

**Ideas About Social Rights:
Changing Social Assistance in Britain and Ireland, 1985-2015**

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Abstract

This thesis examines the significance of ideas of social rights in shaping social assistance policies for the unemployed and lone parents in Britain and Ireland over the period 1985-2015. Adopting a qualitative, comparative case study approach and based on a combination of elite interviews and primary and secondary data analysis, the study finds that different ideas about social rights account for substantive and otherwise unexplained social assistance policy variation across Britain and Ireland. A blended human rights-positive rights idea was consistently relevant to Irish social policy-making while varying ideas of positive rights and social citizenship rights were associated respectively with periods of Conservative and Labour Party governance in Britain. The thesis shows that cultural legacies and political ideologies were significant in determining the ideas of rights that became salient in each country context, suggesting important three-way interactions between ideas, interests and institutions and lending support to theoretical arguments about the ‘mutual constitution’ both of ideas and interests, and of interests and institutions.

Acknowledgements

How ideas might bring about policy and political change has always been a personal fascination – inspired, as I remember it, by my childhood discovery of an audio recording of Martin Luther King’s ‘dream speech’ and continued in a practical way in the years subsequent through my work in the field of human rights. Moving from personal interest to doctoral research has been a challenge but one in which I have been blessed with the wonderful support and advice of family, friends and colleagues. I want to thank in particular my supervisors Martin Seeleib-Kaiser, Stuart White and Bernhard Ebbinghaus; each has offered his own unique insights and all have provided words of encouragement over the many years that it has taken to complete this study. The research relied also on the good will and interest of a large number of policy-makers in Britain and Ireland who generously consented to be interviewed and to whom I am most grateful. Undoubtedly it has been the sustaining forces of those close to me - particularly my parents, my husband Martin and children Emily and Jacob - that enabled me to embark on and complete this work. I dedicate the thesis to Martin, who has always believed.

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Chapter 1. Introduction

“..... we still have to ask whether there can be rights of some kind to the thing itself – to welfare, and how the concept of such rights may influence social policy. For it is beyond question that it has influenced and does influence policy.”

(Marshall, 1981: 84 [original, *The Right to Welfare*, 1965])

1.1 Motivation

There is a strong temptation in social science to seek to understand policy-making rationale in neat bundles – in ways that are precise, measurable and logical. Yet, however much individuals in the exercise of their policy-making functions may be subject to discrete forces such as the economy, socio-economic change and the perceived will of the electorate, they cannot escape the more idiosyncratic influences of history and culture that shape their collective and personal identities and thus their individual beliefs. These latter influences are less tidy but equally real and relevant to policy-making processes. In studying how policy-makers respond to the socio-economic needs of the low income unemployed and lone parents, this thesis is motivated by a desire to unravel the role played by culturally-shaped normative convictions so as to better understand the mechanisms through which ideas influence policy.

1.1.1 Ideas and Social Policy-Making

Since the 1990s, insights from research in the historic institutionalist tradition have been critical in ushering the welfare state literature away from ‘grand theories’ of welfare state development and towards an embrace of multi-causal explanations of social policy. In demonstrating the policy-shaping effects of *past* policies, historic institutionalist scholars showed how such policies interacted with and often transformed the interests of key political actors in such a way as could explain

patterns of unresolved policy development and, particularly, policy change.¹ Multi-causal social policy analysis cannot however stop there; further research is needed to go beyond the interests-institutions dynamic and take full account of the shaping power of ideas.

It has long been a view among leading social scientists that we cannot speak of interests as a policy-making dynamic without giving consideration to the *ideas* that inform those interests² - that is, to what Goldstein and Keohane (1993, 3) define as the normative and cause-effect “beliefs held by individuals”. As Max Weber (1946) suggested, interests – both material and ideal – are neither preordained nor static across time and place, but are susceptible to the ideas of individuals who, to varying extents, are products of their own discrete cultural experiences or identities. The implication is not only, as constructivist scholars have claimed, that ideas and interests are “mutually constituted”,³ but that institutions – in the broadest sense of ‘culture’ – shape, and are shaped by, the idea-interest configurations that drive policy-making.⁴ Bringing together the insights of constructivism and institutionalism, we can therefore argue that policy-making *necessarily* involves important interactions between the dynamics of ideas, interests and institutions.⁵ The task in this thesis is to illuminate the nature of these inter-relations.

1.1.2 Ideas About Social Rights in Social Policy Development

Referring to state welfare provision as the “social rights” of eligible individuals has come to be so routine in advanced Western welfare states – both in common parlance and in policy and academic analysis – that it seems almost uncontested. A

¹ See, for example, Skocpol 1992 Weir 1992 and Pierson 1993.

² See, for example, Goldstein and Keohane 1993, Ruggie 1998 and Blyth 2002.

³ Wendt 1992 and Jepperson et al 1996.

⁴ Huntington and Harrison 2000.

⁵ See Hall 1997.

common language does not however mean an agreed understanding. Even if the language of ‘social rights’ can be taken as evidence of belief in the idea that individuals have ‘claims’ against the state in respect of a certain share in public resources, such belief is likely to be founded on various distinct lines of reasoning. It is also likely that there will be important qualitative differences in the nature of social provision to which individuals can claim entitlement depending on which logic or idea of social rights policy-makers may favour.

Neither the contention that there exist different ideas of social rights nor that such different ideas will have discrete influences on social policy development are new. Social rights ideas in the widely acknowledged moulds of “human rights”, “social citizenship rights” and “positive rights” ideas, respectively find their underlying justifications in longstanding theories of rights related to the nature of the human condition, to the social contract, and to consequentialism, utilitarianism and legal positivism. T.H. Marshall whose writings on the idea of social citizenship rights have been so theoretically influential in comparative social policy analysis,⁶ was in fact an early proponent of the view that different ideas about social rights will substantially affect social policy outputs. In his less cited essay ‘The Right to Welfare’, Marshall (1981, first published 1965) argues that different social policy arrangements can be expected to be associated with, what he describes as moral, legal and social citizenship ideas of social rights.

Despite the perceived significance of social rights ideas to social policy development, the matter of the policy-shaping significance of ideas of social rights has yet to be studied empirically. On a number of counts such omission is striking. First, different ideas of social rights speak to some of the fundamentals of social

⁶ Marshall 1950.

policy-making, including: the scope of state authority, the relationship between the individual, the state and society; and to notions of both human ‘goods’ and ‘needs’. If ever ideas were important in shaping social policies, these ‘big picture’ beliefs are surely central to the process of delineating policy parameters (including the definition of policy ‘problems’) and thereafter to developing policy strategies.

Contemporary social policy practices also provide reason to suspect the policy-shaping significance of ideas about social rights. The nature of observed cross-national welfare state variation suggests that different social rights ideas might contribute to the value judgments underpinning what Esping-Andersen (1990) distinguished as the Liberal, Social Democratic and Conservative ‘*Worlds of Welfare*’.

Finally, as the language of ‘social rights’ has, in the post Second World War welfare state era, become ‘part of the furniture’, it is increasingly important to unravel the ideas that lie behind such rhetoric and the implications for social welfare provision. The ‘institutionalisation’ of a rights-based approach to welfare may, for example, cause policy rationale to drift considerably from original justifications and result in an expedient or instrumental use of rights in the mould of the positive rights idea. At the same time, account must also be taken of the ‘new’ pressures of international or transnational human rights movements and how these may affect the salience of particular social rights ideas. As Waldron (1987, 165) has argued of the importance of understanding ideas about rights generally:

“Moral justification is no longer the search for knock-down arguments, irresistible to human reason: it is a quest for shared foundations, and so it becomes important to find out what the foundations of our rights claims really are. Even if the commitment to foundational principles and values is in the end just a matter of attitude, still it is important to uncover the sympathies and concerns that are presupposed when people say we should take rights seriously.”

1.2 Research Aim and Methods

The aim of this research is to study empirically the social policy-making significance of different ideas about social rights through the comparative cases of British and Irish social assistance policy for the unemployed and lone parents over the period 1985-2015. In so doing, my broader objective is to discern the influence of ideas on social policy-making in a way that extends understanding of the nature of the interactions between ideas, interests and institutions.

1.2.1. The Puzzle of Social Assistance Policy Variation between Britain and Ireland 1985-2015

In creating scope for in-depth and comprehensive analysis of policy-making dynamics, a qualitative, comparative case study approach is essential for understanding how and why ideas of social rights might be relevant to social policy development. The cases of social assistance policy development in Britain and Ireland over the period 1985-2015 are particularly suited to this task.⁷ They not only distinguish themselves as cases which, for historical and cultural reasons, are likely to be associated with the influence of different social rights ideas at the policy-making level, but there are also strong grounds to believe that such cross-national differences in social rights ideas might, in part, account for the qualitatively distinct paths on which Irish and British social assistance policies have journeyed since the 1980s and which defy ‘obvious’, alternative explanations.

⁷ This thesis excludes an analysis of policies in Northern Ireland for reasons discussed later in this chapter.

Cross-national Differences in Patterns of British and Irish Social Assistance Policy Change

Change in working-age social assistance policy over the last thirty-four years is not something unique to Britain and Ireland. On the contrary, such change is regarded as among the most radical of the post Second World War era of welfare states.⁸ The general pattern of observed change has involved a shift in what have typically been described as ‘passive’ systems of state income replacement, to systems of more ‘active’ state assistance in the way of employment support.⁹

Cross-national comparisons of these ‘welfare to work’ transformations in working-age social assistance and insurance policies – or what are often referred to under the rubric of ‘activation’ and ‘active labour market’ policies – have tended to result in binary divisions.¹⁰ Analysis splits policies into those which are associated primarily with the objective of benefit control and characterised by labour market compulsion and minimal state employment supports, and those oriented towards human capital investment and equality of opportunity which emphasise superior state employment, training and education supports.¹¹ ‘Liberal’ welfare states¹² tend to be associated with the first of these policy types – often labelled as “workfare”.¹³

Although separate elements of British working-age social assistance policies have been identified with each of these two paradigms of active labour market policy, there is a consensus that, taken as a whole, the thrust of reforms from the Thatcher era forward, closely resembles that of the ‘workfare’ model.¹⁴ Such conclusions have

⁸ Rosanvallon 2000.

⁹ See Lødemal and Trickey 2001.

¹⁰ See Bonoli 2010 for an attempt at a more nuanced, multi-dimensional analysis of active labour market policies.

¹¹ See Torfing 1999, Gilbert 2000, van Kersbergen and Hemerijck 2012.

¹² ‘Liberal’ as defined in Esping-Andersen 1990.

¹³ See, for example, Barbier 2004 and Handler 2004.

¹⁴ See, for example, Jessop 2003, Wiggan 2012, and Dingeldey 2007.

been reached on the basis of the observed slow but steady erosion of out-of-work benefit values, the prioritisation of in-work, market-centric social assistance, rapid increases in labour market conditionality and associated benefit sanctions and, more recently, the development of explicit ‘workfare’-style employment schemes.

Irish working-age social assistance policy, on the other hand, has largely escaped the scrutiny of cross-national academic studies. Analysis of the Irish case at the national and policy-making levels reveals however that not only has Ireland, since the mid-late 1980s, diverged from Britain in its approach to working-age social assistance policies, it has, in many ways defied the general ‘activation’ trend exhibited in Western welfare states more generally. Since the mid 1980s, the priority of Irish policy-makers has been on ensuring benefit adequacy by taking steps to substantially raise the value of out-of-work social assistance payments.¹⁵ Employment supports have been dominated by voluntary, non-market, direct state employment initiatives (such as Community Employment)¹⁶ and, up until the economic crisis of 2009, there was a cautious approach to benefit conditionality and associated benefit sanctions.¹⁷ In fact, until 2011, Ireland was exceptional among OECD countries as the only member country without labour market conditions for assistance-receiving lone parents of children up to the age of 18 years.¹⁸

Institutionally Similar Cases

The different paths of British and Irish social assistance policy are somewhat counterintuitive for countries that have shared a common institutional and social policy legacy. Ireland was a constituent part of the United Kingdom up until the establishment of the 1922 Irish Free State when 26 of Ireland’s 32 counties began a

¹⁵ See, for example, Daly and Yeates 2003, Larragy 2014 and Murphy 2012.

¹⁶ For an analysis of Ireland’s active labour market policies see Boyle 2005.

¹⁷ NES 2011.

¹⁸ Grubb 2009.

process of independence from Britain. While it may have lain within the ‘republican’ vision and ambition of Ireland’s leaders to chart a distinct social policy course, Ireland’s subsequent policy convergence with that of Britain has been variously attributed to economic incapacity, administrative expediency and the absence of political party competition on matters of social welfare.¹⁹

In Esping-Andersen’s 1990 quantitative study of welfare states, the welfare states of Britain and Ireland were jointly categorised as ‘liberal’ to denote the residual, low-level and means-tested nature of social security provision in each setting. Lewis’s later study (1992), which extended Esping-Andersen’s work by comparatively analysing the gendered effects of social policies (in particular the extent to which welfare policies freed individuals from dependence on the family), also allotted British and Irish policies to the common class of, in this instance, the ‘strong male breadwinner’ model. Although there has been some contestation of Ireland’s categorisation alongside Britain,²⁰ the majority view accepts that British and Irish social policies are essentially cut from the same cloth.

To better understand why and how British and Irish social assistance policies diverged from the 1980s onwards, we must go beyond, or at least take a more expansive view of, institutional policy-making dynamics. Taking account of the alleged reasons for Ireland’s past convergence with British social policy, the obvious dynamics that, since the 1980s, are likely to have changed and which therefore require consideration are the economy and political configurations.

¹⁹ See Commission on Social Justice 1986.

²⁰ See, for example Fanning 2004 and the idea put forward in NESC 2005 of Ireland as a “developmental welfare state”.

Economic Factors Necessary but not Sufficient

The much-discussed phenomenal growth of the Irish economy of the late 1990s and early 2000s seems like an obvious point of departure for explaining potential sources of inter-country social policy variation. Certainly enhanced economic capacity would appear to have been a necessary factor in enabling the Irish state to increase, as it did, expenditure on out-of-work benefit payments to levels surpassed only by Scandinavian welfare states.²¹ Economic capacity is however insufficient to explain *why* Irish policy-makers came to form those particular policy preferences in the first instance. It is equally insufficient to explain why, when hit by the global economic crisis of the late 2000s, the immediate reaction of the Irish Government was to further increase payments and only thereafter to make what were considered relatively moderate cuts to benefit levels given the scale of Ireland's economic difficulties and the pressure of international creditors.

As the case of Britain shows, economic growth does not naturally dictate that healthier state finances should lead to re-investment in out-of-work social assistance payments at a time of low unemployment and booming labour markets. Britain used a period of strong economic growth comparable to, although less dramatic than, that experienced in Ireland to actually *lower* out-of-work welfare expenditure, increase in-work financial supports and increase employment supports. Indeed the fact that Ireland and Britain had become more economically similar than ever before in their separate political histories²² but nonetheless made very distinct social assistance policy choices when faced with objectively similar policy 'problems'²³ suggests that

²¹ Grubb 2009.

²² See Hall and Soskice, 2001 in which Britain and Ireland are jointly assigned to the category of 'liberal market economies'.

²³ I.e. Each country was experiencing high levels of welfare dependency unassociated with the economic cycle.

economic capacity is not the critical factor differentiating the policy-making dynamics of each country.

No 'Obvious' Political Interests

A more promising explanation for inter-country policy difference may potentially be found in the area of political interests. Those familiar with British and Irish political history will know that the dominant political forces in Ireland at the time of the creation of the Irish Free State and subsequently the Irish Republic were of a wholly different character to those which prevailed in Britain. While British politics consolidated, after the post First World War demise of the Liberal Party, around the opposing interests of labour and capital, represented by the Labour and Conservative Parties, Ireland's two main political parties – ultimately Fianna Fáil and Fine Gael – had emerged from the joint roots of Irish Republicanism. Divided primarily by the terms of Irish independence from Britain, Fianna Fáil and Fine Gael held comparable positions on matters of social welfare and socio-economic policy-making, with attitudes to social policy and social justice shaped by a dominant Catholic church and by catholic social values.²⁴

At the time of British and Irish social policy divergence through the 1980s up to the 2010s, political interests in each country had however perceptibly reconfigured. British politics, under the influence of Conservative Prime Minister Margaret Thatcher, had lurched discernibly to the political 'right' and when, after 17 years in opposition, the Labour Party finally returned to power, it did so with the express intention of reorienting British politics towards a politically 'centrist' sphere – rebranding itself as 'New Labour'. Irish politics, which had long broken away from overtly republican and Catholic influences, embraced a concerted, deliberative form

²⁴ See Whyte 1971.

of politics through the institution of a Social Partnership Government. The latter, which operated from 1987 until the onset of the 2009/2010 economic crisis, involved a form of social pact between the ruling political parties, the unions, the business sector and, from 1995, the voluntary sector.²⁵ Could it be that in these changed political interests, there lies some satisfactory explanation for British and Irish social assistance policy differences?

A factor clearly differentiating British from Irish political interests over the period from the 1980s was the emergence in Britain of a ‘New Right’ political movement as generated by the Thatcher Conservative Governments (1979-1990). Not only did the influence of Prime Minister, Margaret Thatcher have an enormous effect on British social assistance policy development during the period of her Conservative Governments; such influence extended well beyond the successive 18 years of Conservative rule and to the subsequent 13 years of Labour governance and thereafter. Notwithstanding the importance of this difference in British and Irish policy-making dynamics, we cannot however reduce it to a matter of interests – at least certainly not of the material variety.

We typically refer to the period of Thatcher Conservative Governance as “Thatcherism” because of the large normative imprint left by such leadership on British public policy-making.²⁶ To think of the social assistance welfare reforms of the Thatcher and Major eras as motivated primarily by power interests is to ignore the ideological vigour with which such policies were pursued. Policies were compatible with the Conservative Party belief in shrinking the state and in encouraging self-

²⁵ See O’Donnell 2006 and 2008.

²⁶ See Marquand and Seldon 1996.

reliance on the market – to that extent, they were compatible with, what we might describe as the ‘ideal interests’ of the party.

What is less easy to countenance in ideological terms is the subsequent adoption and expansion of the Conservative’s activation agenda by the Labour Party when it took up office in 1997. Since New Labour’s actions were credibly perceived as in conflict with its traditional positioning on social justice, they were immediately more amenable to a materialist account. The argument went that, faced with new electoral realities after an unprecedented 18 years of Conservative rule, Labour’s only route back to power - and sustainable power - was to adopt more ‘centrist’ policies that united voters.²⁷

To think however that Labour could have lost all sense of principle and reduced its social assistance politics to the single issue of holding onto power is surely too simplistic. The Labour leadership had the job of taking its whole party with it – a party that would demand a reasonably coherent, normative account of how the new policy approach was consistent with Labour party values. It was not enough that policies could be balanced – one for every faction of the party or even target voter population – but that, in their entirety, they could be justified according to a re-worked philosophical narrative if not a revised political ‘ideology’.

Irish political interests, though different from those in Britain over the same period, also fail to provide a compelling materialist account of policy developments. Social partnership governance which was characterised by consensus and the operation of ‘veto points’ may well have encouraged a stability bias and what Murphy (2012) has described as a policy of ‘inaction’ in the area of social assistance however,

²⁷ See, for example, Gould 1998 and Diamond and Liddle 2009.

structuralist and materialist analyses of Irish social partnership are wholly inadequate to explain the policy actions that *did* occur both in terms of resistance and change.

The trouble with the theory of policy-making *inaction* under Irish social partnership is that it greatly underplays the intentionality of political actors as well as the realities of substantial policy change. Measures to substantially increase the value of social assistance payments and to avoid unduly punitive and ineffective labour market-oriented benefit conditions were *striking* and consistent with the notable commitment of the original and successive social partnership agreements to increase redistribution through the social welfare system following the successful implementation of the strategy for economic growth. Moreover, to interpret this redistributive commitment as simply a concession from social partners whose interests were otherwise being served by the overall objectives of social partnership²⁸ would be to neglect crucial matters of *why* a commitment to greater redistribution through the social welfare system came to be part of the partnership settlement (or why it was perceived as being in the interests of the country) and *who* was responsible for making it so.

None of the main Irish social partners had *obvious* interests in pursuing a policy of greater redistribution to groups such as lone parents and the long-term unemployed who were among the most politically disenfranchised and socially excluded in Irish society. The ruling government could not count on any electoral gains such as would likely come from benefit increases for the more ‘revered’ and politically active old age pension population. Business interests were not clearly advanced by increasing out-of-work payments (even if direct state employment initiatives spared them the ‘burden’ of integrating those distanced from the labour market) and unions were

²⁸ See Teague and Donaghey 2009.

primarily focused on furthering the interests of their members who were predominantly labour market ‘insiders’ rather than mostly non-working, long-term welfare dependents. And while it was manifestly in the interests of voluntary sector groups – advocates of the unemployed, lone parents and social justice – these groups commanded only a more marginalised position in the partnership structure in a way that reduced their political leverage.²⁹

In both the Irish and British cases³⁰ we therefore see that despite important differences in the identity of ruling political powers, accounts of policy development based on material interests are not enough, and those based on ‘ideal interests’ are not ‘obvious’.³¹ I argue that, to truly understand the differentiating role of political actors in working-age social assistance policy-making in Britain and Ireland we need to analyse the interests of those actors jointly with the normative ideas that inform and give them meaning, and with due consideration to the institutional factors that shape the salience of particular ideas in a given setting.

1.2.2 Hypothesis: The Policy-Shaping Influence of Different Ideas of Social Rights

In view of the demonstrated institutional, economic and socio-economic comparability of the British and Irish cases of social assistance policy-making, a “most similar cases” logic suggests that explanations for the observed cross-country policy divergence will lie in the elements of inter-case difference.³² However, given that I have just argued that identified differences in political interests in Ireland and Britain were inadequate to fully explain social assistance policy developments, it is

²⁹ See Larragy 2014.

³⁰ The Cameron-led Conservative/Liberal Democrat Coalition Government 2010-2015 also demonstrated the power of ‘ideal interests’ and political ideology in policy-making terms but the point is already sufficiently illustrated by the given examples.

³¹ The reference to interests not being ‘obvious’ relates to the constructivist literature on the mutual constitution of ideas and interests and the fact that we need ideas to tell us what our interests are.

³² For more on the logic of the ‘most similar cases’ research design derived from J.S. Mill’s principles of difference versus agreement see George and Bennett 2005.

now necessary to consider cross-national differences in ideas in order to explore whether distinct *idea-interest configurations* can provide more satisfying policy explanations.

Ideas of social rights are among those which I believe critically shape the interests of British and Irish policy-makers in relation to social assistance policy development. It is also my view that *differences* in the social rights ideas held by British and Irish policy-makers are likely to be an important factor in explaining the observed cross-country variation in social assistance policy for which institutional, economic and interest-based policy dynamics cannot otherwise adequately account. For historic and cultural reasons that I will now explain, I hypothesise that the human rights idea is likely to exercise influence in Ireland, whereas positive rights and social citizenship rights ideas are likely to shape the policy preferences of British policy-makers. In each case, these social rights ideas are likely to resonate with the interests of central political actors.

From the Magna Carta of the Thirteenth Century to Enlightenment era theories of natural rights and the social contract, ideas of rights have undoubtedly contributed enormously to British political culture.³³ However two developments of the 19th Century – the rise of utilitarianism and late Elizabethan and Victorian era reforms of Britain’s Poor Laws – stand out as being potentially significant in the context of the social rights ideas that may have influenced the origins and expansion of the British welfare state through the 20th Century and beyond.

Classic utilitarianism rejected the notion that rights were of intrinsic value and that certain minimums were demanded by the fundamentals of human nature. In his

³³ See, for example MacPherson 1962 for a review of the works of John Locke and Thomas Hobbes. See also Waldron 1987 and Shapiro 1986.

work *Anarchical Fallacies*, leading utilitarian exponent Jeremy Bentham famously decried the prevalent natural rights theories of the day as “nonsense upon stilts”.³⁴ Instead, utilitarian philosophy argued that rights were only a ‘good’ where they could be shown to demonstrate utility and to be associated with desirable consequences. To that extent, the philosophy favoured a positivist conception of rights which divorced the justification for rights from any *a priori* requirements and connected them to a process of practical reasoning.³⁵ Given the political activity of some of utilitarianism’s key figures, these ideas carried significant weight in British public policy-making circles.

Victorian Poor Laws, on the other hand, were associated with the antithesis of rights – that is, with poverty relief as charity.³⁶ However where such practices can be perceived as influential on subsequent social rights thinking was through the moral parameters that they established in relation to the provision of financial relief. The Poor Laws established ideas of aid eligibility which went beyond the criterion of *need* and extended to the moral behaviour of individuals. Assessed ‘work effort’ was a particular ground for discerning between ‘the poor’ who were ‘deserving’ and ‘undeserving’ of aid. The virtue of hard work not only resonated with the prevailing Protestant and Victorian culture of the time but was also critical to objectives of social mobility and political representation as espoused by the burgeoning labour movement of the late Nineteenth Century.³⁷

There is reason to believe that the legacies of these Nineteenth Century developments continued to affect British politics, and particularly social assistance

³⁴ For discussion and analysis see Waldron 1987.

³⁵ Burns and Hart 1982.

³⁶ The charity characteristic persisted despite efforts, including those of Jeremy Bentham, to develop such poor relief (including the phenomenon of the workhouse) into more structured, uniform provision. See Quinn 2010 for discussion.

³⁷ For more see Harris 1992. See also Thane 2016.

policy-making, into the Twentieth and Twenty-First Centuries. When the Poor Laws were replaced in 1948 with a statutory entitlement to social assistance, underlying principles of eligibility related to need and work effort were retained.³⁸ If, the passage of the 1948 Act can be taken to suggest that British policy-makers had come to believe in state social assistance as a ‘claim right’ of the individual, then it is likely that such rights were justified in one of two ways: either in terms of a social contract idea – approximate to what Marshall was to later define as a “social citizenship right” – which provided explicit scope to incorporate ‘fairness’ principles through the element of reciprocity; or, as what Benthamites might have defined as a “positive right” which created considerably more open space to limit the scope of rights in line with prevailing social attitudes.

Both ideas could be conceived as compatible with the ideologies of the Labour and the Conservative Parties – Britain’s two main sets of political actors in social policy-making terms. The Marshallian social citizenship rights idea however arguably spoke more to the social democratic and communitarian values held by the Labour Party, while the utilitarian-inspired positive rights idea was likely to be more easily accommodated by the anti-interventionist, ‘small state’ political objectives of the Conservative Party particularly as they developed from the 1970s.

In contrast to Britain, the historical antecedents that may have influenced the attitude of Irish policy-makers to social rights ideas are believed to be quite distinct. Although Ireland was exposed to and endorsed much of the liberal rights philosophies developed in Britain, and was also subject to certain institutional legacies of the British Poor Laws, early 20th Century Irish political space was overwhelmingly dominated by the two forces of Irish Republicanism and Catholicism. Owing to these

³⁸ See National Assistance Act 1948.

forces, ideas of *natural rights* – associated with both a ‘rights of man’ tradition³⁹ and Augustinian natural law theory – became a touchstone on which Irish public policy-making was constructed.⁴⁰

The most significant expression of Irish policy-makers’ attachment to ideas of natural rights can be found in the 1937 Constitution of the Irish Republic – *Bunreacht Na hEireann*. In the section on “Fundamental Rights” the Constitution defends the family as possessing “inalienable and imprescriptible rights, antecedent and superior to all positive law”.⁴¹ In a similar mode it protects the right to private ownership of goods, subject, in this instance to “the principles of social justice,”⁴² and defends the fundamental rights of “mothers” to attend to their “duties in the home”, without being forced by economic necessity to seek labour elsewhere.⁴³ Reliance on natural law arguments by the Irish judiciary was common place in Irish Constitutional Court judgments up to the 1980s.⁴⁴ And in the tradition of what Moyn (2015;31) describes as “religious constitutionalism”, Ireland was considered a pioneer and unique in its emphasis on human dignity.⁴⁵

Although the forces of Republicanism and Catholicism have lost much of their influence in contemporary Irish politics, their legacy, in terms of the salience of particular ideas of social rights, is likely to be strong. Catholicism was not a force limited to the political arena; rather, in a virtually monotheist country like Ireland, it exercised enormous cultural influence. As Republican objectives became replaced with nation-building and economic growth, Ireland’s two main (formerly Republican)

³⁹ For more see Boyle 1988, Daly 2018 and Hogan 2012.

⁴⁰ See Kavanagh 2012 and Whyte 1997.

⁴¹ Article 41.1.1

⁴² Article 43.1.1 and Article 43.1.2.

⁴³ Article 41.2.2.

⁴⁴ See Clarke 1982 and also Whyte 2015 for an overview.

⁴⁵ For example, see the preamble to the Constitution which speaks of the “dignity and freedom of the individual.”

political parties did not reconfigure in ways that represented a major ideological cleavage on a left-right spectrum but offered similarly populist, centre-right political programmes.⁴⁶ The advent of Social Partnership Government from 1987 further increased the consensual nature of Irish policy-making. All in all, the relative absence of ideological conflict and the embeddedness of Catholic-inspired public norms, lead me to believe that the natural rights ideas of Ireland's history – which come close, in the scheme that I here devise, to human rights ideas of social rights – would be a natural default position for policy-makers seeking common normative parameters that would satisfy a diverse range of social partners.

1.2.3 Empirical Scope: Social Assistance Policies for the Unemployed and Lone Parents in Britain and Ireland 1985-2015

In order to explore the research hypothesis, I restrict my empirical analysis of working-age social assistance policy (as indicated in the research aims) to policies for the unemployed and lone parents between the years 1985-2015. Optimally, the empirical scope would have extended to cover the full range of working-age social assistance policies and would thereby have included policies for people with disabilities. There are however natural practical limits to the scale of any thesis, and since it is the hypothesis of this research that ideas of social rights are determined by cultural and historical factors at the *national level*, it is unlikely that findings on social rights ideas will be significantly affected by broadening the empirical parameters.

What is conceivable is that the application of social rights ideas, when applied to different social assistance policy target populations, could generate different policy responses both within and across countries. That is to say, that the perceived

⁴⁶ Populism is further encouraged by the electoral system - a form of proportional representation known as the Single Transferable Vote – which causes politicians to pay as much attention to constituency politics as to party politics. See Farrell and Sinnott 2017.

characteristics of certain social assistance-receiving groups, their social status, the extent to which they have been ‘pathologised’ are all factors that might affect the particulars of the policy response but which are unlikely to alter the overall policy paradigm – in other words the relevant social rights idea. In any case, this is a scenario that is controlled for within the current scope of the research which includes the two distinct groups of the unemployed and lone parents.⁴⁷

Selection of the start and end points of the empirical study (1985-2015) were determined by several factors. Preliminary policy analysis and a review of secondary literature indicated that this was a period of substantial British-Irish policy divergence. It was also a sufficiently long period both to trace the development of ideas and to take account of and control for changes in the economic and political cycles.

A final point of clarification about the scope of the case studies relates to the terms “British” and “Irish” social assistance policies. A deliberate choice was made to limit the study to Britain rather than the United Kingdom and thereby to exclude from the analysis social assistance policy affecting the six Irish counties that represent the jurisdictional territory of Northern Ireland. Although Northern Ireland forms part of the United Kingdom (and its politicians have the right to representation in the Westminster Parliament) it has historically enjoyed a degree of independence in matters of social policy-making,⁴⁸ and, following the 1998 Good Friday Peace Agreement, the area of social security was devolved to the power-sharing administration – the Northern Ireland Assembly.⁴⁹

⁴⁷ In the conclusion to this thesis, I will return to consider whether, in reflecting on the empirical findings, there would be added benefits in expanding the research to social assistance policies for people with disabilities in Britain and Ireland.

⁴⁸ See McKeever, 2017.

⁴⁹ See Northern Ireland Act 1998.

Of course underlying this research is the premise that history and culture shape ideas of social rights which subsequently influence social assistance policy-making. If we were to separately analyse the case of Northern Ireland we might therefore expect to find that, having neither exclusively British nor Irish cultural/historic antecedents, social assistance policy may be shaped by a distinct form of social rights idea – potentially informed by a blend of its two cultural influences. If we were also to consider the hypothetical case whereby social assistance for the unemployed and lone parents became a devolved responsibility of the Scottish Government,⁵⁰ we might again have reason to expect that Scotland’s distinctive culture/history might equally lead its political representatives to have different ideas about social rights. These are matter to which I will give further consideration in the conclusions to this thesis.

1.2.4 Evidence and Data Sources

The empirical analysis relies on three main data sources: policy documents, parliamentary records and statistical social assistance data; in-depth qualitative interviews with key policy-makers; and secondary policy and academic materials. The first of the two empirical components of the research – the task of establishing the nature and scale of social assistance policy differences in Britain and Ireland – is assessed on the basis of a detailed and systematic review of the first and the third categories of data. The second empirical component – analysis of the role of social rights ideas in social assistance policy developments in Britain and Ireland – relies on all three data sources. Materials from qualitative interviews were assessed in light of primary and secondary textual analyses.

⁵⁰ Following the 2014 referendum, the 2016 Scotland Act provided for the devolution of disability benefits but employment-related benefits and tax credits remained a matter reserved to the Westminster Parliament.

A total of forty-five in-depth interviews were conducted with British and Irish policy-makers over the period May 2015-July 2016. Twenty-three interviews were with Irish policy-makers and twenty-two with British policy-makers. In all cases but one, interviews were conducted face-to-face and were audio recorded with the consent of participants. Prior to conducting the interviews, the interview proposal had received ethical approval by the ethics committee at the Department of Social Policy of the University of Oxford.⁵¹

Interviewees were selected on the basis of their perceived proximity to and significance in the policy-making process. Given the discussed differences in governance and policy-making structures in Britain and Ireland, interviews in Britain focused on Government Ministers, senior political party figures and political advisors while, in Ireland, the focus was on significant figures in the social partnership governments. In both countries, interviews also included those with some of the most senior civil servants, key voluntary sector actors, and policy experts.

Interviews followed a semi-structured format and lasted an average of one hour. With the informed consent of all participants, interviews were transcribed and thematically analysed. In the interests of transparent disclosure and to respect the political integrity and privacy of interviewees, assurances of anonymity were made to all participants.⁵² Interview materials quoted in this thesis are therefore numerically coded according to group identities (e.g. civil servant, former minister etc.). A full list of interviews and their relevant codes are provided in Tables A1 and A2 in the Appendix.

⁵¹ Departmental ethical approval procedures are regulated by Oxford's CUREC – the Central Universities Research Ethics Committee.

⁵² In various instances, interviewees waived their right to anonymity and consented to be quoted on the record. However, to maintain parity throughout the research and uniformity in ethical practices, a policy of anonymity is maintained throughout.

1.3 Thesis Structure

The thesis has three core elements which are reflected structurally in the three parts of the thesis. The first element, to which Part I of the thesis is devoted, presents the theoretical approach that will guide the empirical research. Chapter 2 reviews the comparative literature on the determinants of social policy and concludes in support of the need for multi-causal policy analysis. It suggests that a promising philosophically-inspired approach to studying the interaction of ideas, interests and institutions, lies in combining the Historic Institutional insight on ‘policy feedback effects’ with the Constructivist notion of the ‘mutual constitution’ of ideas and interests.

Chapter 3 assumes the task of deriving, from theory, different ideas of social rights and converting these ideas into a heuristic device that could be used to viably identify the presence of social rights ideas in the empirical analysis of social assistance policy-making in Britain and Ireland. To this end, the chapter identifies the main components of three ideal-typical ideas of social rights: human rights ideas; social citizenship rights ideas; and positive rights ideas.

Part II of the thesis addresses the empirical concern of establishing the substantive differences in social assistance policies for the unemployed and lone parents in Britain and Ireland over the period 1985-2015. Chapter 4 analyses the British case and Chapter 5, the Irish case. To allow for the systematic comparison of policy developments cross-nationally and over time, policy development is assessed across three dimensions: benefit values, benefit conditions, and employment supports. The analysis is organised chronologically and in blocks of time that reflect critical political and economic junctures. A short introduction and conclusion to Part II are

used to explain the comparative approach and to facilitate a comparative analysis of the findings.

Part III of the thesis is dedicated to *explaining* social assistance policy developments for the unemployed and lone parents between 1985 and 2015 in Britain (Chapter 6) and Ireland (Chapter 7) with particular regard to the potential policy-shaping significance of different ideas of social rights. Applying the framework for identifying social rights ideas developed in Chapter 3, Chapters 6 and 7 analyse, again chronologically, the relevance of such ideas in the context of prevailing economic, institutional and political dynamics. Each of these two chapters begins with an historical analysis of the normative baseline for social assistance policy developments and, as with Part II, comes with a brief introduction and conclusion to highlight the comparative dimensions of the analysis.

