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**TOWARDS AN EUROPEAN WELFARE STATE?**

**On Integrating Poverty Regimes  
in the European Community<sup>1</sup>**

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"Who overcomes  
By force, hath overcome but half his foe"  
(John Milton, Paradise Lost)

## EUROPEAN INTEGRATION AND SOCIAL<sup>2</sup> POLICY: HISTORICAL AND ANALYTICAL APPROACHES

Europe is more than just a geographical entity. And it is more than a "common market". Europe has a common tradition in war, peace, culture, and, above all, in welfare statism--making it a distinct peninsula on the Asian continent (Schulze 1990). The legally still separate Western European nations may be about to merge into a United States of Europe ("USE")--an economical, political as well as cultural entity of its own--analogous to but also quite different from the USA.<sup>3</sup> This process has gained momentum during the past two decades. After several unsuccessful attempts, the Single European Act of February 28, 1986 has moved the European Community (EC) closer to an economic, a political, and to some extent also to a social union.<sup>4</sup> By now the EC has de-

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<sup>2</sup> It should be noted that at the EC level "social policy" encompasses "education policy" (cf. Sieveking 1990: 360; De Witte 1989). This contrasts with the German tradition of "Sozialstaat": Its compensatory tradition has traditionally excluded education.

<sup>3</sup> For general analyses of European unification cf. Hoffmann 1990 a, b, 1989, 1966; Kaelble 1987; Lepsius 1986; Offe 1990; Pomian 1989; Schulze 1990; Siebert 1989.

For a general analysis of the future of European social policy cf. Berghman 1990, Däubler 1989, Deubner 1990, van Langendonck 1991, Leibfried 1991, Mosley 1990 a, b, Schmitter/Streeck 1990, and Streeck 1989, 1990 a, b. For a bibliography of social policy studies cf. Henningsen et al. 1990.

<sup>4</sup> The "social" component was an issue between France and Germany already at the time of the Rome Treaty, though not as a "Social Union". Then, the issue was: Should social policy expenditures be counted as labor costs in establishing "free markets"? Decades later, in the 1960s, the "Social Union" reemerges in attempts by the Commission to move towards harmonization in social policy, which failed. Finally, in the early 1970s another attempt was made for a "European Social Union", supported by the German government headed by Willy Brandt. Herbert Wehner, head of the parliamentary SPD, envisioned "the United States of Europe constituted as a democratic welfare state" (Vereinigte Staaten von Europa in der Form eines demokratischen und sozialen Rechtsstaates"). Cf. Henningsen 1989: 66, as well as Henningsen 1990 a, b, for further references, and Simonian 1981 on France vs. Germany.

finitely been developed beyond just a "tariff union"--but where is it moving to? Will there be an European welfare state, a "transnational synthesis" (Offe 1990: 8) of national welfare states, with "European social citizenship" being one backbone of the USE? Or will the welfare state, which is "characteristic only for this part of the world" (van Langendonck 1991), be irrelevant for "building the new European state"? Will fragmented "social citizenships" remain at the national level, where they might slowly erode?

If European unification were not to be based on "social citizenship", European welfare regimes would remain at the USE's state or "regional" level and stay below the supra-national level of visibility. The regimes of poverty policy<sup>5</sup>, the most exposed parts of social citizenship, would then be most likely to slowly and inconspicuously corrode. This may cause phantom pain for social welfare and, in particular, poverty experts. In their respective national contexts they are struggling with the consequences of something that never came to be: An European welfare state built on an European poverty policy.

The options and constraints involved in building an European welfare state<sup>6</sup> are the topic of this essay: I will focus mostly on European poverty regimes and will discuss them historically and typologically.

#### From Negative to Positive Integration

If "European social citizenship" or "Social Europe" is to come about, a "positive" mode of integration is required. Such an integration is much more ambitious and complex than a pure and simple "common market" goal. It aims at joined "constructive" action, at a "positive state". However, the evolution of "preferential" European institutions, of Europe's "incomplete fede-

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<sup>5</sup> On a definition of poverty policy (vs. "laborist policy") cf. Leibfried/Tennstedt 1985, 66 ff.

<sup>6</sup> How much state building in general and welfare state building in particular are linked is stressed by Flora 1986.

ralism", has been strongly molded by "negative integration". (A summary of the two modes of integration is given in Figure 1.) Negative integration focuses on "deconstruction", on just removing obstacles for a free market, thus being unmindful of inherent social consequences (Kaufmann 1986: 69).

Moving from "freedom" to "social rights" implies a shift in the nature of the political regime in a unifying Europe<sup>7</sup>--a shift from negative to positive integration. The discussion on "Social Europe", on the "social dimension", on the "Social Charter" and on some details of the EC social policy mandate is already testing the limits of the unification regime of the European Community. In this context, the poverty issue is of special relevance, since it is morally clear cut and marks the "north-south" divide in the Community itself. To address European poverty the EC would have to design programs which aim at all European citizens. However, the EC mandate is focussed mostly on European employees and their families--and not yet on the European citizen per se. Even the EC Social Charter refers mostly to employees<sup>8</sup>, although comparable basic statements of rights at the nation level address all citizens.

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<sup>7</sup> The two regime types are not exclusive. The shift from negative to positive integration implies a synthesis: Positive integration includes and transforms negative integration by relating the latter to concepts of "justice" and "welfare". Positive integration confronts the "social infrastructure" necessary to achieve "negative integration", thus not simply displacing the costs of integration downward.

<sup>8</sup> "Social" policy at the EC level is structurally narrow (Henningsen 1989: 56, 70 f.)--it is usually understood as "employment" policy only, i.e. programs for those employed or employable. When Jacques Delors speaks about a "social floor" ("sozialer Sockel") for Europe he does not mean a floor for all citizens but one for the employed only. The "laborer" and the "citizen" (in the 19th century: the "poor"; cf. Leibfried/Tennstedt 1985) are treated as distinct social categories.

In EC discourse the meaning of "the social" has always been reduced to employable and divorced from citizenship. If this is not overcome at the EC level, EC "social citizenship" will always be tainted by a basic contradiction between these two terms.

Figure 1: Types of Integration

MODUS OF INTEGRATION	NATURE OF TASK	POLITICAL SYSTEM	EXAMPLES IN PRESENT EC LEGISLATION	CLASSICAL AND TYPICAL MODELS
NEGATIVE	remove obstacles	weaker; strong reliance on juridical procedures and decisions	free movement of persons, goods, capital and services ("the four freedoms")	"Tariff Union" ("Zollverein") (Germany <u>before</u> 1871 or USA; Italy?)
POSITIVE	create common social space	stronger; reliance on developed executive and parliament	set minimum of essential health and safety requirements	"German Reich" ( <u>after</u> 1871), <sup>9</sup> Canada <sup>9</sup>

(cf. Dehousse 1988: 313 ff. on the first three columns)

Interestingly enough the negative integration modus of the EC was transcended (mostly) in agricultural policy in the Rome Treaty at the very start of European integration (Pinder 1968: 100 f.). In the European Community as well as in the USA agriculture was the first "internal"<sup>10</sup> policy domain to be nationalized. This has affected fundamentally the development of a national bureaucracy in the USA<sup>11</sup> (Skowronek 1982, Dupree 1957, Rossiter 1979) and at

<sup>9</sup> Maybe Canada - with its entirely different legal regimes in neighboring Quebec and Ontario, stressing the autonomy of these provinces, but having a strong political and a social union all the same - would also be an interesting example of positive integration. This is especially so when Canada is contrasted with the US on the issue of "social citizenship" (cf. Jenson 1990; Weaver 1990; Banting 1987, 1990a; Keith Banting is involved in an ambitious "Canada-US project" outlined in Banting 1990b and also dealing with social policy).

<sup>10</sup> The other domain nationalized in the USA was war and foreign policy. This domain is relevant only in the USA, but not yet in the EC.

