens and as members of communities. Uncritically equating the strengthening of social rights and the closer coordination of state services with the reduction of poverty and social exclusion does not address the present content of those rights, and is tantamount to regarding the poor as a threat, leading to containment strategies while accepting widening levels of inequality and polarisation.

6. The specification of tensions and choices to be made in policy-making requires further consideration in order for the Agency to make a meaningful contribution to policy analysis and institutional reform in the context of a national anti-poverty strategy. Section three presented examples at different levels and in different areas of the kinds of considerations with regard to the competing goals and principles which must be made explicit during the policy process. Policies and measures which have been recently proposed to combat poverty do not necessarily have equality or human dignity as their objective, and touch on issues which strike at the heart of the State and the organisation of human relations.

7. The human inequalities which the Constitutional Family enshrines is a key issue in this respect. Meaningful reform must put the family in the centre of the debate in order to fully and critically address the implications of changing family and household structures for public policy. The starting point would be the rights of each of the members of the family as individuals of absolute equal worth.

8. Any policy or strategy which aims to raise the profile of social rights must be clear therefore about the objectives of the strategy and the extent and depth of the reforms desired from the outset. This research is intended as a discussion document only, the brevity of which cannot do justice to the full complexity of these issues raised. The Combat Poverty Agency could potentially play a significant role by pursuing the issues raised and using this document as a basis for further reflection. This could be done in various ways: the commissioning of further research, setting up a reflection group, or developing the ideas on a workshop basis. There is in any case an urgent need for further research and debate, and the latter could quickly and effectively be done by publishing an initial discussion document on the main points raised by this research. In the longer term,

the Combat Poverty Agency could make a very substantial input into the debate through a series of such documents covering strategic issues such as social welfare reform. These could detail strategic considerations and make explicit the tensions within them, in a similar manner to this research, in different policy areas or on a number of issues. The clarification of a rights approach in an Irish context would contribute to the development of a better infrastructure for social policy analysis and policy makers.

9. In particular, there is a need for research into a number of issues which Ireland will be obliged to address in the forthcoming years as the Social Action programmes and the fourth equal opportunities programme gets underway. There is a notable lack of research into the barriers to and the implications of the individualisation of rights, yet it bears centrally on the poverty and social exclusion debate and has dominated the social welfare debate for over a decade.

10. The Combat Poverty Agency could play a key role in supporting innovative approaches to combating social exclusion through a programme of development and specification of what a social exclusion perspective to social/public policy would consist.

- Recent directions in poverty and social exclusion research, in an attempt to escape from the pathological view of poverty and objectification of the poor (e.g. Lagree 1994), stress the issues of subjectivity, identity and 'agency' (Williams, 1995; Titterton, 1992; Jordan 1994). Williams (1995) notes that, in methodological terms, this entails embarking on qualitative studies which bring out people's own understandings, sense of belonging and capacities and resources to act which, would then be related to the 'landscapes of risk and opportunity' as discerned from quantitative studies. This would require social research and discourse to take on ideas of income survival, work strategies and networks of socially excluded people, with which to inform policy decisions and policy makers. An 'action theory' of the welfare state would show how the poor act within these systems or against them and that anti-exclusion policies need to build on these strategies and the interests they reflect, not on traditional solidarities.

- If the concept of social exclusion is taken as being real, then policy makers must learn from social exclusion. The type of approach which is gaining validity in third world countries, as well as in Poverty 3, consists of 'challenging the professions' in order to restate the issue and to redefine the terms on which social exclusion is discussed and the context of its development as a phenomenon as well as a concept. The debate could, for example, restate the issue of participation as one of the participation by the statutory service sector in the decentralisation of public services and towards the delivery of services by excluded communities for themselves. This debate crosses over onto the social economy debate and marks a shift in thinking about state social policy and anti-poverty policy in particular.

- Making research an integral component of the community development fund budget would enhance such an approach; research designed and carried out by community groups, under expert guidance and support, could be seen as complementary to the research role and the promotion of new thinking and debate on social rights and social exclusion by the Combat Poverty Agency. The role of the Combat Poverty Agency in facilitating and supporting the voluntary sector in the fight against exclusion would be enhanced.

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APPENDICES

APPENDIX 1

Three Paradigms of Social Exclusion

	SOLIDARITY	SPECIALISATION	MONOPOLY
CONCEPTION OF INTEGRATION	Group solidarity Cultural boundaries	Specialisation Separate spheres interdependence	Monopoly Social closure
SOURCE OF INTEGRATION	Moral integration	Exchange	Citizenship rights
IDEOLOGY	Republicanism	Liberalism	Social democracy
DISCOURSE	Exclusion	Discrimination, Underclass	New poverty, Inequality, Underclass
SEMINAL THINKERS	Rousseau, Durkheim	Locke, Madison, Utilitarians	Marx, Weber, Marshall
EXEMPLARS	de Foucauld, Xiberras, Schnapper, Costa-Lascoux, Douglas, Mead	Stoleru, Lenoir, Shklar, Allport, Pluralism, Chicago School, Murray	Dahrendorf, Room, Townsend, Balibar, Silverman, Gobelot, Bourdieu
MODEL OF THE NEW POLITICAL ECONOMY	Flexible production, Regulation school	Skills, Work disincentives, Networks, Social capital	Labour market segmentation

Source: Hilary Silver, *Reconceptualising social disadvantage: three paradigms of social exclusion*, in Rodgers et al (1995), pp. 58-80, table 1, p. 62.