Chapter 8 concludes the thesis. My research finds that different ideas of social rights influenced the shape of social assistance policies for the unemployed and lone parents in Britain and Ireland over the period 1985-2015. In the Irish case, policy-makers were consistently motivated by a blended human rights-positive rights idea of social rights whereas in Britain varying ideas of positive rights and social citizenship rights were held by the Conservative and New Labour Governments. I end with some reflections on the implications of the research both for normative debates in comparative social policy research and for advocates of a human rights-based approach to social policy-making.

Part I
Literature and Theory

Chapter 2. Explaining Social Policy Expansion and Change: A Critical Review of the Literature

From the first mid Twentieth Century attempts at cross-national comparative analyses of the determinants of ‘the welfare state’, to the present-day concern with more disaggregated analyses of the drivers of social policies and policy change, the comparative causal literature has developed immensely. In this paper, I sketch out this journey: from the single causal, exclusively structural, analyses of the determinants of ‘the welfare state’ as equivalent to aggregate social and public spending, to more pluralist analyses wherein welfare states -and more frequently, particular social policies - are understood as resulting from the interaction between a range of causal variables which exhibit the dynamics of both structure *and* agency.

However, this developing dialectical and interactive understanding of social policy-making has, I argue, been challenged in the contemporary era of welfare state change where the dominance of theories of exogenously-driven change has, at times, caused researchers from various perspectives to retreat back to assertions of the causal primacy of single variables and away from interaction. A large portion of the analysis in this paper is therefore devoted to exploring the potential of the relatively neglected causal dynamic of ideas in helping to maintain and further advance an approach to comparative social policy change that pays attention to structure and agency, that is constructed around assumptions of interaction between variables and which accommodates both exogenous and endogenous sources of change.

2.1 Early Comparative Theories of Welfare State Development

In the period immediately succeeding the end of the Second World War, the social policies of advanced democracies flourished and these practices became steadily identified in both national and international political discourse with the notion

of a 'welfare state'. The emergence of this loosely generic political phenomenon opened the path for cross-national comparative research in a field until then committed to the exclusive empirical analysis of social policy development at the national level. Equipped with new statistical measures (regression analysis) and cross-national data sets on social policy practice, research ambition was high, with sights set on establishing whether any one overriding factor could be associated with this common political development – *the welfare state*.⁵³

The findings of roughly the first twenty years of this comparative research endeavour were characterised, according to Francis Castles (1982, 22), as constituting “a battle of the paradigms” where, he claimed, statistical results were shaped in a significant way by researchers’ competing theoretical perspectives of social policy-making.⁵⁴ On the one hand, research efforts had yielded a set of studies that concluded that socio-economic development, expressed in terms of economic growth and its demographic correlates (i.e. older populations), was primarily responsible for welfare state expansion.⁵⁵ This lent empirical support to the well-rehearsed modernisation theory or ‘logic of industrialisation’, which contended that as countries developed economically, industry would surpass agriculture as the main driver of the economy, urban living would replace rural living, social patterns would adapt, life expectancy would increase and meanwhile a whole rake of new socio-economic contingencies would emerge requiring new, government-controlled forms of collective social safety nets to replace old kinship-style models of social support.⁵⁶ The studies were thus generally associated in the literature with a form of “sociological functionalism”

⁵³ See Skocpol and Amenta 1986 and Amenta 2003.

⁵⁴ See also Castles 1981.

⁵⁵ See Wilensky 1975 and Cutright 1964.

⁵⁶ Kerr et al 1964.

wherein social policy outcomes were seen largely as inevitabilities of macro socio-economic development.⁵⁷

On the other hand, there emerged an alternative theory, proliferated by more politically-oriented scholars of social policy. This attributed welfare state expansion above all to the role of powerful political and social interest groups. The most influential rendition considered the welfare state as the outcome of conflict between the class-divided interests of labour and capital, and thus associated rates of welfare state expansion with the relative political and organisational strength of labour, expressed in terms of trade union density and social democratic party control.⁵⁸ This type of analysis has been commonly cast as a form of structuralist Marxism in order to broadly capture the extent to which these theories, at their core, link the development of the welfare state to the capitalist mode of production and its consequent socio-political divisions.⁵⁹

The concern among scholars such as Castles (1981), was that these entrenched theoretical assumptions heavily influenced the methodology and interpretation of findings of individual studies. They were thus, in his view, responsible for a literature which was divided over the causal primacy of either economic or political structures.⁶⁰ Further, since this division was believed to be undermining ambitions of establishing, in a truly scientific way, more comprehensive understandings of welfare state development, the challenge, in Castles's (Ibid.) view, was to accept the possibility of 'truth' in both positions, resist theoretical biases in developing

⁵⁷ See Castles 1981 and 1982. See also Esping-Andersen 1985 and Korpi 1983.

⁵⁸ Stephens 1979. See also Korpi 1981 and 1983.

⁵⁹ See Castles 1981 and 1982 and Esping-Andersen 1985.

⁶⁰ Castles (1981, 129) argued: "...the type of political factors often analysed in the 'politics matters' debate are as structural in character as the socio-economic factors with which they are contested".

methodology and thereby strive for more objectivity in subsequent research (Castles, 1982).

While we can clearly see some sense in this approach and can endorse the sentiment of aiming for a more integrative analysis of welfare state development, it seems to be founded on a premise that was, even at the time of writing, only partly true. Certainly not everyone saw the divide of economic and political structures as so stark or, of itself, such an impediment to the development of the literature as Castles. Writing a decade later, Theda Skocpol (1992,39, emphasis added) criticised, what she defined as the “socially determinist frame of reference” of *all* the leading comparative accounts of welfare state development at the time. Whether framed in terms of industrialisation, urbanisation or capitalist expansion, she argued (ibid.) that all theories converged on the causal importance of socio-economic dynamics as a necessary, if not sufficient, requirement for growth of the welfare state. Her contention was that the path towards a more comprehensive understanding of the determinants of the welfare state – one that could also apply to the United States and rid it of its claimed “exceptional” nature - was not so much obstructed by theoretical disagreement over the causal primacy of economic versus political structures, but rather the general lack of attention to agency and specifically to the inter-relation between salient socio-political actors and political institutions. Skocpol (1992,22) argued: “We must identify the groups active in politics, analyse the resources that they can bring to bear in allying or conflicting with one another.....We must also investigate how the changing institutional configurations of national policies advantage some strategies and ideological outlooks and hamper others”.

Skocpol (ibid.) highlighted the undoubted critical importance of paying attention to human agency in the analysis of social policy-making. If we attribute

individuals or groups of actors with any degree of control over their own destinies, including playing an influential role in the determination of key public policies, then our analysis of welfare state development would surely be incomplete without any adequate measure of that dynamic. But what is missed in Skocpol's review of the existing literature (and an omission which she shares with others)⁶¹ is that the challenge of integrating an element of agency into the analysis of welfare state development had already been taken up by the leading advocate of the power resources approach – Walter Korpi. This seems to have slipped under the radar of both Castles and Skocpol in their sweeping claims of an exclusively structural literature on welfare state expansion. In Castles's case, the omission was arguably defensible since Korpi's most explicit theorising about the role of human agency, actor rationality and intentionality in conjunction with the determining power of class structures had not then received a proper public airing.⁶² However there is less justification for Skocpol's treatment of Korpi's work given that by the end of the 1980s the latter's theoretical approach of combining structure with agency was unequivocal and notably published.⁶³

Given the now prevailing wisdom in much contemporary social policy analysis of the importance of combining structure *and* agency in order to develop comprehensive understandings of 'the welfare state' or social policy-making (and

⁶¹ Esping-Andersen (1985) also gives no space in his analysis to Korpi's emphasis on human agency and rationality, while Swenson's (1990) understanding of Korpi's analysis as essentially a zero-sum for employers suggests an outright refusal to acknowledge Korpi's conflict theory.

⁶² Castles (1981) maintained that there was no structure-agency divide between the first two generations of comparative research on the drivers of the welfare state – indeed he argued that agency was not something that could be captured in statistical models. However in his later work, he (Castles, 1982) commented on the theoretical desirability (and again methodological difficulties) of integrating the perspective of agency into empirical analysis but was dismissive of what he described as "the pretensions of economists" making theoretical claims about choice.

⁶³ See Korpi 1985 and 1989. Skocpol's inattention to Korpi's theoretical approach is not a one off; Korpi himself (2006) criticised her review article, co-authored with Edwin Amenta (Skocpol & Amenta, 1986), where he found his work unhelpfully labelled as "*left* power resources", thus blunting the element of conflict between labour and capital that underpinned his theory.

particularly, as I will discuss later, to understanding social policy *change*), it seems appropriate to examine this often overlooked aspect of Korpi's work. I will therefore dedicate the rest of this section to a brief review of Korpi's theoretical framework, including a discussion of both the contributions it makes and challenges it presents to the development of casual literature on the welfare state in comparative perspective.

2.1.1 Korpi's "Augmented Rational-Action Analysis"

Korpi's (1989 and 2001) theoretical position begins in broadly similar terms to that held by adherents of structural Marxism in that class structure is a central requirement in any understanding of welfare state development. It is "class" that gives rise to the group identities of labour and capital and infuses them with a range of interests.⁶⁴ However for Korpi, group interest- and identity-formation do not end there: these groups then interact with each other and arrive at views of how to best advance their respective interests based on how they perceive the behaviour and preferences of the opposing group. This process of interaction takes place in the context of changing external socio-economic circumstances which affect each groups' conceptions of their own interests and the interests of others.⁶⁵

As is evident, Korpi's (ibid.) theoretical framework borrows heavily from rational choice and game theory analyses developed in micro-economics. However, in the footsteps of leading sociologists such as Anthony Giddens (1978) and John Elster (1982), Korpi attempts to reconcile these aspects of agency (or 'calculus') with, what he sees as, the structural importance and omnipresence of class – a model he later described as "an augmented rational-action analysis".⁶⁶ Thus actors only have

⁶⁴ Korpi defines "class" according to Goldthorpe's definition whereby individuals are grouped according to the positions they hold in the labour market and not based on membership of groups defined according to certain norms or sub-cultures.

⁶⁵ Korpi 1989, 313.

⁶⁶ Korpi 2001, 235.

agency within the parameters of the overarching and identity-defining role of class structures. Their rationality is “bounded” and, unlike rational choice theory which assumes a model wherein rational actors seek to *maximise* their respective utility, Korpi argues that the nature of conflict ensuing from class division and the likely compromise entailed in any settlement creates a situation where the best that actors can hope for is to “satisfy” their utility. Moreover, utility functions are not simply material in nature but encompass non-material dimensions since the interests of class-based groups of actors are also influenced by cultural structures such as gender and religion.⁶⁷

In what ways then might this theoretical approach aid the development of the literature on the drivers of social policy-making? Besides providing a helpful corrective to the excessively structural analysis of the role of political actors that had dominated the literature, Korpi’s framework makes at least three discrete and substantial contributions. First, in appropriating key elements of rational choice theory – the importance of interaction among interest groups and ensuing inter-subjectivities - Korpi introduces a framework for analysing policy-making and *change* that is at least, in part, endogenously-driven. While arguably any change to the interests of salient political groups that might have consequences for policy change needs some trigger –possibly socio-economic development or the emergence of new ideas – such triggers would, in Korpi’s model, be significantly mediated by how they affect groups perceptions of their own interests as well as how they affect their strategic calculations of anticipated adjustments to the interests of rival groups. It is the way that this new information is processed by both groups separately and in interaction with the other that creates the real dynamic of change. Korpi (1989, 313)

⁶⁷ Ibid., 1989 and 2001.

argued: "...the functions of distributive conflicts can shift over time. What once were heated political issues may gradually come to be accepted by all interest groups, conflicts then shifting to new issues concerning the relative role of markets and politics". The significance of Korpi's theoretical framework for explaining change becomes, as I shall discuss in the next sections of this paper, an important perspective in the context of the analysis of contemporary social policies.

A second key contribution is that Korpi's assumptions of agency resulted in him taking the lead in developing a conceptualisation, and subsequent empirical measure, of the welfare state that could capture something of the *goals* of relevant interest groups – whether as “protagonists”, “antagonists” or consenters” – and which could form the basis of the dependent variable in large-scale, cross-national regression analyses.⁶⁸ Like many of his contemporaries,⁶⁹ Korpi was dissatisfied with social spending as a measure of the welfare state and increases in such spending as a measure of welfare state expansion. Aside from the well-documented flaws in social spending data, the measure faced the more substantial critique that it was excessively minimalist and even misleading as a gauge of welfare state expansion. One could not, as many argued, interpret higher social spending as a measure of a more advanced welfare state when such a pattern might merely reflect high unemployment and thus states' failure to adequately protect its citizens from one of the most critical social risks.⁷⁰

However, to develop a goal-oriented measure of the welfare state that could serve as the dependent variable in large cross-national studies, Korpi needed to

⁶⁸ Ibid. 2006.

⁶⁹ E.g. Stephens 1979, Shalev 1982, Cameron 1976 and Castles 1982.

⁷⁰ See Korpi 1983 and Shalev 1983. Esping-Andersen (1990) subsequently cited the UK as a case in point: under Thatcher social spending rose significantly in the UK at a time when unemployment reached record levels and social benefits – particularly pensions and unemployment benefit were widely perceived to have suffered significant qualitative cuts.

identify welfare state goals that were commonly shared across countries and over time.⁷¹ His major work “*The Democratic Class Struggle*” followed in the path of Stephens, Cameron and Castles, by substituting social spending with public spending, since the latter was considered a rather crude proxy for measuring states’ level of commitment to reducing/preventing unemployment via Keynesian-style public stimulus of the economy.⁷² But as Korpi and his colleagues were all too aware, the different emphases of welfare states on preventative action versus remedial support/public assistance meant that Keynesian macro-economic policies could not be held as a goal common to the welfare states of all advanced nations.⁷³ It was clear that if the ambition of measuring welfare state development in terms of goals were ever to be realised, a new cross-national data set would be needed for that express purpose.

In the late 1980s, Korpi published the first findings from what had become known as the Social Citizenship Indicator Programme (SCIP) of the Swedish Social Science Institute. As the name suggests, the objective of the programme was to measure welfare state performance against the ‘ideal’ of “social citizenship”, as articulated in T.H. Marshall’s classic text *Citizenship and Social Class* (Marshall, 1950). Given its broad universal resonance, and ability to potentially reflect the interests of a wide range of socio-political actors, “social citizenship” was, in many ways, an appropriate, and comparatively neutral, way of conceptualising the welfare state cross-nationally. However, it was also a rather nebulous concept in terms of its

⁷¹ See discussion in Korpi 1983. See also Shalev 1983.

⁷² Korpi 1983.

⁷³ Korpi (1983), for example, quoted at length from Titmuss’s analysis of welfare state typologies, identifying the Keynesian-style, employment-supporting role of Scandinavian welfare states and the more remedial support for liberal countries such as the UK.

policy/legal implications, being more concerned with the end vision than how to realise that vision. Marshall (1950, 29) wrote:

“There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed.”

It is clear from Marshall’s comments that there is a strong element of subjectivity in determining what exactly the constituents of social citizenship might be and what we might judge as progress to that end. Thus driven partly by the available data and by the objective of maximizing the cross-national comparability of their measures, Korpi and his collaborators on the SCIP project settled on benefit generosity in the key social policy areas of sickness insurance, unemployment insurance and pensions, as their overall indicator of progress in advancing social citizenship/social rights.⁷⁴ This marked Korpi’s 1989 study as the first attempt to incorporate goal-based measures of the welfare state in a large-scale quantitative analysis of the drivers of social policy expansion. And perhaps unsurprisingly his findings, based on this measure, found greater levels of social rights associated with welfare states with relatively powerful representation from the political ‘left’.⁷⁵

Finally, a third, albeit less substantive benefit, of Korpi’s work is its eclectic, inter-disciplinary approach which broadened the theoretical perspective of the study of welfare states to accommodate other philosophical perspectives used in different areas of public policy, such as international relations and social movement theory.

⁷⁴ See Korpi 1989, Kangas 1990 and Palme 1990 for details. See also Korpi and Palme 2003. The five measures were: net replacement rates, duration of benefit, length of initial waiting period, generosity for individuals and generosity for families with dependents.

⁷⁵ Kangas (1990) and Palme (1990) arrived at similar findings in the areas of unemployment insurance and pensions. See also Korpi and Palme 2003 for further work associating the causal significance of social democratic party support with more modest levels of welfare state retrenchment and the study by Allan and Scruggs 2004.

This theoretical plurality, ranging from rational choice, structuralist Marxism, and ‘new institutionalism’ (of which I will say more in the next section) is really key to advancing understanding of the determinants of social policy-making. It is a good example of a pragmatic or applied approach to theory which does not sacrifice empirical progress for theoretical parsimony but is refreshingly open to the ‘best’ insights from other academic disciplines.

2.1.2 Discussions and Implications

In taking a dialectical approach to the study of social policy-making by incorporating both elements of structure *and* agency in his theoretical framework, Korpi arguably provided a great service to the development of the comparative literature on the welfare state. He reminds us of Weber’s (1949: 81, emphasis original) contention that: “We are *cultural beings*, endowed with the capacity and the will to take a deliberate attitude towards the world and to lend it *significance*”. However, for each of his contributions – understanding endogenous sources of policy-making and policy change, conceptualising the welfare state in terms of the goals of social citizenship, and broadening the theoretical perspectives underpinning social policy analysis – a series of challenges attach.

First, Korpi’s theoretical explanation for *how* resources of the political ‘left’, manifesting dynamics of both structure and agency, came to shape welfare state development, needs to be supplemented with an empirical analysis which can establish agency and then trace the agency-structure relationship via a detailed, historical analysis of the facts of particular cases. However, to guide this critically important empirical analysis, further theorising of the structure-agency relationship is also required. Specifically, there is a need to analyse the extent to which the forces which shape interests are always best understood in terms of structure or whether it

might in some cases be more illuminating to consider them as manifestations of *ideas*, which by their nature, embody elements of both structure *and* agency. For example, Korpi concedes that the class-determined interests of labour and capital are non-material as well as material because such interest groups are given meaning and identity by other structural features such as culture, religion and gender. However not only does he skim over the importance of these other “structural” forces in potentially disaggregating the broad interests of labour and capital across settings (time and place) but he fails to consider these latter “structures” in terms of their idea content. Moreover, it is telling that the “power resources” that Korpi sees as critical to welfare state development are organisational and political resources, not ideational ones.

One aspect of Korpi’s work however leaves open the possibility of ideas playing a role in welfare state development; that is his preference for conceptualising ‘the welfare state’ in terms of goals or ‘ideals’. What are goals if not in part the expression of ideas/utopian visions/normative beliefs? And since Korpi chooses to conceive of the welfare state in terms of the Marshallian concept of social citizenship, he automatically engages with the normative character that Marshall attributes to the concept, as distinct from its historical evolution in the context of late Nineteenth and early Twentieth Century Britain.

However, as will have been apparent from my earlier review of the social citizenship research project, efforts to measure the welfare state in social rights terms were constrained by the large-scale nature of the research ambition and the availability of data. There is consequently much scope for developing additional measures of social citizenship in order to attempt to more comprehensively capture that ideal standard. While Korpi’s benefit generosity indicator was an important first step, there is room for exploring more detailed dimensions of social rights such as

eligibility, conditionality, welfare state funding and benefit-services ratios (many of which have arguably some ideational content). This comprehensiveness can however only be achieved by sacrificing the scale of comparison – moving from large scale cross-national statistical analyses to smaller-scale analyses of cases which are suitably comparable in terms of social policy goals. Such case study analysis would also promote a more holistic understanding of the welfare state by enabling positive spending-style measures to be combined with goal-oriented measures of the welfare state in a way that could not be achieved in statistical analysis.

As I shall now discuss in the following sections of this paper, these challenges have been assumed, with varying degrees of success in the subsequent literature on welfare state development and more contemporary analysis of social policy change. Amongst other things, there was a change of direction towards case study analysis, new theoretical insights on the causal significance of institutions, new analysis of the role of ideas in social policy change and the development of welfare state typologies to facilitate more appropriate comparisons between welfare states.

2.2 From Single Causal Analysis to Interaction Effects: The Contributions and Limitations of Historic Institutionalism

By the mid 1980s, there was growing belief, particularly among political scientists, that the large-scale quantitative studies of the drivers of social policy that had dominated the comparative literature for nearly two decades were of shrinking utility to the advancement of welfare state research.⁷⁶ While the grand-theory ambitions of these earlier works had ensured a focus on establishing cross-national commonalities, this was at the expense of understanding important differences in the

⁷⁶ See Skocpol and Amenta 1986

same. Thus, while it was generally accepted that industrialisation and/or the growth of advanced capitalism were *necessary* conditions for the emergence of welfare states, there was substantial doubt – based on understandings of particular national histories – whether these factors were *sufficient* explanations of developments in particular countries and certainly for explaining different social policy arrangements in otherwise similar contexts.⁷⁷ There was also discontent that ‘large n’ studies perpetuated the notion of some minimally homogenous ‘welfare state’ phenomenon that poorly reflected the variation and depth of social policy arrangements across countries as observed in early efforts at typologising welfare states (cf. Titmuss 1974) and in particular national histories.⁷⁸

2.2.1 Theoretical and Empirical Contributions of Historic Institutionalism

A new research programme, in the qualitative, comparative case study tradition thus got underway. However what was particularly distinct about this case study approach, and what caused it to advance the social policy literature to the extent that it did, was its theoretical framework which assumed the label “historic institutionalism”. The main contention, of historic institutionalist theory, was that new policies are in significant ways determined by existing policies and other formal institutional arrangements, such as laws, systems of government etc.⁷⁹ Institutions exercise this influence by creating ‘interests’ among socio-political groupings, and it is these interests that then reinforce existing policies (via positive policy feedback effect) or, in some cases, bring about the demise of the same (negative feedback effect).⁸⁰ Thus independent of what dynamics led to existing policies and institutions coming into

⁷⁷ See Skocpol 1992.

⁷⁸ Indeed, Skocpol argued that certain ‘ideal’ images of ‘the welfare state’ as the dependent variable in regression analyses strongly influenced the resultant causal theories of welfare state expansion, and were, in many cases, historically inaccurate.

⁷⁹ Steinmo and Thelen 1992.

⁸⁰ See Esping-Andersen 1985, Skocpol 1992 and Pierson 1993.

being in the first instance,⁸¹ once established, they exercise causal effects of their own by interacting with interests.

Yet the notion of an interaction between interests and institutions in the comparative analysis of social policy was hardly original for there was already a long sociological tradition of understanding interests as structured by macro institutional dynamics such as class, religion or ethnicity. What then was innovative about the historic institutionalist claims about the interaction between interests and institution? One (basic) distinction is the latter's emphasis on the role of intermediary or meso-level institutions which, while the subject of existing analysis in the 'old institutionalist' political science literature (cf. Hall & Taylor 1996), had not before been analysed as a potential dynamic for *creating* or *transforming* interests. However an even more significant distinction between historic institutionalism and structuralist sociological analysis (such as the structural Marxism or sociological functionalism that informed the main early welfare state development theories) was the ability of the former approach to envisage a role for both structure *and* agency via the concept of policy feedback effect.

To explain, it is perhaps useful to suggest that historic institutionalism fell somewhere between the two alternative forms of "new institutionalism" – sociological institutionalism and rational choice institutionalism – that developed contemporaneously with, but apparently independently from, the historic variant.⁸² Under rational choice institutionalism, institutions are considered to affect policy-making by altering the behaviour of key actors who seek new strategies to maximise their utility in the context of particular institutional circumstances. Core interests

⁸¹ Consistent with the concern of developing a mid-range theory, most historic institutionalists are agnostic about the causal determinants of institutions. See Ikenberry 1988 and Steinmo and Thelen, 1992.

⁸² See Hall and Taylor 1996.

themselves remain intact and are the primary driver of policy but institutions adopt causal relevance too because of how they shape the way in which those interests are achieved.⁸³ By contrast, sociological institutionalism adheres to a “logic of appropriateness” wherein institutions influence policy outcomes, not because they engender any overtly rational response from actors, but simply because they create norms and new accustomed standards to which interest groups conform because it is ‘the appropriate thing to do’ in that setting.⁸⁴

Historic institutionalism borrows elements from both these logics: through the process of both positive and negative policy feedback, the theory allows for rational *and* cultured responses (and indeed challenges the boundaries between these) thus accommodating an understanding of policy-making that is simultaneously influenced by elements of structure and agency.⁸⁵ This means the focus of the research is squarely on interaction effects; not just on single causal dynamics but on an understanding of interests and institutions as “mutually constituted” and causally significant in the broader context of other influential variables such as socio-economic factors (cf. Katznelson 2003).

With its explicit concentration on the inter-relationship between groups of actors and particular institutional features, the historic institutionalist theoretical framework had the advantage of being readily applied in empirical work. Hence some very significant empirical findings emerged from this genre of study,

⁸³ See North 1990 and Weingast and Garrett 1998.

⁸⁴ March and Olsen 1989. In a subsequent expansion of their early work March and Olsen, (2005: 20) explain, this is a logic which “...tries to avoid unfeasible assumptions that require too much of political actors, in terms of normative commitments (virtue), cognitive abilities (bounded rationality), and social control (capabilities)”. Actors are rule abiding because it is the ‘norm’ for individuals of a given identity.

⁸⁵ See, in particular: King 1992 and 1999; Skocpol 1992; Weir 1992; and Hall 1993. Even Korpi (2001 and 2006) to whom the label of “institutionalist” would not readily attach, acknowledges that institutional effects can stimulate both a rational response and a more cultured/structural response in affected actors.

contributing much to the state of knowledge on the development of particular social policy areas and the experiences of welfare state development in certain countries. First, a couple of leading studies pointed to the superior causal power of interests when joined together in political *coalition* as opposed to operating in the more traditional mode of conflict, and argued that successful coalitions could explain the relative advancement of social policies in some developed nations over others.⁸⁶ In focusing on coalitions, such studies attributed strong causal significance to the role of ‘the state’ - particularly to the state function of developing certain social and macroeconomic policies considered critical to the continued health of such coalitions (Esping-Andersen, 1985; Weir & Skocpol, 1985). Re-introducing the potential significance of the role of the state in policy-making filled an important gap in then dominant accounts of (comparative) welfare state development and, in itself, constituted an important example of a causal dynamic which at once embodies elements of both structure and agency.⁸⁷

The state however was not the only new actor/actor-institution to receive attention by historic institutionalists. Partly because of close analysis of policy areas that had been excluded from the regression analyses of the leading theorists of welfare state development (e.g. family policy), researchers following an historic institutionalist approach highlighted the causal significance of a new range of non-traditional socio-political actors. Among such groups were pronatalist lobbies,⁸⁸

⁸⁶ As Esping-Andersen argued (1985), it was coalition between the Social Democrats and the Agrarian party in Sweden that gave the welfare state a secure and broad platform of political support which enabled it to expand without political opposition, whereas the lack of cross-party support for the welfare state in Denmark was identified as an explanation of the latter country’s relative stagnation in social policy terms. A similar point was made by Weir and Skocpol (1985) in identifying the different experience of public employment policies in Sweden compared to the United States.

⁸⁷ See Skocpol and Amenta 1985.

⁸⁸ Pedersen 1993.

women's groups,⁸⁹ children's rights advocates,⁹⁰ think tanks,⁹¹ associations of pensioners⁹² and professional bodies.⁹³ Moreover, in addition to exploring the roles of 'new' interest groups, researchers also made important progress in disaggregating the traditional interests of labour and capital. Studies demonstrated significant cross-national variation in the substantive content of these interests (both in material and 'ideal' dimensions) and thus provided some explanation for different policy outcomes in countries. A good example is Pedersen's (1993) comparative account of the development of family allowances in France and the UK.⁹⁴

A further contribution of historic institutionalists was the conclusion that the analysis of the drivers of social policy can only truly be advanced if we are prepared to move away from notion of some single 'ideal' welfare state and attend to the realities and histories of certain countries. Thus, Theda Skocpol's (1992) analysis of the development of social policies in the US re-dated the origins of the welfare state back to the Civil War era, correcting the common assumption that the US welfare state began in the 1930s. Of course, Esping-Andersen (1990) also famously developed his "*Three Worlds of Welfare Capitalism*" based on observations of institutional variation across countries with advanced social policies and, regardless of how we regard the legitimacy of this categorisation, it has nonetheless been hugely influential in developing comparative knowledge of social policy (Esping-Andersen, 1990).

⁸⁹ Skocpol 1992.

⁹⁰ Sutton 1996.

⁹¹ Hall 1992 and 1993.

⁹² Pierson 1994 and 1996.

⁹³ Immergut 1992 and Pierson 1994.

⁹⁴ Pedersen's (1993) account of the introduction of family allowances in the UK and France helpfully disaggregated the effects of these interests in the different settings, showing how French businesses interpreted their interests differently from those in the UK because of different institutional, interest-based and cultural differences including: religious persuasion of certain textile manufacturing companies; the absence of strong unions in France (compared to the UK); and the ability to form coalitions with other groups such as pro-natalists, whereas UK efforts were divisive).

2.2.2 Limitations of Historic Institutionalism: How to Explain Change?

For all its benefits, historic institutionalism, as with all theories, also had its limitations. First amongst these was undoubtedly its stability bias; namely, the tendency to minimise the magnitude of policy change such that policies were rarely considered ‘new’ (cf. Steinmo and Thelen 2004). As Steinmo and Thelen (1992) point out, the central theoretical arguments of historic institutionalism - path-dependency and policy feedback effects - could, at worst, result in “institutional determinism”. Indeed, the same was true for the other variants of institutionalism, even its rational choice version, where it was argued that the high transaction costs of change might militate in favour of retaining the status quo.⁹⁵

For some period in the comparative social policy literature however, this ‘weakness’ of the historic institutionalist framework was temporarily overshadowed. In the main, this was due to the work of Paul Pierson who positively embraced the features of policy resilience and continuity to counter the increasing claims from structuralist Marxists of welfare state retrenchment and ‘crisis’.⁹⁶ In a comparative case study analysis of social policies in the UK and US under the years of the Thatcher and Reagan administrations respectively, Pierson (1996) argued (using both quantitative and qualitative measures of welfare state change) that despite the political desire of these administrations to radically scale back the welfare state, their attempts were only mildly successful because of the new political support that social policies had generated over their duration. The successful capture of the ‘median voter’, the lobbying efforts of associations of medical professionals (in the UK case) and in the case of the US, effectively organised lobby groups such as the Association for Retired

⁹⁵ See Weingast and Marshall 1988. In the sociological form, change is difficult because of the effects of a ‘logic of appropriateness’ whereby institutions instil rule-abiding behaviour that becomes entrenched. See March and Olsen 1989, and DiMaggio and Powell 1991.

⁹⁶ See Offe 1982 and O’Connor 1973.

Persons, combined to resist the more dramatic changes intended by the incumbent governments. And even to deliver these more moderate changes, Pierson argued that both governments were forced to engage in political tactics of “obfuscation”, “division” and “compensation” to disguise, weaken resistance or soften the blow of proposed changes.

Despite the undoubted prominence that Pierson’s work has assumed in the literature, his claims about the degree of welfare state resilience were contentious and sparked a whole new era of analysis of contemporary welfare state change. This has moved beyond the exclusive lens of retrenchment to consider contemporary social policy expansion, reformulation and various more subtle degrees and mixtures of change. And in this vastly growing literature, certain causal theories have made particular headway, with functionalist analyses having come full circle to assume a dominant position in social policy change similar to the popularity they commanded in expansion theories.⁹⁷

In some senses however, the current concern with socio-economic dynamics in analyses of social policy change seems a step backwards from the more progressive research agenda of historic institutionalism which, as I have outlined, was at core about interaction effects. Without doubt, socio-economic variables are today regularly analysed as significant alongside other causal dynamics for policy change⁹⁸ however, since in many theories, socio-economic factors are considered responsible for the actual change, if not for the substantive content of the policy changes, this reinforces Krasner’s (1989) notion of change as the product of exogenous, economic shock or “punctuated equilibrium”. This begs the question whether impetus for social

⁹⁷ See review in Stark 2006.

⁹⁸ See Pierson 1999.

policy change can ever arise endogenously, as a simple exercise of human volition and agency?

In the last decade, a body of research in the historic institutionalist tradition has developed which has attempted to correct the over-emphasis on exogenously driven social policy change. It argues that institutional dynamics can themselves trigger change when anomalies emerge which cause affected parties, in an exercise of rational and considered judgment, to call into question the continued effectiveness of certain institutions.⁹⁹ Ensuing change is incremental rather than sudden, taking the various forms of policy ‘drift’, ‘displacement’, ‘layering’, ‘conversion’, and ‘exhaustion’ (cf. Streeck and Thelen 2004, 19). And while all these types of policy change, whilst incremental, are nonetheless understood as “transformative”, they have not been associated with change in the nature of Kuhnian paradigm shifts such that Peter Hall (1993) argued occurred in the shift from Keynesian to Monetarism.¹⁰⁰

Peter Hall (1992, 1993) was however, one of very few historic institutionalists who sought to explain dramatic social policy change, in part, by an analysis of the causal dynamic of ideas.¹⁰¹ In the next section of this paper, I will therefore review the ways in which ideas have been studied in the comparative social policy literature, starting with the work of historic institutionalists, and will assess the potential of these approaches to explain endogenous change in the context of an interaction between other critical causal variables.

⁹⁹ Pierson 2004.

¹⁰⁰ Of the various contributions to Streeck and Thelen’s edited volume, Bruno Palier’s (2004) article is the only one to speak of transformative change in the context of “third order” or “structural” change, even though he expressly rejects the notion of paradigm change.

¹⁰¹ See Wincott 2011 for a critical review of the treatment of ideas in explaining policy change with historic institutionalism.

2.3 The Role of Ideas in Social Policy Development: A Solution for Maintaining Structure and Agency in the Analysis of Policy Change?

Ideas, understood as the “beliefs held by individuals” (cf. Goldstein and Keohane 1993, 3) had, until the early 1990s barely featured as a potential causal dynamic in the comparative literature on welfare states. It was not a case of ontological objection to the possibility that ideas might influence policy as we might expect from some research traditions which are heavily influenced by strongly behaviourist/extreme rational choice perspectives. Most research in the field of comparative social policy is theoretically eclectic and accepts the premise, on which the dynamic of ideas relies, that human action is largely *socially* determined from knowledge and experiences of the world around us.¹⁰² Certainly, social constructivism is a key tenet of historic institutionalism.

Nor was the relative neglect of ideas in the comparative literature a matter of ideas being considered causally irrelevant; on the contrary, what Goldstein and Keohane (1993, 8-10) class as “principled ideas” and “cause-effect ideas”, find regular expression in the social policy literature.¹⁰³ Titmuss (1974), for example, clearly saw political ideology as a potentially significant factor in explaining various types of welfare state arrangements across countries,¹⁰⁴ and the fact that Esping-Andersen (1990) subsequently chose to give similar ideological labels to his three ideal types of welfare state implies some acknowledgement of the relationship between values, ideology and social policy-making. Moreover, the concept of “the

¹⁰² Of course, that is not to deny the existence of some behaviourally determined interests such as basic survival and minimal well-being. See Berger and Luckman 1967 and also Jepperson, Wendt and Katzenstein 1995.

¹⁰³ Goldstein and Keohane’s (1993: 8) three-part classification of types of ideas also includes “world views”.

¹⁰⁴ Titmuss, for example, quoted appreciatively from Joan Robinson: “without ideology, we would never have asked the questions”.

welfare state” is commonly defined in terms of normative and principled beliefs about ‘the good society’,¹⁰⁵ the appropriate role of the state in intervening to ameliorate people’s lives,¹⁰⁶ and in terms of social rights or social citizenship.¹⁰⁷

It is therefore fair to argue that the reticence in integrating ideas into the analyses of the determinants of social policy can be explained by the methodological difficulties of establishing the causal significance of ideas in empirical studies.¹⁰⁸ Prior to the comparative turn in social policy, mid Twentieth Century research in the ‘idealist’ tradition – such as the ‘national values’-type studies of Louis Hartz (1955) and Roy Lubove (1968) – had been heavily criticised, such as by Skocpol (1992:16) and Weir (1992: 23) respectively for being too “essentialist”, “reified” and generally lacking adequate explanatory leverage to pinpoint causation. Moreover, when the comparative welfare state literature took off, the few studies to even consider the role of ideas were quantitative efforts which had trouble measuring ideas as independent variables and explaining *how* ideas might be causal.¹⁰⁹

In the following sections, I therefore outline three qualitative approaches to studying ideas: ideas developed within the historic institutionalist framework - “bounded innovation” (cf. Weir 1992); ideas in the form of political discourse; and a more philosophical approach developed in the field of International Relations which considers ideas and interests as mutually constituted. I will highlight the strengths and weaknesses of each approach before concluding this paper with some thoughts for

¹⁰⁵ Esping-Andersen 1985.

¹⁰⁶ Amenta 1993.

¹⁰⁷ Korpi 1989. See also the discussion in White (2010) of the role of ethics in underpinning social policy.

¹⁰⁸ See Goldstein & Keohane (1993) for an overview of methodological difficulties associated with the study of ideas in social sciences. See also critical discussion in Ruggie 1998.