<sup>11</sup> German unification post-1871 never had such a strong agricultural bias. This area was tugged away in a large Department of the Interior and had, in contrast to the US, no pionee-

the EC level, also incorporating different social policy developments vis a vis agriculture. More attention could be paid to how a universal social welfare components might be systematically intertwined with the agricultural domain at the EC level, and not only to how a "basic income" for certain agricultural producers is or was achieved EC-wide. The US Food Stamps program might offer a modest example of such a process. Since the EC has been granted legal and administrative competence in this area it might at first be easier to widen these established policy channels<sup>12</sup>, rather than struggling for a comprehensive EC social policy based on positive integration.

### Historical Models for European Integration in the Social Policy Domain

There are two major examples which highlight the different relevance of "positive integration" or "social unification" for processes of national integration<sup>13</sup>: German unification of 1871--and

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ring role in the process of "nationalization".

<sup>12</sup> A not too successful version of this was tested in the extremely cold winter of 1987 when the European ministers for agriculture decided to have agricultural surplus products distributed to the needy at no cost. This program has been continued since then (cf. Henningsen 1989: 74) and costs more per year than the entire ("other") four year poverty program of the EC.

Compared to US Food Stamps this open "in kind" approach regresses to the tradition of charity. It does not speak too well for a European welfare state based on "social citizenship". At best, this program offers a "window of opportunity" for a more enlightened way of using the positive integration capabilities of the EC in agriculture for broad social policy purposes, thus actually implementing a poverty program more systematically across Europe with an entitlement and a strongly diluted "in kind" approach.

<sup>13</sup> At the time these developments took place they looked much more like "supra national" integration. Only retrospectively and after their success do they look like processes of "national" integration only.

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again of 1990--and the consolidation of a United States of America as a "state" at the turn of the 20th century.<sup>14</sup>

### The German Reich<sup>15</sup>

The first German integration of 1871 did not conform to the "normal" (Anglo-Saxon) pattern of evolution of rights: expanding from civil to political to social rights (cf. Marshall 1964). The extension of social citizenship to the working class--not to the poor per se--which was the core of Bismarck's social legislation, preceded political citizenship (introduction of universal suffrage after defeat in World War I) by four decades.

Integration of the German Reich--as in England--was mainly achieved through social reform. "One nation" grew out of a class-divided "two nations" in a sphere of common social rights. An overdose of social citizenship, mostly granted to men<sup>16</sup>, and a homogeneous national bureaucracy<sup>17</sup> were administered to a nation about to unify, hence identifying the (mostly male) "Second Nation", the organized working class, with the new, benevolent na-

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<sup>14</sup> It is not accidental that both the USA and the German Reich are federal states. For them integration is a continuous feature of state structure, one that affects social policy formation. The relationship between federalism and integration in Germany, Europe and the US has been a major focus of Fritz Scharpf's work (cf. 1990 a,b, 1989 a,b; 1988; 1985).

<sup>15</sup> For a general overview cf. Tennstedt 1983. On an historical look at the 1871 German unification, leading up to European unification cf. now Hansen 1991.

<sup>16</sup> On the gender bias of social policy in Germany cf. Leibfried/Ostner 1991.

<sup>17</sup> German unification after 1871 was, compared to the US, not particularly influenced by agricultural interests. "Poverty" and "Agriculture" were issues within one Interior Department. After World War I, the Reich's Labor Ministry (Reichsarbeitsministerium) evolved as "the" social policy unit out of the Department of the Interior. Agricultural policy in Germany, in contrast to the US, had no pioneering role in the nationalization of social policy competences.



tional state, the "social security state".<sup>18</sup> The new welfare state of the 1880s became the foremost, intermediary (not directly state<sup>19</sup>) bureaucracy, which legitimated an otherwise fragile<sup>20</sup> central government.<sup>21</sup>

Today's German unification repeats, compressed in time, the pattern of 1871: Civil and social unification preceded the political union, though--contrary to 1871--the chances for an improved "integration through social reform" have been mostly bypassed by (West) German politicians.<sup>22</sup>

<sup>18</sup> In Germany the political pressures of the working class were not only channelled via social citizenship, as Rimlinger 1971 and Alber 1987 show. Social Reform was also about creating a common, meta-class and meta-regional state culture, space for national identity in a unifying Germany. By focusing on the class nature of social policy only, it is often ignored how central social policy was in this respect.

<sup>19</sup> The social security bureaucracies are not direct parts of the national German government or of the state governments. They are independent national or state agencies, usually of a corporatist nature, with their governing boards staffed by representatives of labor, employers and of the different levels of the government.

<sup>20</sup> Until World War I, the new German national government remained relatively marginal, be it in terms of fiscal power or personnel. In most respects it was a "dependent" on states and local governments ("Kostgänger"). Already in the 1880s the Reich's social security reform broke with this pattern (this is shown in contrast to England by Hennock 1987).

<sup>21</sup> For a comprehensive analysis of these processes in Germany cf. Huber 1969: Chapter XVI/XVIII.

<sup>22</sup> If (West) Germany had accepted the challenge, a synthesis might have looked quite interesting. The German Democratic Republic's (GDR) road to a welfare state differed substantially from the West German one: It guaranteed a right to work (and thus did not institutionalize unemployment insurance), with the labor force participation rate of women being far higher than in the FRG. Redistributive policies focused less on the aged--as they do in West Germany--than on the young. Social policy operated mainly through the provision of public goods ("Sozialgüterstrategie"), e.g. through general subsidies for food stuffs and housing (cf. Tennstedt 1976). With respect to monetary transfers uniform minimum approaches dominated, for example with pensions, leaving less room for inequality among pensioners. Thus the GDR moved from the Bismarck model which it had inherited towards the Beveridge model.

At first the German Democratic Republic (GDR) seemed to aim at a synthesis of the "social advantages" of West and East<sup>23</sup> Germany and proposed a "Social Charter"<sup>24</sup>. But in the meantime the West German social policy model has been simply extended (sometimes in a watered down version) to the territory of the former GDR, in some cases allowing for transition periods<sup>25</sup>, now making it "the" German model. There may be some lasting consequences of German social unification in the area of minimum income legislation, since transitory minimum pensions and minimum unemployment benefits have been provided in the Unification Treaty. Many issues which had pointed towards the need for a new era of social reform during the unification period resurface now that unification is implemented. West German policy solutions often do not fit reality in the five new states. So, "social cohesion" is an important inner-German issue, which is triggering compensatory action but not comprehensive social reform.

In any case, German unification today will be viewed by others, especially in Europe's southern, its Latin Rim and in Ireland, as a leading case for "integration" policy.<sup>26</sup> Perhaps unification

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<sup>23</sup> On GDR social policy cf. Bonz 1990; Gehrman et al. 1990; Winkler 1988; Winkler/Manz 1987.

<sup>24</sup> Cf. Sozialcharta 1990a; the Social Charter itself is documented in Sozialcharta 1990b.

<sup>25</sup> The simple extension of the West German social policy model to East Germany is much easier for pensions or monetary transfers. In unemployment, health and social services, extension is a more difficult strategy. Unification also extends the West German gender policy imbalance to East Germany, driving labor force participation of East German women down--and more towards part time employment--by withdrawing much of the social infrastructure which allowed more gender balance in East Germany in the first place. A possible drop in labor force participation of women from 90% (GDR) to about 60% (FRG) highlights the scope of social change necessary.

Overviews on the development of social unification appear regularly and are obsolete rapidly, cf. Bäcker 1991 a, b; Bäcker/Steffen 1990; Bank/Kreikebohm 1990, 1991; Bonz 1990; Gehrman u.a. 1990; Leibfried 1991b; Lompe 1990; Schmähl 1990 e; Winkler 1990.

<sup>26</sup> In Germany two countries were unified which were much further apart than the extremes within the EC. The differences between the FRG and the GDR in poverty, for example, are rather

can contribute to change Germany's role in the EC in a positive way, too, with Germany now more inclined to promote European social unification instead of blocking it as it did in the past. Other EC-countries, especially in the Latin Rim, will closely monitor the German "integration experiment"; it may become a "regional observatory" for a possible development of the social dimension of the EC.

