



# Conditionality and the ‘right to welfare’: the Marshallian citizenship ideal in the active welfare state

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**Welfare Conditionality conference**

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**[ulster.ac.uk](http://ulster.ac.uk)**

# Conditionality and the 'right to welfare'

## The Marshallian citizenship trajectory

Three elements of citizenship, emerging in sequence:

- Civil
- Political
- Social

Poor Law

- Paupers “ceased to be citizens in any true sense of the word”

Post-WW2 welfare state

- A “guaranteed minimum” of income and services



# Conditionality and the 'right to welfare'

## Key issues for a 21<sup>st</sup> century social citizenship

- A right to a minimum standard of living
  - “a modicum of economic welfare and security” / “the life of a civilised being”
- Reciprocal obligations
  - Demise of contributory principle
  - A right to welfare and a duty to work?
- Responsible tier of government
  - Regional, national or supranational?



# Conditionality and the 'right to welfare'

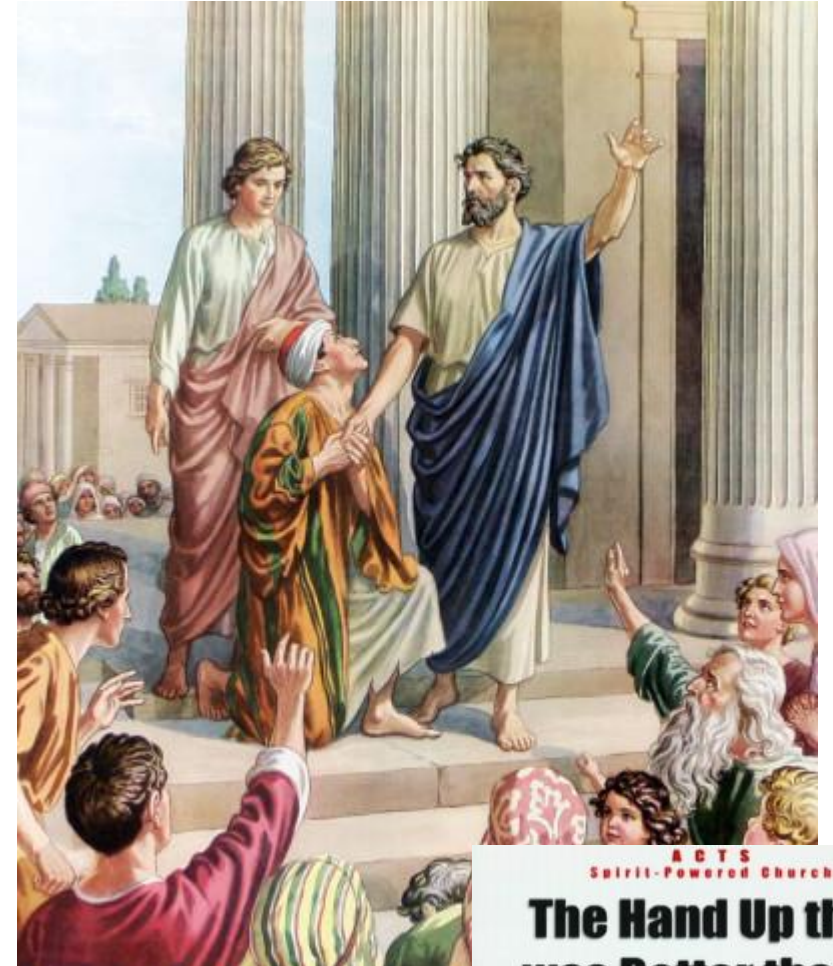
## The right to welfare and the duty to work

Critics suggest SC is a “theory of entitlement” (Turner & Rojek)

Contrast with status of paid employment as “key to citizenship” (Pateman/Lister)

Beveridge as advocate of reciprocity?

Marshall recognises ‘duty to work’ and “responsibility towards the welfare of the community”



ACTS  
Spirit-Powered Church

**The Hand Up that  
was Better than a  
Handout**

Acts 3:1-10

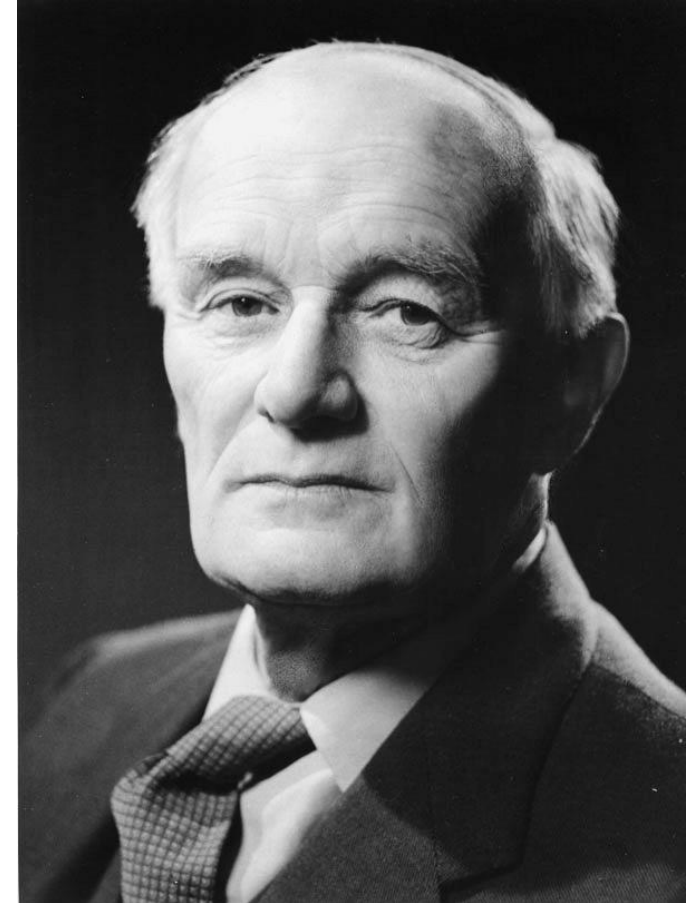
# Conditionality and the 'right to welfare'

## Balancing rights and responsibilities

“The claim of the individual to welfare is sacred and irrefutable and partakes of the character of a natural right... The citizen of the Welfare State does not merely have the right to pursue welfare; he has the right to receive it...