¹⁰⁹ See Wilensky 1975 and Meyer and Thomas 1987.

future analyses of contemporary social policy change and the role that ideas might play in that process.

2.3.1 Ideas and Historic Institutionalism

In the early 1990s, a handful of prominent historic institutionalists, faced with the limitations of the institutionalist theoretical framework for explaining policy change (and particularly, explaining the form of new policies) made the first significant inroads into analysing the effects of ideas on social policy in a comparative context.¹¹⁰ These studies made some bold theoretical claims about the potential power of ideas to transform interests and thereby bring about change.

Peter Hall (1992 and 1993), for example, explained the shift from Keynesianism to monetarism in British macro-economic policy during the late 1970s and early 1980s in terms of the victory of the new ideas of certain political interests over the old ideas of rival interests, subject to various institutional and socio-economic constraints and opportunities. Margaret Weir (1992) examined a similar redirection in US macro-economic policy (from demand to supply-side economics) and, like Hall, credited this policy change to the ability of certain groups to harness new ideas and take advantage of the weakness of old ideas combined with their good fortune and strategic success in being able to benefit from certain institutional features of the US political system to bring about the desired policy change.

Both studies thus emphasised the importance of negative policy feedback effects of existing Keynesian policies in order to lay a fertile environment for sowing new ideas. They made the general point about how the fate of particular ideas is inextricably linked to institutional factors, and hence innovation is always “bounded” (cf. Weir 1992). They also identified the critical involvement of certain political

¹¹⁰ For an overview see Steinmo and Thelen 1992.

actors, such as think-tanks, civil servants and business organisations in addition to the traditional political parties, and stressed that new ideas should not only appeal at a rhetorical or normative level but need at least to convey the impression of being ‘problem-solving’ and practical.¹¹¹

However, despite these helpful observations about how ideas might exercise causal effect, both studies faced difficulty in empirically, or even theoretically, substantiating their shared claim that ideas, as ‘beliefs’, *transform* interests. The historic institutionalist theoretical framework of policy feedback effect provided no insights on the relationship between ideas, interests and institutions, so the conceptual understanding of the former and its interaction, particularly with interests, was quite underdeveloped. Empirically, claims of interest transformation were undermined by the fact that the economic policy changes in both the UK and US coincided with the introduction of new governments (Thatcher and Reagan administrations) and that the economic ideas were arguably consistent with the interests of the party beliefs of these new political incumbents.¹¹² Moreover, the groups of actors pushing the supply-side economic ideas were in both instances think tanks and business organisations with strong associations with the political ‘right’ and thus with the political interests of the presiding governments. Thus while there might be some precedent in the ‘ideational’ literature for Hall’s attempt to present ideas of monetarism as strongly cognitive (an example of policy learning) and therefore somehow value-neutral, it is not an approach which either in this instance or more generally has proven to be very robust.¹¹³

¹¹¹ Weir (1992) has made the argument therefore that ideas are most successful in influencing policy when they are underpinned by public philosophy but also have strong programmatic or ‘how-to’ elements.

¹¹² See critique of Hall 1989 by Jacobsen 1995.

¹¹³ Haas and Adler 1992 developed the concept of “epistemic communities” to argue that certain ideas because of their strong knowledge-based or cognitive content can be more readily dissociated with

In reality, Hall and Weir's empirical analyses come closer to reflecting the more modest causal claims for ideas made by their contemporary Desmond King. Rather than argue the transformative power of ideas, King (1992) claimed, in the context of 'New Right' ideas of workfare, that ideas are more likely to influence policy when they resonate with existing political interests and with broader societal norms and attitudinal legacies. While perfectly plausible, this suggests that ideas are merely causally significant as communication tools or strategies for politicians and that genuinely 'new' ideas are very rare. The emphasis on norms and deeply ingrained societal values, is heavily structural with feedback effects similar to those of institutions. In this context, ideas are better explanations of relative continuity than of more radical or transformative change.

Before moving then to consider whether other contemporary approaches to the study of ideas might yield more promising explanations of policy change, one final contribution from the early historic institutionalist literature is worth drawing attention to. This was the recommendation arising from the largely theoretical work of Skocpol & Rueschemeyer (1996, 61) on ideas and social knowledge that studies of ideas might benefit from focussing on certain idea-actor combinations, such as "knowledge bearing elites". One study in that collected volume of essays which did this to good effect was the empirical analysis of social policies for children in early 20th Century US and Canada by John Sutton. Sutton (1996), argued that the strong ideology of the US Children's Bureau was an important factor in both explaining the development of children's welfare policy in the US (Sheppard-Towner Act 1921) and in explaining why a similar policy outcome was not achieved by the comparable

interests. This approach has not however found much support in the literature – see Finnemore 1993 and Ruggie 1998 for some critique.

Canadian Council in Child Welfare. While edging closer here to a new ideas-interests approach, the study could go no further in its analysis in the absence of an overarching theoretical framework for understanding the interaction between ideas, interests and institutions.

2.3.2 Ideas in Political Discourse

A focus on political discourse, often referred to as ‘framing’ constitutes the bulk of more recent ideational literature on contemporary social policy change. A basic assumption of this literature is that welfare states change when people want them to change; thus human agency is critical (cf. Cox 2001).¹¹⁴ The notion is that the discourse and communicative efforts of politicians can become causally significant in policy-making where these efforts are key in generating the necessary electorate support for the passage of certain policies.

This theory raises a number of objections. First, the implication that change is driven by political elites conveys a picture of political agency within the hands of the privileged few and beyond the reach of the democratic electorate who are sheepishly-led by the vision of society set before them from ‘above’.¹¹⁵ Whilst for some this might suggest a distasteful view of policy-making, what is more troubling, from the perspective of establishing the causal significance of ideas, is the query over whether political rhetoric can really be considered as an “idea”, in the sense of a “belief held by individuals” (cf. Goldstein & Keohane, 1993), or whether it might not merely reflect vested political interests.

Supporters of the ideational power of political discourse counter critiques that discourse is a simple expression of interests by arguing that that even if interests, and

¹¹⁴ Cox argues (2001, 498): “Welfare reform is more a struggle over the identity of a society than over the size of the public budget”.

¹¹⁵ For a critical discussion see Jacobsen 1995.

not beliefs, are behind politicians' framing attempts, at the point at which politicians frame their 'ideas' to the public, such 'ideas' assume an independent existence with a causal dynamic all of their own (Seeleib-Kaiser & Bleses, 2004; Cox, 2001). The framed ideas, not simply the political interests, determine the policy outcome – indeed framed 'ideas' might even become “beliefs”, in the sense that we might be able to imply belief from electorate support for the policy.

There is some legitimacy in this argument. Clearly numerous methodological challenges attach to empirically verifying the “beliefs” of politicians and attempts to do so have not always been very successful.¹¹⁶ Admittedly, political discourse can arguably claim some causal significance, particularly if we choose to concentrate our analysis only at the final stage of the causal sequence and not on the factors that led to ideas being so framed in the first instance. At the end of the day however, there is a big question of whether we can really label these framing efforts as “ideas” without empirically ascertaining the beliefs– actual or perceived (by policy-makers) of the electorate. We cannot simply imply belief from the voting behaviour of the electorate; the electorate, like the politicians, may only be acting according to their own material interests. Research in the 'framing' genre would therefore benefit substantially from integrating robust analysis of public norms and attitudes.

Of course, even if researchers *can* substantiate the use of the term “idea”, then their arguments would be more compelling if they could more generously concede the

¹¹⁶ Schmidt (2005) and Larsen and Goul-Andersen (2009) have respectively argued that where policies are clearly out of line with political party ideology, we can take this as evidence that interests are not an important factor driving the framing efforts (given the high risks of party and voter rejection) but rather an indication of genuine belief in the idea. One trouble with the approach however is that politicians might well have interests in pursuing a policy that may be perceived to be against traditional party lines or voter expectations because of economic, social or other pressures – real or perceived by the key political actors or their advisors. Moreover, the fluidity of party political lines/ideologies has been well recognised in political science research (King 1999; King and Ross 2010) and political party ideology can expand and contract to accommodate seemingly conflicting policies – indeed, this is exactly where the power of ideas (in the form of framing) comes into its own.

causal significance of other dynamics that appear earlier in the causal chain. It seems disingenuous to claim, as researchers are prone to do, that framed ideas are the *primary* drivers of policy change when so many questions abound about the relative weight carried by other variables in the equation.

Political discourse is a hugely important facet of contemporary politics and, with the rise of new communication technologies, its role is set to increase. What it would benefit from however would be a more theoretically guided approach that seeks to interrogate the causal inter-relationship between ideas, interests and institutions. This might also help resolve some of the current tensions in the literature such as the competing claims that political discourse can bring about dramatic, “third order” change (cf. Hall 1993) but at the same time is most effective when it resonates with existing norms and values - i.e. with the status quo.¹¹⁷

2.3.3 The Mutual Constitution of Ideas and Interests

The study of foreign policy in the field of international relations has shared with social policy, some trouble in providing adequate explanations of policy change. This might seem surprising given the centrality of interest-based analysis in the realist and neo-liberal traditions associated with that field of literature. However, even strongly behaviourist and rational choice analyses can become static and need to resort to other causal theories and dynamics to explain dramatic change, particularly where such change is unanticipated. The end of the Cold War, social revolutions in Eastern Europe, the American civil rights movement¹¹⁸ and the collapse of Apartheid in South Africa¹¹⁹ have been some of the puzzles which traditional interest-based or interest-

¹¹⁷ See Cox 2001, Seeleib-Kaiser and Bleses 2004, Larsen and Goul-Andersen 2009. King (1992) and (1999) is one of the few writing in the field of political discourse who argues that change is often not as dramatic as might appear and generally can be accommodated within existing paradigms – e.g. liberalism.

¹¹⁸ See Lieberman 2002.

¹¹⁹ Klotz 1995.

institution theories have been unable to satisfactorily explain.¹²⁰ Many within the international relations field thus turned their attention to the concept of social constructivism and to the potentially unexplored dynamic of ideas in foreign policy.¹²¹

A key feature of the constructivist theory in international relations is what is known as the “mutual constitution” of ideas and interests. The concept has been largely credited to the works of Alexander Wendt (Wendt, 1987; 1992) and its main insight has been to focus academic attention on actor *identity* as the conceptual bridge between ideas-interests and structure-agency dichotomies. The notion is that we cannot tell what interests actors have before establishing who actors are and what values/beliefs they hold dear because of their particular social experiences.¹²² The essence of the approach is summed up in Jepperson, Wendt and Katzenstein (1996: 60):

“Identities both generate and shape interests. Some interests, such as mere survival and minimal physical well-being, exist outside of specific social identities; they are relatively generic. But many national security interests depend on a particular construction of self-identity in relation to the conceived identity of others. This was certainly true during the Cold War. Actors often cannot decide what their interests are until they know what they are representing – “who they are” – which in turn depends on their social relationships.”

The approach carries some parallels with Weber’s contention that human action is governed by both ideas and interests operating in interaction. Using his famous rail tracks image, Weber wrote: (1946: 280)

“Not ideas, but material and ideal interests, directly govern men’s conduct. Yet very frequently the ‘world images’ that have been created by ideas have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest.”

¹²⁰ See Goldstein and Keohane 1993 for an overview.

¹²¹ See Review in Checkel 1998.

¹²² John Hall (1993, 51) wrote: “The social construction of identities, in other words, is necessarily prior to more obvious conceptions of interest: a “we” needs to be established before its interests can be articulated.”

Indeed, the concept of mutual constitution whilst explicitly developed within international relations theories has been similarly apparent in other fields of social science and political theory. Paul Sabatier, for example had a similar concept in mind when he spoke about “purposive groups” whose interests are not easily defined in terms of material interests but rather by beliefs and values (Sabatier, 1993). Michael Freedman (1996, 553) in the context of political ideologies, has also expressed the view that political ideologies simultaneously have ideational and interest-based effects: “Ideologies may be power structures that manipulate human action, but they are also ideational systems that enable us to choose to become what we want to become.”

The big question however with the concept of the mutual constitution of ideas and interests is how to operationalise it in practice?¹²³ A review of the empirical research on the subject suggests that the preferred method is to focus on significant actors in the policy-making process and to attribute to those actors both an ideas-interests dynamic which can subsequently be shown to be causal in the particular policy outcome. The aim is to achieve this in a way that avoids the structuralist accounts of sociologists in the old idealist/reflectivist tradition, which denied agency and failed to specify causal processes and actor involvement.

Reviews of the literature by Checkel (1998), Ruggie (1998) and Lieberman (2002) however suggest that many researchers fall into the very pitfalls that they wish to avoid. A most common problem is an over-emphasis on structure that comes from the prominence of norms as the subject of empirical studies¹²⁴ and the eagerness to

¹²³ John Ruggie (1998) has argued that mutual constitution is still very much a philosophical guided approach rather than a fully developed theory and needs more empirical research to develop.

¹²⁴ Unlike, sociological institutionalists who consider norms as institutions, constructivists treat norms as ideas. Jepperson et al (1996: 54) define norms as “... collective expectations for the proper behavior of actors with a given identity”. See also Katzenstein 1996; Finnemore 1993 and 1996; Klotz 1994,

avoid analyses that sounds too similar to interest-based accounts. Then there is the tendency of researchers to explore only the causal role of ‘morally good’ ideas – often generated by actors such as NGOs or other “moral entrepreneurs” who cannot be easily branded as having overt material interests.¹²⁵ Finally, empirical studies have been known to slip, perhaps inadvertently, into single unitary analysis where ideas absorb other relevant variables with which they are understood to interact.¹²⁶

An example of the latter can be found in the work of Mark Blyth (2001 and 2002). This is significant as Blyth is one of the very few in the broader social policy field to have adopted the approach of mutual constitution. However despite his intentions to study ideas as “cluster concepts” of ideas and interests, he fails to maintain this approach in his empirical analysis and lapses regularly into strong causal claims for ideas that could rather be associated with the dynamics of interests and institutions.¹²⁷ This inconsistency between theory and practice has earned him some criticism and accusations of tautology by Colin Hay - an otherwise admirer - and prompted Hay (2011) to call on Blyth to simply abandon interests altogether in his analysis and embrace a full constructivist view.

Blyth’s work underlines the empirical difficulties of trying to establish the causal role of ideas as an interaction effect. Arguably, some of his troubles might have been avoided had he been prepared to engage in a more genuinely interactive analysis of the dynamics of ideas, interests and institutions – borrowing in equal measure from the policy feedback theory of historic institutionalism and the constructivist approach to mutual constitution. This may however have entailed too

Sikkink 1993, Keck and Sikkink 2001; Risse et al 1999; Checkel 1997; who are among some of the scholars within the constructivist tradition who have studied the effects of norms.

¹²⁵ See Keck and Sikkink 1998 and Risse et al 1999.

¹²⁶ See critique in Lieberman 2002.

¹²⁷ Blyth (2002) speaks of “ideas of interests” and “cognitive lock” rather than interests and institutional path dependence.

great a dilution of the causal claims that Blyth (2002, 26) argued attached to ideas, making ideas “win out at the end of the day” and “matter most of all”.

2.4 Chapter Conclusion

In this chapter, I have sought to demonstrate that it is through understanding the interaction between the key causal variables of ideas, interests, institutions and socio-economic factors that we find the most satisfying and comprehensive explanations of social policy development and change. Given however the common acknowledgement that socio-economic factors have, in most cases, constituted “necessary” conditions for both welfare state expansion and contemporary social policy change, the challenge of finding “sufficient” explanations for both lies in understanding the effect of the interactions between ideas, interests and institutions in particular country settings and in particular points in time.

I have suggested that the two most promising theoretical approaches that have been developed or appropriated by scholars of comparative social policy for qualitatively analysing interaction effects are, the policy feedback concept of historic institutionalism, and the mutual constitution of ideas and interests, borrowed from the constructivist tradition in international relations. The challenge, as I see it, is to find a way of integrating these two insights in empirical analyses so that we can better understand the notion of a three-way interaction between ideas, interests and institutions. Doubtless the methodological challenges of such empirical attempts are great but the potential benefits to advancing our understanding of contemporary social policy change are arguably worth the effort.

Chapter 3. Ideas of Social Rights: A Theoretical Framework

3.1 Introduction: Beyond Social Citizenship Rights Ideas

Both academic and popular understandings of ‘the welfare state’ regularly lean on notions of “social rights”. Rights are also typically invoked to refer to the output of a range of social policies covering the three main branches of social assistance, social insurance and social services. Conceiving of social policy outputs in social rights terms is however strongly significant; it tells us something important about the believed character and purpose of those social policies and about the nature of the relationship between the individual and the state. Such conceptions are also likely to reflect something of the rationale underlying policy-making preferences. In short, there is nothing self-evident about claiming social policy outputs as “rights” and the value base on which such judgment rests is deserving of detailed scrutiny.¹²⁸

The comparative social policy literature has been dominated by the idea of social rights as rights of “social citizenship”. Undoubtedly, there is much in the classic Marshallian idea of social citizenship that strikes a chord either with the perceived policy practices of advanced welfare states and/or with researchers’ normative conceptions of the ideal welfare state.¹²⁹ This trend is owed in part to a series of prolific cross-national studies based on data from the Swedish Social Citizenship Indicators Programme (SCIP) which shaped a generation of social policy research.¹³⁰ It is a trend that has since been perpetuated by studies aimed at re-

¹²⁸ For an alternative perspective which views welfare provision as derived from the duties of the state rather than the rights claims of individuals see Goodin 1986.

¹²⁹ Marshall 1950.

¹³⁰ See Korpi 1989 and Esping-Andersen 1990 for some of the most influential studies that emerged from the SCIP.

working or reinterpreting the Marshallian social citizenship ideal to better meet the perceived needs and policy objectives of contemporary welfare states.¹³¹

Without detracting in any way from the significance of the social citizenship rights idea as an appropriate analytical lens for understanding social policy or a normative lens by which to compare policies, it is important not to become blinkered into thinking that this is the *only* relevant way in which we can conceive of social rights in social policy analysis. The classic Marshallian idea, with its social contract justification and social democratic teleology is not, in every case, a natural fit with the realities of social welfare provision nor indeed with the aspiration of national policy-makers.¹³² Rather than artificially assess social policies through a lens of social citizenship rights that has been stretched beyond recognition from its original parameters, it stands to reason that we should first ask whether policies might be better understood through an alternative social rights lens.

Somewhat ironically, it was T.H. Marshall himself who argued that the social citizenship rights idea is only one of three modes in which we can think of state welfare provision in social rights terms.¹³³ Alternative rights perspectives, he argued, were those of legal and moral rights. Political developments that have occurred since the publication of Marshall's work increase the likelihood that these other social rights ideas might rival the social citizenship rights idea in terms of their critical relevance to social policy development. For example, the growth of an international human rights framework under the auspices of the United Nations has significantly boosted, at the national level, the political salience of a moral conception of social rights. The social democratic teleology of the social citizenship idea never did, and

¹³¹ See, for example, Lister 2003 and 2007, Orloff 1993, Roche 1998 and Cockburn 1998.

¹³² For some discussion see King and Waldron 1998 and Weale 1983.

¹³³ Marshall 1981.

increasingly cannot, capture the range of political ideologies that are associated with social policy developments and which might resonate more closely with more instrumental or consequentialist understandings of social rights as ‘legal’ or ‘positive rights’.¹³⁴

Marshall’s contention that welfare provision could be conceived as a social right through one of three different rights ideas was not in any sense remarkable. The notion of a moral right and even to some extent a ‘legal’ right to socio-economic wellbeing has a long intellectual and social history. What was however notable about Marshall’s work was his view that different ideas of social rights would lead to different social policy formulations; that is, the idea or ideas of social rights to which policy-makers ascribed would have a significant impact on the nature of the policies that they enacted.

The suggestion that ideas of social rights may be more than just a ‘tool’ for describing and distinguishing the features of social policy but might *explain differences* in social policy across time and place has been altogether neglected in empirical studies within the comparative social policy literature.¹³⁵ Given that different ideas of social rights may fundamentally affect perceptions of how the state ought to behave towards individuals in socio-economic need, this omission seems significant.¹³⁶ In much the same way as we have moved on from the pretensions of any ‘grand theories’ of welfare state development or even from the homogenous treatment of the interests of labour and capital (cf. Rueda 2005), surely we must now

¹³⁴ See White 2000 for a discussion of the social democratic goals associated with the Marshallian idea of social citizenship.

¹³⁵ Weale 1983 makes a similar contention to Marshall 1981 but does not examine the claim empirically.

¹³⁶ See Wincott (2011, 166) who has argued in a related way that “...debates about...the existence of the welfare state *per se*, cannot be resolved without recourse to welfare ideals, to ideas, norms, perceptions and expectations.”

also be minded to consider that ideas of rights might be influential in policy-making terms in more than one social citizenship-type formulation?

In the remainder of this chapter I set out the core distinguishing characteristics of three ideal-typical ideas of social rights: social citizenship rights, human rights, and positive rights. I then consider how, in practical research terms, we may go about identifying the influence of these ideas in the analysis of social policy-making.

3.2 Ideas of Social Rights

When thinking of ideas of social rights a common point of departure is with the notion of “claim rights”.¹³⁷ It was American jurist, Wesley Hohfeld (1919), who developed this approach in his famous framework of jural and deontic logic which posited that rights fall into one of four types: privileges, claims, powers and immunities. What is distinct about “claims” is that they are rights with correlative duties in at least one other person. That is, I have a right (a perceived benefit) and someone else has a duty to ensure that my right is met.¹³⁸ Duties, to use Hart’s (1994) terminology, are “imperfect” in the sense that they do not apply to any single specific individual but are generalised.¹³⁹ Rights thus derive in the context of a good or benefit that is considered sufficiently important as to merit imposing a duty on another to see to it that the benefit is secured. Typically these are the types of rights that we associate with the welfare state (i.e. rights to income support, pensions, health and education etc.).

While this provides us with some of the general contours of the notion of social rights, it tells us nothing about *why* a relationship of rights and duties should arise,

¹³⁷ See, for example, Weale 1983, Rowan 1999 and Handler 2004.

¹³⁸ See Kramer 1998 for a critical discussion of the “correlativity axiom”.

¹³⁹ Hart borrows this concept from Immanuel Kant’s work on perfect and imperfect duties.

what those rights and duties should be and to *whom* they ought to apply. It is in grappling with these questions that distinct justifications of social rights emerge and it is here that my interest lies. As Albert Weale (1983: 122) argued of welfare rights:

“We need to be able to understand the form of these rights if we are to understand the nature of political obligation and identity in modern societies, and we need also to understand the justifications that can be offered in defence of these legal rights”.

From the rich and vast theoretical literature on rights, there is general agreement (and one which accords with Marshall’s analysis) that justifications assume one of three types: those based on ideas of social contract or social citizenship; those derived from moral reasoning; and those based on a positivist legal rationale.¹⁴⁰ This is a purely analytic distinction and does not undermine any normative views that consider laws and morals to be inextricably linked¹⁴¹ nor does it rule out the possibility that, in practice, social rights justifications might cut across these analytic divides.¹⁴²

I now seek to extrapolate the basic dimensions of each of these three different rationales for social rights. However interesting, it is not my intention to wade into some of the more controversial debates around particular conceptualisations of social rights¹⁴³ but rather to focus on the fundamental elements of each of the three ideas around which there is considerable consensus. My objective is to derive ideal-typical understandings of each of the three social rights ideas and to reduce these to core

¹⁴⁰ See, for example, Peffer 1978 and Miller 2002.

¹⁴¹ Dworkin 1978, for example, has argued, in a more elaborate version of the Augustinian proposition that an unjust law is not a law at all, that the US Constitution is founded on clear moral principles and any legislation which contradicts the constitution can be struck down for incompatibility. See also Hart’s (1994) critique of Dworkin on this point.

¹⁴² For a full discussion see Waldron 1993. See Hay 2020 for a discussion of the heuristic value of ideal-types as a tool in comparative analysis and the pitfalls associated with confusing ‘ideal’ with ‘real’ types in empirical research.

¹⁴³ Debates for example on the competing virtues of the ‘will’ and ‘interest’ theories of rights are discussed at length in Waldron 1993.

features that can serve as a guide for the identification of social rights ideas in the empirical analysis in Part III of this thesis.

3.2.1 Social Contract and Citizenship Justifications of Rights: The Social Citizenship Rights Idea

It is with T.H. Marshall's (1950) classic work *Citizenship and Social Class* that we find a social contract or citizenship-based justification for the concept of social rights that is most expressly articulated within the structures of the modern 'welfare state'. The defining feature of this idea is that social rights are justified not by virtue of the inherent characteristics of the individual, but on the basis of the individual's membership of society. Of the social citizenship rights idea Marshall (1981,88; original 1965) writes:

“.....the rights its confers are not rooted in the nature of man as a human being, but rights created by the community itself and attached to the status of its citizenship.

This is an idea to which centuries of political thought have attached and that follows in the civic republican tradition.¹⁴⁴ Marshall's work is however distinct in building up a practical conception of social rights which, while founded on classical notions of social contract and political citizenship, carries strong resonance with the actual political realities of Western welfare states and is located soundly in what White (2000:510) defines as the “liberal socialist” tradition of Hobhouse, Hobson, Tawney and Crosland.¹⁴⁵

Three main implications derive from Marshall's basic premise that social rights are societally justified. First, the content of such rights and to whom rights should extend is to be determined collectively at the societal level and through the exercise of

¹⁴⁴ See Waldron and King 1988 which summarises some of the contributions of Aristotle, Cicero, deTocqueville, Burke and Arendt on ideas of citizenship.

¹⁴⁵ See also Turner 1993.

democratic institutions.¹⁴⁶ There are no externally imposed *a priori* claims or axiomatic imperatives that shape that process save for those that the given community might choose to accept. Marshall (1950:29) expressed this in the following terms:

“There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed.”

Second, in the process of establishing the scope of social citizenship rights, communities will be guided by an overarching vision or by a set of specified end goals. To that extent the social citizenship rights idea is an inherently *political* and *utilitarian* project. Social rights are not justified as “goods” for individuals as individuals but because such rights are considered essential to the attainment of some common goods. Marshall suggests that those end goals include the achievement of a level of social equality and the dismantling of class divisions between labour and capital. The means of achieving those goals are left to the discretion of national policy-makers but, in order to further what in the social democratic mould would be considered “equal opportunities”,¹⁴⁷ it is clear that the state must invest on a level which amounts to the delivery of more than simply basic subsistence rights.¹⁴⁸

This brings us to the third feature of the societal settlement; namely that, the model of social rights is inextricably dependent on the performance of duties by rights-holders – indeed the integrity of the project (both theoretically and practically) rests on the interdependence of rights and duties.¹⁴⁹ Social citizenship rights do not

¹⁴⁶ See Marshall 1950, 43. See also Miller 2002 for a discussion on the links between citizen Marshall makes this point clearly when he speaks of his belief in a “conception of equal social worth, not merely of equal natural rights” (1950: 40).

ship rights and particular political communities.

¹⁴⁷ See White 2010.

¹⁴⁸ See discussion in Peffer 1978 and Miller 2002.

¹⁴⁹ Marshall 1950, 26. That rights are concomitant with duties is again derived from classic social contract notions – see Hobbes 1991 and Rousseau 1968.

therefore adhere only to the traditional ‘claim rights’ formulation, where individual A has a right to x and society B the duty to realise that right (i.e. correlation of rights and duties), the entitlement to the right is additionally contingent on individual A meeting certain behavioural requirements associated with membership of that particular society. Emphasising this concomitant nature of rights and duties, Marshall (1981: 90, original 1965) in his later work *The Right to Welfare* clarifies: “It is not that the discharge of a duty.....gives entitlement to the right, but that the exercise of the right is at the same time a duty.”

According to Marshall it will be for each society to determine the duties on which social rights are conditional but he is very clear that work and the payment of taxes are central requirements.¹⁵⁰ This leaves in an ambiguous rights status those who, for various reasons, are unable to discharge the ‘normal’ duties of citizenship and who, accordingly, might be in greatest need of state welfare provision. Individuals on the edges of society or who in today’s terms we might consider as ‘socially excluded’ appear to have their social entitlements relegated to the ‘lower’ tier of what Marshall describes as “moral rights”.¹⁵¹ Discussing the particular case of the ‘moral rights’ to welfare provision of people living with disabilities he writes (Marshall, 1981: 92, original Marshall, 1965):

“..those in need of these welfare services are minority groups, set apart from the general body of normal citizens by their disabilities. The principle of universality which is a characteristic feature of modern rights of citizenship does not apply, and the rights cannot be reinforced, as in the case of education and health, by a corresponding duty to exercise it. The most one can say is that the handicapped have a moral duty to try to overcome their misfortunes as far as in them lies.”

¹⁵⁰ Marshall 1950, 78.

¹⁵¹ Speaking of the inferior quality of moral rights to social provision, Marshall writes (1981: 92, original 1965): “...though compassion (or ‘the impulses of common humanity’) may create a right, having almost the force of law, to minimal subsistence, it cannot establish the same kind of right to the benefit of services which are continuously striving to extend the limits of the possible, and to replace the minimum by the optimum.”

3.2.2 *Moral Justifications of Social Rights: The Human Rights Idea*

From an essentially discrete idea of social citizenship rights which I could legitimately typify in the work of one scholar, we then come to the far more sprawling field of moral ideas of social rights.¹⁵² For as long as we can trace a history of ideas of rights we find a history of ‘moral rights’; that is, ideas of rights based on moral justification that exist in the normative sphere and require no expression in positive laws.¹⁵³ These are ideas about what rights “ought to” exist as opposed to what rights necessarily *do* exist in positive law. Indeed, there are some who believe that the only ‘true’ sort of legal right is a moral right as expressed in the Augustinian notion that an unjust law is not law at all.

Ideas of moral ideas of rights have been attributed to the philosophical reasoning of Aristotle, Plato and their Stoic followers of Ancient Greece and Rome. The ‘natural law’ theories of Thomas Aquinas (1225-1274) have been associated with the advancement of moral rights ideas along rationalist and theological lines.¹⁵⁴ Another enormous influence on moral rights philosophy has been the associated idea of ‘natural rights’ although there is much dispute on whether such ideas should be properly located in 12th and 14th Century works of the continental European tradition or in the later 17th Century ‘liberal rights’ tradition.¹⁵⁵ In more recent times, rights have also been justified on grounds of moral consensus (or ‘agreement theory’) – often developed from Rawls’s (1971) *Theory of Justice*.¹⁵⁶

¹⁵² See Waldron 1989 for an overview.

¹⁵³ The fact that historical analysis often shows that these rights do find expression in positive laws is not to suggest that their legitimacy as rights in anyway rests on the law.

¹⁵⁴ For a critical analysis of natural law and the contributions of Aquinas see Finnis 1980.

¹⁵⁵ See Tierney 1997 who associates the 14th Century ‘natural rights’ writings of the Franciscan philosopher and logician William of Ockham with the development of Aquinas’s natural law theories. See also MacPherson 1962 and Shapiro 1982 for appraisals of the contributions of the natural rights philosophies of 17th Century enlightenment figures such as Thomas Hobbes and John Locke.

¹⁵⁶ See Nussbaum 2000.

History is no less settled on the roots of the sub-set idea of socio-economic or welfare rights. There are scholars who consider ideas of socio-economic rights to be a product of 20th Century thought with no place in classic natural rights theories of the 17th and 18th Centuries,¹⁵⁷ and, on the contrary, those who find evidence of fully articulated ideas of rights to welfare back in the 12th Century.¹⁵⁸ Tully (1980) argued that such a thing as “a right to charity” could be found in the works of John Locke and was extrapolated from Aquinas, and Tuck (1979) has argued that the notion of a welfare right (a passive right) was in existence before civil and political rights were ever discussed. The notion here is based on an understanding of private property as an individual entitlement but with a public, collective element of duty too – namely to feed the starving and needy from one’s surplus property. If a wealthy individual did not meet his/her duty to redistribute his or her surplus then the person in need had “the right” to take what he needed without an accusation of theft. Still others find evidence of a moral idea of socio-economic rights arising from the French Declaration of the Rights of Man.

Given the many different political, religious and culturally-inspired justifications for moral rights it is all the more remarkable that in the 20th Century prompted by the tragedies of two World Wars and the subsequent political momentum for international co-operation and understanding, moral conceptions of rights (including social rights) have found some common ideational ground under the single banner of “human rights”. It is not that the human rights project – led in political terms by the United Nations – has resolved matters such as the origins of rights and the reasoning by which certain goods merit the status of rights and others do not, but

¹⁵⁷ See for example Moyn 2009. See also Cranston 1973 who associates moral rights to welfare with human rights idea developments at the level of the United Nations.

¹⁵⁸ Tierney (1997, 346) argues that the moral idea of “welfare rights” has been “...part of the tradition [of natural rights] from the beginning”.

what it has established however are the ‘essentials’ of the human rights idea. As Jacques Maritain (1949, 9) famously commented following a UNESCO meeting of the world’s leading philosophers on rights: “We agree about the rights but on condition no one asks us why”.

What then are these areas of agreement? At its core, the notion of human rights expresses a commitment to the belief that rights derive from our humanity; they do not rely on any legal pronouncements or social arrangements but are rooted in human personhood.¹⁵⁹ A first consequence of justifying rights on grounds of humanity is that rights are therefore “universal”, in the sense that they apply to all persons, in all places, at all times.¹⁶⁰ The idea equates to a form of ‘global citizenship’ and in terms of the corresponding duties of nation states, it is generally interpreted that nation states have a moral duty to ensure the protection of rights of *all* individuals - not just those within their territorial borders.¹⁶¹

The principle of universalism, when applied to social rights in particular, prompts a range of interpretations. Among these is the view that only basic social rights should demand attention as human rights. For some, these constitute mere subsistence rights¹⁶² and for others, such as Nickell (2009, 438), rights that promote a “... minimally good life.”¹⁶³ There is also the alternative view put forward for example by Raz (2010) that only a more comprehensive set of social rights, including

¹⁵⁹ In the words of Maurice Cranston: “.....human rights are not bought, nor are they created by any other specific contractual undertaking. They are not exclusive, they do not ‘go with the job’. They are said to belong to man simply because he is man.” (Cranston: 1973; 23-24). See also Griffin 2009 on ‘personhood’.

¹⁶⁰ See Benjamin 2012 for an alternative, non-mainstream view which develops a social constructivist view of human rights, making them culturally/socially relative and non-universal.

¹⁶¹ See Beitz 2009 for a discussion of the international dimensions of the human rights idea.

¹⁶² See the varying views of minimal social rights by Ignatief 2003, Shue 1980 and Cranston 1973.

¹⁶³ See also Nickel 2006 where he suggests that these rights should amount to more than mere subsistence as Shue (1980) has suggested but less than the bar set by the United Nations in its treaties and related documents. Nickell (2009, 441) also devised a set of six tests for determining whether a socio-economic right should classify as a human right.

advanced social security entitlements, would be compatible with the human rights idea. These different views are not easily reconcilable as they link to underlying variation in beliefs about the purpose that human rights serve and how they are justified. However, what we can fairly conclude in the interests of bridging these divides is that human rights ideas of social rights are *in the first instance* characterised by rights of a more basic or modest level. This does not preclude the possibility that some human rights ideas require social rights to be, at the very least, aimed at a more ideal level; certainly this is the thought behind the instruction in United Nations human rights treaties that rights must be progressively realised.¹⁶⁴

The universality principle has also been popularly interpreted to accommodate the notion of rights for specific groups such as, children, women, migrants, and those with disabilities.¹⁶⁵ Despite the seeming contradiction in terms, specific group rights do not prejudice the general universalism principle; they are simply constructed so as to take account of the particular needs of groups of humans, who require more than the general level of rights. To satisfy the requirements of universality it is sufficient to ensure that there is no discrimination in access to rights between people who are roughly equal in need – determined in income terms or otherwise – owing to them sharing a common status.

A second consequence of a human rights construction of social rights is that such rights are deemed to be “inalienable”. This means that rights can neither be arbitrarily interfered with by the duty-holder (i.e. the state), nor voluntarily relinquished by the rights-bearer. The idea stems from the notion that rights are not the property of the state but are innate to the individual, hence the fundamental right

¹⁶⁴ See for example Article 6 of the 1966 International Covenant on Economic and Social Rights.

¹⁶⁵ See Miller 2002 for a detailed examination of the issue.

to life is protected under the human rights idea even where an individual may have violated that right in respect of another. Inalienability is also connected to the notion that civil, political and socio-economic rights are indivisible so that individuals need not relinquish their liberties or rights to family life in order to receive minimal income subsistence.

A pragmatic interpretation of the inalienability principle – one which has considerable merit, is that provided by Nickel (2010). Put simply, he argues that “human rights are very hard to lose”. This understanding avoids any potential irreconcilability with central notions of human agency (which I will now discuss) and the attendant belief that there are circumstances when individuals might legitimately waive their rights.¹⁶⁶ At the same time, Nickel’s interpretation is clear that any interference with human rights must be justified and satisfy a high moral threshold.

