

Leading Social Policy Analysis from the Front

Essays in Honour of Wim van Oorschot

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The publication of this book is kindly sponsored by the Centre for Sociological Research, KU Leuven.

The responsibility for the statements made in this publication lies completely with the authors.

Published by KU Leuven, Centre for Sociological Research, Parkstraat 45 bus 3609 - 3000 Leuven, Belgium.

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Parkstraat 45 – bus 3601
B – 3000 Leuven

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D/2021/1192/1
ISBN: 9789067842280
EAN: 9789067842280

Printed by Acco, Leuven (Belgium).

15. The Dark Side of the Welfare State: the Universal Basic Income between Citizenship and Social Justice

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Obtaining a sufficient income without having to work, without showing the willingness to work or demonstrating that one is not (or no longer) able to work, is fundamentally opposing the foundations of the common welfare systems that are in place nowadays (Roosma and van Oorschot, 2020: 191).

15.1 Introduction

Wim has built a successful academic career on research into the legitimacy of the welfare state, more specifically into the criteria deemed just for granting rights to social security. In a recent article with Femke Roosma (2020), he has extended this research into an exploration of public support for a universal basic income, understood by the two authors as a ‘radical alternative’ for currently existing welfare systems. In what follows, I argue that to explain such support precisely its ‘radicalness’ necessitates a theoretical framework that goes beyond issues of social justice. My argument is that even though the notions of social justice and citizenship have often been lumped together, the two do not coexist harmoniously, let alone coincide. More than that: they are ultimately incompatible, because social justice has a dark side that makes it an enemy of citizenship.

15.2 Citizenship and social justice

Much of the literature about social policy and the welfare state overlooks the crucial difference between citizenship-based social rights and entitlements based on considerations of social justice. Citizenship rights apply to all citizens equally and are as such unconditional, whether they are civil, political or social rights (Marshall, 1950). Civil liberties and political rights, both firmly rooted in the Enlightenment heritage, are intimately intertwined with modern ideals of liberty and democracy. They are freedoms acknowledged by the modern liberal state to protect citizens against the state. Examples are freedom of conscience, freedom of religion, freedom of expression, freedom of speech, the right to privacy, freedom of assembly, freedom of press, the right to vote and the right to run for office. These rights have been historically decisive in the development of modern Western democracies, as can be seen from their centrality in documents like the *Declaration of the Rights of Man and of the Citizen* (France, 1789), the United States *Bill of Rights* (1791), and the *Universal Declaration of Human Rights* (United Nations, 1948). What characterises these rights is that they are granted to all citizens equally and unconditionally, so without the need to qualify for them by meeting other requirements than being a citizen.

The same applies to citizenship-based social rights, which in effect evade the awkward distributive question ‘Who should get what, and why?’ (van Oorschot, 2000). For these rights are not derived from a framework of social justice (or distributive justice, if one prefers), ‘the most valuable general definition of [which] is that which brings out its distributive character most plainly: justice is *sum cuique*, to each his due’ (Miller, 1976: 10, emphasis in original). So unlike citizenship, social justice is not unconditional, does not treat citizens equally, and is not about protecting citizen’s freedom vis-à-vis the state. The two in effect deal strikingly different with the principle of equality. Whereas citizenship

defines all citizens as equal, social justice proposes substantive criteria to define who will be treated equally or unequally. In other words, unlike citizenship, social justice is about the legitimisation of unequal distributions: it does not set itself the task of treating citizens equally.

This is why criteria deemed necessary for a just distribution have traditionally been central to social justice research, which has become the hard core of Wim's research from the second half of the 1990s onwards, after a start with research into non-take-up of social security benefits (van Oorschot, 1994). Wim's recent research foregrounds the so-called 'CARIN' criteria that qualify people for welfare deservingness in the eyes of the public at large: 1) not being personally responsible for one's needy situation (Control); 2) displaying gratefulness for support received (Attitude); 3) having contributed financially to the welfare system and/or trying hard to find a job (Reciprocity); 4) being seen as an in-group member by the public at large (Identity); and 5) being in need (Need) (van Oorschot, 2000; van Oorschot et al., 2017).

Like most other students of the welfare state, Wim in effect construes the latter's legitimacy in the distributive terms of social justice. This creates a blind spot for a different set of issues that plagues the legitimacy of the welfare state, that is, its implications for liberty and freedom. These are not issues of social justice but of citizenship, that is, of citizens' liberty vis-à-vis the state. Indeed, social justice and citizenship need to be distinguished carefully, because loss of freedom is the price that needs to be paid for social justice.