#### USA<sup>27</sup>

In the USA, the historical sequencing of "citizenship" is "normal". This Anglo-Saxon pattern conforms to the one we can also observe in the EC. First come civil, then political and then social rights. The USA thus offer the best counter-example to the German Reich of 1871: it operates with an "underdose" of social rights--instead political and civil rights are strongly emphasized. Vis à vis the EC the USA offers a good comparative case, since they share central features: Both "continents" are unified through federations and the unification of both is court-led and court-fed<sup>28</sup>, juridification playing a central role. At the turn of the century, the USA was still just "a state of courts and parties" (Skowronek 1982)--thus a non-state, in the European sense at least. On the other hand, the EC might be characterized as a "state of the European Court and of Brussels technocrats".

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similar to the north-south incline obtaining in the EC (Schmähl 1990a argues this point differently), but in addition the whole economic system was at variance which is not the case in the north-south incline of the EC. This EC-internal tension is amplified when the Latin Rim countries are asked to finance German unification via the EC with their tax monies (cf. Hans im Glück 1990). Viewed through the prism of the legal discipline German and European Unification were first discussed together in Reich/Ahrzoglu 1990.

<sup>27</sup> On comparisons of the EC with the US cf. Cappeletti et al. 1986 ff., especially Elazar/Greilsammer 1986; Garth 1986; Heller/Pelkmans 1986; Kommers 1986; Kommers/Waelbroeck 1986, and most recently Crijns et al. 1990. On US poverty and social policy cf. for an overview: Amenta/Skocpol 1989, Cottingham/Ellwood 1989, Katz 1989, Palmer et al. 1988, Peterson/Rom 1990, and Weir et al. 1988. On a comparison of Germany and the US in welfare policy cf. Döring/Hauser 1989; Leibfried u.a. 1985, 457 - 583.

<sup>28</sup> The Supreme Court in the US and the European Court in Strassbourg are the cores of these integration processes.

Social policy in the USA was at first only indirectly nationalized. Far before the Great Depression of the 1930s two classical Departments, War<sup>29</sup> and Agriculture<sup>30</sup>, incorporated social policy functions. Until the Great Depression the national level was otherwise void of social policy competences, a situation which was first altered by Roosevelt's introduction of social security.<sup>31</sup> The historical legacy of this gaping hole in national social responsibility is a permanently labile state of nationalization of social policy itself, which today is seen best in "functionally decentralized" poverty policies.<sup>32</sup>

Viewed from an USE to be the EC is now confronted by a similar "void". Will the nations of Western Europe be able to cope with this challenge of "social cohesion" faster and more successfully in the 21st century than the USA was able to in the 20th century?

The EC vs. the USA and the German Reich

The USA--like the EC, but in contrast to the German Reich--has stayed closest to the "tariff union" pattern, the typical model of negative integration. At the same time the USA has a more

<sup>29</sup> In the Department of War a strongly expanding pension system was built up after the Civil War. This system partly stepped in for a then not existing federal welfare state (Skocpol/Ikenberry 1983).

<sup>30</sup> At first, this was just social policy for the farm workers, but with Food Stamps in the second half of the 20th century the scope of social policy has been extended to the urban population. Food Stamps is still the only program available to any poor person in the US and it is nationally uniform. For a right to Food Stamps--in contrast to other welfare programs--it does not matter whether one is working or not, is old or young, has children or not--all that matters is insufficient income. The program is administered by the Department of Agriculture, even though it is "money" (coupons) and not food which is distributed today (cf. Leibfried 1989). On the general agricultural policy background of this development cf. Dupree 1957; Rossiter 1979.

<sup>31</sup> In the US social citizenship never fully developed. This was recently demonstrated in the abortive debate about "new property" (Charles Reich).

<sup>32</sup> An overview is given in Katz 1989.

highly integrated political structure than the EC might ever achieve. In Figure 2 differences in federal development of the USA and the EC are contrasted. For the USE and the USA, there are different fault lines. In the USA the fault line runs between political and social rights, since a "common market" and a political union have developed there in one process. In the sequence of citizenships social citizenship comes last. The USE, though, has two such fault lines: The same one as in the USA, but also a preceding one that runs between civil and political rights. A European synthesis will thus be especially demanding. The situation of the EC therefore resembles less the development in the USA than it looks like the building of the German Reich of 1871--then Germany also had to deal with two such fault lines at once. But Germany dealt with social citizenship earlier than it did with political citizenship. This reversal of the sequence is also of interest for an analysis of European integration marked by a distinctly lagging "political union".

When we look at the EC compared to the USA or the German Reich the question arises: Should and will EC development conform more to the Anglo-Saxon pattern of sequencing citizenship or to the German one? In the former case European unification will take place without a social foundation, but will rest, on the contrary, on a market-oriented foundation of "possessive individualism". In the latter case European unification would instead attempt a synthesis of civil, political and social rights, thus confronting both fault lines at once and breaking with the Anglo-Saxon pattern of development. "Social Europe", "social dimensions" of European development, "Social Charter" (Kommission 1989), "Social Funds"<sup>33</sup>--at the moment these are catch-phrases in symbolic politics pointing at a social foundation without really building any of the structural prerequisites. Only a confluence of several favorable conditions will contribute to a breakthrough for a truly Social Europe.

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<sup>33</sup> Cf. Laffan 1983. Compared to the Social Charter, however, the Social Funds are real institutions, though their scope is modest: The Social Fund of the EC is just as large as Child Allowances in former West Germany alone; cf. Schulte 1990b.

Figure 2: Types of Federalism and Lines of Breakage: The USE ver-  
sus the USA

	USE	USA
TYPE	incomplete federalism	complete federalism
MARKET ("civil citizenship")	common market	interstate commerce
PARLIAMENTARY GOVERNANCE ETC. ("political citizenship")	political union	Congress, Federal Government
WELFARE STATE ("social citizenship")	social union "Social Europe"	broad federal powers for social regulation
REMARKS	Rome Treaty left competency vacuum in social policy and provided for meager forms of political representation; no EC social citizenship (needle's eye: employment relationship; atrophy of national social citizenship regimes, e.g., welfare, child allowances, youth welfare, housing allowances etc.)	with the Great Depression the competency vacuum at the federal level was filled by redefinition of constitutional powers

Notes: Fault lines = \*\*\* and ---

The Four Social Policy Regimes in the EC

We have seen that positive integration, "social cohesion", is not built into the present structure of the EC: There is no EC welfare state (outside of agriculture). If we look at the different existing welfare systems in Europe may we then realistically expect that a "Social Europe" will come about by an "organical" merging of such systems--from the "bottom up"? Positive integration at the EC level would then be a byproduct of ongoing European market and political integration.

Or are the social and poverty policy regimes of the EC so contradictory that an organic merging from below is not possible and "harmonization" will necessarily have to come "from above", i.e. that it will have to be synthesized and implemented by an authorized EC bureaucracy? Such a European welfare state would, most likely, presuppose a historical north-south compromise within the EC and, surely, a reformulation of the Rome Treaties. Without an EC welfare state, in the long run, regional, national welfare regimes will be in atrophy: Their economic and legitimacy bases would slowly erode with the completion and further development of the Common Market--just as they eroded in the USA with the realization of its "common market", interstate commerce.

Whether Social Europe might come about via merging from the "bottom up" will be developed further in view of typical EC poverty regimes. My attention will center on the interfaces between poverty, social insurance and poverty policy.<sup>34</sup> The different consequences which the introduction of a basic income scheme under each regime might have will be outlined.<sup>35</sup> This is one way to illustrate the practical importance of the differences between these regimes.

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<sup>34</sup> Cf. on poverty in Europe: Room et al. 1990; Walker et al. 1984; George/Lawson 1980; Henningsen/Room 1990. The most recent empirical discussions of poverty in Europe are increasingly based on the Luxemburg Income Study (LIS), cf. Smeeding et al. 1990. A statistical overview is presented in Eurostat 1990.

<sup>35</sup> On the structure of "Basic Income Security" in former West Germany cf. Leibfried 1990a.