Other inter-related principles that are core to the concept of a human rights idea are dignity, agency and individualism. There is no easy way of capturing the notions of dignity and agency, certainly in a way that incorporates the full extent of the meaning ascribed to them by their various authors. What we can say is that both notions point to the supremacy of the individual; dignity refers to the inherent value of the individual - and agency to individual freedom, choice and rationality. Indeed it is often considered that it is the *capacity for* agency that makes human persons a source of dignity and on which the legitimacy of the human rights idea rests. This is the case even where the actual exercise of agency is constrained by circumstance. Feinberg (1970: 252) has commented: “To respect a person then, or to think of him as possessed of human dignity, simply is to think of him as a potential maker of claims”.

¹⁶⁶ For example, for those who are strongly committed to the ‘will’ or ‘power’ theory of human rights, every Hohfeldian “claim right” is understood to come with a “power” (via a secondary rule) to waive those rights.

3.2.3 Positivist Justifications of Social Rights: The Positive Rights Idea

Key to the idea of positive rights is the contention that ‘rights’ are rooted in societal norms that then find expression in empirically observable laws and policies. Unlike the social citizenship rights idea in which the role of society is also central, the positive rights idea of social rights is not associated with any prescriptive normative ideals to which societal norms must necessarily be aligned. It is an idea that is in fact entirely free from normative prescription that is externally derived. Rights are those which society deems to be in its best interests at a given point in time and place and which are given legal effect and policy form through the delegation of authority to law and policy-makers. The positive rights idea is thus a social construct and has evolved as a vehicle to instrumentally advance agreed social objectives.

Positive rights ideas have their origins in the 17th to 19th Century tradition of legal positivism with which we can associate the writings of Hobbes, Hume, Bentham and Austin.¹⁶⁷ Yet it was the more contemporary and hugely influential work of H.L.A Hart that embedded the idea of law as a truly *social* construction and replaced the then prevailing Austinian notion of law as a manifestation of the might of a sovereign power issuing orders backed by threats. In the words of Green (2003) Hart (1994) advanced the concept of law as a system of norms “*all the way down*”.

According to Hart’s “Concept of Law” (1994), laws are made up of a union of primary and secondary rules. The former, understood as social conventions at the level of customs, are accepted at a level ‘internal’ to the society and thus generate rule-abiding behaviour on the basis of what Hart (1994, 57) describes as a “reflective, critical attitude” or socially-inspired sense of duty and obligation. Secondary rules then arise from a collective perceived need for an ‘official’ system to specify “...the

¹⁶⁷ For discussion see MacCormick 1981 and also Green 2012.

criteria of legal validity and its rules of change and adjudication”.¹⁶⁸ That is, based on an authority derived from the primary rules, these secondary rules thereby become the “rules of recognition” of a given society and are thus the ultimate source of authority and power when it comes to establishing the nature and content of all rights and duties that comprise the law.¹⁶⁹ Those “officiating” the system are, in contemporary democratic governments, representatives of the legislature, executive and judiciary.

Taking their justification from social norms and laws does not mean that positive rights ideas of social rights are more prone than other rights ideas to adaption and change. The degree of scope for modifying those rights depends largely on the relationship between primary and secondary rules. While change is limited by societal norms and normally depends on the emergence of new internal values, the nature of the power wielded by those responsible for crafting secondary rules may provide space for substantial reinterpretation of the norms or new means of achieving shared values. Indeed as Hart observes, legal and policy-making processes may be allowed to evolve in such a way that primary rules (customs at the societal level) may become increasingly divorced from the secondary ‘rules of recognition’.¹⁷⁰

It is possible of course that in practice, ideas of positive rights overlap with human rights or social citizenship rights ideas. This is likely to be the case where one or other of the latter ideas is broadly reflected in social norms. Practice acknowledges as much and Hart willingly agrees - branding his work as “soft positivism”, or what is elsewhere defined as “inclusive positivism”.¹⁷¹ Yet to concede the important

¹⁶⁸ Hart 1994, 116 (emphasis added).

¹⁶⁹ Ibid. 1994, 81 and 94.

¹⁷⁰ Hart (Ibid. 117) explains such a situation in the following terms: “In this more complex system, only officials might accept and use the system’s criteria of legal validity. The society in which this was so might be deplorably sheeplike; the sheep might end in the slaughter-house. But there is little reason for thinking that it could not exist or for denying it the title of a legal system.”

¹⁷¹ See Green 2012.

relationship between law and morals is not to conflate the two, nor to alter the central contention of the positive rights idea, that rights are justified by reference to the law and not on grounds of the virtue or ‘truth’ of the moral argument that may be found to underpin the relevant norms. As Hart (1994: 269) explained of the relationship between positive rights and morals:

“So whether the laws are morally good or bad, just or unjust, rights and duties demand attention as focal points in the operations of the law which are of supreme importance to human beings and independently of moral merits of the laws. It is therefore untrue that statements of legal rights and duties can only make sense in the real world if there is some moral ground for asserting their existence”.

3.2.4 An Operational Framework for the Identification of Social Rights Ideas in Policy-Making Processes

Based on the foregoing discussion, Table 1 now summarises the core features of each of the three social rights ideas. These features will serve as an operational framework for identifying the presence of social rights ideas in the empirical analysis of social assistance policy development in Britain and Ireland (1985-2015) which is presented in Part III of this thesis.

Table 1: Operational Framework for Analysing Social Rights Ideas

<i>Type of Social Rights Idea</i>	<i>Key Features</i>
Social Citizenship Rights	<ul style="list-style-type: none"> • Rights justified by membership of a particular society • Content of rights non-basic and specific to each society • Rights are concomitant with duties, with work as a central duty • Rights are bounded by the prioritisation of collective over individual considerations • Rights are justified according to a socialist-liberal teleology, including the promotion of goals such as equality of opportunity
Human Rights	<ul style="list-style-type: none"> • Rights justified by virtue of humanity • Rights are universal • Rights are inalienable • Rights are individually justified – via arguments of dignity and/or autonomy • Rights are minimally basic but involve progressive development
Positive Rights	<ul style="list-style-type: none"> • Rights are justified by reference to positive law which is built on a system of social norms • Rights have no prima facie moral requirements or prescriptive ideological end-goals • Rights adhere to a consequentialist logic and involve practical reasoning

It is important to emphasise that, in order to empirically establish the relevance of ideas of social rights in social policy-making practice, it is not essential that policy-makers explicitly articulate such ideas using the express language of ‘rights’.¹⁷² There may, for example, be compelling political reasons for why political leaders might fail to publicly articulate the influence of certain social rights ideas such as where those

¹⁷² See Beland and Cox 2011 for an alternative perspective on the importance of what they describe as the explicit “utterance” of an idea in order to establish that such ideas carry policy-making relevance.

ideas are perceived to have little currency with important interest groups or might even risk undermining relationships with the latter. When it comes to the matter of positive rights ideas, it is natural that policy-makers who hold these beliefs will be more likely to draw attention to their specific policy goals and objectives and less their positive rights beliefs; indeed, in this instance, it is the *absence* of either human rights or social citizenship rights justifications that may point to the influence of positive rights ideas.

In other cases, ideas might be so deeply embedded in the normative attitudes of policy-makers that the need to expressly articulate those beliefs might go unrecognised. Nor, on occasions where policy-makers *do* explicitly use the label of particular rights ideas, can we automatically infer the presence of the associated rights *belief*. In the latter circumstances, policy-makers may explicitly reference a particular social rights idea for purely instrumental reasons which are not associated with any belief in the substantive content of the idea itself but rather intended to appease a particular interest group.

In assessing the policy-making relevance of social rights ideas what is therefore critical is to attend to the values and beliefs of policy-makers and evaluate these in the context of the core features of social rights ideas in Table 1. As I shall now elaborate, this will involve corroborating the declared beliefs of policy-makers with the actualities of associated policy initiatives and against the broader policy-making landscape. Given that the three social rights ideas were formulated in their ideal-typical forms, we should not expect that policy-making processes will neatly correspond in every dimension to the 'pure cases' as summarised in Table 1. That said, there must be strong and objectively transparent grounds for any claims of the

relevance of particular social rights ideas in policy-making – including in cases where hybrid or blended variants of social rights ideas may be claimed.

3.3 Ideas of Social Rights and Causal Dynamics in Social Policy-Making

With the core components of the respective social rights ideas now specified, it is necessary to return to my research hypothesis as set out in Chapter 1. In so doing, I intend to clarify my theoretically-derived expectations for *how* social rights ideas will exercise influence on social assistance policy-making, including the likely implications of certain ideational dynamics for policy continuity and change. The remainder of this section thus outlines my conceptual framework for analysing empirically the policy relevance of social rights in social policy-making. I end the section with further details of the main methodological techniques and data sources for studying these effects.

In Chapter 1, I hypothesised that the different trajectories of social assistance policies for the unemployed and lone parents in Britain and Ireland over the period 1985-2015 could be explained in important part by different ideas of social rights held by key policy-makers. I further posited that the source of such cross-national variation in policy-relevant social rights ideas could be related to inter-country differences in historic cultural and institutional legacies which contributed to shaping the identity and power of key political actors. In the case of Britain, I reasoned that the legacies of the Poor Laws and the dominance of a utilitarian philosophy along with the existence (within an effective two-party political system) of a major social democratic political party in the form of the Labour Party, significantly increased the likelihood that British policy-makers might be inspired by a blend of social citizenship rights and positive rights idea of social rights. By contrast, Irish legacies of Catholicism and Republicanism combined with the absence, in Ireland, of a labour-

capital political divide and a more consensual Centre-Right political landscape, were grounds for believing that the human rights idea of social rights may be more influential in Irish social assistance policy-making.

In short, my hypothesis merges insights from the constructivist and institutionalist literatures on the ‘mutual constitution’ of both ideas and interests, and interests and institutions, in order to conceive of policy-relevant ideas (including ideas of social rights) as a product of a three-way interaction involving ideas, interests and institutions, and in which actor identity is the critical lynch-pin.¹⁷³ One implication that follows from this theoretical perspective is the likelihood of a significant relationship between what I describe as ‘policy ideas’ (i.e. the ideas of policy-makers which directly motivate particular policy initiatives) and ‘public norms’ (i.e. the perceived ‘settled’ consensual beliefs held widely by ‘the people’).

The importance of the relationship between public norms and policy ideas has been the subject of much analysis in the ideational literature. A common finding of this literature is that ‘policy ideas’ are most successful and enduring when they can be understood to resonate with perceived public norms.¹⁷⁴ A degree of compatibility of ‘policy ideas’ with public norms is what we might therefore describe as a ‘framework condition’ of ‘successful’ policy-making in much the same way as we might consider that policy-making needs to be contingent on at least a minimum level of economic capacity. In other words, norms, like economic capacity, demarcate the feasible parameters or ‘red lines’ of policy-making. Public norms may therefore be regarded as ‘*framework ideas*’ in the sense that they have the primary effect of constraining or, as Margaret Weir (1992) has put it of ‘bounding’ policies within certain normative

¹⁷³ See Wendt 1992; Jepperson, Wendt and Katzenstein 1996; Weir 1992 and Katznelson 2003. For a full discussion see Chapter 2.

¹⁷⁴ See, for example, Weir 1992 and King 1992. For a fuller discussion of these matter see Chapter 2.

parameters. Given that Britain and Ireland are both Western liberal democracies we could expect that public norms are likely to play an important formative role in policy-making; as such, the relationship between these norms and policy ideas will merit particular attention in my empirical analysis of the role of ideas of social rights.

Also of high policy-making significance, and in line with the perceived three-way interaction of ideas, interests and institutions, are ideas that are held collectively by sizeable or politically significant interest groups.¹⁷⁵ Given the key role of political parties in policy-making processes, political ideologies form an important class of idea within this group, but the category also covers the normative convictions of other politically important interest groups ranging from trade unions, business groups, voluntary sector organisations, civil service departments and statutory bodies. If public norms are anticipated as primarily *constraining* the scope of policy ideas, intermediary ‘group-level’ ideas may generate potentially more innovative policy dynamics.

It is typically the *breadth* of public norms that accommodates a feasibly diverse range of group-level normative convictions and which thereby provides scope for the development of innovative policy ideas notwithstanding the otherwise circumscribing power of public norms. The scope for innovation associated with group-level ideas is therefore likely to be greater in circumstances of ideational rivalry among critical political actors and in the presence of structures which promote political competition. That is to say, while in environments characterised by fairly consensual, homogenous political interests, policy-makers might be more likely to develop policy ideas that *reinforce* public norms, more contested political landscapes might yield policy ideas

¹⁷⁵ See, for example, Hall 1992 for a discussion of the influences of the Conservative ideology of Thatcherite Britain, Blyth 2002 on the ideas of Swedish trade unions and social democratic institutions, and Sikkink 1993 on the ‘principled’ beliefs of social justice/human rights advocates.

that operate to *reinterpret* or *resist* public norms. In the latter scenario, political actors will also be poised to exploit any changes in the macro level economy and/or social structures/settings which can themselves directly prompt the alteration of public norms.¹⁷⁶

Applying these theoretical expectations to the empirical cases of social assistance policy development in Britain and Ireland, we can therefore anticipate that while in both countries public norms will likely play a significant role in shaping (and primarily constraining) the ideas of policy-makers, the dynamics of public norms may be more constraining of policy ideas in Ireland than in Britain due to Ireland's consensual social partnership government over the period 1987-2009 and the absence of a marked 'left'-'right' political cleavage. On the other hand (and notwithstanding claims of the 'centrist' propensity of British politics¹⁷⁷) the historical legacies of British political party formation, the operation of a first-past-the-post electoral system and a relatively centralised governance apparatus, all provide fertile soil for more adversarial politics and point to the potentially greater role of intermediary group-level ideas (above all, political ideologies) in influencing policy ideas in the area of social assistance. In consequence, we might expect that, compared to that of Ireland, the analysis in this thesis of social policy development in Britain might indicate greater policy changes that are associated with the policy ideas of rival political groups and which *reinterpret* or even *resist* public norms.

In summary, in examining the relevance of ideas of social rights to social assistance policy development, my analysis in this thesis will be attentive to the effects of at least three classes of ideas that exist at three levels of what we might

¹⁷⁶ For a discussion see, for example, Jacobsen 1994.

¹⁷⁷ See, for example, Giddens 1998 on New Labour's 'Third Way'.

think of as an explicit actor-focussed policy-making pyramid. At the foundational level are public norms held diffusely by “the people”. At the middle level are normative ideas (including political ideologies) of organised policy-relevant groups, and, at the pinnacle, are the programmatic policy-making ideas of political elites. Paying attention to ideas at these three levels enables us to focus on the relations between different sets of significant political actors and to explore how the respective ideas of actors at each level interact in the policy-making process.¹⁷⁸ In approach, (and specifically in terms of the focus on interactions between key political actors and their associated ideas-interests), my framework shares some similarities with Paul Sabatier’s (1988) “Advocacy Coalition Framework” model of public policy-making.¹⁷⁹ Unlike Sabatier however my analysis is not limited to “policy subsystems” comprised exclusively of “policy elites” but is rather expressly concerned with ‘the people’ as political actors whom I consider to play a critical role in setting the normative foundations of policy. My framework is also distinct from the approaches of ideational scholars who distinguish between varieties of ideas based exclusively on their *nature* and/or their *effects* in terms of policy-making processes.¹⁸⁰

This conceptual approach, taken together with the indicators of ideas about social rights in Table 1, provides the framework for my empirical study of the role of ideas of social rights in social assistance policy-making for the unemployed and lone

¹⁷⁸ The assumption is that actor identity and hence the ideas of actors are relational. For example, the individual beliefs of elite political actors are likely to be affected by the ideas of political actors at the other two levels and the same if arguably true for the reverse.

¹⁷⁹ Sabatier (1988 and 1993) also proposes three levels of elite beliefs (‘deep core’ beliefs’, ‘near’ policy beliefs and “secondary aspects”) which provide varying constraints on policy innovation. For a more basic two-fold division of ideas at levels within the British policy-making system and which implicitly links such beliefs to different sets of political actors, see Marquand and Seldon’s (1996) notion of ideas at the “upper plane” and “lower level”.

¹⁸⁰ See for example Goldstein and Keohane’s (1993) three-fold division of ideas as world views, principled beliefs and cause-effect ideas, Campbell’s (1998) categorisation of ideas in the “foreground” of “background” of policy, and Blyth’s (2002) five-part distinction of the functions of different types of ideas in the policy-making process.

parents in Britain and Ireland over the period 1985-2015. In practical terms, relating the key features of the individual social rights ideas to policy-makers' social assistance policy rationale within the broader dynamics of policy-making, requires three particular types of data analysis (as discussed in more detail in Chapter 1):

- An historical review of the cultural and institutional context for social assistance policy development in Britain and Ireland;
- An evaluation of materials from qualitative face-to-face interviews with senior policy-makers aiming at ascertaining the factors motivating decisions on social assistance policy, including the relevance of ideas of social rights, an analysis of policy-makers' perceptions of public norms, the constraints of political party ideology and the normative beliefs of politically significant interests groups;
- And, in order to corroborate interview data, deep textual analysis of policy documents, implemented policies, published policy statements by relevant key political actors and relevant secondary materials.

Part II

Comparing Social Assistance Policy Changes in Britain and Ireland, 1985-2015

Introduction to Part II:

The object of Part II of this thesis is to analyse the evolution of British and Irish social assistance policies for the unemployed and lone parents over the period 1985-2015 with the aim of drawing out important patterns of policy differences between the countries. Chapters 4 and 5 are thus dedicated respectively to individual examinations of the British and Irish cases while the Conclusion to Part II is reserved for a cross-national comparative analysis of British and Irish social assistance policy evolutions.

To effectively track policy evolution over the years 1985-2015, the analysis in Chapters 4 and 5 is chronologically organised. Each chapter opens with a baseline assessment of social policy developments from the early Twentieth Century up to the early 1980s. In order to contextualise developments thereafter, policy changes are considered in three discrete blocks of time which, in each country, represent periods of critical political and economic change. The first period covers the years 1985-1997 when the Thatcher and Major Conservative Governments held power in Britain and a new Social Partnership Government was forging a path of economic growth in Ireland. The second period of 1997-2008/2010 covers the Blair and Brown New Labour Governments in Britain and Ireland's rapid economic growth under an expanded Social Partnership Government. The final period, spanning the years 2009/10-2015, was characterised by the effects of the global economic crisis during which time British governance reverted to a Conservative-led Coalition and subsequently to a Conservative Government, and the Irish Government of Social Partnership collapsed and was replaced by a minority Fianna Fail Government followed by a Coalition Government between Fine Gael and Labour.

As discussed in Chapter 1, it is in the context of the general trend of moving from a ‘passive’ to an ‘active’ social assistance system that British and Irish policies for the unemployed and lone parents are understood to have significantly diverged. To this end, chapters 4 and 5 will assess and compare policy developments across three dimensions: benefit values, benefit conditions and employment supports. The value of benefits will be measured according to nominal and ‘real’ changes but will take account also of changes in benefit design which directly affect value such as earnings disregards and waiting day rules.¹⁸¹ The analysis of benefit conditions will concentrate on the nature of active labour market conditions which apply to benefit recipients including the scope of associated benefit sanctions in the event of non-compliance with such conditions. Employment supports will be evaluated on the basis of the scope of training and education schemes for assistance beneficiaries, direct state employment programmes, and financial incentives to take up employment, specifically in-work state social assistance and associated state childcare supports.¹⁸²

Source materials for the primary analysis include: policy documents, legislation (primary and secondary), government statistics and parliamentary records. This data will be supplemented by relevant findings from the secondary literature, particularly in regard to the evaluation of labour market programmes, secondary analysis of benefit sanctions data in the UK that is otherwise difficult to access, and certain data on poverty lines and average earnings that are used to compare the value of social assistance benefit payments over time.

¹⁸¹ In the British case, real term value changes in benefit levels are gauged against the Retail Price Index, average earnings and the poverty line. For more on the relative merits of the Consumer Price Index and Retail Price Index for compensation purposes, see ONS 2011. In Ireland, value changes are measured against the Irish Consumer Price Index (Ireland’s only price index) and the poverty line.

¹⁸² Given that childcare constitutes a distinct social policy there is no scope in this thesis for a comprehensive analysis of the evolution of childcare policy. Childcare initiatives are therefore discussed only where they are directly relevant to changes to social assistance for the unemployed and lone parents.

Chapter 4. Work as Welfare: Developments in Social Assistance Policies for the Unemployed and Lone Parents in Britain 1985-2015

4.1 Introduction

This chapter traces the evolution of a ‘work as welfare’ approach to social assistance for the unemployed and lone parents in Britain over the years 1985-2015. It shows how British social assistance policy moved away from what, in 1985, was essentially a system of income maintenance designed to cover the basic subsistence needs of those who fell outside of the main social insurance schemes, to an active labour market strategy aimed at propelling assistance beneficiaries into market employment. Critical elements of this change comprised the prioritisation of in-work over out-of-work social assistance benefits, the substitution of state-centric with market-centric training and skills opportunities for the unemployed, and a substantial increase in the imposition of mandatory labour market conditions on benefit recipients, including the first-time imposition of such conditions on low-income parents with primary childcare responsibilities.

The chapter begins with an overview of social assistance policy as it existed between the introduction of the first statutory right to National Assistance in 1948 up until the Supplementary Benefit of 1985. I then consider the policy developments of 1985-2015 over three blocks of discrete political leadership: the Thatcher and Major Conservative Governments of 1985-1997; the Blair and Brown New Labour Governments of 1997-2010; and the Cameron Coalition and Conservative Governments of 2010-2015.

4.2 From National Assistance to Supplementary Benefit: Social Assistance Policy Developments 1948-1985

The National Assistance Act 1948, implemented by Clement Atlee's Labour Government, can be regarded as Britain's first attempt to create a statutory right to state social assistance.¹⁸³ It marked the beginnings of a journey away from the Poor Law practices of local, charitable poverty relief that had dominated for the preceding three centuries, and was considered the residual piece in a strategy for abolishing 'want' that had been drafted in 1942 by senior British Civil Servant Sir William Beveridge¹⁸⁴ and which had led in 1946 to the creation of a comprehensive social insurance scheme.¹⁸⁵

A critical concern for policy-makers was that National Assistance should not operate in a way to disincentivise waged employment or to generate resentment among the low-paid and insurance-contributing workers.¹⁸⁶ Subjecting the new payment to a means-test was the primary way of both limiting entitlement and reducing the attractiveness of the benefit. The low value of the benefit was also regarded as a deterrent to long-term benefit dependence and access was further restricted by the practice of the wage-stop which excluded anyone from benefit receipt in circumstances where the weekly benefit rate (which took account of family needs and resources) would exceed weekly wages in the claimant's normal occupation.¹⁸⁷

Reliance on National Assistance was also limited by the imposition of work-search requirements on those applicants who were considered "capable of" and

¹⁸³ For more on historical developments see Atkinson 1969 and Alcock 1987.

¹⁸⁴ Beveridge 1942.

¹⁸⁵ National Insurance Act, 1946.

¹⁸⁶ Beveridge 1942.

¹⁸⁷ See Atkinson 1969 for more on this practice known as the 'wage stop' which lasted up to July 1975.

“available for work”.¹⁸⁸ Determination of who should be covered by work-search conditions and what exactly such measures required of claimants was a matter for the National Assistance Board – the body charged with administrative discretion for determining National Assistance claims. The Board could, for example, direct the individual to register for work with the Employment Exchange¹⁸⁹ and had the power, in circumstances where the male benefit recipient was regarded as being in neglect of his duties to provide for his family, to require such individuals to attend a residential “re-establishment centre” aimed at moral and physical reform, or alternatively, to fine or imprison (for of up to three months) the offending individual.¹⁹⁰

The Atlee Labour Government’s failure to pursue Beveridge’s recommendation of a designated social assistance benefit for unmarried mothers meant that such women, and other categories of single mothers besides those dependent on contributory-based widow’s pensions, had to rely, by default, on National Assistance.¹⁹¹ In reforming the household means-test however the 1948 Act ensured that lone mothers who lived in the parental home did not have family income taken into account in consideration of the means-test for National Assistance¹⁹² and it also imposed new housing duties on local authorities to cater for homeless single mothers.¹⁹³ Given the prevailing norms of both the male breadwinner and mothers as carers,¹⁹⁴ lone mothers of school-age children who claimed National Assistance were not, in practice, required to seek employment as a benefit condition nor could they be referred to the all-male re-establishment centres.¹⁹⁵ Although the Atlee Labour

¹⁸⁸ The requirement to be capable of and available for work was borrowed from regulations pertaining to National Insurance.

¹⁸⁹ National Assistance Act 1948, section 8 (3).

¹⁹⁰ Ibid sections 10, 16 and 51.

¹⁹¹ See Thane and Evans 2012 and Kiernan et al 1998.

¹⁹² See Wikeley 2006.

¹⁹³ See National Assistance Act 1948, Part III.

¹⁹⁴ See Lewis 1998.

¹⁹⁵ Thane and Evans 2012.

Government was considered to have been theoretically supportive of the employment of single mothers it nonetheless failed to deliver any specific employment supports.¹⁹⁶ The majority of employment supports for women in these circumstances were thus provided through voluntary organisations; most notably through the National Council for the Unmarried Mother and her Child.¹⁹⁷

By 1964, after 13 years of successive Conservative Governments and little change in social assistance arrangements, power reverted back to the Labour Party and Harold Wilson assumed the post of Prime Minister. This was the era of the so-called ‘rediscovery of poverty’ when findings from new survey research pointed to how the British welfare state was falling short of its ambitions of poverty alleviation.¹⁹⁸ Attention focused on the operation of the means-test for National Assistance and associated the indignity and irregularity of the examination of means with unexpectedly low benefit take-up rates.¹⁹⁹ In 1966 and against the context of a growing welfare rights movement,²⁰⁰ the Wilson Government replaced National Assistance with Supplementary Benefit.²⁰¹ The latter provided enhanced statutory entitlement to assistance and aimed to reduce the scope of administrative discretion but did little to improve the value of benefits. In respect of the labour market conditions attaching to benefit receipt, Supplementary Benefit maintained the status quo of National Assistance however, at this point, practice had evolved so that the requirement to be “capable of work” was automatically interpreted as excluding lone

¹⁹⁶ Thane and Evans 2012.

¹⁹⁷ Ibid. In 1973 the Council changed its name to the National Council for One Parent Families and since 2009, merged with Gingerbread. See Thane and Evans for a detailed history of the National Council and its service and advocacy functions on behalf of lone parents in Britain.

¹⁹⁸ See Abel-Smith and Townsend 1965. Research based on nationally representative household surveys showed that, in Britain, one in every five working families with children experienced relative poverty.

¹⁹⁹ See Green 1999.

²⁰⁰ See Prosser 1983.

²⁰¹ Ministry of Social Security Act 1966.

parents (including for the first time lone fathers),²⁰² those charged with looking after children, the elderly or the infirm, and those with disabilities.²⁰³

When the Heath Conservative Government took over from Labour in 1970, it focused attention on the question of the *effectiveness* of the then existing labour market conditions in transitioning individuals off benefits and into employment. Following the analysis of the 1971 *People and Jobs* report of the Department of Employment, the Heath Government considered it prudent to separate job placement functions and benefit administration services in order to optimise the role of each. Separation thus began in 1973 and the concept of the Jobcentre was created as a separate entity for job placement services while responsibility for ‘policing’ claimants of Supplementary Benefit was reserved to the Unemployment Benefits Office where claimants were required to ‘sign on’ for their ‘dole’.²⁰⁴ Simultaneously, the creation of the Manpower Services Commission provided new state infrastructure for developing a repertoire of training and employment supports.

The Heath Government also took the first step of boosting the incomes of working families who were considered to have been poorly served by inadequate Family Allowances. The Family Income Supplement was introduced in 1971 by Secretary of State for Social Services, Keith Joseph, as a temporary emergency measure until a more comprehensive solution could be found to the pressing matter of poverty in large working families. It was undoubtedly a modest response and was available to families with children in which one member worked a minimum of 30 hours per week.²⁰⁵ It was nonetheless significant in constituting Britain’s first step down the road of *explicit* in-work social assistance, notwithstanding the fact that

²⁰² For more on lone father developments see Townsend (with Marsden) 1979.

²⁰³ See Lister 1981.

²⁰⁴ See King 1995 and Price 2000 for analysis of practices during this period.

²⁰⁵ See Dilnot, Kay and Morris 1984 for background and policy details. See also Millar 2009.

unemployment assistance had and continued to permit part-time work of up to 24 hours per week.

The rising numbers of lone parent claimants of social assistance in the years following the replacement of National Assistance with Supplementary Benefit²⁰⁶ and new awareness of high poverty levels among this claiming population, elevated the political significance of lone mothers. In November 1969, Labour's Secretary of State for Social Services, Richard Crossman thus established the Committee on One-Parent Families chaired by Morris Finer. Before the Committee reported its findings, the Heath Government (which had assumed power) introduced a higher level of Supplementary Benefit for lone parent claimants (the Lone Parent Premium). By the time the Finer Report was published (July 1974), it fell to the re-instated Wilson-led Labour Government to consider its central recommendation of a Guaranteed Maintenance Allowance paid at the Supplementary Benefit level plus additional family allowances and designed to effectively substitute private maintenance payments to lone parents.²⁰⁷

The Guaranteed Maintenance Allowance was however rejected by Labour's new Minister for Social Security, Barbara Castle on grounds of cost and the lack of political appetite for an additional means-tested benefit. Instead Castle proceeded with the Government's plans to introduce a universal Child Benefit as part of an overall 'social contract' package to appease the unions and constrain wages.²⁰⁸ The 1975 legislation which introduced Child Benefit made special non-means tested provision for higher benefit payment levels to all lone parents (known as the 'One

²⁰⁶ See Wikeley 2006, 88-89 where he shows that lone parent claims of Supplementary Benefit doubled in the decade 1966-1976.

²⁰⁷ Finer 1974.

²⁰⁸ For more see Kiernan et al 1998 and Thane and Evans 2012.

Parent Benefit') in recognition of their greater childcare costs.²⁰⁹ In the same year, the Wilson Government also created the first earnings disregard specifically for lone parents who were working part-time and receiving Supplementary Benefit, and, in 1979, the Callaghan Labour Government established a new working hours threshold for lone parent eligibility for Family Income Supplement.²¹⁰ While these latter measures were aimed at facilitating lone parent employment, state-funded training opportunities for lone parents remained underdeveloped notwithstanding the new capacity of the Manpower Services Commission.

Indeed the expansion through the 1970s of a more social democratic-styled state investment in skills training for the general unemployed population was largely considered unsuccessful and the quality of British provision was assessed as poor relative to what was on offer in other advanced, industrialised economies.²¹¹ Among the most significant programmes of the period was the Youth Opportunity Programme which was introduced in 1978 by the Callaghan Labour Government to provide subsidised employment and an on-the-job training scheme for 16-18 year olds. The programme however faced concerns among organised labour that it was operating to undercut the wages of the average salaried worker and was distorting the labour market.²¹² According to King (1995), the YOTs laid the path for the harsher work-welfare programmes of the Thatcher Conservative Government which assumed power from Labour following the 1979 general election.

In the early years of the Thatcher Conservative Government a harsher work-welfare approach did not immediately manifest itself. On the contrary, in what

²⁰⁹ Kiernan et al 1998.

²¹⁰ The working hours threshold was set at 24 hours rather than the normal 30 hours for couple families. See Dilnot and Duncan 1992.

²¹¹ See Finegold and Soskice 1988 which highlights Britain's poor record on training and education schemes relative to other advanced economies.

²¹² Ibid. See also Finn 1987 for a critical review.

appeared to be a reversal of the longstanding British social assistance policy tradition of imposing labour market conditions on assistance recipients, the Thatcher Government suspended the compulsory requirement on claimants of unemployment assistance to register with the Employment Service.²¹³ What quickly became clear however was that such measures were driven by cost-cutting and efficiency concerns. Thus when Secretary of State for Employment, Lord Young successfully persuaded Margaret Thatcher to increase spending on state employment and training programmes to deal with unemployment levels, which in 1982 had reached the three million mark, the Thatcher Government went against the advice of Young and the Manpower Services Commission, and made participation in the newly created Community Programme (1982)²¹⁴ and Youth Training Scheme (1983)²¹⁵ a condition of Supplementary Benefit.²¹⁶ Failure by benefit claimants to accept a programme referral or to leave a programme without completion constituted new grounds for a 6 week benefit disqualification.²¹⁷ This harsher approach to state employment supports was accompanied by real value demise in the levels of Supplementary Benefit as the Thatcher Government changed from uprating benefit levels against average wages to the lower inflationary measure of retail prices.²¹⁸

From this brief overview of social assistance policy developments through the years 1948 to 1985 we can therefore conclude that British social assistance policy

²¹³ Rayner 1980.

²¹⁴ This was a community employment programme for those out of work for more than one year and which, in addition to Supplementary Benefit, paid participants a modest training allowance. It was abolished in 1988. See King 1995 for details.

²¹⁵ The Youth Training Schemes (YTS) replaced the YOTs and offered longer periods of training and work experience. For commentary see Brown 1990, Finegold and Soskice 1988, and Lourie 1996 which highlight the mixed evidence about the value and effectiveness of the programme.

²¹⁶ See Price 2000 for an interesting and detailed account of political negotiations between Young, Prime Minister Margaret Thatcher and the relevant Government Departments.

²¹⁷ See Social Security Act, 1975. Brown 1990 (182) gives figures between 1983-1987 of 2,000 benefit reductions for refusing a place and 24,000 for prematurely leaving a scheme.

²¹⁸ Atkinson and Micklewright 1989.

adhered to a fairly steady and continuous course. Despite the change from National Assistance to Supplementary Benefit, assistance remained a residual, modest and means-tested benefit. For most of the period there was a consistent approach to the labour market duties expected of those considered 'capable of work'. State employment supports both in terms of financial incentives and training opportunities were low-level and mostly voluntary with the exceptions being the 'reconditioning' treatments of the 1940s-1970s and the Thatcher era developments of Community Employment and Youth Training Schemes.

4.3 Social Assistance Policy Developments over the Thatcher and Major Conservative Governments 1985-1997: Coercion and Marketisation

Over the span of the Thatcher and Major Conservative Governments (1985-1997) two key trends characterised the development of social assistance policies. First was the advancement of in-work social assistance payments for low-income families which began to gently rival out-of-work social assistance payments by re-designating certain portions of the unemployed and lone parents from the 'out-of-work' to the 'in-work' category. The second development was the continuation but rapid expansion of the mandatory labour market activities that were imposed on social assistance benefit recipients. Both measures were expressly directed at reducing the volume and costs of out-of-work social assistance claims.

4.3.1 Family Credit and the Emergence of an In-Work/Out-of-Work Benefit

Tension

A key outcome of the 1984-1986 Fowler Reviews of Social Security²¹⁹ which was given statutory effect by the Social Security Act 1986 was the new phenomenon

²¹⁹ Dept of Health and Social Security 1985.

of Family Credit. Like its predecessor Family Income Supplement (FIS) which, as discussed, was introduced in 1971 by the Heath Conservative Government, Family Credit was a cash benefit available to families with at least one working household member. Unlike FIS however Family Credit was more than just an emergency poverty-alleviation measure but was explicitly designed to quell the rise in benefit dependency and incentivise employment. As such, the latter offered comparatively more generous support both in terms of its eligibility and financial value. The minimum weekly working hours threshold for accessing the new Credit was set at 24 hours (bringing it in line with the FIS working hours threshold for lone parents as amended in 1979) and, once the earnings threshold was reached, benefit was withdrawn at a rate of 70%.²²⁰ Overall, the shift in policy is calculated to have led, in 1988-89, to a 60% increase in the cash value of the average award.²²¹

Lone parents were identified as a particularly important target group for Family Credit given that the numbers of benefit claimants had continued to rise²²² and, without the tools to legitimately coerce lone parents off benefit and into employment (notably inadequate state childcare supports), employment incentives were regarded as an appropriate solution.²²³ Thus when, under the Major Government, Secretary of State for Social Security Peter Lilley again expanded Family Credit by offering higher cash payments and a less severe benefit taper rate, the new changes also included a childcare disregard for lone parents in receipt of the benefit and a bonus payment was additionally offered to all those working in excess of 30 hours per week.²²⁴

²²⁰ See Dilnot and Duncan 1992.

²²¹ Office for Budgetary Responsibility 2014, 128.

²²² National Audit Office (1990:11) reported a 90% increase in the numbers of lone parent families in receipt of Supplementary Benefit between 1979 and 1986 from 318,000 to 602,000. With the 1988 change to Income Support, levels of benefit receipt continued to grow and among the lone parent categories, claims from unmarried mother experienced the greatest increase – going up by 225% from November 1979 to May 1988.

²²³ Department of Social Security 1985.

²²⁴ See Dilnot and McCrae 2000.