APPENDIX 2

Summary of Principal Objectives, Debates and Initiatives of the Medium-Term Social Action programme 1995-1997 (COM (95) 134 final)

AREA	DEBATE	NEW INITIATIVE OR LEGISLATION
<i>Employment</i>		
<u>Monitoring</u> <u>Collaboration</u> <u>Adapting the Structural Funds</u>		<p>Monitoring of employment trends; the effects of tax-welfare on the creation and take-up of employment; the relationship between economic growth and the environment;</p> <p>Employment action research, employment observatory, regular meeting of DGs for employment and social security;</p> <p>Review of the Funds vis a vis equal opportunities and human resource development; participation of social partners in Social Fund;</p>

<i>Education/Training</i>		
<p data-bbox="229 539 517 600"><u>European Labour Market</u></p> <p data-bbox="229 842 517 875"><u>Labour Standards</u></p>	<p data-bbox="539 309 963 528">Promotion of life-long learning, accreditation of prior learning and skills; Mobility for training and education; Free movement - obstacles outstanding;</p> <p data-bbox="539 551 963 801">Accreditation and recognition of prior learning experience; Social security for migrant workers: revision of provisions; Third country nationals legally resident in a MS to have the right to engage in economic activity in another MS;</p> <p data-bbox="539 846 963 1099">Public hearing on the Social Charter; Rights of workers to be consulted on internal company matters; Flexibility and work organisation; Illegal work; Telework - social and health impact; Wages: payment on public holidays and during illness.</p>	<p data-bbox="975 315 1482 483">Implementation of Leonardo; Proposals for the integration of young persons into the labour market, esp. unqualified, untrained persons; Initiative on quality training;</p> <p data-bbox="975 551 1482 808">Pension rights in supplementary pension schemes; Updating legislation on the rights of residence, social security for migrant workers; extending recognition of diplomas to new trades; Access to immediate health care for third country nationals;</p> <p data-bbox="975 853 1482 1077">Consultation with social partners on part-time, fixed and temporary work; individual dismissals; organisation of working time; homeworking - working time, health and safety; 4th Action programme on Safety, Hygiene and Health Protection at work.</p>
<i>Equal Opportunities</i>		
	<p data-bbox="528 1352 963 1509">Equal treatment in social security; Individualisation of rights; Review of Community actions 1985-1995 and of scope for further initiatives;</p>	<p data-bbox="975 1352 1482 1671">4th Action Programme; Reconciliation of working and family life; Up-dating social security legislation (Barber); Consultation with social partners on Burden of proof; Code of practice on equal pay; Recommendations on women and decision making and on the dignity of men and women at work;</p>

<u>Social Protection</u>		
	Fundamental social rights in the EU: incorporation into the EU's constitutional basis, extension of rights and responsibilities;	
<u>Social Protection</u>		Framework initiative on social protection - work-welfare relationship;
		Communications on the financing of social security and complementary health insurance;
		Report and eventual recommendation on care insurance for dependants; Recommendation on social protection for volunteer development workers;
<u>Poverty and social exclusion</u>	1996: debate on poverty and social exclusion as a basis for identifying the scope for concerted action;	Report of EU policies vis a vis the 10 commitments at Social Summit (Copenhagen);
		Develop the Declaration of European Businesses Against Exclusion and extend to social partners, civic/voluntary bodies, foundations/trusts;
		Promotion of cooperation on housing, urban development, homelessness;
<u>Disabled People</u>		Consultation on future action, with particular reference to employment, code of good practice;
		Communication on removing discriminatory barriers;
		Recommendation on implementing equal opportunities for disabled people;
<u>Older People</u>		Decision on actions in favour of older people;
		Reports on demographic developments;
<u>Racism, xenophobia, anti-semitism</u>		Action plan against racism, code of conduct to combat racial discrimination at work;
		Comparative report on legal provisions against racism, xenophobia;
<u>Integration of immigrants, ethnic minorities</u>		Recommendation encouraging MS to adhere to UN convention on the rights of migrant workers and their families;

<i>Public Health</i>		
	Integration of health protection requirements into other Community polices; Report on health status in EU; Surveillance of communicable diseases;	Health data indicators; Decision on pollution-related diseases; Possible Action programme on accidents and injuries and rare diseases;
<i>For a More Active Society</i>		
	Periodic European forum on social policy, including on the revision of the Social Charter; European disability forum.	
<i>Social Policy Analysis and Research</i>		
	Disparities in employment within EU and between EU and 3rd countries; Organisation of working/leisure time; Relationship between competitiveness, productivity, macro-economic policy and social policy; Social consequences of the information society, esp. employment, education, training and difficulties of those in adapting to changes;	
<i>Application of EU Law</i>		
<u>Control</u> <u>Efficiency and transparency</u> <u>Information and guidance</u>	Transposition, implementation and enforcement of Directives, sanctions; Simplify, up-date and clarify legislation; Promotion of awareness of EU legislation; Communication on procedures and remedies for the implementation of article 119 (Equal Pay) and Equality directives.	