Though the discussion of welfare state regimes usually focusses on those policy areas which quantitatively dominate the welfare state, the social insurance systems (cf. Schmidt 1988), I concentrate on the margins of the welfare state: It is here that the limits--and thus the contents--of social citizenship are tested and it is here that any differences in European social policy will be most obstructive.

In the following, I will distinguish four different social policy regimes--four "worlds of welfare capitalism"<sup>36</sup>: The Scandinavian welfare states, the "Bismarck" countries, the Anglo-Saxon countries, and the "Latin Rim" countries.

#### The Scandinavian Welfare States

Since World War II the welfare states of Scandinavia<sup>37</sup> have stressed the right to work for everyone and have centered their welfare state policy on this issue and not on compensatory income transfer strategies. Scandinavia fits the type "modern welfare state"<sup>38</sup>. Universalism reigns, though not primarily as income

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<sup>36</sup> I add another category ("Latin Rim" countries) to Esping-Andersen's (1990) three worlds of welfare capitalism. In how far these three or four worlds take gender into account is discussed systematically by Ostner and Langan (1991); cf. also O'Brien 1990, vol. 3; Schunter-Kleemann 1990. Castles and Mitchell (1990) add another "fourth world", identifying Australia "as one of a distinctive Radical group of nations focussing its redistributive effort through instruments rather than expenditure" (3).

<sup>37</sup> In fact, the Scandinavian model is essentially a Swedish model, which holds for Norway, Denmark and Finland only with important modifications. At the moment, only Denmark is a member of the EC. On Sweden as the leading case for international comparisons cf. Baldwin 1990. On Scandinavian social policy and the EC membership issue cd. Kuhnle 1991.

<sup>38</sup> Titmuss (1987) would have used the term "institutional-redistributive welfare state". I am substituting the word "modern" to indicate that in these countries "individualization" has no structural gender barriers: 80% of men and women are integrated into the labor market. When Titmuss coined the term "institutional welfare state" he characterized mostly constellations in which men were individualized but women were not. Titmuss' construction of "institutional-redistributive" is very much influenced by the model of the English National Health System (NHS)



redistribution outside the sphere of work. Here the welfare state is employer of first resort (mainly for women). Subsidizing "entry" into--or non-exit from--the labor market is the welfare state strategy<sup>39</sup>, which informs the institutionalized notion of social citizenship.

In Scandinavian countries the basic income debate is likely to be used only as an additional argument for the support of a universalist "work centered society". The debate might be of some use for improving "income packaging" in the Scandinavian welfare state (cf. Rainwater et al. 1986): Broad scale issue-specific redistribution, like child allowances, might be improved. Or the rather residual, truly marginal<sup>40</sup> welfare systems there might be improved, such that they match the standards of "Bismarck" countries. But basic income is unlikely to develop into a strong option: To opt out of "work society" as a general strategy will not be condoned.

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which included women independent of their work status.

Since this English situation resembles closely to the circumstances obtaining in today's "Bismarck countries" I would use his characterization "institutional" for them only.

<sup>39</sup> One is hard put to find a significant "convergence of rhetoric on the goal of integrating all 'working age' citizens into the productive structures of society that cuts across ideology and national boundaries" (Lawson/McFate/Wilson 1989: 21) in Europe. Only in "modern welfare states" do we find a rhetoric which fits to the reality in the sphere of work. In the "Bismarck" countries ("institutional welfare states") this relationship is already strongly destabilized by compensatory strategies. In Anglo-Saxon countries ("residual welfare states") the rhetoric verges on ideology, while in "Latin Rim" countries ("rudimentary welfare states") the (far off) promises of development at least resound in such a rhetoric.

<sup>40</sup> The "whithering away" of welfare programs has been an institutionalized hope in many a western welfare state, for example in Germany's major 1961 welfare reform act (BSHG). But only in countries which follow a full employment strategy and have a broad sector of universal transfers is there some real basis for such hope. And, historically speaking, only such countries have a valid excuse for marginalizing welfare programs in welfare state building.

The "Bismarck" Countries<sup>41</sup>

For a century Germany and Austria have relied on a strategy of "paying off" social problems, of subsidizing "exit" from the labor market or even "non-entry", while pursuing a strong policy of economic development only<sup>42</sup>. These countries might be characterized as "institutional welfare states"<sup>43</sup>. Here "compensatory strategies" are prominent, which substitute a right to social security for a right to work, and a basic income debate would be most likely to radicalize the already obtaining focus on compensation and exit (or non-entry). The welfare state is not the employer but the compensator of first resort, and the institutionalized notion of social citizenship is biased accordingly. Though there is no explicit tradition of universalism in these countries, the "institutionalized full employment promises" and

<sup>41</sup> I use an historical typology, which leads back to Germany and Austria as "Bismarckian" social policy countries. One could also start out building a typology from dominant techniques of social policy implementation. It could distinguish a group of "social insurance states" and would also include Belgium, France, Switzerland and the Netherlands in that category.

<sup>42</sup> This institutional design differs from aspects of the Italian case. Ascoli (1986: 114) writes about pension policy, which is also the prominent feature of German welfare statism: "(P)ensions have, in the Italian case, many different functions, besides the social security function: (1) they replace a policy of economic development devoted to modifying economic imbalances in backward regions, (2) an active manpower policy that deals with unemployment and early retirements, and, finally, (3) specific sectoral policies that cope with agriculture, trade and artisan sector problems." (emphasis and numbering mine) It is in respect to functions 1 and 3 that the German situation differs most.

<sup>43</sup> Titmuss would have subsumed these countries under the "industrial, achievement-performance model" (1987: 262) or the "handmaiden model" (1974: 31) rather than under the "institutional-redistributive model of social welfare" (1987: 263). I abandoned this terminology because: (1) In the 1960s and early 1970s the Bismarck countries have 'universalized' their "performance model" to a "male citizenship model", which was (2) backed up by a (male) full employment promise.

While the independent subsidy of exit or non-entry stresses the strength of social policy institutions, the whole welfare state set-up is not strongly redistributive.

The first contrast between institutional and residual cf. Wilsensky/Lebeaux 1958: 138 f. Cf. now Leisering 1989: chapters 2.3, 2.4.

private labor market "practices" (of the 1950s to the early 1970s) have created a fragile tradition of virtual universalism.

The basic income debate here amplifies the pre-existing focus on non-entry or easing-exit from the labor market. Perhaps in the Bismarck countries this debate could lead to something like a universalized non-residual needs approach which might become less and less restrictive in terms of means testing and might also develop towards an individual instead of a household orientation.<sup>44</sup>

#### The Anglo-Saxon Countries<sup>45</sup>

The English-speaking countries have always emphasized the "residual welfare model" (cf. Titmuss 1987: 262), especially in income transfers<sup>46</sup>. They did not accent, as the Scandinavian countries did, the welfare state as the major employer in a "work society" but they conceived of the welfare state as a "make work" forcing-mechanism (cf. Lødemel 1989). The USA, Australia, New Zealand, and also England best exemplify the type "residual welfare state" (Titmuss 1987: 267). "Entry" into the labor market was facilitated more by pure force than by subsidization or by training and qualification policy. Here selectivism reigns as the principal approach of social policy, making the welfare state rather a compensator of last resort. The distance of the Anglo-Saxon model from a "compensatory regime" or a Scandinavian "work society re-

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<sup>44</sup> In the context of a national institutional welfare state (only) there is the danger that a basic income strategy would support an "opting out of politics". Here the coupling of an income transfer with an employment and possibly a revaluation of work strategy (cf. Mückenberger/Offe/Ostner 1989) makes most sense, such as to assure the centrality of socio-ethical issues in the political process afterwards.

<sup>45</sup> Putting the U.S. and the UK into one league, treating them in effect as if they were "one country", makes more sense today as the effects of Thatcherism on the welfare state become visible. As long as "freedom from want" and Beveridge-style social reform was prominent in England the divergence from the U.S. was rather pronounced.

<sup>46</sup> If one took in-kind transfers into account the prominent English example of the NHS would highlight the taxonomy in a different way.

gime" is equally great. Thus "social citizenship" has remained more of an academic issue in these countries<sup>47</sup>.