A critical element of the overall expansion of Family Credit was however the concurrent *narrowing* of Income Support for the unemployed and lone parents. Hence pursuant to legislative amendments of 1992, the minimum weekly working hours threshold for access to Family Credit was revised down from 24 to 16 hours per week for all working family types,²²⁵ meanwhile the *maximum* weekly working hours threshold for access to Income Support for lone parents and the unemployed was lowered from 24 to 16 hours. These simultaneous changes had the effect of re-designating benefit-receiving individuals from the realm of out-of-work to in-work state social assistance supports.

Undoubtedly, the effects of re-designation from out-of-work to in-work benefits were positive for those who met the eligibility criteria. For single claimants, childless couples, and workless families who were left behind on Social Assistance - or Income Support as it had been re-formulated in 1988²²⁶ - the picture was significantly less positive. Not only (as discussed earlier) had the value of out-of-work benefits shrunk following the Thatcher Government changes in the benefit uprating mechanism, but the Major Government decision to permanently freeze earnings disregards further reduced the scope of benefits. Worse, the changes had created a work disincentive for the segment of unemployment assistance claimants without children who were working between 16-24 hours per week and, subsequent to the 1992 legislative changes, were thereafter ineligible for either in- or out-of-work support.²²⁷ These measures reveal the first signs of tensions in entitlements created by the prioritisation of in-work over out-of-work benefits by the Major Conservative Government and

²²⁵ See The Income Support (general) Regulations, 1987, S.5(1), as amended.

²²⁶ The Social Security Act 1986 replaced Supplementary Benefit with Income Support but the latter was not in operation until 1988.

²²⁷ For some further discussion see Bennett and Millar 2009.

they demonstrate the elevated significance of the relationship between work and social assistance payments.

4.3.2 The Stricter Benefit Regime and Actively Seeking Work

At the height of the unemployment crisis and economic recession of the early 1980s, the Thatcher Government, as discussed, temporarily suspended the duty on unemployment assistance claimants to register with the Employment Service. If cost containment was the overriding reason for suspension it was because the operation itself was perceived to have been inefficient and inadequate to the task of reducing benefit dependency and promoting self-sufficiency through the labour market.²²⁸ The concern was that although registration was, in part, conceived as a way of testing claimant “availability” (and thereby benefit entitlement), it was, in practice, a weak active labour market measure. Once a claimant had registered with the Employment Service the onus for job-search rested largely with the latter to match claimants to vacancies. In circumstances where claimants were difficult to place (as was regularly the case with the long-term and young unemployed), few tools remained at the disposal of employment service advisors to steer individuals off benefit and place them in work. Benefit sanctions, which had the potential to supply that leverage, were only applicable in circumstances where, without “good cause” a “suitable” employment opportunity had been identified²²⁹ but subsequently turned down (“work refusal”) or lost (via voluntary departure or through misdemeanour).²³⁰

²²⁸ The critical scrutiny of Jobcentre operations by Professor Richard Layard (economist at the London School of Economics) is believed to have been a significant influence on thinking in the Department of Employment. See Layard 1979 and 1986 and also Price 2000 for a discussion of the effect of the so-called “Layard Thesis”.

²²⁹ In assessing suitability claimants were entitled to a discretionary “permitted period” of up to 12 weeks to turn down work that was of a nature and/or rate of pay less favourable than to which the claimant was habitually accustomed.

²³⁰ Up to 1980, refusal of suitable work or leaving work voluntarily or as a result of a misdemeanour could prompt a disqualification period of up to four weeks. After 1980, the maximum period of disqualification rose to 6 weeks - see Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983.

From 1986, a series of measures was therefore taken to enhance the directive power of benefit advisors in ways that would likely result in more *active* job search by beneficiaries of unemployment assistance. This amounted to the state exercising greater control over the job-search behaviours of benefit claimants but without offering any more supports in terms of identifying employment or training opportunities. The emphasis was on individual job-search responsibility with new sanctions available to coerce individuals towards pro-active labour market activities. Tellingly, the approach was referred to within relevant Government Departments as the “stricter benefits regime” and its effectiveness was enhanced by the reunification in 1987 of the job search and benefit control functions under the Department of Employment.²³¹

Compulsory ‘Restart’ Interviews

“Restart” interviews for the long-term unemployed, piloted in 1985 and rolled out nationally the following year, were among the first measures of the “stricter benefits regime”.²³² The employment focus of Restart interviews was signalled from the outset by making interviews the responsibility of the Department of Employment and exercised via “claimant advisors” working for the Jobcentre.²³³ This contrasted to “review” interviews of the 1960s and 1970s which had been deployed primarily to police benefit usage among long-term clients and, up to 1980, had been the shared domain of the Supplementary Benefit Commission and Department of Health and Social Services (DHSS) (and previously of the National Assistance Board).

²³¹ See Price 2000.

²³² At pilot stages, Restart interviews involved only those unemployed for two years but once rolled out nationally the access threshold reduced to those unemployed for one year and later to those unemployed for six months.

²³³ Brown 1990, 194.

The focus of restart interviews was to commit benefit claimants to a series of “steps” that were deemed to increase their prospects of employment. Steps included: follow-up interviews, directions to attend JobClubs,²³⁴ enrol in Restart Courses or community employment schemes.²³⁵ Failure on behalf of the claimant to meet a “step” gave the Restart advisor grounds for recommending a benefit deduction of up to 40% of the weekly benefit value.²³⁶ Price (2000) reports that in the initial restart pilots which involved 30,308 cases, around 13% (4086) were referred to Unemployment Benefit Officers (UBOs) for failing either work availability tests, interview attendance requirements or refusing suitable work. Of these only around 20% (846) were actually sanctioned – ‘disallowed’ – but nearly half those disallowed were later reinstated if they accepted a restart interview.²³⁷

Mandatory Youth Training Schemes

An exception to the generalised self-help focus was, as discussed earlier, the Youth Training Scheme (YTS) which, in 1983, had replaced Labour’s Youth Opportunity Programme. With the abolition of the Community Programme in 1988, government training efforts focused exclusively on the under 25s who had been claiming Income Support for over six months. For these young people, government training was no longer a voluntary government ‘support’ but a mandatory requirement and the 6 week benefit disqualification which had been set in 1983 for assistance claimants who refused or left training was raised to a maximum of 6 months.²³⁸ As

²³⁴ JobClubs were launched in 1985 as an initiative whereby the unemployed could help themselves and each other into employment. They were hailed a success in the Conservative Party Manifesto (Conservative Party, 1987) which reported that 1000 such clubs had been established and employment had been secured for two thirds of participants.

²³⁵ By 1988, the Community Programme had been abolished and was replaced by new, weaker “training” initiatives.

²³⁶ For more see Standing 2000.

²³⁷ Figures from DHSS statistics cited in Price 2000: 244.

²³⁸ S.27 of the Employment Act 1988 amended the 1975 Social Security Act by inserting new disqualifications for refusing training.

Brown (1990: 182) put it, “*The Scheme [YTS] was now operating to facilitate one of the severest social security sanctions available.*”

The ‘Actively Seeking Work’ Requirement (1989)

Without doubt the most significant change in terms both of shifting the burden of job-search from the state and toward the individual, and increasing labour market conditions for unemployment assistance receipt came in 1989. Pursuant to the Social Security Act of that year, *all* claimants of unemployment assistance, including those with childcare functions, were statutorily required to “actively seek work”.²³⁹ Active job search translated as the duty to carry out a minimum of one, but usually more than one job-seeking activity per week,²⁴⁰ proof for establishing which fell to the claimant. Steps included oral or written employment applications, seeking information on vacancies and using the services of a recruitment agency and where feasible, documentary evidence, (such as job application letters, proof of phone calls etc) was required to demonstrate that active job-search had indeed taken place. Discretionary “permitted periods” were carried over from the previous “work availability test”²⁴¹ but the longstanding requirement that the claimant was only required to accept “suitable” work was dropped.²⁴²

As Wikeley (2002, 371) has pointed out, since “suitable work” had been contentiously argued as jobs which paid work at the normal going rate (“rate for the job”), “The corporatist flavour of this provision clearly could not stand with changes that were meant to ease perceived rigidities in the labour market.”²⁴³ Given that

²³⁹ S. 10, Social Security Act, 1989.

²⁴⁰ Reg 12(b)(3) The Social Security (Unemployment, Sickness and Invalidity Benefits) Amendment No.2 Regulations, 1989.

²⁴¹ Reg. 12(f), The Social Security (Unemployment, Sickness and Invalidity Benefits) Amendment No.2 Regulations, 1989. The Regulations provided the general principle that the more skilled the individual the more time he/she should be given to find work of a similarly skilled nature.

²⁴² This was achieved via an amendment (legislated for in the SSA 1989) to the Social Security Act 1975, s. 20(4).

²⁴³ See also more detailed commentary by Wikeley 1989.

parents of young children in couple families were no longer considered “incapable of work” childcare was specified, along with other grounds, as a potential “good cause” for failure to meet the active work test. Lastly, the new regulations specified that claimants would not be expected to seek jobs that involved more than a one hour daily commute to work and back.

4.3.3 The Birth of the Jobseeker (1995)

The Conservative Government under Prime Minister John Major consolidated but also advanced the Thatcher era trend of re-asserting the personal responsibility of individuals in regard to meeting the labour market conditions of unemployment assistance. Most substantive was the recasting of the Income Support beneficiary as the “jobseeker” which in policy terms yielded the introduction, in 1995, of both a “Jobseeker’s Agreement” and “Jobseeker’s Allowance” to replace Income Support for the Unemployed. Subtle but significant, this shift elevated the relationship between work search effort and benefit deservingness to a quasi-contractual status, and re-emphasised the reciprocal nature of duties incumbent on the citizen and the state. It also however exposed the sharp asymmetry in contractual undertakings between these two parties, with the claimant bearing the brunt of new and enhanced job-search obligations and the state offering only weak ‘support’ in return.

On the side of the claimant, new duties under the Jobseekers Regulations 1996 (pursuant to the 1995 Act) mostly consisted of additional weekly work-search “steps”²⁴⁴ and, with the exception of those with childcare responsibilities who could reasonably limit their working hours to a maximum of 16 hours per week,²⁴⁵ a new requirement to seek full-time work of 40 hours per week was imposed. Most

²⁴⁴ Reg. 18 Jobseeker’s Regulations, 1996.

²⁴⁵ Regulation 13(4). If claimants with responsibilities for children could not satisfy the reasonable prospects test because of commuting times between home and potential job opportunities, the test could be disregarded (regs 13(6)-(7)).

significant however was that these increased duties were reinforced by a revised system of benefit sanctions which elevated to a whole new level the significance of benefit advisors' discretion and hence advisors' power in gate-keeping claimants' access to benefits.

The Social Security Act of 1992 had already provided that a benefit disqualification could apply where a claimant “without good cause, refused or failed to carry out any official recommendations given to him with a view to assisting him to find employment”,²⁴⁶ but the evidence suggests that in practice, this disqualification ground was little invoked.²⁴⁷ With the Jobseeker's Act 1995 however, the same principle – with minor textual amendments - was carried over but the newly-worded transgression of “failure to carry out any jobseeker's direction” was now subject to a new system of *automatic* benefit sanctions.²⁴⁸ Unlike previous “disqualifications”, these could not be disregarded at the discretion of an advisor. A first failure automatically triggered a two-week benefit suspension and a second, (within twelve months of the first) prompting a sanction lasting four weeks. At the same time, changes in rules to “hardship payments” meant that sanctioned individuals would no longer *automatically* qualify for a temporary relief payment for the duration of the benefit sanction.²⁴⁹

²⁴⁶ SSCBA 1992, s.28(1)(d).

²⁴⁷ See Wikeley, Ogus & Barendt (2002, 375) who show that there were no reported decisions of the Commissioners (responsible for social security appeals) on this clause.

²⁴⁸ JA 1995 s.19(5)(a) provided an automatic sanction for a claimant who: “...has, without good cause, refused or failed to carry out any jobseeker's direction which was reasonable, having regard to his circumstances.” S.19(1)(b) further specifies that “direction” means a written direction.

²⁴⁹ The JA Act amended the law on hardship payments so that only “vulnerable groups” would retain an automatic right to such payments. These benefits amounted, in value terms, to a 40% reduction in benefit allowance or 20% if the individual is ill or pregnant) in the event of receiving a benefit sanction. Non-vulnerable individuals can still apply for a payment but they must serve at 2-week waiting period.

Narrowing State Employment Supports

Evidently the labour market activities expected of unemployment assistance recipients had increased considerably over the Thatcher and Major Governments. Such development however stands in sharp relief to the diminishing investment in state training and education supports over the same period. Relying on data from the OECD, van Reenen (2001) shows that spending on ALMPs as a share of GDP declined (from 0.7% to 0.4%) between 1985-1996. What is interesting however is that in the context of this general reduction (which could be affected by employment levels, changes in economic growth etc.), the percentage of overall spend on the state employment service almost doubled from 22% in 1985 to 43% in 1996 (ibid.,12), whilst over the same period, the share of expenditure on subsidised employment and direct job creation took a dramatic dive from 25% to 2%, with a similar although less dramatic story for youth training - down from 35% to 26% (ibid., 33). This is consistent with the self-help orientation of the stricter benefits regime and with the discontinuation of state employment/training schemes such as the Community Programme.

4.4 The Blair and Brown New Labour Governments (1997-2010): Increased Interventions on Benefit Values, Supports and Conditions

After 17 years in opposition, Labour's return to Government following a landslide 1997 general election victory might reasonably have been expected to promise something radical in the field of social assistance. As it happened however, Labour's two strands of policy development represented substantial continuity with the policies advanced during the Thatcher and Major years; namely, the prioritisation of in-work over out-of-work benefits and the growth of labour market conditions for

working-age social assistance claimants. Moreover, despite a growing economy and reduced levels of unemployment, Labour even adhered to its manifesto pledges to honour the outgoing Conservative Government's social spending plans which led, initially, to frozen benefit levels and significant cuts in lone parent income support.

Within these consistent parameters however Labour's imprint on social assistance was nonetheless distinct. First, buried within its new programme of in-work supports, the Labour Government presided over considerable increases in social assistance payments for out-of-work, low-income families with dependent children. Second, it attempted, though without great success, to go beyond the narrow focus on Jobcentre advisor directions to the unemployed and to offer more in the way of social investment-style state training and employment programmes. Third, it succeeded in doing what had alluded its Conservative predecessors – namely, making labour market activities a condition of job search for lone parents within the context of greater state childcare and employment supports.

4.4.1 Tax Credits

A central theme of Labour's welfare reform agenda was the notion of 'work not welfare'.²⁵⁰ In its first two years of office, and in line with the objective to 'make work pay', it introduced Britain's first statutory minimum wage,²⁵¹ a new 10p starting rate of income tax²⁵² and, most substantially in benefit terms, it replaced Family Credit with an enhanced in-work benefit for families with children effective from October 1999 – the Working Families Tax Credit.

²⁵⁰ Labour Party 1997. See also Dept. of Social Security 1998.

²⁵¹ National Minimum Wage Act 1998.

²⁵² The new rate was effective between 1999 and 2008 and replaced the starting rate of income tax at 23%. See HM Treasury 1998.

From the outset, cosmetic attention was paid to the presentation of Working Families Tax Credit (WFTC).²⁵³ It broke from the FIS/Family Credit tradition of offering the benefit as a cash payment issued by the Benefits Office and administered by the Department of Social Security. Rather WFTC was designed as a form of tax relief deductible from earnings and was paid through the wage packet by HM Inland Revenue (later HM Revenue and Customs). In addition to disassociating the new benefit from the traditional ‘dole’, the revised structure had the further political advantage of allowing the Government to class as tax reliefs what would otherwise have been regarded as social expenditure and thus enabled it to create the somewhat misleading impression of relatively contained social spending.²⁵⁴

While WFTC shared some elements of continuity with Family Credit such as limiting support, at least initially, to families with children in which one member was working more than 16 hours per week, the new policy was more finely tuned to increasing work incentive effects which, up to that point, had generally been viewed as weak.²⁵⁵ Accordingly, WFTC was overall a more generous policy. Average awards were higher (especially for families with young children), eligibility extended up the income scale to include higher earning families,²⁵⁶ and the withdrawal rate in the event of rising wages was less steep. WFTC also encompassed a higher value childcare component for lone parents and couples where both partners worked more

²⁵³ For more detailed analysis of the rationale see HM Treasury 1997. See also Taylor 1998 and Strickland 1998.

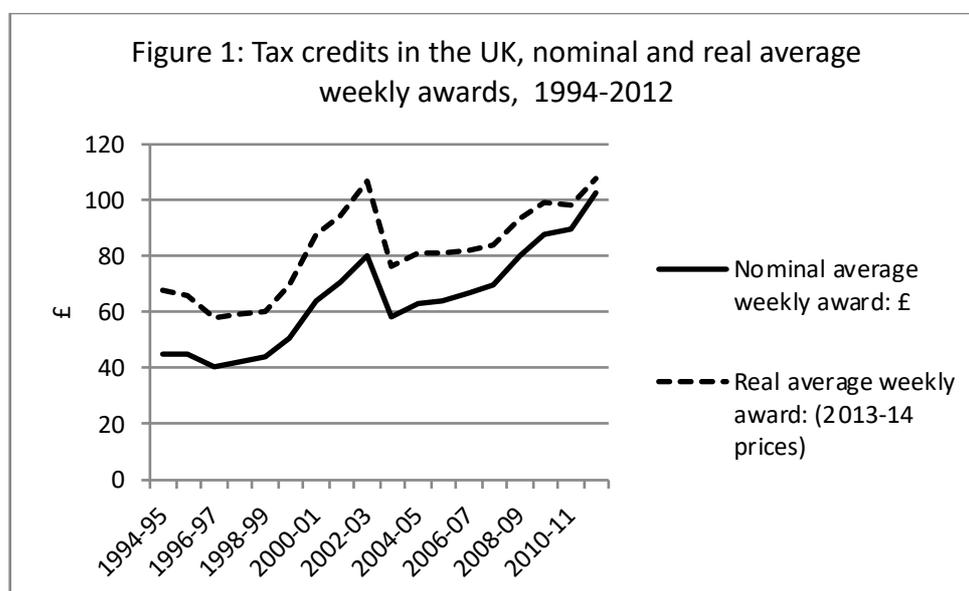
²⁵⁴ This accounting practice was eventually put to an end following objections, among others by the Office for National Statistics (ONS), so that certain elements of tax credits could remain as negative tax revenue whereas others had to be treated as spending (see OBR 2014: 124). The Coalition Government vowed to treat all tax credit costs as spending from 2015 onwards (see OBR 2016).

²⁵⁵ See, for example, analysis by Parker 1990.

²⁵⁶ The Government estimated that 500,000 more families would receive WFTC by 2001 than those who would have been eligible for FC under the old rules. See HM Treasury 1999: 58.

than 16 hours per week,²⁵⁷ and child maintenance was not regarded as income for the purposes of assessing credit eligibility.²⁵⁸

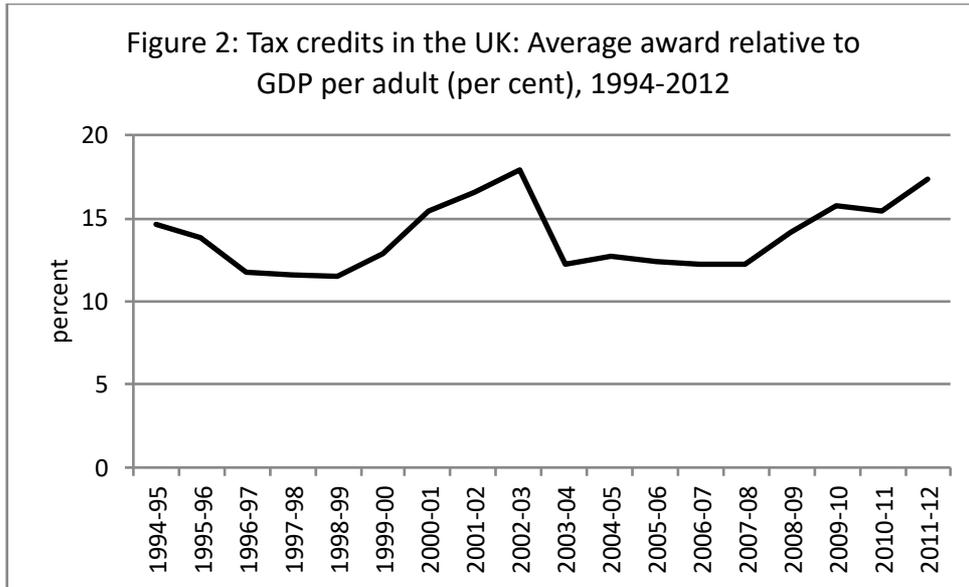
Figure 1 shows the significant nominal and real term increases in average weekly tax credit awards from 1994-2012 and, in Figure 2, we can see that the average award as a share of GDP per adult peaked at 17.9% between 2002-2003. The rise in the value of average awards can be clearly linked to the creation of Child Tax Credits in 2002 which accompanied the reformulation of the WFTC as the Working Tax Credit and which substantially boosted the incomes of both in-work and out-of-work social assistance claiming families by increasing child dependent payments. The seemingly puzzling decline in average awards as a share of GDP per adult after 2003 can be explained by the 2002 replacement of WFTC with the Working Tax Credit which extended eligibility to childless couples working a minimum of 30 hours per week and whose awards were significantly lower than those of families with children.



Source: HMRC, DWP, ONS, OBR, as displayed in OBR, 2014; 126, fig 7.2.

²⁵⁷ Up to 70% of the value of formal childcare costs up to a weekly maximum of £150.

²⁵⁸ For more discussion of these various elements see Brewer and Browne 2005: 3-4. See also Gregg and Harkness 2003 and Office of Budget Responsibility 2014.



Source: HMRC, DWP, ONS, OBR, as displayed in OBR, 2014; 126, fig 7.2

It has often been commented that what set Britain’s Tax Credit approach apart from one of its closest policy comparators – that of the U.S. Earned Income Tax Credit – was that, in the British case, the expansion of in-work credit did not come at the price of a reduction in out-of-work benefits for families.²⁵⁹ Indeed the figures testify to the fact that despite the Labour Government’s initial backbench revolt over the abolition in 1997 of the longstanding lone parent premium and the One Parent Benefit,²⁶⁰ the measures that the Government subsequently implemented in terms of Childcare Tax Credits and increases in dependent child additions to Income Support (and the basic Jobseeker’s Allowance rate) more than compensated for these earlier losses.²⁶¹ Taken as a whole, Labour’s tax credits for families with children have been regarded as one of the most redistributive elements of New Labour policy.²⁶²

²⁵⁹ See Blundell and Hoynes 2003, 3, for some comparison of the UK and US experiences of tax credits over this period. See also Gregg and Harkness 2003.

²⁶⁰ The Lone Parent Premium was established in 1988 as part of the Income Support package and constituted a child addition for lone parents on the basic Income support rate. The One-Parent Benefit as discussed earlier was an addition to the normal rate of universal Child Benefit and had been in operation since 1977. See Social Security Modernisation Bill, July 1997 and Perkins 1997 for commentary on the Labour revolt.

²⁶¹ See Brewer, Clark and Wakefield 2002.

²⁶² Dilnot and McCrae 2000. See also Hattersley 2005.

What this positive story of real term benefit increases for families masks however is the way in which the prioritisation of in-work over out-of-work benefits left unemployed welfare claimants *without* children and those in low-paid, part-time hours worse off. Childless couples and single beneficiaries claiming Jobseeker's Allowance had to rely on entitlements to out-of-work assistance that had been diminishing in real value since the Conservative Government changes to earnings disregards and benefit uprating mechanisms of the 1980s. Figure 3 shows the real decline in the value of these benefits for all groups over the period 1993-2014.²⁶³ Figure 4 reinforces this pattern of diminishing value by showing the declining generosity of the single (25+) rate of Unemployment Assistance/Jobseeker's Allowance relative to GDP per adult and average earnings.²⁶⁴

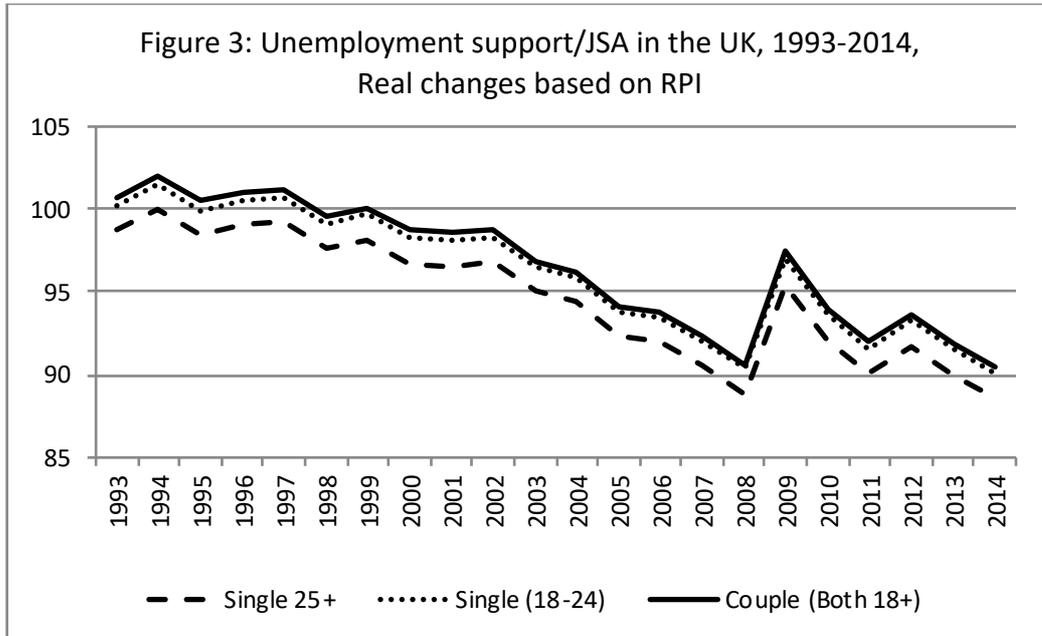
The Labour Government did nothing to improve the entitlements of those who had been excluded from unemployment assistance (then Income Support) on the grounds of the altered working hours thresholds that had accompanied the 1992 expansion of Family Credit. In extending Working Tax Credits in 2002 to childless couples working over 30 hours per week, the Blair Labour Government failed to address the void in state social assistance protection for childless couples and single low earners working between 16 and 30 hours per week. Acknowledging this shortcoming, Prime Minister Gordon Brown subsequently admitted on BBC's Radio Four in April 2008:

*"I'll be honest about it, we made two mistakes.....We did not cover as well as we should that group of low-paid workers and low-income people who don't get the working income tax credits."*²⁶⁵

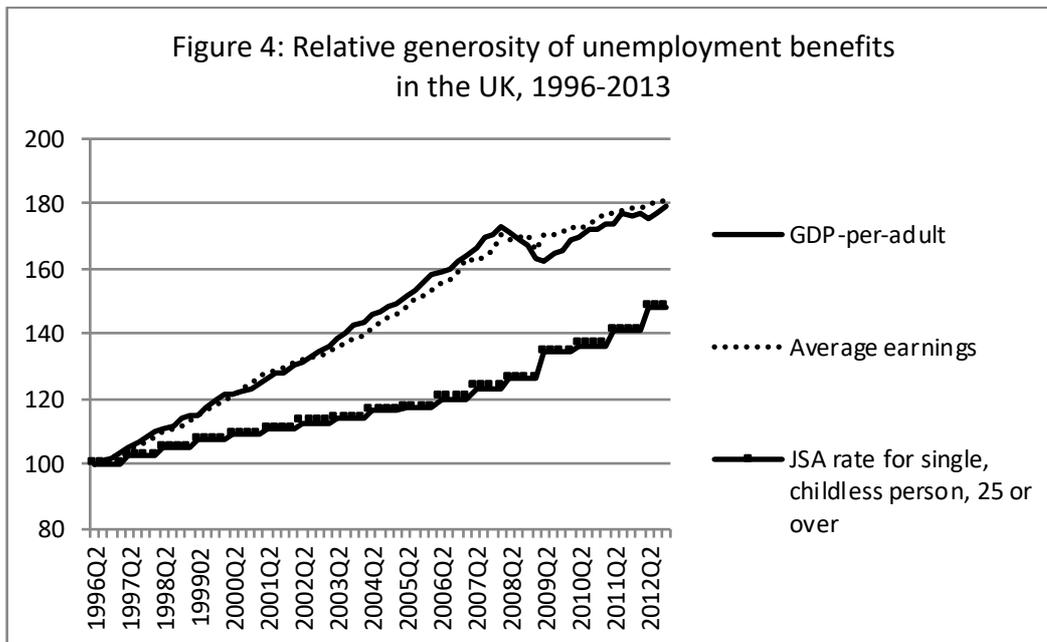
²⁶³ The spike in real value in mid 2009 can be explained by the onset of the economic crisis which was beginning to have palpable impacts on the economy and hence on prices.

²⁶⁴ It is only when we measure benefit values against the CPI, which provides a lower inflationary measure, that the pattern of decline becomes limited to the last years of the Labour Government (and beyond). See OBR 2014.

²⁶⁵ Quoted in Sparrow 2008.



Source: author's calculations based on data from DWP, IFS and ONS (RPI)



Source: HMRC, DWP, ONS, OBR, as displayed in OBR, 2014; 155, fig 8.3.

4.4.2 'New Deals' and New Conditions

Consistent with its rhetoric of 'more rights and more responsibilities', the Labour Government accompanied its investment in in-work benefits with increasingly onerous labour market conditions on out-of-work benefit recipients. It largely mirrored Conservative policy by further enhancing the directive power of Jobcentre

advisors over the labour market behaviour of benefit recipients and it endorsed the notion that job-search was fundamentally the personal responsibility of the individual.²⁶⁶ Where it sought to distinguish itself from previous Conservative policies however was in accompanying the new duties on benefit claimants (and associated benefit sanctions for non-compliance) with new responsibilities from the state to assist individuals on the path to employment. To this end, and beginning in 1997, Labour launched its flagship ‘New Deal’ programmes.

The most significant among the New Deal programmes in investment terms was the New Deal for Young People which catered for those under the age of 25 and unemployed in excess of six months.²⁶⁷ For all Labour’s communicative emphasis on support and training, the New Deal for Young people differed from past training schemes because it started out with an obligatory four month “gateway period” of intensive, assisted job search under the supervision of a “personal (Jobcentre Staff) advisor”. This had the effect of excluding from training the majority of participants who left the Deals before the end of the Gateway period.²⁶⁸ Indeed the positive evaluations of the New Deals in their early years of operation rested largely on the effects of “gateway period” mandatory job search rather than on those of the second stage interventions aimed at human capital-boosting.²⁶⁹

For young people who were not successfully placed in employment after the “gateway period”, the benefits of the subsequent employment schemes were variable. Of the four options made available to this group, the majority of evaluations found that the option of a six-month job with the Environmental Task Force had the weakest

²⁶⁶ Announcing the establishment in 2002 of Jobcentre Plus, the Government states: “Jobcentre Plus will enshrine the principle that everyone has an obligation to help themselves, through work wherever possible.”

²⁶⁷ See Millar 2000.

²⁶⁸ Finn 2003, 714. See also Wilson 2013.

²⁶⁹ See Blundell et al 2004; Riley and Young 2000; and De Giorgi 2005.

associations for subsequent job progression.²⁷⁰ Studies of the benefits of the one-year education and training option, and the six month voluntary and private sector employment options received mixed and contradictory evaluations.²⁷¹ What was generally agreed however was that youth state employment supports did not amount to significant state interventions and that the emphasis of Government policy was on market employment as the best route to job progression.

The New Deal for the Long-Term Unemployed had an even greater market focus than the equivalent for young people.²⁷² In the event of an unsuccessful “gateway period” only two options were available to participants; either to take up subsidised employment, or, if aged between 25-49, to participate in an Intensive Activity Programme (IAP). The intensive activity period (normally between 13-26 weeks) could involve on-job training, skills development, work experience and placements or a full-time education course of up to 52 weeks. Few participants were afforded the opportunity of the last of these options and the most participants found themselves in work-type conditions with the comfort of a premium of around £15.38 per month in addition to their normal JSA benefit rate.²⁷³

By the late 2000s as the economy was faltering and unemployment rising, many “training” schemes, including those for the young unemployed, were simply work by another name and even Government documents slipped into re-defining training in the most generic of terms as any activity which simply developed the “habit and routines” of working life rather than more targeted skills.²⁷⁴ With the introduction of “Work for

²⁷⁰ See De Giorgi 2005 and Van Reenen 2000.

²⁷¹ Millar 2000 for example, finds that the full-time education and training option was associated, in the short term, with the lowest probability of securing employment of any option, while Beale *et al* 2008, find that the same option produces some of the most positive longer-term effects.

²⁷² When the New Deal for 25+ was first introduced it was limited to those who had been in receipt of benefit for over two years but by 2001 it was extended to those on the Jobseeker’s register for more than 18 months and also to claimants aged 50-59.

²⁷³ DWP 2008-2009.

²⁷⁴ DWP 2008.

your Benefit Schemes” in the Welfare Reform Act 2009 even the rhetoric around training and social investment had fallen away and was replaced with an explicit workfare agenda. Those unemployed for up to 12 months were required under the legislation to engage in community-based work of up to 30 hours per week, involving tasks such as clearing litter, gardening, administrative duties, transporting goods, driving delivering vans etc.²⁷⁵ The legislation also contained new powers to enable the Secretary of State to contract out to private companies responsibility for managing and delivering these workfare activities.²⁷⁶

New Fixed Sanctions

If the promised “carrot” of Labour’s work as welfare agenda was therefore largely limited to in-work financial supports (via tax credits, minimum wages, and lowered rates of income tax) and, for families with children, some quite considerable childcare supports,²⁷⁷ the ‘stick’ of benefit sanctions for non-compliance with labour market requirements had become considerably sharper relative to past policy.²⁷⁸ This was due to the increasing directive power afforded to Jobcentre personal advisors to manage claimant’s job-search activities (thereby giving rise to new situations in which sanctions could apply) as well as to changes in statutory regulations which extended the range of available benefit sanctions for failure to comply with an advisor’s direction.

The most significant change in regulations came in 2000 when a “*fixed*” sanction of 26 weeks was created in circumstances where the claimant failed to follow

²⁷⁵ S.17(a) Welfare Reform Act 2009.

²⁷⁶ S.32 Welfare Reform Act 2009.

²⁷⁷ See, for example, policies set out in HM Treasury 2004. A full discussion of advances in the areas of childcare is beyond the scope of this thesis however for a critical review of Labour’s childcare policies see, for example, Daly 2010 and Lister 2006.

²⁷⁸ For more on the ‘carrot’ and/or ‘stick’ approach of New Labour policies see Stanley *et al* 2004.

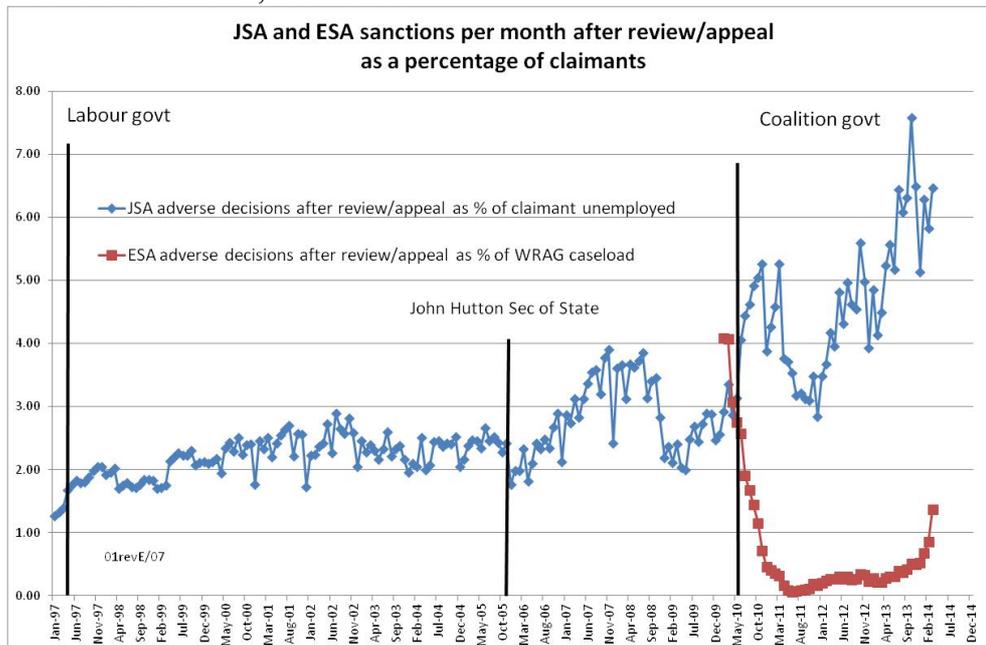
the directions of a Jobcentre advisor on three occasions over a twelve month period.²⁷⁹ This contrasted with the “variable” – or in other words, discretionary – maximum sanction that could apply for leaving or refusing a New Deal scheme and prompted concerns about the proportionality of this sanction for acts which, assessed individually, constituted minor violations (e.g. failing to attend an interview at the Jobcentre or to comply with an advisor’s direction).²⁸⁰

The available data on sanction use, displayed in Figure 5, show that over the period of the Labour Government (1997-2010), and with the exception of a few occasions when sanctions temporarily reverted to 1997 baseline levels, monthly sanction rates of JSA claimants (after appeal and reconsideration) were always higher – sometimes by 50% - than the 1997 baseline of 2% of claimants. Similarly, Figure 6 shows that on the particular sanction trigger of “failing to attend an interview” with a Jobcentre Advisor, the monthly sanction rate of JSA claimants increased throughout the period of Labour Government from the June 1997 baseline of a little short of 0.5% to a high of just under 2% of claimants in September 2008.