15.3 Why the quest for social justice undermines liberty

A widespread yet one-sided conception of the welfare state as a benevolent rights-granting redistributive machine masks its disciplinary role in forcing people into social conformity and

sacrifice of their personal liberty (for example Macarov, 1980; Piven and Cloward, 1971). While this ugly face of the welfare state is typically taken for granted as far as the poor laws of the past are concerned, it is often neglected in case of the contemporary welfare state. Yet, four of the five CARIN-criteria foregrounded by Wim (for example in van Oorschot et al., 2017) make social rights conditional upon conformity to state-imposed behavioral standards. The criteria of control, attitude, reciprocity and identity all demand that people identify with the bourgeois mainstream and stay away from lifestyles and identities deviating from it.

The fifth CARIN criterion (need) in principle justifies social assistance irrespective of meeting demands of conformity. It differs sharply from the four other criteria, because the needy are not necessarily those who merit support on the basis of identity or past or current lifestyle. Yet, the principle of need curbs people's freedom, too, albeit in a different manner. Whereas the other distributive criteria force people into social conformity, it rather forces them to open up their private lives for inspection by the state to check and monitor their deservingness. Those concerned need to prove that they do actually belong to the needy category singled out for support and they also need to comply with administrative controls aimed at verifying the accuracy of the provided information. This is a logical and inevitable corollary of the quest for social justice, because any discrepancy between administrative records that justify social rights and actually lived reality entails fraud or abuse that disturbs the just distribution aimed for. These administrative controls inevitably raise privacy issues, as in the case of so-called 'toothbrush counters' who check one's relationship status through home visits.

The quest for social justice, to sum up, not only limits the lifestyle choices people can legitimately make but also puts their privacy at stake. Because precisely issues like these are central to citizenship-based freedoms, social justice does not exist harmoniously with citizenship. It rather stands in its way. While

this dark side of social justice has all too often been neglected in literature about the welfare state, Dutch sociologist Abram de Swaan correctly points out in his book *In Care of the State* (1988) that a perfectly just distribution necessitates a police state. While this may sound like an exaggeration, the massive recent derailment of the Dutch system of supplementary income provision for childcare comes disturbingly close to it.

The crisis was caused by the tax authority's unresponsive and authoritarian handling of citizens' obligation to provide it with information about their private situation and of the need to check the accuracy of the provided information. Due to a combination of misunderstandings by insufficiently informed citizens and a state bureaucracy keen to ruthlessly weed out fraud and abuse, the system got completely out of control. Many Dutch parents faced administrative decisions to stop their supplementary payments and to summon them to pay back what they had already received. This often amounted to tens of thousands of euros, and in some instances more than a hundred thousand. The course of events plunged many families into the miseries of sky-high debts, forced house sales, and divorces and broken families, with some of the victims accusing the state of having effectively destroyed their lives. The affair reached a provisional low in May 2020, when the Ministry of Finance filed a lawsuit against the tax authority, an organisation that falls under its own authority. While this is obviously an extreme case, it illustrates how the quest for social justice, through the bureaucratic need for verified information it entails, easily demolishes people's freedom by subordinating them to an unresponsive, authoritarian, and inhumane bureaucratic state. This is the dark side of social justice: it produces bureaucratic formalisation, strengthens the tendency of the state to control and discipline citizens, and as such threatens and undermines the civic liberties that lie at the heart of citizenship.

The implication for social justice research is that a rejection of a justice criterion by the public does not necessarily mean that it is

deemed unjust, simply because its application is not necessarily evaluated on the basis of a framework of social justice. It may also be rejected because of the fallout of its application for the freedom of citizens vis-à-vis the state, which entails an evaluation on the basis of a framework of citizenship. Indeed, research bears out that rejecting social justice on the basis of considerations of citizenship is not at all uncommon.

15.4 Public evaluation of a universal basic income

A study of popular ideas about the just distribution of health care (Bernts, 1988) does not leave much to the imagination. Its central question is how people evaluate proposals of making the right to health care conditional upon efforts to avoid unhealthy lifestyles (for example, smoking, excessive drinking, abstaining from sports). The study finds that forging such a link may be rejected on two different grounds. The first is informed by considerations of social justice, with respondents arguing that health and illness are not in the first place caused by self-chosen lifestyles but rather by factors that lie beyond personal control, such as one's genetic makeup, environmental issues in one's living environment, class-based inequalities affecting one's living conditions, etcetera. This coincides with traditional social-democratic justifications of providing social security for the unemployed, according to which unemployment is caused by economic downturns and crises, and hence by the whims of capitalism rather than by personal deficiencies like lack of thrift and motivation.

Whereas this first argument against linking the right to health care to (un)healthy lifestyles derives from a framework of social justice, the second one rather argues that the establishment of such a link necessitates extensive state control of citizens' lifestyles, which is deemed unacceptable in a free society. This is an argument derived from a framework of citizenship, which does

not reject the proposals at stake as necessarily unjust in distributive terms, but as having unacceptable implications for citizens' freedom vis-à-vis the state. The implication is that public rejections of particular distributive criteria do not necessarily entail evaluations of social justice.