The basic income debate in the Anglo-Saxon countries is rather far away from institutionalizing an "option out of work society"; it may support the development of a "normal welfare system" in the Northern European sense but the development is not likely to go any further than this. A normal welfare system in the Anglo-Saxon context would mean: to introduce a universal instead of a categorical welfare system<sup>48</sup>; to combine such a welfare system with a more prominent role for a public jobs program, that aims at integration into the primary labor market (somewhere between the German and the Scandinavian model); to have adequate ("fair share") and nationally standardized "welfare" rates.<sup>49</sup>

#### The "Latin Rim" Countries<sup>50</sup>

The southern countries of Western Europe, some of them integrated into the EC only in the 1980s<sup>51</sup>, seem to constitute a welfare state regime of their own. This league comprises Spain, Portugal, Greece, to some extent Italy<sup>52</sup> and, least so, France<sup>53</sup>. This type

<sup>47</sup> This is, historically speaking, more so in the US than in England, though England has moved visibly towards the US in the last decade.

<sup>48</sup> This need to move away from categorical welfare applies especially to US welfare policy.

<sup>49</sup> Again, the need for national standardization applies more to US welfare policy than to England (cf. Petersen/Rom 1990).

<sup>50</sup> Though not a southern country, Ireland also fits with the "rudimentary welfare state" type. Perhaps its peripheral location, bent towards agriculture, and latinity in terms of religion are responsible for this similarity.

<sup>51</sup> On a West German perspective on the southern extension cf. Deubner 1980.

<sup>52</sup> In Italy an integrated look at income transfers and services will lead to a different picture than does a concentration just on income transfers, as in this essay. The Italian national health system ("servicio socio-sanitario nazionale") represents a rather singular case of recent "in-kind universalism" - and is, interestingly enough, combined with one of the strongest cases of "income transfer particularism" (or neglect) in european poverty

could be characterized as "rudimentary welfare state"<sup>54</sup>. In Portugal, Spain, Italy and Greece not even a right to welfare is a given. In some respect these states are similar to the Anglo-Saxon countries, de facto stressing residualism and forced "entry" into the labor market.<sup>55</sup> But in these countries older traditions of welfare (connected to the Catholic Church) seem to exist on which the Anglo-Saxon and most northern countries cannot build. Moreover, in these countries certain social security programs serve as basic income measures although they were not designed as such (the disability pensions in southern Italy seem to have worked out this way; cf. Ascoli 1986: 113 f., 122). In addition, labor market structures are radically different and often reveal a strong agricultural bias, combined with a "subsistence" economy, which provides a different - non-Northern European - "welfare" state background. Finally, these countries do not have a full employment tradition--in particular one, that also fully applies to women--as do some of the Scandinavian countries. But many of these countries have made strong promises pointing towards a "modern welfare state" in their constitutions; it is the legal, institutional and social implementation which seems to be lacking in the "latin rim".

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policy. (In England the inclusion of the NHS would also throw a somewhat different light on residualism as a general welfare state feature.) On an overview about the Italian development and its complications cf. Ascoli 1986 (on poverty: 126 f.). Italy may also be distinctive in the "latin rim" due to the concentration of poverty in one region only (southern Italy and the islands), whereas in other latin rim countries (or for that matter in Ireland) poverty is much more an endemic national problem.

<sup>53</sup> In France (cf. Haupt 1989: 271 ff.) the heavy family focus of all social policy (and concomitantly of wage policy) probably leads to a special sort of welfare state regime (cf. Schultheis 1988: 381 ff.) which carries some weight even though the structure of poverty policy is otherwise very similar (no national but only an optional local general assistance structure, though France, in contrast to Italy, is characterized by a right to those welfare provisions which do exist). On recent national welfare improvements cf. Milano 1989.

<sup>54</sup> This term results from discussions with Bernd Schulte.

<sup>55</sup> Though one would have to say that while England is moving downwards, towards a "rudimentary welfare state", the "latin rim" countries are moving upwards, towards one of the other welfare state types.

It is hard to gauge the effect of a basic income debate in these countries. Most likely seems the development of "normal welfare systems" in these countries--normal in the sense of the Northern European or German welfare model.

These four types of welfare states are summarized in Figure 3.<sup>56</sup> Modern, institutional, residual and rudimentary welfare states start from rather different, in some cases contradictory goals, are build on quite disparate intervention structures, and do not share a common policy and politics tradition that could serve as a centripetal force. In any case, this divergence of regimes does not lend support to the notion that a European welfare state might grow via automatic harmonization, building from the national towards the EC level. A "bottom up" strategy for EC "social integration" policy seems stillborn<sup>57</sup>.

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<sup>56</sup> Hondrich (1990) distinguishes types by envisioning the institutionalization of different motives in different countries: Germany maximizes "productivity", and therefore needs a compensatory, institutional welfare state; the US maximizes "immediate profits", consequently it needs a residual welfare state, the Scandinavian countries maximize employment, hence they have a modern welfare state.

<sup>57</sup> Even Hauser's (1987: 31ff.) most likely option, which is the low-key harmonization of national law, seems to me an optimistic scenario; cf. also Schulte 1990a, b.

Figure 3: Types of European Welfare States

	SCANDI- NAVIAN	BISMARCK	ANGLO -SAXON	LATIN RIM
TYPE OF WELFARE REGIME	modern	insti- tutional	residual	rudi- mentary
CHARAC- TERISTICS	full em- ployment; welfare state as employer of first resort and com- pensator of last resort	full growth; welfare state as compensa- tor of first re- sort and employer of last resort	full growth; welfare state as compensa- tor of last re- sort and tight en- forcer of work	catching up; welfare state as a half- institu- tionali- zed pro- mise
RIGHT TO	work	social security	income transfers	work and welfare proclaimed
	backed up by an insti- tutionalized concept of social citizenship		no such back up	only im- plemented partially
BASIC INCOME DEBATE	marginal, but may improve income packaging	may radi- calize somewhat decoupling of work and income	may sup- port develop- ment of "normal" welfare system	may sup- port develop- ment of "normal" welfare system

WHITHER EUROPEAN WELFARE POLICY: "EUROPEANIZATION" FROM THE "TOP DOWN" OR "AMERICANIZATION" FROM THE "BOTTOM UP"?

What may be the influence of a continuous Europeanization of economic and representational policy on social, especially on poverty policy<sup>58</sup>? Since automatic harmonization of European social policy, building from the national towards the EC level, is not likely, two alternatives remain:

- Policy disharmony in welfare policy may either prevail as a permanent underside of European integration or, worse, be transformed into a process of automatic disharmonization at the bottom. National policies may be balcanized as the European Common Market solidifies. This process resembles to what happened to American poverty policy as the New American national state was built starting at the turn of the 20th century.

- Policy disharmony may also provoke--in particular when confronted with more potent pressures for European "social cohesion"--a Caesaristic reaction of European institutions. This might prompt a comprehensive European policy frame for poverty policy--or for all social benefits primarily tied to social citizenship.

#### "Towards "Americanization" of "European" Poverty Policies?"

In this part I will concentrate on "Americanization" as one alternative . Since this path is closest to the given EC situation I will show how it corresponds with present EC welfare legislation, which is mainly procedural and not substantive (cf. Figure 4). The development of EC legislation again fits with the historical model of evolution of poverty policy in European nation states (cf. Figure 5).

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<sup>58</sup> On the role of poverty policy at the EC level cf. Hauser 1980, 1983, 1987; Schulte 1986; 1989 a-c; 1990 a-c; cf. in general also Albrecht 1989; Clever 1990, 1989; Hartmann 1989; Ketelsen 1990; Masberg/Pintz 1982; Maydell 1989; Schmähl 1990 a-d, 1989.



In my view European development will most likely leave all poverty, all welfare policy at the local or state, that is at a sub-European level. It is impossible to start from a common European denominator. The common ground is missing on which a European welfare regime could be built.