²⁷⁹ See SI 1996/207, reg 69(1) (c) as amended by S.I. 2000/239 Jobseeker’s Allowance Amendment Regulations.

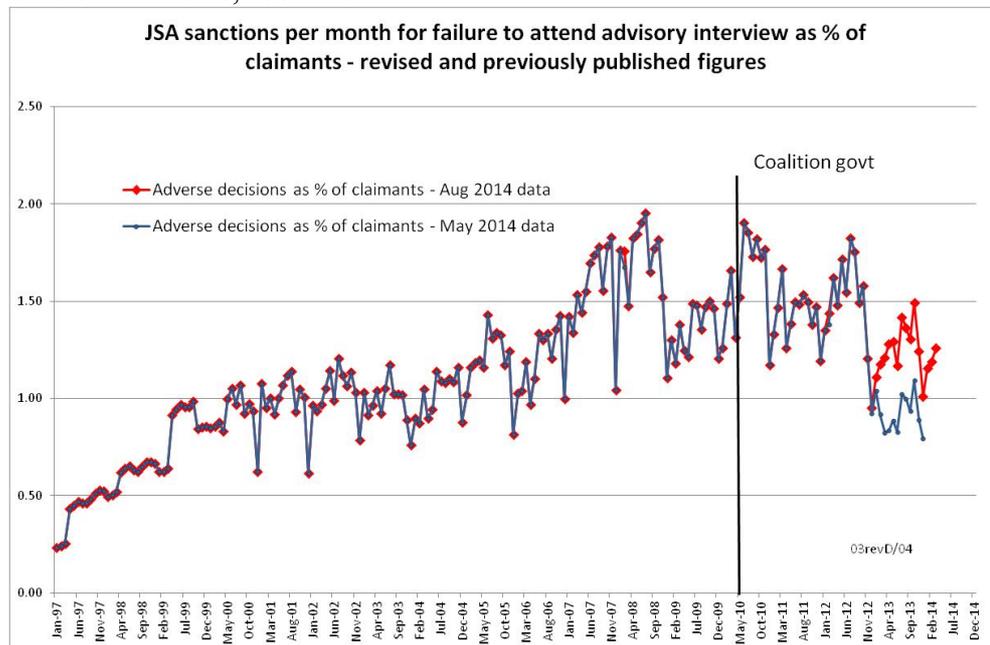
²⁸⁰ See also SSAC Report 2000 for commentary on the change.

Figure 5 JSA and ESA sanctions per month after review/appeal, as a % of claimants, 1997-2014



Source: Webster, 2014a: 14.

Figure 6 JSA sanctions per month for failure to attend advisory interview, as % of claimants, 1997-2014



Source: Webster, 2014a: 18.

4.4.3 Labour Market Conditions for Lone Parents and Partners of the Unemployed

When Labour came to power in 1997 the annual number of lone parents claiming Income Support was estimated at around one million which marked a slight decline in claimant levels from the immediately preceding years.²⁸¹ In 1998, the state was also making income support payments to 270,000 partners (mostly female) of claimants for income-based Jobseeker's Allowance.²⁸² Neither of these two groups was subject to active labour market duties as a condition of benefit receipt and in a bid to reduce claims, tackle poverty and promote social inclusion, both groups became the subjects of the Government's New Deal employment supports.

Launched in 1997 simultaneously with the New Deals for young people and the long-term unemployed, the New Deal for Lone Parents differed from the other 'deals' on offer because it relied on *voluntary* participation. It operated to explicit welfare-to-work objectives and offered the same style of case management approach that characterised the 'gateway period' of other programmes but, on the face of the policy, it respected individual choice between paid work in the market and care at home. Defending the voluntary and supportive nature of the intervention, Junior Minister Keith Bradley MP emphasised in his statement to the House of Commons:

*"There is no question of us trying to compel lone parents to go out to work rather than looking after their children."*²⁸³

The voluntary nature of lone parent employment supports was however short-lived. As the Labour Government began, through the implementation of its Working Families Tax Credits, to repair some of the damage of the 1997 lone parent benefit cuts, it also became bolder in what it asked of lone parent benefit claimants in labour

²⁸¹ Evans et al 2003: 9.

²⁸² Taylor 1998, 25.

²⁸³ HC Debate, 8th June 1998, c467w. Cited in Kennedy 2010.

market terms. The Welfare Reform and Pensions Act 1999 introduced the concept of Work-Focussed Interviews (WFIs) as a mandatory requirement for all lone parents with a youngest child aged over 12 years and, in 2001, extended the same to lone parents with a youngest child aged over 5. WFIs were designed to go beyond the Restart interviews of the mid 1980s by offering more service-oriented and practical advice, including how to overcome the employment barriers presented by childcare. Significantly however, failure to attend a WFI resulted in an automatic fixed penalty sanction of 20% of Income Support value.

As positive evaluations of the effect of the New Deal on lone parent employment rates began to emerge but with only one in ten lone parents voluntarily taking up the New Deal offer,²⁸⁴ the Government sought to use WFIs as a way of compelling more lone parent claimants towards New Deal supports. By 2004, lone parents with children under the age of five were mandatorily required to attend WFIs and the level of personal advisor supervision and regular follow-up from these meetings intensified.²⁸⁵ New duties in the form of “Work-Related Activity Provision” were imposed alongside enhanced supports in the form of Child Tax Credits, including state funded childcare. Government rhetoric significantly shifted away from supporting lone parent *choice* over childcare functions and work and began pushing the idea that work and the responsibility to provide was morally incumbent on lone parents. Margaret Hodge (2005), then Minister for Employment and Welfare Reform, argued:

“If you are a lone parent and you have a child in secondary school, I think you have a responsibility to support and provide for your family and that is as important as being there for children.”

²⁸⁴ See Evans et al 2003. See also HM Treasury 2003.

²⁸⁵ Committee on Work and Pensions 2004.

By 2007 the Government was explicit that it no longer accepted the contention that lone parents should receive state social assistance without being subject to labour market conditions; instead it sought to designate lone parent claimants of Income Support as “Jobseekers with flexibilities”.²⁸⁶ The progressive transfer of lone parents from Income Support to Jobseeker’s Allowance began through the terms of the Welfare Reform Act 2007²⁸⁷ and continued via the Welfare Reform Act 2009.²⁸⁸ After losing the general election of 2010, Labour left Government with Income Support applicable only to lone parent families where the youngest child was under seven years. All other lone parent families were required to claim Jobseeker’s Allowance and their treatment was differentiated from childless jobseekers only because of their eligibility for “Flexible New Deals” which permitted some consideration of their childcare needs when drawing up employment plans.²⁸⁹

Partners of the Unemployed

Policy reform in regard to the treatment of dependent partners of claimants of Jobseeker’s Allowance followed a similar evolution. What started out in 1999 as voluntary employment supports in the form of the New Deal for Partners of the Unemployed,²⁹⁰ developed over the succeeding decade into mandatory labour market requirements for partners of the unemployed where the youngest child was over the

²⁸⁶ See Dept. for Work and Pensions 2008.

²⁸⁷ See Social Security (Lone Parent and Miscellaneous Amendments) Regulations 2008 (SI2008/3051) which came into effect on 28th November 2008.

²⁸⁸ Welfare Reform Act 2009, s.9 provided for the progressive abolition of Income Support for lone parents.

²⁸⁹ Flexible New Deals were intended to take some account of possible ongoing employment constraints (e.g. childcare outside of school hours) that might determine the ‘reasonableness’ of the claimants’ Jobseeker’s Agreement and specifically the work search parameters. For more details see Kennedy 2010.

²⁹⁰ See Millar 2000 on the New Deal for Partners of the Unemployed which was considered the leanest and weakest of Labour’s employment support packages.

age of seven.²⁹¹ These were equivalent to the requirements faced by lone parents although the latter benefitted from stronger state employment support mechanisms.²⁹²

The policy change was ostensibly aimed at addressing the perceived inequity that labour market conditions should apply to lone parent benefit recipients but not to individuals who benefitted from state income supports by virtue of their financial dependency on their unemployment assistance-claiming partners.²⁹³ There was however an immediate barrier to imposing work-search requirements on partners of the unemployed; namely that, as ‘adult dependents’, partners had no individual rights to their benefits; their rights were derived, just as those of dependent children, from their financial dependency on the primary household earner.²⁹⁴ Without individual rights, there could be no individual responsibilities of a job-search nature or otherwise.

The Welfare Reform Act 1999 thus created the new phenomenon of “Joint Claim Jobseekers Allowance”. This did not amount to a fully individualised right since, due to economies of scale, the value of the joint benefit was set at a rate lower than the sum of two individual Jobseeker Allowance claims. While initially it applied only to childless couples,²⁹⁵ it was extended in 2009 to couples with children over the age of 7. In order to lay the ground for this transition, six-monthly Work Focussed Interview requirements were extended to partners of jobseekers with dependent children from 2002 and the scope of the New Deal for Partners was enlarged.

²⁹¹ Welfare Reform Act 2009.

²⁹² See Dept. for Work and Pensions 2008 for the background to and rationale for the changes.

²⁹³ Taylor 1998. Martin Taylor, former CEO of Barclays was commissioned by the Treasury to review the status of partners of the unemployed and those on Incapacity Benefit in the context of work incentives.

²⁹⁴ While changes in the law in 1983 allowed for either partner to be denoted as the main claimant practice suggests that this privilege typically favoured the male partner. See Wikeley 2007.

²⁹⁵ See Welfare Reform Act 1999, Section 59 and Schedule 7. By 2002 regulations had passed to extend joint-claim requirements to childless couples with at least one partner over the age of 45.

Although the policy changes regarding partners of the unemployed map those for lone parents, what makes the former even more significant is that they suggest the dismantling of the one-earner family model which was founded on the traditional single male breadwinner model. Policy modifications demonstrate that it was no longer considered acceptable for social assistance beneficiaries to legitimately designate one partner as the earner and leave the other free to devote to childcare unburdened with job-search requirements. The concept of “personalised conditionality” admittedly allowed some scope to take account of childcare responsibilities in determining the reasonableness of claimants’ employment parameters, however it is significant that the decision about the extent to which childcare constituted a ‘reasonable’ constraint on employment was no longer treated as a private matter for the family but rather a judgment for the state, exercised through the discretion of Jobcentre advisors.

4.5 The Cameron Coalition/Conservative Governments (2010-2015): Austerity and the Emergence of a Single Working-Age ‘Work-First’ Benefit

The Labour Party was defeated in the general election of May 2010 and a coalition between the majority Conservative Party and minority Liberal Democrat Party led to the formation of a new British Government under the leadership of Conservative Prime Minister, David Cameron. The British economy was still suffering from the deepest recession of the post Second World War era and, in the last quarter of 2011, the unemployment rate peaked at 8.5% - its highest level since 1995.²⁹⁶ The Coalition Government responded with austerity measures which resulted in further cuts to out-of-work benefits for childless claimants but also reversed some

²⁹⁶ See ONS various years.

of Labour's more redistributive social assistance measures for families with children both in and out of work, prompting the critique that the new Government was "anti-family".²⁹⁷

While Coalition Government policy (and from May 2015 the Cameron Conservative Government policy) on income support for families departed in value terms from the Labour position, policy on benefit conditions and employment supports trod a consistent path, which was distinguishable only from that of its predecessors in its intensity. The result was a work-first, market-centric social assistance approach which was characterised by the exercise of increasing discretion by Jobcentre advisors to direct the job-search activities of benefit claimants, more severe benefit conditions and associated benefit sanctions (including those for lone parents and partners of the unemployed), and extended private sector involvement in workfare-style employment schemes.

4.5.1. Cutting Benefits and Creating Universal Credit

Among the most immediate priorities of the Coalition Government was the reduction of government spending on social welfare.²⁹⁸ Over the period 2010-2015, it implemented this objective using tried and tested cost-cutting measures and several new innovations. It began in the 'traditional' Conservative mould of freezing benefit values and substituting the uprating mechanism in a way which would pin benefits to lower annual increases. From April 2011, Working Tax Credit (WTC) values were frozen for three years and, from 2013, nominal increases in all working-age out-of-work benefits were capped at 1% per annum. In the 2015 budget the Government announced that, effective from April 2016, it would freeze *all* working-age payments

²⁹⁷ See for example, Bingham 2015 and TUC 2013.

²⁹⁸ See Dept. for Work and Pension 2010b

for a further four years.²⁹⁹ At the same time the ROSSI and Retail Price Index, which had been in use ever since the Thatcher Government moved away from aligning benefits with average earnings, was replaced with the Consumer Price Index (CPI).³⁰⁰ Given its particular formula, the CPI was believed to calculate inflation at lower levels and was thus projected to save the Government around £10.6 billion a year by 2015-2016.³⁰¹

Changes in benefit eligibility came in multiple forms and applied simultaneously to individual policy areas but all were primarily driven by the same cost-cutting objectives. Jobseeker's Allowance was hit by changes in the so-called waiting day rules which extended the wait between claim and entitlement from 3 to 7 days.³⁰² The expected savings from the latter were anticipated by the Chancellor, George Osborne, to be in the region of 50 million for the year 2015/2016.³⁰³

Child Tax Credits (CTC) and Working Tax Credits (WTC) each underwent reductions in the scope of benefits as well as in the conditions affecting their generosity. On the CTC side the additional 'baby payment' was abolished in 2011 and, in the Government's summer budget of 2015, decisions were taken to limit CTC to two children per family (for new claims) and to remove the 'per family' payment.³⁰⁴ In the case of WTC, the taper rates were increased from 39p to 41p in the

²⁹⁹ HM Treasury, 2015b. This announcement was subsequently given effect in sections 11 and 12 of the Welfare Reform and Work Act 2016.

³⁰⁰ The ROSSI was generally used to uprate Jobseeker's Allowance and Income Support for Lone Parents, while the RPI was the preferred measure for increasing the value of Working Tax Credits and Child Tax Credits.

³⁰¹ Adam and Browne 2013, 10-11. See also Hood and Phillips 2015 who calculated that indexation changes accounted for the single largest social expenditure saving over the period 2010-2015.

³⁰² The rule also extended to those on Employment and Support Allowance. Hardship funds were to however continue to be applicable to claimants at the most severe end of the socio-economic spectrum, including those under the age of 18 and those with a linking claim to another benefit in the last 13 weeks. (Dept. for Work and Pensions, 2014a).

³⁰³ As George Osborne put it: "We will also introduce a new seven-day wait before people can claim their benefits. Those first few days should be spent looking for work, not looking to sign on." Hansard, 26 June 2013 Col 315.

³⁰⁴ HM Treasury 2015a. Both policies were given legislative effect by the Welfare Reform and Work Act 2016, sections 13-14.

£1 from April 2011, earnings disregards were reduced from £25,000 to £5,000,³⁰⁵ and the minimum weekly working hours threshold for couples with children was raised from 16 to 24.³⁰⁶

Attempts were also made to reduce benefits by targeting the least well-off and thereby significantly narrowing the pool of eligible beneficiaries. The Government succeeded in 2012 in reducing the second income threshold for CTC eligibility from £50,000 to £40,000³⁰⁷ but it was blocked by Parliament in its 2015 efforts to further lower the primary income thresholds for CTC (from £16,105 to £12,125) and WTC (from 6,420 to £3,850).³⁰⁸ Such measures were fended off by the House of Lords but only to the extent that the Government was required to rethink how it might compensate those adversely affected.³⁰⁹

Undoubtedly the most innovative benefit cut came in 2013 when the Government determined that individual benefit receipt should be considered at the aggregate level and that the amount of overall state support should not exceed a given level to be determined by the Government. Ideas of affordability and fairness and not ‘need’ were relevant in setting the figure for the ‘benefit cap’, leading to its description as “...a direct and dangerous attack on entitlement and the concept of entitlement”.³¹⁰ In order to preserve work incentives, claimants of WTC were not subject to the cap.

Another Conservative innovation and also, ironically, a victim of benefit cuts, was the new single working-age benefit - Universal Credit. Universal Credit was

³⁰⁵ These disregards, which had been introduced by the Labour Government to maintain levels of tax credits even despite changes in earnings across the tax year, were progressively lowered – first to £10,000 in 2011-12. See OBR 2014 for more details.

³⁰⁶ Tax Credits (Miscellaneous Amendments) Regulations 2012, SI 2012/848. See also Kennedy 2012.

³⁰⁷ See Office for Budgetary Responsibility 2014 for discussion. See also Adam and Browne 2013.

³⁰⁸ See HM Treasury 2015a.

³⁰⁹ See House of Lords, 2015 for full debate. See also commentary by Crace 2015.

³¹⁰ Lord Kirkwood of Kirkhope, HL Deb 21 Nov 2011, GC 367.

essentially a benefit superstructure incorporating six main non-contributory working-age benefits of the in- and out-of-work variety: Jobseeker's Allowance, Income Support for lone parents, Income-related Employment and Support Allowance, Working Tax Credits, Child Tax Credits and Housing Benefit.³¹¹ The new benefit began to be rolled out in the first Local Authority areas in 2013 and, beset by numerous technical hitches, was not expected to have fully replaced its composite benefits until at least 2020.³¹²

Barely out of the starting blocks and despite being billed as something that would transform the British welfare state, the cost of Universal Credit brought the Department of Work and Pensions and the responsible Secretary of State, Iain Duncan Smith, into conflict with the Treasury and Chancellor George Osborne. At this point the Cameron Conservative Government had secured a sufficient majority in the 2015 general election to rule as a single party and given that its electoral success had been largely attributed to public trust in its prudent management of the economy, the Treasury was eager to maintain a slim-lined approach to social spending. Although successful in defending Universal Credit from the Treasury plans to raise the benefit taper rates (from 65 to 75%) the Department for Work and Pensions was unhappily forced to accept reductions in "work allowances" even though they were believed to undermine the strong work incentive effects that lay behind the Universal Credit design.³¹³ The cuts were part of a series of reportedly 'self-imposed' deficit reduction measures which impinged on welfare reforms and ultimately led to the resignation in 2016 of Iain Duncan Smith as Work and Pensions Secretary.³¹⁴

³¹¹ See Welfare Reform Act 2012 and DWP 2010a and 2010b for details.

³¹² National Audit Office 2014.

³¹³ See Keen and Kennedy 2016 for background on these cuts.

³¹⁴ Guardian, Saturday 19 March 2016. *Iain Duncan Smith Resigns from Cabinet over Disability Cuts*, Rowena Mason, Heather Stewart and Anushka Asthana. Accessed at :

4.5.2 Increased Conditions and Administrative Discretion

In many ways, it was the outgoing Labour Government policy of narrowing the gap in labour market conditions for out-of-work social assistance beneficiaries with and without primary responsibility for children that had paved the way for the Coalition Government's single social assistance benefit - Universal Credit. By 2012, and in line with the welfare reform legislation implemented by Labour in 2009, lone parents with a youngest child aged over 5 years were transferred onto Jobseeker's Allowance and subject to the full range of active labour market requirements that adhered to the latter benefit.³¹⁵ By 2015, and with the support of the opposition Labour Party,³¹⁶ legislation had been put in place so that all parent claimants with a youngest child aged between 3 and 4 years old would be required to meet active labour market requirements in order to access Universal Credit which was progressively subsuming Jobseekers Allowance and Income Support.³¹⁷ The legislation further required that claimants with children between the ages of 1 and 3-4 years would be subject to varying levels of engagement with claimant advisors that fell short of active job search;³¹⁸ these ranged from Work-focussed Interviews³¹⁹ to new interventions labelled "Work-related Activities."³²⁰

Enhanced job-search requirements not only demanded more of social assistance benefit claimants, they also substantially increased the discretion afforded to

www.theguardian.com/politics/2016/mar/18/iain-duncan-smith-resigns-from-cabinet-over-disability-cuts

³¹⁵ Where eligible, some former claimants of lone parent Income Support could be transferred instead to Employment Support Allowance.

³¹⁶ Labour leader, Harriet Harman, called on colleagues to support the Bill but was defied by some significant Labour backbench MPs including Jon Trickett, Helen Goodman and Dianne Abbott.

³¹⁷ See Welfare Reform Bill 2015, clause 15. The Bill received royal assent in March 2016 as the Welfare Reform Act 2016.

³¹⁸ For background see DWP 2010a and 2010b.

³¹⁹ Welfare Reform Act 2012, section 58(1) and (2).

³²⁰ Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations, SE 1097, 2014.

Jobcentre advisors to manage and adjudicate claimants' employment-related actions. When the job-search duties on the unemployed were raised from the requirement to perform two job-seeking steps per week to the new requirement to take "all reasonable action" to secure employment, it was claimant advisors who had to determine what was "reasonable" within the context of these widened parameters.³²¹ Extending work-related activities to benefit-claiming parents of young children also further increased the role of advisors in judging the reasonableness of any potential childcare barriers to work availability.³²²

New levels of administrative discretion in determining the benefit eligibility of claimants became a cause of particular concern in the context of the Coalition Government's 2012 changes to benefit sanctions.³²³ As shown in Figure 5, the very substantial rise in sanction use during the Coalition Government years relative to those of the New Labour Government suggest that, notwithstanding increases in unemployment levels which peaked in 2010,³²⁴ such rise may have been linked to the enhancement of administrative discretion. This theory is supported by the data (see Figures A1 and A2 in the Appendix) showing a considerable increase in sanctions issued for failing to meet the requirement to 'actively seek work' and for failing to participate in a training or employment scheme. Indeed Webster (2014b) finds that these two grounds were the first and second most common basis for sanctions issued in 2013 in Britain. Findings of increased sanction use were all the more significant given that the Coalition Government introduced, in 2012, a new maximum penalty of

³²¹ JSA Regulations 2012.

³²² See JSA Regulations 2012 and DWP 2014b. While claimants of Jobseeker's Allowance and Universal Credit with a child under the age of 13 have the right to seek employment equivalent to school hours this does not take account of school holidays.

³²³ See Oakley 2014 for a review of the new sanctions regime. See also Webster 2014a,b for a critical review of the data on sanction usage.

³²⁴ Unemployment levels peaked at 8.1% in 2010. See ONS.

three years of benefit withdrawal compared to the 6 month maximum which had previously applied.³²⁵

The Work Programme

The Coalition Government's main employment programme for long-term social assistance benefit claimants – the Work Programme - also represented a sharper version of the “Work for your Benefit Schemes” that Labour had introduced in 2009. The Work Programme was introduced in 2011 and replaced the Flexible New Deal.³²⁶ This was a blatant workfare-type scheme, aimed at securing what amounted to “unpaid” work placements³²⁷ of up to two years in duration for JSA claimants who were considered most distanced from the labour market.³²⁸ It relied heavily on private sector partnership, being administered not by Jobcentre Plus under the auspices of the Department of Work and Pensions, but by 18 contracted companies (“prime providers”) working with 856 subcontractors.³²⁹ As contractors operated on a “payment-by-results” basis (i.e. payment is contingent on lasting placements) and were afforded wide-ranging discretion in the exercise of their services – the so-called “black box” approach³³⁰ – the programme faced political critique for providing inadequate regulation and safeguarding.³³¹

³²⁵ See Jobseeker Regulations 2012 and 2013. The new maximum sanction of three years was reserved for claimants who, on three separate occasions (and not within three months of each other), had failed to comply with a direction from a Jobcentre advisor.

³²⁶ The Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011, SI 2011, No.917, makes provision for the Work Programme and three other activation schemes: Skills Conditionality, the New Enterprise Allowance, and Service Academies.

³²⁷ Participants receive only their JSA payments, leading to quite widespread allegations of “forced labour”. Concerned by adverse publicity, one prominent sub-contractor, Tesco, said it would only accept those who had joined the scheme “voluntarily” and promised to offer Work Programme participants jobs at the end of successful four week trials.

³²⁸ Namely, over 25s who have been unemployed in excess of 12 months, 18-25s who have been unemployed for more than 9 months, and ‘vulnerable’ groups such as those “Not in Education or Training” and prison leavers who have been unemployed for more than 3 months.

³²⁹ See Dept. for Work and Pension 2012.

³³⁰ See Dept. for Work and Pension 2015:20.

³³¹ See example Work and Pensions Committee 2013 which discussed amongst other aspects, concerns about “creaming and parking” among the easiest and most difficult to place scheme participants. See

Such was the public and political controversy surrounding the Work Programme, that a test case, brought by Public Interest Lawyers, on behalf of Work Programme participant Cait Reilly, came before the High and then Supreme Court.³³² The outcome of the High Court judgment (upheld in the Supreme Court following a Government appeal) found that in legislating for the Work Programme the Secretary of State for Work and Pensions had acted *ultra vires* the power conferred on him by the 2012 Welfare Reform Act by failing to specify the nature of the Work Programme (and other Work for Your Benefit Schemes) in the amended 1995 Jobseeker's Allowance Regulations. What is interesting is that again the Labour Government supported the retrospective amendment of the impugned legislation in order to bring it in line with the Supreme Court ruling suggesting that it had no opposition in principle to the Work Programme per se.³³³

In-Work Conditionality

While changes to the conditionality regime under the coalition government might appear, in some respects, to be quite dramatic, they mostly represent continuity with the plans that the Labour Government had already set in train and to which, in opposition, the Labour Party lent its support. In one area only does Coalition and subsequent Conservative Government policy on benefit conditionality represent a radical change from that of its predecessor; namely, in the proposal to extend the principles and application of benefit conditionality to *in-work* benefits. The idea was first floated in the 2010 Green Paper where it was remarked that "...it may not be

also Oakley 2014 which criticised the relationship between contractors and Jobcentre Plus in relationship to the administration of benefit sanctions.

³³² R (Reilly and Another) v Secretary of State for Work and Pensions [2013] UKSC 68, 30th October 2013.

³³³ The Welfare Reform Act 2013 gave rise to the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations, 2013 which provided more regulations on a long list of "work for your benefit schemes" including the Work Programme.

sensible to cease applying conditions as soon as a person earns any income as that would increase the temptation for some people to remain working for just a few hours, thereby increasing welfare costs and fostering dependency rather than self-sufficiency”.³³⁴ Since then the Government has invested in the “In-Work Progression Randomised Control Trial” which was launched in April 2015 with ten Jobcentres with the aim of extending trial in-work conditionality to 15,000 claimants by the end of its roll-out.³³⁵

In 2016, the House of Commons Select Committee concluded that, if implemented, the Conservative Government’s proposal of in-work conditionality would constitute “... the most significant welfare reform since 1948”.³³⁶ The proposal would however also be significant in establishing unprecedented Conservative Government intervention in the employment choices of social assistance claiming individuals. Taken together with the policy measures that narrowed the choice of social assistance receiving parents to work and care, British social assistance policy by 2015 can be regarded as having broached a new frontier in regard to the level of state control over the private lives of social assistance beneficiaries.

4.6 Chapter Conclusion

The analysis in this chapter has shown that, over the period 1985-2015, British social assistance policy evolved substantially from its 1985 baseline as a residual, low-level state support that imposed only modest and selective labour market-oriented conditions on benefit recipients. Change has involved moving away from a state-centric model of social assistance where the state is the main provider of albeit modest

³³⁴ DWP 2010a: 29.

³³⁵ DWP 2016.

³³⁶ House of Commons Work and Pensions Select Committee 2016: 3.

income and employment supports to a new market-based model where the state facilitates and encourages market-making initiatives in order to meet the financial, human capital and social inclusion needs of social assistance beneficiaries.

The ensuing ‘work as welfare’ approach of British social assistance policy has simultaneously involved a very significant increase in labour market conditions that apply to benefit recipients. This burden has been particularly onerous for those in low-income families with primary childcare responsibilities and who, in Britain’s journey towards a single working-age social assistance benefit, have increasingly found themselves facing job-search conditions comparable to those borne by individuals without any or primary care functions. Benefit conditionality has also resulted in a highly interventionist, ‘big state’ approach to social assistance policies where the Government progressively regulates the labour market and other associated behaviours of assistance recipients. The extent to which such state interventionism is balanced by interventionism of a more redistributive kind has depended largely on the ruling party, with the policies of the New Labour Governments standing out as most generous in this regard. How ‘liberal’ British policy really is arguably depends on how we interpret the nature of these state interventions in ‘support’ and ‘control’ terms.³³⁷

³³⁷ See Wincott 2006 who, in the context of an analysis of the ‘liberal’ character of British childcare policies under the British New Labour Government, offers a critical appraisal of the lens of ‘ideal-typical’ welfare state models for assessing and understanding the character of national social policy-making developments.

Chapter 5. Welfare *and* Work: Developments in Social Assistance Policies for the Unemployed and Lone Parents in Ireland 1985-2015

5.1. Introduction

Up to the 1980s, Irish social assistance policy was underdeveloped and offered weak income and employment supports for the unemployed and lone parents. Despite the social policy advances of the 1960s and 1970s which accompanied the opening up of the Irish economy to international trade, reform of unemployment assistance failed to attain the ‘work or maintenance’ policy ideal of the early 1930s Free State Government. However, between the years 1987 and 2009 a new social assistance policy pattern developed. Under the direction of successive governments of ‘social partnership’ and in the context of unprecedented economic growth, income and employment supports for the needy unemployed and lone parents underwent substantial expansion. What made this expansion all the more remarkable was that, until 2010, it was accompanied by few *mandatory* active labour market duties on the part of benefit recipients. It was only from 2010, when the Irish economy was heavily compromised by the effects of the global economic crisis, that steps towards a more prescriptive labour market agenda for both the unemployed and lone parents took effect.

The analysis in this chapter is divided into four parts. The first section provides an historical baseline of the developments in Irish social assistance policies for the unemployed and lone parents between 1932 and 1985. The three sections which follow each analyse social policy evolution across three phases of Ireland’s economic development: the formulation and implementation of a ‘developmental’ economic strategy (1985-1997); the period of economic boom (1998-2009); and the economic

crisis (2010-2015). The chapter concludes with summary reflections on the journey of Irish social assistance policy across the period as a whole.

5.2 Historical Origins of Social Assistance for the Unemployed and Lone Parents in Ireland 1932-1985

5.2.1. The Vision of ‘Work or Maintenance’ for the Unemployed

The notion that it is the duty of the state to assist its unemployed, not only through financial compensation for loss of employment but also by supporting individuals into work, was encapsulated in the “work or maintenance” political pledge of Eamon de Valera’s Fianna Fáil-led Free State Irish Government of 1932.³³⁸ “Work or maintenance” was a lofty political vision, steeped in an understanding of unemployment as a structural failing and collective responsibility,³³⁹ work as a “God-given right” of every man and woman,³⁴⁰ and financial assistance as the “Christian duty” of a compassionate and caring state.³⁴¹ To translate the vision into meaningful reality would however require more than cross-party political support and a champion in Minister for Commerce, Seán Lemass; it would take a certain level of economic and state capacity that Ireland was then lacking. Only ten years had passed since, pursuant to the Anglo-Irish treaty of 1921, Ireland had gained ‘Free State’ status from Britain for 26 of its 32 counties and, contending with a developing economy which

³³⁸ The slogan ‘work or maintenance’ was coined in the first Fianna Fáil programme for Government and strongly associated with then Minister for Commerce, Seán Lemass. Interestingly, the precise concept had been often floated during the 1920s in the British context but found no support from either side of the House of Commons. See Perry 2000 for a discussion.

³³⁹ See Minister Seán Lemass, Seanad Éireann Debate, 18 October 1933, Vol.17, No.21, Col. 1589.

³⁴⁰ Seanad Éireann, 18 October 1933, Vol.17, No.21, Col. 1596, Senator Farren.

³⁴¹ See, for example Dáil Éireann debate, 3 July 1929, Committee on Finance, intervention by Deputy Everett and comments by Deputy James Dillon Dáil Éireann debate, 27 August 1932, ‘Immediate Needs of the Unemployed.’

industrialisation had largely bypassed, it was still in the very early stages of nation building.³⁴²

That the Unemployment Assistance Act of 1933 would fall short of the heights of the ‘work or maintenance’ ideal had therefore a certain degree of inevitability. It was nonetheless an historic legislative juncture for, in the context of extremely limited unemployment insurance coverage,³⁴³ the Act provided Ireland’s first statutory entitlement to Unemployment Assistance and thereby an end to reliance by the uninsured unemployed on what was effectively the vestiges of Poor Law relief inherited from British rule.³⁴⁴ Despite being celebrated by the Minister for Commerce as a “right” on a par with the wage entitlement of any public servant,³⁴⁵ such right amounted to only a meagre payment whose low value was justified in terms of the state’s weak economic resources. As Lemass conceded:

“It [Unemployment Assistance Allowance] is undoubtedly open to criticism on the ground of its inadequacy, but the only answer that can be made to criticism of that kind is to point to the figures available at the present time to support a measure of this kind. If the financial position should improve, the measure can be improved but otherwise not.”³⁴⁶

If in 1933 ‘maintenance’ was, at best, residual, the nature of state-supported ‘work’ or job-search assistance was equally underwhelming. The first Employment Exchanges opened in Dublin under British rule in 1910 but in the 1930s, these had

³⁴² For history of Ireland’s under-industrialisation see O’Malley 1981. See also Lee 1989 for overview of historical developments at the time of the Irish Free State.

³⁴³ The National Insurance Act of 1911 introduced Ireland’s first compulsory insurance scheme for unemployment, sickness and maternity, but it was limited to small sectors of the working population (in particular sectors of industry) and with Ireland a predominantly rural economy it thus covered only a minority of the population. See Cousins 2002.

³⁴⁴ See O’Cinneide 1970 on the Poor Law roots of Ireland’s Home Assistance which came into being on the establishment of the Irish Free State and later consolidated in the Public Assistance Act 1939. See also Department of Social and Family Affairs 2004.

³⁴⁵ Statement by Seán Lemass on presenting the Unemployment Assistance Bill 1933 for second reading, Seanad Éireann Debates, 18 October 1933, Vol.17, No.21, Col. 1586.

³⁴⁶ Seanad Éireann, 18th October 1933, Vol.17, No.21, Col.1589. Comments by Minister Lemass, Unemployment Assistance Bill, Second Stage.

only limited operation outside of the capital and offered little job search support; as such, registration with the Employment Exchange was not a condition of unemployment assistance benefit receipt under the 1933 Act.³⁴⁷ The Act did, on the other hand, grant an enabling power to the Minister for Commerce and Industry to require recipients of Unemployment Assistance to attend a mandatory training course as a condition of benefit receipt.³⁴⁸ Without however any public infrastructure to facilitate training of this kind, the clause lay unenacted and reflected Lemass's admission that it was little more than a "pious hope".³⁴⁹

With state employment supports at a bare minimum, the onus for securing labour lay squarely with the claimant of Unemployment Assistance. Work was encouraged by a benefit structure which permitted recipients to work up to twenty four hours per week and which, generously, excluded from the means-test, earnings from current employment. The terms of the benefit also however imposed labour-market oriented activities by requiring recipients to demonstrate work "capability", "availability" and "genuine work-search" as a condition of receipt.³⁵⁰

These legislative conditions attaching to Irish Unemployment Assistance replicated those governing British Unemployment Insurance as it operated between 1921 and 1930. Given the ill-fated experience of the British application of the "genuinely seeking work" test, this seemed an unlikely model for a nascent, independent Irish State.³⁵¹ It appears however that, in the Irish context, the requirement to genuinely seek work was more than anything else a statement of

³⁴⁷ Commission on Social Welfare 1986.

³⁴⁸ See Unemployment Assistance Act 1933, sections 15(d) and 22.

³⁴⁹ Dáil Éireann, 27th September 1933, Vol.49, No.14, Col.1658. Minister Lemass, Second Stage, Unemployment Assistance Bill.

³⁵⁰ Unemployment Assistance Act, 1933, s.15(b).