APPENDIX 3

Summary of Principal Objectives and Actions of the Fourth Medium-Term Community Action Programme on Equal Opportunities for Women and Men (1996-2000)

OBJECTIVE	ACTION
<i>Building Partnership in a Changing society</i>	
<u>Promoting partnership</u> <u>Integrating equality in the Social Dialogue</u> <u>Developing partnership at regional level</u> <u>Supporting Integrated Equality Projects</u> <u>Changing attitudes: education, training, culture and the media</u>	Advisory committee and exchanges on equal opportunities, Support for networking between social partners Regional equal opportunities centres Pilot projects based on partnership aiming to promote equal opportunities. Combating gender-stereotyping, develop skills through action programmes. Support for research into gender roles and networking between experts
<i>Promoting Equality in a Changing Economy</i>	
<u>Desegregating the Labour Market and promoting the value of women's work</u> <u>Encouraging women's entrepreneurship</u> <u>Equal opportunities in the Structural funds</u>	Integration of women's issues into employment planning, policies, initiatives, programmes; improving baseline data on women and pay; dissemination of European code of practice on equal pay; promote studies in relation to employment and positive action esp. in the informal sector; monitoring of equal opportunities in the labour market. e.g. research and publicisation of the costs of non-integration of women into Europe's economies, evaluation of employment plans in terms of impact on women. Support for enterprise creation for women and structures promoting women's access to the Single market. Development of evaluation tools, procedures and indicators; bringing together networks on equality issues to disseminate. SF to operate to promote equal opportunities, eg strengthen diversification of vocational training, develop accompanying measures (child- and elder-care). Conference on equal opportunities and the structural funds.

<i>Women and Men Combining work with household-family life</i>	
<u>Reconciling work and household-family life</u> <u>Individualisation of Rights</u>	Development of policies during the Programme; support debates, studies, exchanges on employment and social protection, including social infrastructure and care provision. Updating of equal treatment in social security legislation; Technical studies on the degree of neutrality of taxation and impact on the autonomy of women; support for studies on individualisation and implications for part-time and full-time work. Communication on the individualisation of rights (1997): analysis of impact of current systems on women's autonomy and proposals on lines of reform.
<i>Promoting Gender Balance in Decision Making</i>	
<u>Developing Strategies to promote a gender balance</u> <u>Research and Exchange of good practice</u>	Recommendation on gender balance in decision making; Collation of data, exchanges, research, debate on mechanisms eg mentorship, targets and quotas;
<i>Enabling Women to Exercise their Rights</i>	
<u>Enforcing Community Law</u> <u>Providing information on equal opportunities</u> <u>Promoting the Dignity of Women and Men in the Workplace</u>	Support for awareness and information actions in field of legal enforcement and information; Strengthening Community law, binding instrument for the protection of the dignity of women and men in the workplace; Setting up centres in MS specialising in the provision of information; Binding instrument on sexual harassment at work, and procedures to deal with incidents; Exchange of information on the promotion of dignity of all women and men in MS, e.g. abuses connected with illegal employment and cross-border trafficking.

APPENDIX 4

Schematic Evaluation of Four Strategies to Reform Social Welfare (source: Nicola Yeates)

	(A) BASIC INCOME	(B) INDIVIDUALISATION	(C) SOCIAL INSURANCE	(D) CURRENT
<i>Degree of Reform</i>	Potentially high; Various models proposed of varying degrees of reform: e.g. partial B.I. with top-up payments reproduces stigma, low-take up and traps; Partial implementation could have same outcome as (d);	High; Elimination of dependency; Contribute to the removal of poverty and unemployment traps;	Medium, potentially high; Possible to combine with individualisation; Broadening risks covered, e.g. child- and elder care;	Low. Intensification of targetting of low income families, e.g. increase in child benefit; Poverty and unemployment traps not addressed; Stigma; Does not address structural changes in households, gender roles or labour market;
<i>Equality</i>	Recognition of different needs: weighting of citizens for cost-related benefits (age, health status, disability); Not all B.I. models propose gender equality;	Gender equality as organising principle and objective; Requires rethinking social relations within the family as a basis for policy; Individualisation of payments only reproduces gender inequality;	Gender equality must be built in; Equality of different types of work to underpin flexible labour market patterns;	Not a consideration.
<i>Redistribution</i>	Degree of vertical redistribution depends on funding base and level of B.I.; Redistribution from men to women, earners to non-earners; over life-cycle; Redistribution, sharing, of work and working time?	Gender based; Limited vertical redistribution; Possible negative effects for women in the absence of broadening concept of work; Intra-household;	Strengthening entitlements: security; Protection against risks, redistribution over lifecycle within classes more than vertically;	
<i>Individual or Family as Unit</i>	Unconditional payments to Individuals; Individual autonomy	Individual rights, autonomy;	Individual; Family in the absence of (B);	Family