In contrast to poverty policy, some work centered social policies--"health" and "work safety" issues--would be much easier to "europeanize", to "harmonize", since these policies are structured in a rather compatible way to begin with<sup>59</sup> and since the European institutions have a mandate there. Needs-centered social policies are rather difficult to standardize, will have no strong thematic lobby in the European context, unless some poor "Latin Rim" states make it a "state issue"<sup>60</sup>, and will have a hard time finding a mandate. Thus the most likely outcome is that needs-centered social policies are least likely to be protected by the European development.

One might therefore predict that the Europe to be, in terms of social policy and especially in terms of poverty policy, will look much more like the USA did before the 1930s, or like it does

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<sup>59</sup> If England's and Germany's pension system are compared one wonders whether harmonization would actually be that simple. However, there may be less need to "europeanize" or harmonize policies here because many of these policies are directly "piggie-backed" to labor market developments. Thus, it would suffice to simply emphasize the integrated development of the European labor market. Schmähl (1989: 47 ff.) reflects this disposition and downplays the need for a harmonization of European social security systems--also when looking at the example German unification (Schmähl 1990a).

<sup>60</sup> "The economically weaker Member States have stressed repeatedly that the 'cohesion' of the Community ought to be preserved" (Pelkmans 1988: 376). "At some point, however, a major challenge will have to be faced, for the objective of market integration itself remains unacceptable, politically speaking, for some Member States if it is not accompanied by a specific effort to improve social and economic cohesion within the community" (Dehousse 1988: 335). Since the economically weaker states will be exposed to problems of "social integration" not so much "in" labor markets and "in" labor-related social security but at the margins of labor markets or within traditional sectors not yet organized in labor markets, poverty policy or the linkages of poverty policy and traditional social security policy are likely to be the focus of their "cohesive" interests in the EEC.

today<sup>61</sup>, than it will look like any of the Northern European welfare regimes. Europe after 1992, as far as poverty policy is concerned, might lead to a shift towards the Anglo-Saxon welfare model, at least it is likely to lead to a welfare state "balcanization" quite similar to the USA. If "integration" in poverty policy comes about within these limits it will be of a negative sort, allowing each Member State to have its own regimes and creating only procedural rules, maybe also about how to proceed with "foreign" recipients and with the re-exportation of their burden to their "home" countries<sup>62</sup>.

What is the current situation of EC welfare policy? The few EC rules on welfare which do exist are only meaningful in "national welfare contexts", where they are meant to become operational. Therefore, I will discuss them in a national--in this case the "welfare generous" German--setting.

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<sup>61</sup> Some legal authors, though mostly looking at social security, do not see in this likely European development much of a problem and refer to the US pattern as the leading example, cf. Steinmeyer 1989: 219; 1982: 101 ff.; Zweigert, 1963: 404).

In Zweigert's view classical motives for legal unification were: the calculability of private and public exchange, the reduction of problems in legal implementation, and the "serious legal philosophy of the radiating effects supranational legal unity would have on a just social order" (404). Zweigert argues that the classical motives for legal unification ("Rechtsvereinheitlichung"; "loi uniforme") do not hold for the EC, since the Community rests on pragmatic, economic considerations of free competitive markets only--as it appears to him also in the US. Since the political and social union have been added to the EC ticket in the 70s and especially the 80s, his argument would seem to be undercut by EC development itself. Also, particularly a "social union" should be a center piece for a philosophy "of the radiating effects supranational legal unity would have on a just social order".

<sup>62</sup> Outside of building social insurance institutions against poverty in old age or of invalids and the sick this was the traditional pattern of poverty policy integration in the building of the German Reich from 1871 to WW I. The "Unterstützungswohnsitzgesetz" basically left all substantive poverty law to the states or local governments and was only concerned with issues of "free mobility". It dealt with questions like: After how many months is a locality responsible for the welfare of a person? When may the person be shipped back to his community of origin? If not, how may the welfare costs for a recipient, who does not fall into this realm of responsibility, be charged back to the community of origin? Cf. Sachße/Tennstedt 1980: 195 ff.

At present the situation, as it is captured in Figure 4, is still at a level where receiving welfare leads to the classic "poor law" remedial procedures: ship the poor back to their place of origin (in the EC). The EC therefore is, comparing it with the evolution of poverty policy in European nation states, still bound to the first of four historical and logical levels of integration of poverty policy, as shown in Figure 5 below.

A second, more refined, stage of social policy development is realized when a person is permitted to stay in the country granting him or her welfare but the costs of support are charged back to his or her place of origin (see Figure 5, below). To channel transfers from many national sources through one national agency is a regular feature of social security networks--established in bilateral agreements--, for example when pensions are payed out to an aged migrant worker. Community Law allows for this possibility in welfare policy exclusively for "students"<sup>63</sup>, a most temporary status (see Figure 4, "NOT-EMPLOYED", "Students"). An internal administrative shifting of costs is still a rare case between national poverty bureaucracies. At the moment such a solution seems not to be envisioned for the aged (see Figure 4, "NOT-EMPLOYED", "Pensioners")--though they are closest to pensioners, where this solution already obtains. An aged person moving from Germany to Spain, therefore, has to prove to Spanish authorities that he or she has sufficient resources not to be in need of welfare. Nevertheless a solution similar to "students" may have to come about for pensioners, who did move to another EC country, stayed there for a long time - and then need long term care arrangements, which they cannot afford without welfare co-payments<sup>64,65</sup>. Rather than destroy the new and last social roots

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<sup>63</sup> This only holds when national law grants students a right to welfare.

<sup>64</sup> This presupposes that the welfare scheme in that nation provides such payments, as it does in Germany.

<sup>65</sup> When social assistance is needed to cover the additional costs of institutionalized care, then, as Zuleeg (1987: 343) rightly points out, residence permit and deportation again become an issue.

at the place of retirement by insisting that these pensioners return to their country of origin in the EC to recover outlays from that country would seem most desirable.

Figure 4: Status, EC-Residence Permit and Poverty Support in Germany

STATUS	RESIDENCE PERMIT	RIGHT TO WELFARE
SELF-EMPLOYED	for economic activity within EEC-Treaty framework (freedom of services and of capital movement; otherwise see: Others)	yes; only take-up of welfare parallel to economic activity is legitimate; otherwise take-up results in loss of right to residence and in possible deportation
EMPLOYED: Pre-Employed	for job search in due time [according to EC law 3 months]	yes; beyond "due time" take-up of welfare results in loss of right to residence and possibly in deportation <sup>1)</sup>
Employed	even in case of sub-poverty-level remuneration	yes; parallel take-up of welfare is legitimate
Un-employed	cf. pre-employed; for the involuntarily unemployed permit expires as "availability for work" is denied <sup>2)</sup>	yes; when permit expires take-up of welfare results in loss of right to residence and possibly in deportation
NOT-EMPLOYED <sup>3)</sup> Students	if registered for study and insured in case of sickness	yes; welfare may be recovered from "home state" of recipient
Pensioners	if insured in case of sickness and in receipt of sufficient (old age, accident, disability) pension to avoid take-up of welfare	yes; but take-up of welfare results in loss of right to residence and possibly in deportation
Others	if insured in case of sickness and in receipt of sufficient resources to avoid take-up of welfare	yes; but take-up of welfare results in loss of right to residence and possibly in deportation

<sup>1)</sup> Section 10 par. 1 no. 10 Ausländergesetz (Alien Bill) stipulates that foreigners may be deported, if they cannot support themselves without the take-up of welfare. <sup>2)</sup> Section 103 AFG (Employment Bill). <sup>3)</sup> In the following I refer to legislation proposed by the Commission (cf. Amtsblatt der Europäischen Gemeinschaften July 28, 1989, Nr. C 191/2-6; KOM(89) 275 endg.-SYN 199, 200; 89/C 191/02-04). The Council of Ministers has agreed to these - somewhat modified - proposals on December 22, 1989 (cf. FAZ Dec. 23, 1989). As yet the "not-employed" have no mobility rights which are Community protected.