³⁵¹ See Deacon 1976 for details of the British experience. See also discussion in Chapter 6 of this thesis.

principle – indeed one that acknowledged rather than challenged the *bona fide* nature of claimants’ recourse to state assistance.³⁵² Since, in practical terms, Ireland also lacked the administrative capacity to monitor and enforce compliance with the “genuine work search” requirement, there was little risk that such job-search condition would lead to large scale benefit disqualification for non-compliance such as resulted in 1920s Britain³⁵³. Although the 1933 Unemployment Assistance Act permitted benefit disqualifications of up to three months for failure to comply with benefit conditions³⁵⁴ there is no evidence to suggest that disallowances were used anything more than exceptionally.³⁵⁵

5.2.2. Economic Expansion and Social Assistance Development

True to the sentiment of Seán Lemass it took over another thirty years and a more healthy economy before Irish policy on unemployment assistance began to grow. Lemass had since risen from Minister of Commerce and Industry, to Tánaiste (deputy head of Government) and over the years 1959 and 1966 assumed both the office of Taoiseach (Ireland’s premier) and leadership of Fianna Fáil. In his capacity as Taoiseach, Lemass was responsible for guiding Ireland away from its longstanding industrial policy of committed autarky and towards a more open economic model of inward foreign investment.³⁵⁶ He was also instrumental in developing the beginnings

³⁵² See for example, Dept of Industry & Commerce, 1933, cited in Kelly (1995: 123) which identifies a 1933 administrative circular guiding civil servants to assess the genuinely seeking work criteria in the following terms: “In considering the question of whether the applicant is ‘genuinely seeking and unable to obtain employment’, unemployment assistance officers should approach the matter by taking it for granted that, with the exception of certain well-known classes, unemployed persons generally are only too anxious to obtain work and they are genuinely seeking it.”

³⁵³ See Deacon 1976 and Thane 1982 for details of disallowances.

³⁵⁴ S.16 Unemployment Assistance Act 1933.

³⁵⁵ Official data on disallowances was not kept for the period 1933-1985. A trawl of parliamentary records for this time however indicates that disallowances were mainly issued on grounds of discrepancies associated with the ‘means’ of the claimant and not for failure to adequately seek work. This is supported by statements to the same effect in secondary sources such as Commission on Social Welfare 1986 and NESC 2011.

³⁵⁶ See Jacobsen 1994.

of a tripartite, collaborative approach to policy-making and, through the establishment in 1963 of the National Industrial and Economic Council, provided an official forum in which the Government, the unions and business representatives could develop a concerted economic strategy.

Facilitated by these economic and political developments, Jack Lynch - Lemass's successor as Taoiseach and Fianna Fáil leader – created in 1966 Ireland's first Department of Labour and followed this in the succeeding year with the institution of a levy-based industrial training authority – An Chomhairle Oiliuma (“An Co”). State investment in employment supports continued through the early-mid 1970s when Fianna Fáil ceded power to a Fine Gael-Labour coalition Government led by Liam Cosgrove. Cosgrove established a National Manpower Service in 1974 and developed Ireland's first active labour market programmes in the form of the Department of Labour's wage subsidy scheme ‘the Premium Employment Programme’, and An Co's Community Youth Training Programme.

Despite the negative effects on the Irish economy of the second global oil price shock of the late 1970s, Irish policy continued forward with developing employment and training supports through the first part of the 1980s. Under Charles Haughey's 1980 Fianna Fáil Government, measures initially focused on work experience and job subsidy schemes³⁵⁷ but, following the 1982 replacement of Fianna Fáil with a Fine Gael-Labour coalition headed by Garret Fitzgerald, the orientation of policy turned more discretely to measures to help the young and long-term unemployed. The Youth Employment Agency was established in 1982 and developed a new range of education and training programmes– most notably “Second Level” and “Third Level

³⁵⁷ The two most significant programmes of this era were the Employment Incentive Scheme and the Work Experience Programme (both of 1980) and to these was added the “Enterprise Allowance Scheme” (of 1982) to encourage self-employment. See Wickham 1984 for more detail about ‘An Co’ programmes and Redmond 2000 on Department of Labour schemes.

Education Allowances”. For long-term recipients of Unemployment Assistance (those claiming for 15+ months) the “Social Economy Programme” provided 20,000 community-based ‘jobs’ for those aged over 23.³⁵⁸

What was significant about the range of Irish employment and training programmes of this time was their wholly voluntary nature and their design and delivery model which relied on a partnership between employers, unions, the voluntary sector and the Government.³⁵⁹ The Social Economy Programme had the further distinction of constituting Ireland’s first substantive “direct employment” venture that attempted to fuse employment and social inclusion policy objectives. All in all, the expansion of employment supports from the 1960s meant that by 1985, Ireland’s expenditure on active labour market programmes amounted to 1.52% of annual GDP - twice the proportional level of expenditure made by the UK in the same year and at the higher end of that spent by other European Community comparator countries.³⁶⁰

5.2.3. Social Assistance for Single Mothers and Married Women

Although, on the face of the legislation, Irish unemployment supports - both Unemployment Assistance benefits and associated employment training schemes - were gender neutral for single people, single mothers were, in practice, barred from accessing the benefit. Childcare responsibilities prevented most single mothers from meeting the job-search conditions of Unemployment Assistance. Hence, with the exception of those who were eligible for the non-contributory Widow’s Pension introduced in 1935, mothers parenting alone for reasons other than the death of a

³⁵⁸ See Duggan 1999 for an overview of the programme.

³⁵⁹ See NESC 1986 for some discussion of the tripartite approach of these initiatives.

³⁶⁰ OECD, 2001; xxxi, Table 6.

spouse were required instead to rely on the weaker, stigmatising Home Assistance as a form of state financial relief.³⁶¹

While the terms of Unemployment Assistance taken in light of what were then minimal state childcare supports³⁶² *indirectly* discriminated against the majority of lone mothers, the legislation governing the benefit *explicitly* discriminated against married women who were not entitled to claim assistance in their own right other than in circumstances where, due to the disability or incapacity of their husbands, wives assumed the role of primary earner.³⁶³ In the vast majority of cases, married women in unemployed couples were only eligible for state social assistance in the form of an additional payment made to their husbands on the basis of their “adult dependent” status. While adult dependent additions raised the overall family benefit value this was not equivalent to the level that could be claimed by two single individuals living as an unmarried couple.³⁶⁴

Up to 1985 the treatment of wives and mothers in regard to state Unemployment Assistance was indicative of the prevalence of a ‘male breadwinner norm’ in Irish society.³⁶⁵ Indeed the norm of wives and mothers as home-makers and carers was not limited in any way to the world of social welfare but extended its reach to the broader economy. In 1971, only 8% of married women (including those without children)

³⁶¹ See O’Cinneide 1970.

³⁶² The Children’s Allowances Act 1944 provided universal non means-tested payments to heads of households with three or more children and allowances were progressively extended to second and first children in 1952 and 1963 respectively. For more details see Commission on Social Welfare 1986.

³⁶³ See Whyte 2015.

³⁶⁴ For discussion see Whyte 2015. With the eventual transposition into Irish law of the EEC Equality Directive on the Equal Treatment of Men and Women in the Social Security Code, married couples were thereafter given the choice to designate either spouse as the primary benefit recipient (and the other as “dependent) but this did not result in the accrual of two individual benefit payments. Implemented in Oct/Nov 1986 via the Social Welfare (No.2) Act 1985 (Commencement) Order, 1986 (S.I. No.365 of 1986). A “dependent” was more narrowly defined as someone earning less than IR£50 per week.

³⁶⁵ For discussion of the male breadwinner norm in Irish social policy see Daly and Clavero 2002, Conroy 1997 and Lewis 1992.

were in employment³⁶⁶ and, until 1973, the operation of a ‘marriage bar’ prevented married women from entering or resuming civil service jobs.³⁶⁷ The norm was also underwritten by the gender specific nature of the fundamental rights guarantee of the Irish 1937 Constitution to protect the valued social position of the woman and specifically, the mother, in the home. Articles 41.2.1° and 41.2.2° of Bunreacht Na Éireann (unrevised to the present day) thus provide:

“The State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”

It was, in part, the dominance of the male breadwinner model combined with new public awareness of and concern for the plight of single mothers, that caused the Government in the early 1970s to invest new economic resources in meeting the income needs of those mothers who were parenting alone and outside of the scope of the Widow’s Pension.³⁶⁸ 1970 thus marked the introduction, by Lynch’s Fianna Fáil Government, of the Deserted Wife’s Allowance for women (both with and without children) who could establish that they had been voluntarily abandoned by their husbands.³⁶⁹ This was then followed three years later by the creation of both an Unmarried Mother’s Allowance (UMA) and a Prisoner’s Wife’s Allowance.³⁷⁰ To

³⁶⁶ Commission on the Status of Women 1993, 68.

³⁶⁷ The public sector “marriage bar,” forcing female staff to leave their jobs in the civil service and preventing job applications from married women, was lifted in 1973. Owing to a shortage of teaching jobs for men in the 1930s, a marriage bar” was also imposed on the recruitment of married women as primary school teachers, only to be lifted in 1957 due to teaching staff shortages.

³⁶⁸ For legislative context see: Dáil Éireann Debate, Vol. 265, Col. 2287-2288. No. 15, Wed 6th June 1973, Committee on Finance – Financial Resolution No.10. Chapter 7 of this thesis provides a discussion of the factors believed to have influenced the timing and introduction of these particular social assistance benefits.

³⁶⁹ A higher-paying contributory Deserted Wife’s Benefit was simultaneously introduced. Note that, at this time, separation was the only legal status for couples whose marriage had broken down and divorce was not legalised until 1996 following a successful referendum that enabled the necessary amendments to the Irish Constitution.

³⁷⁰ The UMA was first announced in the budget speech on Wednesday 16th May 1973 and was effective from 2nd July 1973 following the passage of the Social Welfare Act 1973.

ensure equity with widows – the traditional ‘deserving’ group of lone parent claimants - all new benefits were set at a rate in line with that of the Widow’s non-contributory pension.³⁷¹ However, in an example of the continued application of the idea of the subsidiarity of the state vis-a-vis the family, recipients of the Unmarried Mothers Allowance who happened to live in the parental home, initially received significantly less in benefit allowances owing to deductions applied pursuant to “benefit and privileges” rules which took account of the value of lodgings.³⁷²

If these 1970s social assistance developments indicated improvements in state ‘maintenance’ of lone parents, the male breadwinner model was arguably among the factors which constrained the extent to which the state supported the ‘work’ component of that social assistance model.³⁷³ Unlike Unemployment Assistance, job-search was not a condition for lone parent benefits, although the latter did follow the Unemployment Assistance structure of permitting work of up to twenty four hours per week. The allocation to lone parents of a double personal income tax allowance in the tax year 1979/80 and, in recognition of childcare costs, the introduction in 1983 of a £5 weekly earnings disregard for recipients of both Unmarried Mother’s Allowance and the Deserted Wife’s Allowance suggested some re-alignment of the Government’s normative assumptions about the employment potential of lone parents and a signal of where, in future times, policy might be headed.³⁷⁴

In one other respect did the Government enhance state social assistance for working families with children, including for lone parents. In 1984 it introduced the Family Income Supplement to offer new income assistance for those *in* work and with

³⁷¹ See Commission on Social Welfare 1986.

³⁷² See Cousins 2012.

³⁷³ I return to consider this more fully in Chapter 7 in the context of lone parent social assistance developments from 1985.

³⁷⁴ See McCashin 1993 for discussion.

child dependents, in circumstances where higher replacement ratios between benefits and earnings were understood to be creating so-called “employment traps”. For those working a minimum of 30 hours per week, Family Income Supplement provided payments of up to 60% of the difference between earned income (then gross income) and an income threshold deemed ‘appropriate’ for families of a given size.³⁷⁵ It was however a policy that had, at most, half-hearted support within both Government and the broader policy community and was adopted in the spirit of being a temporary stop-gap remedy until the country was in a stronger economic position to better supplement family income via an enhanced system of employment neutral child benefits.³⁷⁶

As for the unemployment assistance entitlements of married couples, EC Equality requirements forced the hand of the Irish Government to reform the treatment of married couples’ entitlement to unemployment assistance. Beyond this equalisation, the treatment of adult dependents did not change significantly in the years which followed. It was in fact the higher unemployment assistance rates received by co-habiting, unmarried couples that were reduced to bring them in line with the benefit levels enjoyed by married couples.

5.2.4. A Classic ‘Liberal’ Welfare State? Irish Social Assistance Policy in 1985

From small beginnings with the Unemployment Assistance Act of 1933, social assistance policies for the unemployed and lone parents expanded over the period between the 1960s and early 1980s particularly in the area of state training and work experience schemes. Despite this growth, policy was far from reaching the “work or maintenance’ ideal set for Unemployment Assistance by Seán Lemass. In safety-net

³⁷⁵ For more background discussion see Callan, O’Neill and O’Donoghue 1995 and Callan, Nolan and Whelan 1993. See also Department of Finance 1984.

³⁷⁶ See NESC 1975 for a skeptical position of the Council in regard to a FIS-type proposal.

terms the latter benefit provided only modest protection and, particularly for families without children, offered low replacement ratios judged in international comparative terms.³⁷⁷ In 1978/1979 the adult maximum (long-term, urban) rate of unemployment assistance was 17.8% of average weekly earnings in manufacturing, rising only to 20.1% a decade later in 1987/1988. Over this same period the maximum family rate (for 2 adults and 3 children) was 49.8% of average weekly earnings and 54.8% respectively with slightly higher payment levels awarded to lone parents.³⁷⁸ Low benefit levels combined with the continued heavy reliance on means-tested benefits for subsistence income (given, among other things, the slow development of insurance-based unemployment benefits in Ireland³⁷⁹) arguably justified Ireland's designation as a "liberal" welfare state in Esping-Andersen's 1990 study.³⁸⁰

5.3. Growing Social Assistance: Benefit Adequacy, Equity and Enhanced State Employment Supports (1985-1997)

1985 was a challenging environment for further developing the Irish welfare state and social assistance policy in particular. After two decades of high foreign borrowing and high public spending (resulting in an unhealthy debt to GNP ratio) the Irish economy had been hit hard by the effects of a global economic and was in the grip of a recession worse than anything it had experienced since the founding of the 1922 Free State.³⁸¹ Between 1980-1985, Irish GNP declined by an annual average of

³⁷⁷ For more see Commission on Social Welfare 1986 and Maguire 1986.

³⁷⁸ Callan & Sutherland 1997, 89.

³⁷⁹ It was only in 1974 that the income limit regulating benefit eligibility for non-manual workers was abolished, part-coverage social insurance for the self-employed occurred only in 1988 and insurance was not compulsory for public servants until 1996. For more on the development of Unemployment Insurance see Cousins 2012 and Commission on Social Welfare 1986.

³⁸⁰ Esping-Andersen 1990.

³⁸¹ See Ministry for Labour and Public Services 1986. For an economic analysis of the period see NESI 1986 and also Sweeney 1998 for a critical view of the so-called "spending spree" of the late 1970s and its alleged contribution to the subsequent economic crisis.

1.5%,³⁸² and total employment fell by around 80,000.³⁸³ Despite mass emigration,³⁸⁴ the Irish unemployment rate stood, in 1985, at 17.4% with around 60% of the unemployed population registered as long-term unemployed.³⁸⁵ There was a rise also in the overall number of one parent families in receipt of social welfare payments with an 80% increase between 1977 and 1985,³⁸⁶ and, a doubling of recipients of Unmarried Mother's Allowance between 1980-1985 (from 5,267 to 11, 530).³⁸⁷

The focus of Irish policy-makers was on generating an economic recovery and, to that end, agreeing a political programme that would significantly ease what were then fraught industrial relations. Critical was the reinstatement of effective tripartite arrangements between Government, the unions and employers, which (as mentioned earlier) had been implicated in the successful opening of the Irish economy in the 1960s and its growth in the 1970s, but which had crumbled under the immense economic pressures of the early 1980s.³⁸⁸ With the tri-partite Government think-tank - the National Economic and Social Council or 'NESC' – at the centre of facilitating political negotiations, the Irish Government under the leadership of Fianna Fáil's Charles Haughey established, in 1987, Ireland's first social partnership Government. A four-year agenda for Government – the 1987 *Programme for National Recovery* (Government of Ireland 1987) – drew heavily and conspicuously on the work of

³⁸² O'Connell and Sexton 1994, 7. GDP growth rates had averaged at 4.4% over the period 1961-1973 but dropped to an annual average of less than 2% between 1979 and 1984, according to Maguire 1986, 345.

³⁸³ O'Connell and Sexton 1994.

³⁸⁴ NESC 1986 (304) which provides census figures showing net emigration totaling 75,000 between 1981 and 1986.

³⁸⁵ OECD figures (unstandardised rate) cited in Layard, Nickell & Jackman 2005, 527-528.

³⁸⁶ Commission on Social Welfare 1986, 356.

³⁸⁷ Dept of Social Welfare 1987, 20 (Table 32).

³⁸⁸ For more see O'Donnell and Thomas 2002 and O'Donnell and O'Reardon 2000.

NESC and in particular on NESC's 1986 strategy paper which, among other things, called for the reorientation of social policy towards "economic policy".³⁸⁹

The launch of the social partnership Government therefore set the stage for the development of Irish social policy that was more keenly aligned with labour market considerations and employment objectives. What was noteworthy however about this re-honing of policy was the way in which the new labour market focus did not eclipse but instead operated harmoniously alongside an agenda concerned with promoting income adequacy through the social assistance system. In a similar vein, an expanded programme of labour market supports was oriented towards the dual objectives of alleviating social exclusion and reducing unemployment. What would later become coined "the Irish developmental welfare state"³⁹⁰ was an agenda of 'work and maintenance' that was both fellow passenger and milestone in Ireland's overall journey towards economic prosperity and international competitiveness.

5.3.1 Benefit Adequacy: Increasing the Value of Out-of-Work and In-Work Income Supports

Despite the prioritisation of the economy and job creation in the *Programme for National Recovery*,³⁹¹ the 1988 Budget took many by surprise in announcing social assistance payment increases across the board.³⁹² Long-term Unemployment Assistance payments - which at the time were among the lowest of the social welfare payments - were increased by 11% and, in all other areas, (including that of lone parent payments and the short-term Unemployment Assistance rate) payment went up

³⁸⁹ The Council concluded (NESC 1986: 320) "In Ireland today the single most important contribution to social development would come, not from more comprehensive and equitable social provisions, necessary though these are, but from significantly reduced unemployment and the development of a dynamic economy.....The 'economic' policies required to bring this state of affairs nearer are also, therefore, 'social' policies."

³⁹⁰ NESC 2005.

³⁹¹ Government of Ireland 1987

³⁹² For discussion see Curry 1998.

by 3%.³⁹³ At work here was the policy agenda of “benefit adequacy” which had been propelled to political prominence by the 1986 Report of the Commission on Social Welfare.³⁹⁴ Despite having been initially dismissed by Government as something of a flight of fancy,³⁹⁵ the Commission’s call for the implementation of priority and recommended benefit rates to provide for “total income needs”³⁹⁶, rapidly attracted a broad coalition of supporters and began to gain increasing traction with policy-makers as the decade neared an end.³⁹⁷

Thus by the conclusion of the second partnership agreement of 1991 – *A Programme for Economic and Social Progress*³⁹⁸ - the Government had officially adopted the Commission’s rates as benchmarks and, following allocations in the July 1991 budget, attained the ‘priority’ payment rates for both long-term Unemployment Assistance and those in receipt of lone parent supports. This was then succeeded by further financial increases in 1994, which had the effect of bringing short-term Unemployment Assistance payments also up to the Commission’s “priority” level, and long-term unemployment assistance and lone parents benefits within 10% of the Commission’s higher “recommended” levels.³⁹⁹ Indeed the whole concept of

³⁹³ Ibid., 132.

³⁹⁴ Commission on Social Welfare 1986. The Commission on Social Welfare was an eighteen member body of experts and Government officials, established in 1983 by Minister for Social Welfare Barry Desmond. It constituted Ireland’s only comprehensive review of the social welfare system to date.

³⁹⁵ As recorded in her published diaries, Gemma Hussey (1990: 226-227), the then Minister for Social Welfare, described the CSW report as “an amazing document, full of extraordinary good, well-meaning, well-researched recommendations but [whose].....financial implications.....are absolutely mind-boggling”.

³⁹⁶ Commission on Social Welfare 1986, 189. Within the constraints of existing cost of living and family budgetary research, the Commission arrived at a recommended social assistance welfare payment, at the individual rate, of between £50-60 per week in 1985 prices, with the top of the scale representing roughly 50% of net average industrial earnings. It also provided a lower ‘priority’ rate (£45 per week for a single person) which it commended to the Government for immediate implementation. After much deliberation the Commission concluded that social insurance payments should, on equity grounds, yield slightly higher payment rates. See also Curry 1998, 127.

³⁹⁷ Ibid. 1998. Curry explains the development of the “Campaign for Welfare Reform”, incorporating bodies such as CORI, Combat Poverty Agency, INOU etc.

³⁹⁸ Government of Ireland 1991.

³⁹⁹ See 1994 Budget, Dáil Éireann, Vol. 437, No.7, Col. 1987-1990. Note that any previous differential between Unemployment Assistance and the contributory Unemployment Benefit had disappeared by this time.

“benchmarking” welfare benefits had at this point gained such currency in Government policy-making circles that the Partnership Agreement of 1994-1996 – *The Programme for Competitiveness and Work*⁴⁰⁰ – was already looking ahead to a replacement model for the soon-to-be surpassed benchmarks set by the Commission.

Notably, these benefits increases – both in nominal terms (see Figures A3 and A4 in the Appendix) and, for most of the period, in real terms (see Figure A5) – occurred during a period when Ireland was again suffering economically having entered another episode of recession and high unemployment. The hailed ‘economic miracle’ associated with Ireland achieving the fastest growth rate in the EC between 1989-1990, did not translate into more jobs and the phenomenon of ‘jobless growth’ lasted until the mid 1990s with the unemployment rate reaching at least 16% between 1992-1993.⁴⁰¹ But benefit increases also part-occurred under a new coalition between Fianna Fáil and the Labour Party under what was considered by some as the country’s then most socially progressive and, in welfare terms, most interventionist programme of Government for some time.⁴⁰²

In keeping with the expansionary mode of social assistance, Family Income Supplement was also propelled on an upward trajectory - tracking increases in out-of-work benefits payments but also expanding its scope to cover previously ineligible groups. Between 1986 and 1993, the income limits for Family Income Supplement (FIS) were raised by around 65% rendering the means-test more generous and delivering higher levels of payment for families.⁴⁰³ The minimum working hours

⁴⁰⁰ Government of Ireland 1994

⁴⁰¹ Over 1992 and 1993 the unemployment rate was between 15-20% depending on whether . The OECD published two unemployment rates for Ireland in 1992; 16.7% based on the labour force survey and 21% based on registered unemployment. Ireland’s Central Statistical Office however records a lower rate of around 15-16% between 1992-1993. See Jacobsen (1994, 190) who suggests that domestic statistics were juggled to lower the rate.

⁴⁰² See Jacobsen 1994.

⁴⁰³ For a detailed overview of the development of the Family Income Supplement see Callan et al 1995.

threshold for access to FIS was lowered in 1987 from 30 hours per week to 24 hours and subsequently, in 1989, to 20 hours. And significantly, unlike the similar Family Credit scheme operating at the time in the UK, the working threshold could be shared by both partners/spouses in a family. As a consequence of all of these improvements, the numbers of recipients more than doubled from 4,947 to 10,671 in the eight years between 1986 and 1994.⁴⁰⁴

What is interesting about FIS expansion was that it did not compete, but rather kept apace, with expansion in out-of-work benefits. Hence when FIS minimum working hours thresholds were lowered to 20, the parallel thresholds for Unemployment Assistance and lone parent supports remained at 24. This effectively provided a *choice* for part-time workers with children to claim income support from either in- or out-of-work benefits but it also protected the entitlements of part-time workers without child dependents who would be ineligible for FIS. For lone parents who were entitled to claim FIS *in addition to* their primary income support benefits, the lowering of FIS working hours thresholds presented a win-win scenario. As I shall later discuss, this was particularly the case in subsequent years when an increase in earnings thresholds for lone parent beneficiaries meant that most would be eligible for FIS supplements.

5.3.2. Expanding Income Supports and Incentivising Employment for Lone Parents

Not only did social assistance benefits for lone parents increase in value terms over the period 1986-1997, but the scope of lone parent supports was significantly expanded to offer protection to new categories of individuals and under more generous circumstances. Expansion, in eligibility terms, began in 1989 when the Fianna Fáil Government created its first ever single parent benefits for fathers in the

⁴⁰⁴ Dept of Social Welfare 1985-1997 Annual Statistical Reports.

forms of a Widower's Allowance and the Deserted Husband's Allowance. This was then succeeded in 1990 (under a newly formed Coalition Government between Fianna Fáil and the right-of-centre Progressive Democrats) by an amalgamated Lone Parent's Allowance. The latter removed any last vestiges of gender bias by bringing unmarried fathers within the scope of lone parent assistance for the first time and, very importantly, it also removed the requirement to prove "desertion" for those previously eligible for income support under the Deserted Wife's and Deserted Husband's Allowances.

These developments occurred in the context of CSW recommendations for greater "equity" in the social welfare code of different categories of single parents, but also against increasing demand for lone parent income supports.⁴⁰⁵ Births to lone parents as a share of total annual births increased from just over 5% in 1981, to 25% in 1995.⁴⁰⁶ With the shift to Lone Parent's Allowance total spending on lone parent income supports had more than doubled over the period 1990-1995 from 92,400 per annum to 194, 263 per annum.⁴⁰⁷

Despite the incorporation of traditionally "breadwinning" fathers into lone parent supports, it was widely conceded among Government policy-makers, and as the Department for Children, Social and Family Affairs (2000, ii) later expressed it , that in 1990 the Lone Parent's Allowance was "... based to a great extent on the idea of lone parents working full-time in the home". It was not until 1994 that the policy moved away from a 'maintenance only' model and embraced, in earnest, a more labour market-oriented approach. On the recommendations of an Expert Working Group on the Integration of Tax and Social Welfare Systems,⁴⁰⁸ a new means-test was

⁴⁰⁵ Commission on Social Welfare 1986.

⁴⁰⁶ Commission on the Family 1998.

⁴⁰⁷ Department of Social Protection 1985-1988.

⁴⁰⁸ Expert Working Group 1994.

introduced which assessed only 50% of a claimant's net earned income (derived from up to 24 hours of work per week) minus a weekly disregard of IR£30. Previous pound for pound benefit deductions for earnings in excess of the threshold were also replaced with a more favourable ratio which imposed £1 deductions for every £2 in excess. The sum of changes had the effect of making Lone Parent's Allowance the most generous of all social assistance payments in Ireland at the time and were explicitly defended by the relevant ministers on the grounds of the relatively higher costs of childcare and travel facing lone parents as well as their greater risk of poverty.⁴⁰⁹

It was however a careful line that the Government treaded in its efforts to incorporate employment incentives into lone parent benefit structures. When, in 1997, the Government once again expanded such supports to bring the contributory Deserted Wife's Benefit within the ambit of a then truly comprehensive One Parent Family Payment (OPFP) it did so with the explicit objective: "... to support and encourage lone parents to consider employment as an alternative to long term welfare dependency while at the same time supporting them to remain in the home if they wish".⁴¹⁰ This was achieved by the development of an even more generous means test in regard to earnings from employment but without any mandatory labour market requirements as a condition of benefit receipt.⁴¹¹

⁴⁰⁹ (Ms. Burton Labour 1994 Budget, Dáil Éireann, Vol. 437, No. 7, Col. 2017-2019. See also Dr. Woods, same debate.)

⁴¹⁰ See Department of Children, Social and Family Affairs 2006, para 2.24. With divorce made legal in 1996 and the concept of "desertion" repealed from Irish law, the introduction of OPFP represented the final stage in Ireland's policy journey towards a lone parent social assistance payment that was truly inclusive of all types of marital arrangements and family circumstances.

⁴¹¹ The new rules exempted from benefit calculations all earnings up to a weekly sum of IR£115.38 and 50% of net weekly earnings between IR£115.38 and an upper maximum of IR£230.76, with those exceeding the upper limit entitled to retain 50% of benefit entitlement for 12 months as a "transition payment" – see DCSFA 2000 for more. For details of "transitional payments" also known as "Continued Child Dependent Payments" see OECD 2005.

For all that state childcare was at this point significantly underdeveloped, the new One Parent Family Payment nonetheless offered a certain degree of *choice* between work in the labour market and work at home to all classes of benefit-dependent single parents.⁴¹² Developments also substantially blurred the conceptual boundaries between in- and out-of-work social assistance with OPFP effectively straddling both camps and rendering more lone parents eligible for FIS than at any time before. The state was left facing higher costs as expenditure on lone parent payments increased by one third between 1995-1998, largely as a result of the shift to OPFP.⁴¹³

5.3.3. Work Incentives in Unemployment Assistance: New Policies of Earnings Disregards, The Back to Work Allowance and the Part-Time Job Incentive

In the area of Unemployment Assistance the focus of policy in the early 1990s was not simply how to better incentivise employment through the benefit structure but how to do so in a way which maintained the integrity of the social assistance system and which ensured parity of treatment across all categories of benefit applicant. What had become apparent by 1992 was that the long-standing means-test which had, for administratively judicious reasons, disregarded earnings from current employment, was actually subverting the *raison d'être* of the policy.⁴¹⁴ With increasing numbers of workers in less than full-time employment, the generous means-test for UA, was having the effect, as the then Minister for Welfare, Charlie McCreevy put it, of providing simply a “top-up for already substantial earnings from part-time work” and

⁴¹² See discussion in DCSFA, 2000. See also for example comments by Mr. Bertie Ahern, Minister for Finance, Dáil Éireann Debates, Vol 437, No. 6, Col, 1775 – 1994 Budget Speech.

⁴¹³ Dept. of Social Protection 1998; 30, Table c4.

⁴¹⁴ See Seanad Éireann Debate –Adjournment Matters – Unemployment Assistance, Wed 21st Oct. 1992, Col. 433-435. It appears that the original rationale for excluding current employment from the operation of the means-test for Unemployment Assistance rested on an assumption that the need for UA arose from a lack of earned income and so, in the interests of administrative expediency and timely payments, means (in terms of capital and savings) could be assessed prior to a claim for UA.

as such, constituted a gross inequity vis-à-vis the self-employment whose current earnings were assessed in full for the purposes of the Unemployment Assistance means-test (Seanad Éireann Debate 1992, Col 434).⁴¹⁵

In what therefore seemed at first like the substantial rolling back of Unemployment Assistance, the 1992 Fianna Fáil led Government, replaced the “current earnings” exclusion from the UA means-test with a new test which included all earnings from ‘insurable employment’ (i.e. all employment yielding a weekly salary of more than IR£25 in 1992 prices).⁴¹⁶ Conscious however of the need to maintain an employment incentive, the Government simultaneously introduced a series of fairly considerable earnings disregards amounting to IR£75.51 for singles on the long-term rate, and £106.11 for a claimant with a dependent spouse and two children.⁴¹⁷

While the new earnings disregards were not, of their own, sufficient to make up for the loss of the more generous means test, changes were also accompanied by some strengthening of existing employment support structures. This was achieved primarily through the “Part-time Job Initiative Scheme” which enabled long-term claimants of UA who were working less than 24 hours per week to receive, in addition to their insurable earnings, a state allowance set at about 75% of the rate for UA.⁴¹⁸ More significant in financial support terms was the Government’s innovation of a “Back to Work Allowance” which it introduced in 1993. Open to all UA recipients over the age of 23 and in work of at least 20 hours per week, this alternative

⁴¹⁵ Ibid. Col.434. See also Seanad Éireann Debate 1992, Vol.134, No.4. Col. 1336-1337 (comments by McCreevy in “Social Welfare Bill, 1992, Second Stage”).

⁴¹⁶ Social Welfare Act 1992

⁴¹⁷ Dáil Éireann Debate 1994, Vol. 445, No.6, Col. 1111-1112. Written Answers, Unemployment Assistance Eligibility, Tue 11th Oct. 1994, Minister for Social Welfare, Mr. Michael Woods.

⁴¹⁸ The payment was initially for one year but could be extended and required claimants to continue seeking full-time work.

benefit enabled claimants to receive a slowly descending portion of the primary benefit UA) and, in contrast to the PJIS, all secondary benefits over a period of three years.⁴¹⁹ By 1996 the Back to Work Allowance was said to have registered 17,000 participants and thus constituted a substantial arm of the Government's 'active labour market' tool-kit.⁴²⁰

In sum therefore the package of new measures pursued by the Government subsequent to the UA means-test change meant that the groups of part-time workers who had been 'topping up' with UA benefit were adequately compensated for their loss. The difference between the approaches however was that the new financial supports for part-time workers were *temporary* and more expressly oriented towards the complete transition of claimants to the market in a way that the previous system had not been.

5.3.4 Community Employment and a New Era of Active Labour Market Programmes

The final, but critical, dimension of Ireland's drive towards a more labour market-oriented social assistance policy for both lone parents and the unemployed was the expansion, over the period 1986-1997, of the country's repertoire of active labour market programmes. Not only did the scale and variety of programming enlarge from an already comparatively high base, but the nature of programmes themselves began to assume a character that would make them distinct in 'liberal' welfare state terms. Ultimately this was the doing of FÁS – Ireland's single national

⁴¹⁹ Allowances were in the order of 75% for the first year, 50% in the second year and 25% in the third year. Analysis of the scheme suggested initial success in light of those who remained in employment at the end of the three-year period (although not all of the effects could be attributed to the scheme). See OECD 1997.

⁴²⁰ OECD 1997, 101.

employment and training authority formed in 1987 to replace the outgoing Manpower Services Commission, An Co and the Youth Training Authority.⁴²¹

With a tripartite managerial structure and strong organisational capacity at the local level (working through the Local Employment Service (LES) and drawing on the resources of community-based business, unions and voluntary sector bodies), FÁS was ‘social partnership’ epitomised and the programmes that it devised had the same partnership ethos hardwired into their DNA. In this way, the labour market elements of Irish social assistance policy became closer, both in philosophy and operational terms, to that of employment services in continental Europe; a fact which was to have important consequences for both the future funding and expansion of ALMPs.⁴²²

Expansion of ALMPs properly began in 1989 when Ireland secured a grant of 3.1 billion in EC structural and Cohesion funds. With a large percentage of this grant channelled through FÁS, a series of new youth education and training schemes as well as direct employment schemes for the long-term unemployed sprang up.⁴²³ Among the former were the Vocational Training Opportunities Scheme, Alternance Training, Specific Skills Training and the Early School Leavers Programme (later renamed Youthreach),⁴²⁴ while for the long-term unemployed, funds were used to support the already existing Social Employment Scheme and, in 1991, to roll out a new Community Employment Development Programme (CEDP). In alignment with the objectives of the Structural Fund, the latter was restricted to the most disadvantaged communities and provided, for up to 24,000 participants, jobs of community value that would otherwise have no market equivalent.⁴²⁵ Moreover,

⁴²¹ FÁS was introduced under the terms of the Labour Services Act 1987.

⁴²² See Boyle 2005 for a review of the operation of FÁS.

⁴²³ A 1988 change to the Structural Fund enabled support to be given for measures aimed at alleviating long-term unemployment in disadvantaged communities. See CPA 1991 and Brennan 2008 for more.

⁴²⁴ For more detail of these schemes see Brown 1997 and Combat Poverty Agency 1991.

⁴²⁵ See Duggan 1999 and Brown 1997.

consistent with explicit gender-based objectives of the funding stream, CEDP was the first instance of a direct job placement programme being made available to claimants of lone parent assistance (who were overwhelmingly female).

A second stream of EC funding (“Delors 2”) – this time to the sum of IR£4.6 billion and, by all accounts, deftly secured by the shrewd negotiations of the then Fianna Fáil Taoiseach Albert Reynolds – provided the necessary finances for Ireland to further pursue its job creation ambitions.⁴²⁶ With the shifting focus of EC Structural and Cohesion Funds squarely on alleviating social exclusion in marginalised and socio-economically deprived communities, the Irish Government (then led by a Fianna Fáil/Labour Coalition) innovatively re-routed much of this money to FÁS through the Department for Communities, Rural and Gaeltacht Affairs and used it to establish, in 1994, a programme of “Community Employment”.

Offering 40,000 places, Community Employment represented a doubling of state sponsored employment and today remains Ireland’s most significant direct employment programme. Accounting for 45% of all direct job creation expenditure,⁴²⁷ it was, as Grubb (2009) points out, equivalent to the state employing over 3% of the labour force. Its addition to the repertoire of ALMPs had the effect of pushing Ireland to near the top of OECD spending tables; with expenditure in 1996 at 1.75% of annual GDP, Ireland sat just behind Sweden and Denmark and well above the average OECD country rate of around 1%.⁴²⁸

In technical terms, Community Employment was essentially an extension of the CEPD on a national level. Placements which were typically in community centres,

⁴²⁶ See Jacobsen 1994 and Brennan 2008 for commentary on the adept negotiations of Taoiseach and Fianna Fáil leader Albert Reynolds in securing considerable EC structural funds for Ireland and the backdrop of Ireland’s political support for the Single European Act.

⁴²⁷ OECD 1998, 165.