My own PhD research about judgments on the rights and obligations of the unemployed demonstrates a similar interplay of frameworks of social justice and citizenship (Houtman, 1994, 1997). The study addresses how the public at large balances the right to social security and the obligation to work in cases of work refusal by unemployed persons, with special attention to the explanation of variations in these evaluations. It concludes that these variations are indeed informed by frameworks of social justice as well as citizenship that coincide neither theoretically nor empirically. More specifically, those who emphasise the rights rather than the obligations of the unemployed prove to do so for two different reasons – not only because they favour state-led economic redistribution between the rich and the poor (that is, a framework of social justice), but also because they reject authoritarianism and insist on the protection of individual liberty (that is, a framework of citizenship).

This brings us to the recent article by Wim and Femke Roosma (2020) already referred to in the introduction. It addresses public support for a universal basic income in 23 European countries, including Scandinavian (for example, Norway, Sweden, Finland), Southern-European (for example, Italy, Portugal, Spain), Western-European (for example, Belgium, France, Great Britain, the Netherlands) and Central-European ones (for example, Czech Republic, Hungary, Poland). A basic income is introduced to the respondents as 1) being universal (that is, paid to everyone, irrespective of whether one works or not), 2) guaranteeing everyone a minimum standard of living, 3) replacing many other social benefits, and 4) paid from tax revenues (Roosma and van

Oorschot, 2020: 192) and respondents have been asked whether they are (strongly) in favour or (strongly) against it.

The quotation at the start of this chapter (Roosma and van Oorschot, 2020: 191) rightly underscores how radical an alternative to existing systems of social security the universal basic income actually is. In terms of my analysis above, this radicalness resides in the shift away from a framework of social justice with all the coercion and control this entails towards a framework of citizenship that privileges civil liberty and protection against state bureaucracy. While this is indeed the central argument of Western-European proponents of a universal basic income, the principal findings of Roosma and van Oorschot (2020) paint a remarkably different picture.

For what they find is that a universal basic income receives most support in Lithuania, Russia and Hungary (70 to 80 per cent in favour), least in Sweden, Switzerland and Norway (less than 40 per cent in favour), with support moreover being strongest among the economically deprived and those favouring economic redistribution. This largely coincides with the findings of Wim's studies of social justice and deservingness and does indeed lead the authors to conclude that apparently 'it is not the universal character or its unconditionality that makes a [universal basic income] so attractive to a large share of the European population, but the fact that it provides (poor) people with a guaranteed minimum income' (2020: 203). Theoretically speaking, it indeed makes much sense that the universal basic income finds most support in the less affluent European countries without extensive welfare states.

Yet, these findings are also somewhat artificial, because the framework of citizenship and liberty that underlies Western-European pleas for a universal basic income (that is, the framework that accounts for its 'radicalism' as an alternative system!) hardly plays any role at all in this study. And of course, if an empirical study excludes a theory, it can neither confirm nor

reject it: a study informed by Theory A (here: a theory about social justice, referred to by Wim as ‘deservingness theory’) can only confirm or refute this Theory A and not a Theory B that has been excluded from the research in the first place (here: a theory about citizenship and liberty).

15.5 Conclusion

With the benefit of hindsight, T.H. Marshall’s (1950) classical account of the unfolding of citizenship rights, from civil to political and ultimately social ones as provided by the welfare state, entails not much more than a rosy social-democratic dream reflecting postwar optimism. For granting notable exceptions like the British National Health Service or old-age state pensions, welfare state reforms in the postwar period have tended to be informed by quests for social justice rather than ambitions to extend the rights of citizenship.

The optimistic Marshallian account has done much to obscure the crucial differences between the frameworks of citizenship and social justice. The two do not coincide and are ultimately incompatible, because the quest for social justice stands in the way of citizens’ liberties. Indeed, until today, the principal arguments against a universal basic income are consistently derived from frameworks of social justice, irrespective of whether they come from the political left (‘The poor and needy should not be fobbed off with a basic income that is also given to the rich’) or the political right (‘An income ought to be a reward for work done’). The other way around, precisely the desire to end the surveillance, control and sanctioning that social justice calls for constitutes the central argument for the introduction of a universal basic income.

This opens up wonderful opportunities for further comparative research into the support for a universal basic income in Western Europe and Central/Eastern Europe. For while such support is

informed by a framework of social justice in Central/Eastern Europe, as shown by Roosma and van Oorschot (2019), it is likely to be informed first of all by a framework of citizenship and liberty in Western Europe, pretty much the home ground of proposals for a universal basic income. To put the same in the terms of political sociology: while a universal basic income is supported in Central/Eastern Europe by the ‘old left’ (socialism and communism as carried by the economically underprivileged) as part of a quest for social justice, in Western Europe it is more likely to be supported by the ‘new left’, that is, well-educated cultural elites that support parties like the Greens in foregrounding personal freedom, tolerance of diversity, and cultural inclusion as issues of citizenship (Houtman, 2003).

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