“The claims of the individual must always be defined and limited so as to fit into the complex and balanced pattern of the welfare of the community... The harmonising of individual rights with the common good is a problem which faces all human societies.”

Marshall, 'Social selection in the welfare state', 1953





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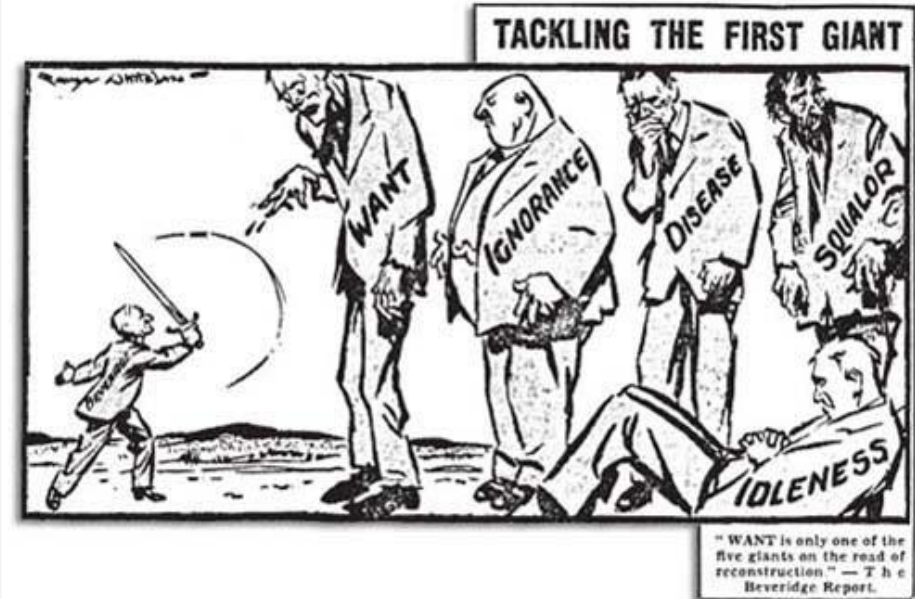
## The right to welfare and the duty to work

Social citizenship as “an achievement rather than a status... Individuals do not and cannot have a right to the resources of society unless they contribute to the development of that society through work or other socially valued activities, if they are in a position to do so”

(Plant, 1999)

Claimants must “use their time, so as to fit themselves or to keep themselves fit for service.”

(Beveridge, 1942)



# Conditionality and the 'right to welfare'

## Consequences of non-compliance

- 1911:** 6-week disqualification for voluntary unemployment
- 1930s:** Can be directed to a specific job or youth training scheme
- 1980s:** 40% reduction of benefit for non-participation in youth training scheme
- 1986:** 13-week disqualification for voluntary unemployment
- 1988:** 26-week disqualification for voluntary unemployment
- 1989:** Must be actively seeking employment
- 1992:** 40% reduction of benefit for non-participation in training scheme (all ages)
- 1995:** Disqualification for 2, 4 or up to 26 weeks depending on failure
- 2012:** Disqualification for 4, 13, 26 or 156 weeks depending on failure

# Conditionality and the right to welfare

## Social security benefits and social citizenship

Questionable whether benefit levels are sufficient to support 'the life of a civilised being'

- Income replacement benefits below poverty lines and minimum income standard

Sanction means not even a 'modicum of economic welfare' is provided

- Single JSA claimant left with no income other than housing benefit





# Conditionality and the right to welfare

## Work, conditionality and Marshallian theory

“Utter laziness, a desire literally to do nothing at all, is contemptible by any human standard, and it is rare... aversion from work may spring from a desire to be doing something different rather than from an unwillingness to do anything.”

### Why work?

- Self-interest
- Service
- Social bond

‘Work and wealth’, 1945



# Conditionality and the right to welfare

## Work, conditionality and Osbornian theory

“Where is the fairness, we ask, for the shift-worker, leaving home in the dark hours of the early morning, who looks up at the closed blinds of their next-door neighbour sleeping off a life on benefits.”

Conservative Party Conference, 2012



# Conditionality and the right to welfare

## Implications for social citizenship

Citizenship brings responsibilities as well as rights

But balance has shifted

‘Right to welfare’ must be earned

Economic welfare and security not guaranteed

Is ‘the relief of the poor’ still ‘among the unqualified objects of public duty’?





# Further reading

TH Marshall, 'The right to welfare' in *The right to welfare and other essays* (London: Heinemann, 1981)

TH Marshall, 'Citizenship and social class' in TH Marshall & T Bottomore, *Citizenship and Social Class* (London: Pluto, 1992)

G McKeever, M Simpson & C Fitzpatrick, *Destitution and paths to justice* (London: LEF/York: JRF, 2018)

M Simpson, "'Designed to reduce people... to complete destitution": human dignity in the active welfare state' (2015) 1 *European Human Rights Law Review* 66

M Simpson, 'Renegotiating social citizenship in the age of devolution' (2017) 44(4) *Journal of Law and Society* 646