An third step up the evolutionary ladder (see Figure 5, below) is taken, when take-up of welfare in Germany - or for that matter in any other EC country which grants a right to welfare - becomes as legitimate for EC-citizens as it is for German citizens - or for the citizens of any respective EC country. This is the case only in the immediate vicinity of employment (vgl. Zuleeg 1987): most extremely so in case of low-wage employment<sup>66</sup> (see Figure 4, "EMPLOYED", "Employed"), less so in case of joblessness (ibid., "Unemployed") and least so in case of non-employment (job search; ibid., "Pre-Employed").

The European Court has decided, in the prejudicial cases of Levin and Kempf<sup>67</sup>, that it is only relevant under European law that a person be gainfully "employed" ("Arbeitnehmer") and "active in wage or salaried employment" ("eine Tätigkeit im Lohn- und Gehaltsverhältnis ausübt"), independent of whether he or she is earning less than the state defined subsistence minimum (Zuleeg 1987: 344 f.). For the residence permit of an EC citizen "(i)t is irrelevant whether such income ... is increased by other income up to this minimum or whether the person is satisfied with his [or her] below-poverty income, as long as he [or she] is truly active in wage or salaried employment"<sup>68</sup>. This interpretation does not hinge on what the country concerned defines as "employment", it thus holds universally in the EC.

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<sup>66</sup> Here the right to welfare is permanent. Naturally it presupposes a universal welfare system like the German one, which also supplements wages. In the American model, where the working poor have no right to welfare (except, mainly, Food Stamps), there would be no such overlap. In the United Kingdom the "family credit" scheme does grant income support to the working poor (when working more than 24 hours per week; otherwise the normal income support scheme applies).

<sup>67</sup> The European court has decided in the "Kempf" (EuGHE = E.C.J. 1986, 1741 ff.) and "Levin" (EuGHE 1982, 1035 ff.) cases that a person has a right to reside in a Community country even though he/she could support him- or herself only insufficiently.

In the Kempf case the person was employed as a music teacher for 12 hours a week in the Netherlands. This salary was below the subsistence minimum defined by Dutch welfare law. Among other benefits Kempf also received welfare payments and, also on these grounds, faced a refusal of his residence permit.

<sup>68</sup> EuGHE 1986, 1749 ff.

Thus German social security law--Section 8 of the fourth book of the SGB, the Welfare Law Code--levies no pension contributions on "insignificant employment" ("geringfügige Beschäftigung"), defined as being lower than 15 hours per week or earnings less than 470 DM (parameters as of January 1, 1990)<sup>69</sup>. Looking at the hours only, Kempf--the plaintiff in the European Court case--would not have been considered "employed" according to German law. But according to superior EC law he is "employed" in Germany, and thus has a right of residence and access to all social benefits in Germany which includes a right to welfare.

Independent of what a national "standard employment relationship" is, the EC and its court sets its own Europe-wide principles. A broad interpretation of "employment" through the Court has been one of the avenues of moving towards "social citizenship" under the constraints of an employment-oriented concept of freedom and European integration (cf. most extensively Steinmeyer 1990<sup>70</sup>). The same solution obtains in case of self-employment, which does not provide sufficient resources for self-support (see Figure 4, "SELF-EMPLOYED"). Again, welfare may be legitimately used as a supplementary benefit for EC-citizens. In this case, however, there is no "pre"-<sup>71</sup> and "post"-protective status, as it obtains in the employment situation (job search, unemployment). Self-employment thus is less shielded in an EC social policy context against the risk of poverty. But there is also less of a

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<sup>69</sup> The same limit holds true for health insurance. Blue collar workers working less than 10 hours a week have no right to continued wage payments in case of sickness.

Unemployment insurance does not reach out to certain "part-time employed", e.g., it covers only people working 18 hours and more per week. In this case there is no minimum threshold in earnings.

<sup>70</sup> Steinmeyer (1990: 8, 13) outlines some of the unorthodox ways through which the court has moved towards social citizenship under these conditions. One wonders, why two of the most original decisions in this context come out of France (and arise in connection with tourism). On an overview cf. Zuleeg 1991.

<sup>71</sup> Here three months are seen as a definite upper limit according to EC law (Zuleeg 1987: 345). There seem to be no clear guidelines which allow for repeated spells of job search and also on their duration.

necessity to shield it, since these cases are empirically not very significant, and legally since a "Gestaltswitch" of "self-employed" into the status of "employed, on job search" is always readily available to the person concerned.

The four steps in integration of European poverty policy have been summarized in Figure 5. Presently, step 1 is still the norm, and step 2 and step 3 are the exception. Step 4 which aims more at a European poverty regime is entirely out of reach.

Figure 5: Steps in Integration of Poverty Policy

STEP	CHARACTERISTIC
1	"Shipping the poor back home"
2	Shifting only the costs of poor support to the locality of origin
3	Treatment of EC-citizens as national (or local) citizens in each country (or community)
4	Creation of European substantive and procedural welfare standards

#### "Europeanization" of Poverty Policy

European institutions could also define European standards of poverty policy, "social rights"<sup>72</sup> for the European citizens "from the top down"--in a Bismarckian, Napoleonistic fashion. These standards could be designed to bring the top, the more generous welfare systems down or to bring the bottom, the more miserly welfare systems up. These standards could rely on a standard

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<sup>72</sup> In this context the legal debate on the limits of the supra-national "social rights" approach should be noted; cf. Alston 1990; Berenstein 1981; Bercusson 1989; Henkin 1981; Jacobs 1978.

In general, the debate by lawyers on the function of law in European integration (cf. int. al. Joerges 1991; Majone 1990, 1989; Reich 1988; Weiler 1987, 1982 a, b) is quite advanced compared with the state of the art in political sociology (cf. Lepsius 1990) or in the sociology of social policy.



European formula (for example, 40 % of the average national wage income is to be used as the basic welfare rate of each nation) which could still allow for variance between the different nations.<sup>73</sup> I do not see how the political and juridical base for a beneficial European standardization might be forthcoming. If the EC may not set standards which inform a European right to welfare, it might still subsidize national poverty policy systematically, for example in underdeveloped or peripheral regions (cf. on the different strategies Hauser 1983, 1987).

With social security "harmonized" - or not (cf. Schmähl 1989: 47<sup>74</sup>) - at the national and not institutionalized at the European level, it would be a rather peculiar situation to have poverty policy partly centralized supra-nationally at the EC level. The "show case" effect vis à vis the poor produced at the Community level might even surpass the national "parading of the poor" so well known from the USA social policy scenery in AFDC (Aid for Families with Dependent Children).

The Europeanization of poverty policy might also take quite a different angle: It may be that certain risks (the "deserving poor") will be europeanized, as for example the "poverty of the aged"<sup>75</sup> and, much less likely, of the unemployed<sup>76</sup>. Here there

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<sup>73</sup> Peter Townsend in 1981 has developed such a differentiated concept in more detail, though in view of the third world. Also he developed a more relative standard just for England in 1979.

<sup>74</sup> According to Schmähl (1989) there is no need to harmonize social security by force of (EC) law.

A necessity to harmonize social policy may only be argued if one of the following arguments can be made: a) it would implement the four EC-freedoms; b) it would do away with "unfair" competitive advantages in the market; c) it is a necessary political means to achieve integration ("cohesion"); d) it is a sensible social policy requirement. The political strength of the argument decreases from a) to d). Beyond "harmonization" the option is to leave a plurality of European systems, defining only some minimum standards, be they procedural or substantial (cf. also Schmähl 1990a).

<sup>75</sup> Cf. sections 24 and 25 ("The Elderly") of the Community Charter for Fundamental Rights 1990: 56. The original position on "minimum income" taken in the Preliminary Draft of a Community Charter for Fundamental Rights, Brussels, May 1989, was watered

might be an agreement among all nations for a rather positive means-tested solution. Thus the "deserving" categories of the poor ("gehobene Fürsorge") which are already "privileged" in many of the EC member countries (cf. Schulte 1991) could be europeanized. All the other poor might be left to be dealt with at the state or local level according to diverging national traditions. This filtering of the poor might permit a cultural construction of an "underclass"<sup>77</sup> at the national level, a stratum against which prejudice may then be better directed.

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down by the conference of the European heads of state in Straßburg on December 18, 1989, with England being the major opponent.

Cf. on a comparison of the efficiency of european social policy regimes in eradicating poverty in old age: Kohl 1987, 1988, 1990. Cf. in general on the Social Charter Berié 1990, Ketelsen 1990.

<sup>76</sup> Cf. section 10 ("Right to Social Protection") of the Community Charter for Fundamental Rights, 1990: 54, which reads as follows: "In accordance with the situation in the respective country

--each employee within the EC has a right to adequate social protection and must receive, independent of her or his position in and the size of the company, in which she or he works, sufficient social security benefits;

--all those, who have been excluded from the labor market, since entry was barred to them or since they were unable to regain entry, and who do not have sufficient means, must receive such means, as benefits which are suitable to their individual conditions" (translation is the author's).

In the draft this section still aimed at a "minimum income": "Workers who are excluded from the labor market without being able to continue claiming unemployment benefit or who do not have adequate means of subsistence, shall be able to receive a minimum income and appropriate social assistance." (Preliminary Draft of a Community Charter for Fundamental Rights, Brussels, May 1989; translation the author's). This position on "minimum income" has been most radically watered down by the conference of European heads of state in Straßburg on December 18, 1989, again with England being the major opponent.

<sup>77</sup> Cf. on the U.S. Wilson 1987. The construction of an "underclass" in most continental European countries (exceptions might be France and Italy), though, should be rather different from the U.S., since a strong "'racialization' of the poverty problem" (Lawson/McFate/Wilson 1989: 7) is not very prominent. In the very long run this might become a general continental perspective, depending on the development of real mobility within the European community and on immigration pressures from the African and Arab Rim countries vis à vis the Latin Rim countries within the EC.

If such a development were to come about, it would lead to another Anglo-Saxonization (in the sense of the USA model) of the European welfare context: the "categorical approach to welfare" (to treat each category differently) will be imported and the universal approaches which are dominant in Northern European states will be slowly subverted. The USA with its fixation on single mothers welfare (AFDC) is the most prominent example of the categorical approach, which Germany already discarded in the 1920s. Also, if the EC decides to partly subsidize minimum income developments, control devices of special revenue sharing<sup>78</sup>, as they have evolved in the USA residual welfare policy regime (especially in AFDC), are likely candidates for europeanization. Once the benefits of means-tested income transfers cannot be targeted at nationals only<sup>79</sup>, such transfers may either slowly whither away or might have to be delivered directly at the European level or nationally in a strongly harmonized way.

Since European Community law makes national solutions of the categorical sort difficult unless these nations allow "transfer exports" to other European countries--the economic benefits of such transfers may not be sheltered nationally (Zuleeg 1989)<sup>80</sup>--,

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<sup>78</sup> With "revenue sharing" the EC would enter into a new situation of fiscal federalism altogether; cf. on the fiscal federalist background of EC federalism: Franzmeyer/Seydel 1976; Scharpf 1985.

Some such fiscal influence is already exercised by the Structural Funds of the EC (cf. Lowe 1988). Not none of them, and certainly not the Social Fond, is yet built upon an entitlement strategy.

<sup>79</sup> Cf. Hauser's (1987: 23f.) extended discussion of the dangers of national "free rider" strategies, should the EC opt for financing a minimum income as a subsidiary income of last resort.

<sup>80</sup> European law prohibits tying social security entitlements in the wide sense ("social policy advantages"; "soziale Vergünstigungen") to residence clauses, thus protecting unfettered personal mobility in the Community. The question is, whether categorical special benefits are closer to "welfare", which may operate with residence clauses nationally, or to "social security", which may not. Zuleeg (1989) presents a series of arguments which make the latter most likely. S. Zuleeg 1987 analyses this legal problem in the context of the then West German welfare system. Cf. also Zuleeg 1991.

there is a political and economic incentive for a straightforward European categorical solution<sup>81</sup>.

That a more radicalized version of a basic income might become the European Community approach<sup>82</sup> seems, at this time, rather unlikely, though the discussion of these issues in a European context may be beneficial for a push towards more generous traditional "welfare" solutions at the European level.

## CONCLUSION

A unified European poverty regime is no "all-purpose weapon". Surely Europe should develop its own perspectives on a "War on Poverty" and its standards for a fair distribution of income. Poverty, though, is not limited to the income dimension alone, but concerns all sorts of resources, be it education, qualification or other means of social integration (cf. Friederich et al. 1979: 11-47). To first focus on absent income may be the easiest way to make deprivation and marginalization visible ("social reporting"; cf. Leibfried/Voges 1990) at the European level and to politicize them, using it as an eye opener for wider poverty issues.

The road from a common market to a Social Europe, a European welfare state<sup>83</sup>, is barely accessed. It will be a long road. Germany's first unification at the end of the last century led to

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<sup>81</sup> Cf. "Bonn wehrt sich gegen Sozialexport. Kritik an der Brüsseler Kommission. 'Untragbare Belastungen'" [= Bonn Struggles against Welfare Exports. Critique of the Brussels Commission. Unbearable Costs], in: Frankfurter Allgemeine Zeitung, October 7, 1989, p. 12; BMA-BMF Position 1990 and Bundesregierung 1989; cf. also Clever 1990, 1989.

<sup>82</sup> At the European level basic income is unlikely to become a means to opt out of politics and socio-political issues, since, e.g., there is no European consensus whatever on an institutional welfare state at this level, which would legitimate simply "paying off" social problems. Consensus building at the European level will afford so much in mobilization and political resources that "opting in" and full focus on socio-ethical issues is necessary to achieve any results at this level.

<sup>83</sup> Danny Pieters (1989) conceives of it as a "thirteenth state".

the creation of the national welfare state. This state was built on a then timely concept of social citizenship--for workers.

The founding of a United Europe depends mainly, if not totally, on the "four freedoms", the free movement of persons, goods, capital and services. Thus "economic citizenship", which does contain some civil aspects of "social citizenship"<sup>84</sup>, is in the fore. Political as well as social citizenship are presently relatively marginal in the process of European unification. For this reason, European unification reminds one more of the unification of the USA--a process where political citizenship was pertinent from the beginning, and complemented by social citizenship only since the 1930s, if at all.

Citizenship on which a unifying Europe must come to rest, seems primarily an economic or civil notion, secondarily a political and only then a social one.<sup>85</sup> This pattern repeats English and USA precedents and is not anchored well in German--or Scandinavian--history. Unity in such a restrictive frame would turn into a unity of "possessive individualism", a unity of markets only. It will not be the unity of an enlightened "Social Europe", synthesizing its traditions of democracy and solidarity, of civil and social rights, its traditions of merging the citizen and the worker.

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<sup>84</sup> Only those aspects of Marshall's civil citizenship are captured which pass the needle's eye of "free mobility". Freedom of speech, thought and faith, e.g., would play a minor role, the right to own property and to conclude valid contracts, and the pertinent right to justice, would play a major role.

<sup>85</sup> On the different levels of citizenship cf. Marshall 1964: 78 ff. He defines: "The civil component is composed of the rights necessary for individual freedom - liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice." (78) "By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body." (78) "By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society." (78)

On a systematic discussion--and critique-- of the theory of citizenship cf. Hecló 1991, Mann 1988, Turner 1986, 1990.

The coming of such an enlightened "Social Europe" also depends on the challenges provided and the escapes offered by its "environments". Japan and the USA do not offer the EC a better model of social integration. "Social Europe" may lose much of its impetus, if Eastern Europe--at least a perceived "social" pressure in the days of "systems competition"<sup>86</sup>--were to turn into "less Central Europe than Zwischeneuropa ... a dependent intermediate zone 'of weak states, national prejudice, inequality, poverty, and Schlamassel.'" (Ash 1990: 22).

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<sup>86</sup> The necessity to "outcompete" East Germany in social policy was behind much of West German social reform in the end 1950s. On this "struggle of principles" cf. Hockerts 1980. This necessity has now withered away. In its stead "functional equivalents", internal mechanisms, will have to be developed which serve as forcing mechanisms for social innovation in the future.

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