⁴²⁸ Dept Enterprise, Trade and Employment 1998.

trade unions, schools and local businesses, lasted for a period of between 5-7 years and were paid at a participation rate just above the rate for Unemployment Assistance. The scheme provided a comparatively attractive option for lone parents who, by contrast to UA recipients, were permitted to receive the CE training allowance *over and above* their designated income support payments (LPA/OPFP) and also benefitted, in many of the placements, from free or heavily subsidized on-site childcare.⁴²⁹ Consequently by 1997, lone parents composed 22% of Community Employment participants – an increase of 16% from 1994.⁴³⁰

Substantively, and owing in part to the conditions of its funding, Community Employment, was as much about the immediate value of employment from an integration and human development perspective as the furtherance of objectives associated with open labour market progression. Its mixed policy objectives earned it a reputation as an essentially ‘soft’ active labour market measure and, according to Duggan (1999) and Boyle (2005), it thus fell prey to criticism both from those pressing for a more hard-hitting employment agenda and those concerned with achieving a fully comprehensive social inclusion strategy for the long-term unemployed. The National Economic and Social Forum (NESF) for example, which had been established by the Government in 1993 with a mandate to advise on matters of long-term unemployment and social exclusion urged the Government to concentrate its focus on the social investment and human capital dimensions of CE and abandon its masquerade of ‘activation’. By contrast, more neo-liberal elements within the Rainbow Coalition which took over Government in Ireland between 1994-1997 (notably the right-leaning element of Fine Gael) subsequently proposed that CE

⁴²⁹ This was despite the fact that the progression rate of lone parents on CE to the open market were significantly lower than for other groups- with only 15% entering formal employment (Deloitte and Touche 1998a).

⁴³⁰ Dept. of Social, Community and Family Affairs 1999.

should be reconfigured within the context of proposals for mandatory activation across unemployment assistance supports.⁴³¹

Whether or not Community Employment is best understood, as some would have it, as simply “a transfer to the inner city”⁴³² or more sceptically, as little more than a cosmetic makeover of the unemployment live register statistics, it was nonetheless a scheme popular with, and of perceived value to, many of its participants.⁴³³ It owes its characteristics more to the normative direction of FÁS than to its EC funding stream which was more significant for the provision of means than for determining policy direction. Indeed the wholly voluntary nature of CE and the way in which it depended on collaboration between the state, the unions and business, made it similar to other prominent ALMPs of the mid 1990s, which were funded in the traditional way. Notable among these were “Job Initiative” and “Jobstart”⁴³⁴- the new job creation and job subsidy schemes introduced for the long-term unemployed in 1996 – and, from 1997, the Back-to-Education Allowance.⁴³⁵

5.3.5 Early Signs of a More Conditional Approach to Benefits

As we have seen, for a decade from 1986, first slowly and then with increasing momentum, Irish social assistance policy was modified in various ways, and to different degrees, in order to encourage employment among recipients of

⁴³¹ See Dept of Employment 1997 for proposals for mandatory activation which had the support of the Fine Gael Employment Minister Mr. John Bruton.

⁴³² Comment from a 2015 interview with a Government representative.

⁴³³ See results of evaluations by Deloitte and Touche 1998a and Indecon 2005. These studies also found weak associations with participation on CE and progression into the open labour market. See also Boyle 2005 for more analysis.

⁴³⁴ Job Initiative was launched in July 1996 offering three years of employment at the going rate with a local sponsor. It was targeted at the older unemployed and those distanced from the labour market who had been in receipt of welfare benefits for more than five years. Jobstart was a shorter placement programme of one year which operated on the basis of government subsidies paid to willing employers; this was reserved for those in receipt of UA and LPA for more than three years. For more see Grubb 2009.

⁴³⁵ In 1997 the Back to Education Allowance which replaced the previous Second and Third Level Education programmes.

unemployment assistance and lone parent supports. Policy-makers pursued this agenda in a way which upheld the *voluntary* nature of all active labour market programmes and which simultaneously strengthened the income maintenance functions of out-of-work and expanded in-work supports.

In 1996 however, there were the earliest of signs to indicate that policy, at least in respect of recipients of Unemployment Assistance, might be beginning to depart from this ‘soft’, non-conditional and supportive model of activation. It began with a 1995 report by the then recently established Task Force on Long-Term Unemployment and its recommendation that if the Government were to pursue, as advised by NESF, a strategy of increasing youth labour market supports and progression, then such extra supports should be made a condition of Unemployment Assistance receipt for young beneficiaries.⁴³⁶ The argument was ostensibly a paternalistic one; essentially that young people did not know what was good for them and it was the duty of the state to step in and protect their interests even where that would involve an element of state compulsion and a tightening of conditions for access to social assistance (Ibid. 1995, 91). The notion of a more conditional benefit system linked to active labour market supports was also of course in keeping with the European Employment Strategy (including its “Youthstart” element) which had considerable influence on Irish social and economic policy-making.⁴³⁷

The 1996 budget thus made provision for the Government’s first mandatory referrals to the employment service (FÁS or LES) for long-term recipients of Unemployment Assistance aged 18-19.⁴³⁸ This became known as the “Youth

⁴³⁶ Office of the Tánaiste 1995.

⁴³⁷ For more see Boyle 2005, NESF 2011, Grubb 2009 and Daly 2007.

⁴³⁸ Newspaper reporting of the 1996 mandatory referrals of 18 and 19 year olds suggested that disallowances would apply, however there is no official data on sanction use over this period and anecdotal evidence suggests that it was a rare and discretionary occurrence. See:

Progression Measure” and offered participants intensive counselling to determine the Government support best suited to their needs from training, work experience, education or job subsidy schemes. When trials showed that the initiative was substantially reducing the numbers of young people on the live register, it was extended to UA recipients up to the age of 21 and was rebranded the “Youth Activation Measure”.⁴³⁹ At this point, “Activation and Control teams” were also established within the Department of Social Protection and charged with more rigorously scrutinising and supporting claimants’ job search activities in regional benefit offices.⁴⁴⁰ While the latter was an example of window-dressing more than substantive change (being accompanied by neither new resources nor ear-marked increases in staff/personnel) it nonetheless signalled some intent by the Department to establish greater co-dependence between benefit receipt and labour market oriented activity.

5.4. Sharing the Dividends: Booming Benefits and New Conditions (1998-2008)

Between the early and late 1990s, the Irish economy doubled in size and annual GDP growth averaged at around 9.75%.⁴⁴¹ The “Celtic Tiger” was proclaimed and a decade of strong economic growth ensued.⁴⁴² With a booming economy came a dramatic reversal in the unemployment rate which fell from an annual average of 7.8% in 1998 to a low of 3.6% in 2001 and, in 2005, was still the lowest in the EU, at less than half of the EU 25 average. Long-term unemployment also underwent

<http://www.irishtimes.com/news/education/dole-measures-for-teenagers-1.33277> - accessed October 2015. “Dole Measures for Teenagers” Irish Times, Tue 5th May, 1996.

⁴³⁹ See Redmond (2000, 82) for details of the outcomes of participants in these trials.

⁴⁴⁰ Dept. of Social Protection 2010. This was mainly about reinforcing the genuinely seeking work test which had been relaxed over the difficult economic period of the 1980s and early 1990s.

⁴⁴¹ Grubb 2009 and Department of Finance 2011.

⁴⁴² Even as growth rates calmed somewhat to an annual average of 5.5% between 2001-2007, Ireland still achieved the third highest level of GDP per capita in Europe. For more on the “Celtic Tiger” phenomenon see Sweeney 1997 and Nolan et al 2000.

significant decline with a rate of 1.4% in 2004 – substantially lower than the EU average of 4.1%. Overall employment rate rose from 55.1% in 1996 to 67.1% in 2005 and, due in part to an enlarged service economy,⁴⁴³ female employment increased by 15 percentage points over the same period.

This decade of unprecedented economic growth, coinciding with the tenure of Fianna Fáil as the major party of Government, also stands out in social policy terms for its unparalleled expansion in the value of social assistance payments. Interestingly, such progress against the, by then, fairly settled objective of achieving “benefit adequacy”, played out in the context of revised labour market expectations of policy-makers vis-à-vis social assistance beneficiaries. For those in receipt of Unemployment Assistance this meant having to comply with more specific labour market oriented activities and facing more rigorous scrutiny of such by benefit administrators. For lone parents on the other hand, changing expectations did not result in immediate policy modification but started instead a new conversation about the *desirable* labour market focus of this group of beneficiaries which was to prove influential in subsequent years.

5.4.1 Benefit Level Increases and Rising Replacement Rates

In 1999, following steady increases to social assistance benefit levels throughout the preceding decade, both Unemployment Assistance and One Parent Family Payments finally attained the levels recommended by the Commission on Social Welfare in 1986. A year later, the Government restated its commitment to improve the adequacy of benefits and, taking up a recommendation by the NESC⁴⁴⁴ made provision for the establishment of a Working Group to evaluate the

⁴⁴³ According to CSO (2003, xv) the numbers employed in the services sector grew from 500,000 in 1973 to almost 1.2m in 2003 which accounted for around two thirds of the working population. Conversely those employed in agriculture fell to 7% in 2003 compared to 24% in 1973.

⁴⁴⁴ NESC 1999.

benchmarking and indexation of social welfare payments for the future (Government of Ireland 2000). The Group, led by an independent Chair and composed of representatives from the social partners and Government, finally reported in July 2001 proposing a target of 30% of the gross average industrial wage (GAIE) for all social welfare payments with increased child additions (including Child Benefit) at around the rate of one third of the adult payment.⁴⁴⁵ The following year, a commitment was made in the 2002 National Action Plan on Poverty and Social Exclusion to raise benefit payments to levels equivalent to the 30% benchmark. It was not however until 2004 and, by all accounts, after much political persuasion, that steps towards the 30% GAIE target were made in earnest.⁴⁴⁶

Both benchmarks appear to have had a positive effect on the value of all social assistance benefit levels, including those for the unemployed and lone parents, which, as we can see from Figures A3, A4 and A5 in the Appendix, rose both in nominal and real terms for most of the period 1998-2009.⁴⁴⁷ By 2009 the basic social assistance payments were paid at the rates of just over € 200 per week for a single, just short of € 350 for a couple and almost € 400 for a family with two children. And, according to analysis for the OECD by Grubb et al (2009), such increases also meant significant improvement in replacement ratios with the single rate for Unemployment Assistance rising by more than 25% against average earnings over the period 2002-2007.⁴⁴⁸

The matter of benefit “adequacy” was however far from resolved because, as shown in Figure A6, despite these very large increases in benefit values, performance

⁴⁴⁵ Social Welfare Benchmarking Index Group 2001.

⁴⁴⁶ Dept. of Social, Community and Family Affairs 2002. See also Larragy 2014 for an analysis of the role of the voluntary sector in achieving this outcome.

⁴⁴⁷ In the year 2000 real term growth was zero, but as Nolan et al 2000, explain, a sharp spike in price inflation was recorded in that year.

⁴⁴⁸ And from 2003, with the steady abolition of the “benefits and privileges” rule for single adults over the age of 25, the majority of benefit recipients could benefit in full from these increases. Such changes took place incrementally and were achieved by 2008.

against the national poverty line – measured as 60% of median income – deteriorated.

⁴⁴⁹ This was largely due to the effect on the poverty line of a booming economy and slashed income taxes which had considerably raised average disposable incomes such that growth in incomes often outstripped both growth in wages and prices over this period.⁴⁵⁰ It affirms Nolan’s comment that relative poverty lines are generally preferred by analysts in times of recession (Nolan 2000), and suggests that we should interpret Figure A6 with caution, but it also leaves open the question about how to best measure the effects of benefits levels on poverty reduction in times of economic growth.⁴⁵¹

Whatever the full scope of the effects of social assistance payments in alleviating poverty it is clear that the Government’s favoured tool to support those in financial need was the ‘out-of-work’ benefit system, combined with Child Benefit payments which increased in value terms by 327% between 2001-2003.⁴⁵² Given the opportunity to extend Family Income Supplement along the lines of the UK Working Families Tax Credit or the US Earned Income Tax Credit,⁴⁵³ it stuck with the status quo, simply increasing the value of FIS to keep up with the rises in the main social assistance payments and extending its eligibility to ensure that FIS did its job of guarding against employment disincentives.⁴⁵⁴ While an enhanced FIS went some

⁴⁴⁹See McCashin 2003 for discussion of fall in the value of lone parent benefits relative to the national poverty line between 1994-2004 which he calculates went from 94% to 72%.

⁴⁵⁰ See Nolan 2000.

⁴⁵¹ The Irish Government routinely uses a poverty measure, devised by Callan, Nolan and Whelan (1993) which measures “consistent poverty” and aims to overcome some of the problems, just discussed, associated with the relative poverty measure. For the purposes of comparative analysis however, I need to use a measure that is readily available in both the UK and Ireland.

⁴⁵² Cited in Daly and Yeates 2003, 93.

⁴⁵³ See Dept. of Social, Community and Family Affairs 1999.

⁴⁵⁴ In 1998 for example, net rather than gross earnings were assessed for the purposes of FIS eligibility. Between 2001-2008, payments increased by 50% even taking account of inflation (see Dept. of Social Protection 2010: 180 and 183) and for large families with four or more children, income thresholds were significantly raised between 2000-2008 from €372 to €760 per week. See Dáil Éireann Debates, Vol. 696, No.3, Col 444-445, Minister Mary Hanafin. Overall the numbers of recipients doubled between 1998 and 2008 (from 13,143 to 27,798) – see Dept. of Social Protection 1998-2008.

way towards mitigating the risks of ‘welfare dependency’ in an era of progressively generous social assistance payments, by the Government’s own admission, a more ‘active’ agenda would be required by the state to ensure workability of the system.⁴⁵⁵ This was pursued by maintaining the status quo of an already sizeable array of active labour market programmes⁴⁵⁶ but also, for the first time since 1933, by tightening the “genuinely seeking work” requirements of Unemployment Assistance.

5.4.2 New Labour Market Conditions for Unemployment Assistance and a Shift to Jobseeker’s Allowance

It was the 1997 European Employment Strategy that was held out by the Irish Government as the prompt for increasing the labour market undertakings of Unemployment Assistance benefit recipients. Consequently, Ireland’s first National Employment Action Plan (NEAP) of 1998 – produced in conformity with its European commitments - emphasised the need for Irish social welfare policy to converge toward the “*EU norm*” of requiring greater reciprocity from welfare beneficiaries in the way of mandatory labour market-oriented activities.⁴⁵⁷

Adherence to European commitments led to two key changes in Irish social assistance policy. First, secondary legislation was introduced to firm up the parameters of the original 1933 “genuinely seeking work” requirement in a way that demanded greater flexibility of claimants in terms of making themselves “available” for particular types of work⁴⁵⁸ and reduced the scope for applicants to turn down work

⁴⁵⁵ See Dept. of Social, Community and Family Affairs 2002.

⁴⁵⁶ At their height in 2001, more than 50,000 former UA claimants were processed through the BTWA and BTWEA schemes. See Dept. of Social Protection 2001.

⁴⁵⁷ Dept of Enterprise, Trade and Employment 1998; Dept. of the Taoiseach 1999.

⁴⁵⁸ See the Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Availability and Genuinely Seeking Employment Conditions) Regulations 1998, S.I. No.137/1998. The regulations stipulate that to be regarded as “available for work”, individuals must show flexibility in relation to their prospective job specifications and, to be considered as “genuinely seeking work”, must show, to the satisfaction of the Minister, that they have taken reasonable steps to find employment, including acting on the advice of FÁS. They have been interpreted as requiring claimants to consider changing

on grounds on unsuitability.⁴⁵⁹ Second, as set out in the 1998 NEAP, the Government extended its policy of mandatory referrals to the employment services (FÁS or LES) from the young unemployed (under the age of 21) to all those in receipt of unemployment assistance and on the live register for more than 6 months (DETE, 1998 and 2003). By 2006, at which point Unemployment Assistance was renamed “Jobseeker’s Allowance”,⁴⁶⁰ referrals applied to those on the live register for *three* months and led, particularly in the case of young people, to increasing numbers of claimants being referred to mandatory training courses under long-standing legislative provisions from the 1930s.

While, on paper, conditions regulating access to Unemployment Assistance had therefore moved up a notch, practice suggests that such policy alterations had only minor impacts on claimants’ benefit entitlements. For a start, the mandatory referral process was a one-off experience for most claimants with no follow-through to check individuals’ work-search progress, giving rise to the quip that “*once ‘NEAPed’, forever ‘NEAPed’*” (NESC, 2011: 172). What was more, this was a policy without significant “teeth” in the sense that the risk of a penalty for non-compliance appeared fairly remote or as NESC has described it as “...the nuclear option”.⁴⁶¹ The long-standing benefit “disallowance” was, in theory, at the disposal of administrators but, as Grubb (2009) has shown, data available for the years 2000-2006 reveal that disallowance use was low by international standards.⁴⁶²

occupation search parameters after a period of three months unsuccessful job search and of removing the possibility of refusing work on grounds of remuneration below customary levels.

⁴⁵⁹ S.120(1)(e) of the Social Welfare Consolidation Act 1993 had previously provided for unemployment assistance to be made available to all eligible claimants who were “genuinely seeking work, but unable to obtain suitable work having regard to their age, occupation, education”.

⁴⁶⁰ S.4(8) of the Social Welfare Law Reform and Pensions Act, 2006.

⁴⁶¹ Point made in an interview with a senior NESC official.

⁴⁶² Grubb (2009:84) finds that of the 1057 disallowances issued in 2006, 2 were recorded as being issued for refusal of suitable work and 8 for refusing training. Owing to significant gaps in the administrative data, the author concludes that of the remaining disallowances, 50% could be assumed as having been issued for voluntarily leaving employment and the other 50% for failing to genuinely

In the rare circumstances where claimants had their benefit entitlements disallowed for failure to comply with relevant ‘activation’ measures the Irish social assistance system could provide instant remedial support in the form of Supplementary Welfare Allowance.⁴⁶³ The latter supplied claimants, for the duration of their disallowance, with a benefit equal in value to that provided by UA/JSA. And while legislative measures had been taken to attempt to seal this effective loop-hole in the system by making SWA *discretionary* rather than automatic,⁴⁶⁴ the rising number of SWA claims over this period, can be attributed in part to the increase in disallowances as a result of the NEAP process.⁴⁶⁵

It thus seems fair to conclude that, despite an intensification of labour market conditionality on the face of Unemployment Assistance policy, this was operationalised in a way which imposed only modest supervision of claimants’ job-search activities and involved very limited benefit sanctions. The resulting lack of compulsion located Ireland as an outlier in OECD terms⁴⁶⁶ and the policy emphasis on “sensitive activation” (NESC, 2003) and “supportive conditionality” (NESC, 1999) suggested instead that Irish policy-makers were very deliberately eschewing a hard-edged punitive system of benefit conditionality in favour of investment-focused employment supports. The latter had a pragmatic dimension since several value-for-money type analyses had queried the effectiveness of the NEAP process⁴⁶⁷ and one study, notable for its more robust methodology, actually found the policy of

seek work. This is guess work however and the data should be treated with care. Moreover, without baseline data for previous years it is not possible to comment on the effects of the NEAP process on any sanctioning trends.

⁴⁶³ See FLAC 2010

⁴⁶⁴ S.195(b) Social Welfare (Consolidation) Act, 2005.

⁴⁶⁵ Grubb (2009: 92) again surmises that the rise in SWA claims at the same time as the NEAP process could be explained by more individuals having UA claims disallowed under the latter. However, SWA claims were well known to be rising steadily at that period anyway – mainly due to the large numbers of asylum-seekers entering Ireland.

⁴⁶⁶ See Grubb 2009 and also Burton 2011.

⁴⁶⁷ See Indecon 2005 and O’Connell 2001. Also NESC 2009 for an overview.

mandatory referrals under the NEAP had *reduced* the likelihood of jobseekers' entry/re-entry into the labour market.⁴⁶⁸

5.4.3 Challenging the Equity of Lone Parent Assistance and the Proposal of a Parental Allowance

If Ireland's phenomenal growth of the late 1990s and early 2000s was widely considered as instrumental in reducing Irish long-term unemployment,⁴⁶⁹ policy-makers were still, over this period, troubled by the rising numbers of claimants of lone parent assistance. Following the creation of the One Parent Family Payment in 1997, claimant numbers climbed steadily for over a decade and at a rate of over 20% between 1998 to 2002 when economic growth was at its height.⁴⁷⁰ Moreover despite the 1997 modifications of lone parent supports aimed at incentivising employment, Ireland still in 2005 had the lowest employment rate of lone parents in the OECD.⁴⁷¹ With clear evidence linking lone parent income receipt and a higher incidence of child poverty, the newly configured One Parent Family Payment was perhaps unsurprisingly the focus of ongoing policy review.

Between 1998 and 2000 a series of prominent reports by the Department of Social, Community and Family Affairs and the Commission on the Family,⁴⁷² reappraised the broad policy landscape relating to lone parent assistance. Rather however than interrogate the operation of employment incentives, focus was instead

⁴⁶⁸ McGuinness et al 2011.

⁴⁶⁹ The numbers of registered long-term unemployed more than halved between 1994 and 1998 from 128,000 to 63,500 (NESC 2003;15). By 2004, Ireland had one of the lowest long-term unemployment rates in Europe.

⁴⁷⁰ Dept. of Social, Community and Family Affairs 1997-2002 (annual statistics). OPFP claimants rose from 65,548 in 1998 to 79,195 in 2002. According to Dept. of Social, Community and Family Affairs and Dept. of Social and Family Affairs (annual statistics) over the period 1997 to 2006, births outside of marriage accounted for every 1 in 3 OPFP claims.

⁴⁷¹ See OECD 2007. 44.9%, of Irish lone parents were in employment in 2005 compared with 56.2% in the UK and with the OECD average of 70.6%.

⁴⁷² See Commission on the Family 1998, Dept. of Social, Community and Family Affairs (1999) and, The Dept. of Social, Community and Family Affairs 2000.

on the potential “pull factor” associated with the relative generosity of the OPFP compared to income supports for couples claiming Unemployment Assistance (either as a joint allowance or in the form of one adult and one adult dependent allowance). While the concern was that the very structure of the One Parent Family Payment was potentially acting as a disincentive to couple formation, debate also exposed the more thorny issue of the potential inequities of a welfare system that offered financially more generous treatment of lone parents relative to couples.⁴⁷³ Given the Irish constitutional guarantee to protect and uphold the institution of marriage, this inferior treatment of the marital couple in welfare support terms was regarded as particularly controversial.

What resulted from these debates were proposals for a more radical rethink – not only of the optimal way of supporting lone parents - but of potentially new state supports for *all* those involved in the care of young children. Options ranged from a universal home-making allowance, to a more discrete means-tested parenting allowance wherein the interests of children and not parental marital status would determine the relevant level of state financial support. Faced with the challenge of how to proceed with reform in a way that would be compatible with the objectives of fiscal policy for lone parent and couples, and with the Government still, at this stage, committed to ensuring benefit recipients a choice between work and care at home, these ideas remained nothing more than proposals.⁴⁷⁴ Looking to the future however, the Department of Social Community and Family Affairs (2000, 134) concluded:

⁴⁷³ As discussed earlier, earnings from employment were treated very favourably under the means test for OPFP and, lone parents were the only category of social assistance claimants who could jointly claim for their primary benefit alongside a Community Employment training allowance. With lone parents representing over a quarter of the 20,872 participants on CE in 2004 (Dept. of Social, Community and Family Affairs 2006, para 3.36), this was seen as a significant Government support.

⁴⁷⁴ Dept. of Social, Community and Family Affairs 1999 concluded that while the Irish social welfare system was motivated by concerns about ‘need’, Irish fiscal policy was largely shaped by considerations associated with ‘ability to pay’ which resulted in significant incompatibilities between the two policy areas.

“The ever-increasing cost of the scheme [OPFP], changing attitudes to parents working outside the home and the fact that a scheme of this nature is, increasingly, out of step with other EU/International social welfare systems makes it almost inevitable that a more fundamental change to the arrangements, which may introduce some conditionality on claiming, will take place at some stage. The pressure for such change will increase as the cost of the scheme rises and the infrastructure to support working parents improves.”

The matter was revisited again in the Green Paper of February 2006. On this occasion the DSCFA was more decisive, presenting the case for a single means-tested Parental Allowance to replace both the One Parent Family Payment *and* the Qualified Adult Allowance (for spouses of UA beneficiaries). Moreover, in a further break with the policy status quo, it proposed for the first time that in view of “....changing expectations regarding family and working life”,⁴⁷⁵ and to reflect the increasingly compelling principle of “mutual obligation” those in receipt of the Parental Allowance would, at some point, be required to undertake labour market activities as a condition of benefit receipt. This was ground-breaking not only because, for the first time, the Government was reneging on its longstanding commitment to ensure that lone parent benefit recipients would have the *choice* between care at home and work in the labour market but because it demonstrated intent to impose labour market conditions as well as an individual benefit on Qualified Adults who, at that point, had neither individual rights to Unemployment Assistance nor consequently any labour market responsibilities.

As I shall shortly discuss, it was however not until after the onset of the economic crisis in 2008 when Ireland was forced down a path of greater conditionality for lone parents that certain elements of the 2006 Green Paper began to

⁴⁷⁵ Dept. of Social, Community and Family Affairs, para 4.4.

be slowly introduced. In the intervening years, policy reform of lone parent social assistance instead focused on continuing to promote employment incentives in a non-conditional way but also in a manner which attempted at least to convey the impression of greater equity vis-à-vis couple families. Under new allocations in the 2006 Budget this resulted in the further expansion of the OPFP means-test through raising the maximum weekly earnings threshold (up over €100 to €395) alongside a reduction in weekly earnings disregard (from €146.50 per week to €120.00) so as to bring it in line with the disregards applying to all other social assistance payments, including the recently enhanced disregard applicable to Qualified Adults of UA recipients.⁴⁷⁶ This had the effect of bringing more employed lone parents within the scope of OPFP as well as ensuring that the majority of lone parents would meet the FIS threshold of 19 hours per and thus benefit from an additional family supplement.⁴⁷⁷

5.5 Cuts and Compulsion: Austerity Measures 2009-2015

After more than a decade of strong economic growth, 2008 marked the beginning of the end of the Celtic Tiger. An uncontrolled Irish property bubble that had accumulated throughout the 2000s suddenly punctured, leading to the collapse of the Irish construction industry and creating a tipping point for a domestic banking system that was not only precariously exposed to the housing market but also to global financial structures that were themselves unravelling.⁴⁷⁸ Job casualties of the recession were significant: between February 2008 and 2009, the rate of

⁴⁷⁶ See Dept. of Social, Community and Family Affairs 2006. Budget 2006 raised the earnings disregard of Qualified Adults by one third – from €88.88 to €120.00.

⁴⁷⁷ In 2004, 35% of terminated claims for OPFP resulted from salaries exceeding the income limits for the benefit (Dept. of Social, Community and Family Affairs 2006, para 3.37).

⁴⁷⁸ For more background on the causes of the crisis see Whelan 2013.

unemployment doubled from 5% to 10.4% and by January 2012 had reached a high of 15.2%.⁴⁷⁹ GDP dropped by 10% over 2008-2009 and, due largely to the costs of a state bail-out of the banks, the ratio of GDP to gross debt rose from a very healthy 25% in 2007 to a high of over 120% in 2013.⁴⁸⁰ Despite initial optimism and talk of a ‘soft landing’, Ireland found itself in a self-admitted state of economic crisis “..without parallel in its recent history”.⁴⁸¹

Immediately prior to the onset of the crisis, Fianna Fáil had retained its position as Ireland’s largest political party in the May 2007 general election and now had the unenviable task of salvaging an economy in whose demise it was heavily implicated. Having formed a coalition agreement first with the Green Party and a shrunken Progressive Democrats, and from November 2009, with the Greens and a handful of Independent TDs, the Government embarked on what has since been described by Whelan (2013, 10) as one of the largest ever fiscal consolidation programmes in an advanced industrialised economy. This involved deep public sector pay cuts, income tax and VAT increases, and reduced non-social public spending. It nonetheless proved inadequate to restore confidence in international investors or, crucially, the European Central Bank and by the end of 2009 the Irish Government was left with little choice but to countenance an international financial rescue package of €85 billion offered by the European Union and the International Monetary Fund – overseen by the ECB. Meanwhile political structures that had been critical to Ireland’s economic success story from the late 1980s caved in under austerity pressures, and IBEC (Ireland’s prime business representative body) walked away from a “transitional agreement”

⁴⁷⁹ CSO statistics. Accessed on 2nd December 2017 online at: <https://www.cso.ie/en/statistics/labourmarket/principalstatistics/seasonallyadjustedstandardisedunemploymentratessur/>

⁴⁸⁰ Fitzgerald 2014; 9-10. For more see Whelan 2013

⁴⁸¹ Government of Ireland 2010a;1.

between the social partners leaving the much celebrated partnership model dead in the water.

Thus from December 2010 it was the terms of the Memorandum of Understanding,⁴⁸² agreed between the European Commission and Ireland as a condition of the bailout package, and the subsequent National Recovery Plan 2011-2014 that dictated the new direction of Irish policy-making.⁴⁸³ Social policy, which up to this point had survived relatively unscathed from the programme of fiscal consolidation, was identified as a significant and necessary area for reform, particularly in the context of proposals to reduce the statutory minimum wage. As the National Recovery Plan stated:

“Achieving the right balance between the level of the NMW, labour legislation, social welfare rates, taxation and levels of activation is crucial to avoiding work disincentives. High replacement rates need not necessarily give rise to high unemployment provided there is an effective activation strategy in place. Given the current dynamics in the labour market however, high replacement rates are viewed as a disincentive to work.”⁴⁸⁴

The Government’s austerity measures in the area of social assistance for the unemployed and lone parents thus comprised three key strands: cuts in benefit levels; the first-time imposition of labour market conditions on benefits for lone parents; and an overall reconfiguration of the balance between support and compulsion in active labour market initiatives. However, beyond what we might consider as a typical austerity programme, Irish policy nonetheless remained idiosyncratic in terms of the particular way it approached these initiatives and in the choices that it made within these broad parameters. In most cases, it settled for a compromise position that was sufficient to appease the demands of financial imperatives yet without threatening a

⁴⁸² Department of Finance, 2010.

⁴⁸³ Government of Ireland 2010.

⁴⁸⁴ Ibid. 38.

relatively high social protection threshold that appears to have been socially and politically mandated. Interesting also, are the policy reforms which, while arguably feasible and broadly considered appropriate in other similar political contexts, were *not* pursued by Irish policy-makers. I end the section therefore with some discussion about the ‘ones that got away’.

5.5.1 Cuts to Benefit Levels and the Targeting of Young People

With Irish social assistance benefits considered so comparatively high in replacement terms – offering, in 2009, a Jobseeker’s Allowance single rate and basic OPFP rate of €204 per week - this was an area seen as not only a viable ground for savings but a necessary one. Cuts began in 2010 in arguably modest fashion with benefit rates for singles scaled back to their 2008 figure of just short of €200 per week and, in 2011, to a rate of €188 per week. Between 2009-2011 total benefit loss for single claimants thus amounted to around 8%. The same pattern applied to childless couples while those with children (both OPFP and JSA claimants) received some counter protection in the form of a small increase in the “qualified child” additional payments. All in all, these cuts resulted in a real term demise of both OPFP and JSA payments (see Figure A5 in the Appendix) even though, as shown in Figure A6, the gap between the poverty line and benefit payments narrowed owing to an estimated 10% fall in average disposable income per person in the crisis period.⁴⁸⁵

As we can see from Figure A7, it was childless young people however who were the real victims of benefit cuts in the crisis era. In a sign perhaps of the ongoing relevance of the subsidiarity of the state to the family, the Government took the audacious step of introducing, for the first time in the history of Irish unemployment assistance policy, a differentiated and significantly lower benefit rate for childless

⁴⁸⁵ Fitzgerald 2015.

young people between the ages of 18-21. This was set at €100 per week in 2010 resulting in a staggering 50% reduction in the value of benefit from its level just a year previously. In 2014, single claimants and couples between the ages of 22-24 who were initially spared this hardship, fell prey to the identical fate as the under 21s, and those aged 25 found themselves slotted into a new payment level which was 25% less than what they enjoyed in 2009. Defended publicly on the grounds that young people should be discouraged early on from a life on benefits and, more privately, of reassurances that families and emigration opportunities would operate to soften the blow of any benefit cuts,⁴⁸⁶ young people undeniably bore the brunt of cuts in social assistance payments.

Interestingly, other benefit payments which became casualties of the economic crisis were those aimed at transitioning OPFP and JSA claimants into employment. Hence in 2009, the well-regarded Back to Work Allowance was abolished, followed in 2012 by the end of, “half rate payments” for OPFP beneficiaries who had exceeded the upper earnings threshold. 2012 also marked the end of policy which had allowed OPFP recipients engaged in Community Employment to receive an additional Training Allowance and double rate of qualified child additions,⁴⁸⁷ while in 2013, the weekly earnings disregard thresholds applying to OPFP were reduced from €146 to €75 by 2015. In sum, it might be tempting to think of these measures as replacing the ‘carrot’ of employment incentives with the ‘stick’ of lower rate benefits but, as I shall shortly discuss, the *overall* picture of employment supports in the crisis era was more nuanced and points instead to a re-prioritisation of certain active labour market initiatives over others.

⁴⁸⁶ Comments made by civil servants in interviews with the author.

⁴⁸⁷ OPFP claimants on CE had always been able to claim for a double qualified child increase in acknowledgement of the greater childcare costs for working single parents. See Corrigan 2014 for more on the impact on lone parents of crisis era reforms.

5.5.2 New Labour Market Conditionality for Lone Parents and the Introduction of the Jobseeker's Transitional Payment

In 2009, Ireland was exceptional in advanced, industrialised welfare states in being the only OECD country to impose no labour market conditionality on lone parents in receipt of social assistance.⁴⁸⁸ While, as lightly touched on earlier in this chapter, a mix of domestic and international forces appeared somewhat poised to end this exceptionality, it seems likely that the onset of the economic crisis and Ireland's submission to the bailout conditions of the Troika went some way towards fuelling this direction of travel. Hence it was in 2010, pursuant to the terms of the Social Welfare Miscellaneous Provisions Act, that Irish lone parent income support was restricted, for the first time in its history, to parents of younger children only.

Effective from April 2011, and implemented under the new Fine Gael-Labour Coalition Government that had taken over from Fianna Fáil's minority Government, section 25 of the 2010 Act operated to reduce the scope of the OPFP from parents with a youngest child aged 18 (or 21 when in full-time education) to those with children no older than 14. Following an announcement in Budget 2012, further legislation was then introduced to provide for the progressive lowering of the eligible child age thresholds from 12 to 10 years and, by January 2014, to 7 years.⁴⁸⁹

Upon losing entitlement to the OPFP it was originally envisaged that lone parents, in need of state assistance due to unemployment, would transfer to Jobseeker's Allowance and thereunder be subject to the same labour market conditions as any regular claimant. Interestingly however, this was a change too great for Irish lone parent policy. Instead, by 2013, the Government innovated a new social

⁴⁸⁸ See Grubb et al 2009.

⁴⁸⁹ Social Welfare and Pensions Act, 2012, s.4.

assistance benefit – the Jobseeker’s Transitional Payment. This provided a benefit, equal in payment to Jobseeker’s Allowance but *without* any of the labour market requirements that typically attached to the latter - notably genuine work-search. Initially reserved for *former* recipients of OPFP with children between the ages of 7 and 13 inclusive, it was then extended in 2015 to all lone parents with children between these ages.

Whether or not it was the Government’s failure to get off the ground the politically promised “Scandinavian style” comprehensive childcare or the strength of lobby groups opposed to plans to ‘force’ lone parents into work once their youngest child reached the age of 7, the introduction of the Jobseeker’s Transitional Payment was by any account a major U-turn on the policy path set out in 2012 and suggested that Ireland was simply not comfortable with such a radical overhaul of lone parent supports. Under Jobseeker’s Transitional Payment, lone parents would be offered education and training opportunities to help ready them for future employment but all within a voluntary framework which respected parental choice between care and work”.⁴⁹⁰ Speaking in 2015, when the child age threshold for access to OPFP made its final drop (to age 7), the Minister for State, David Humphries, was explicit that the Jobseeker’s Transitional Payment constituted a substantial change from the policy plans set out just a few years earlier:

*“The [OPFP] reforms announced in 2012 are very different from the reforms implemented last month. The original reforms required lone parents, whose youngest child was seven years of age, to be actively seeking employment. This has changed and now only applies at 14 years of age due to the introduction of the Jobseeker’s Transitional Payment. That gives parents the advantage of being able to engage with the Intreo Centres and the different possibilities of support in education.”*⁴⁹¹

⁴⁹⁰ See Department of Social Protection 2014a.

⁴⁹¹ Seanad Éireann Debates, Wed 15th July 2015 “One-Parent Family Motion”.

5.5.3 Shifting Levels of Support and Compulsion for the Unemployed

While new ‘activation’ measures were gently and progressively introduced in the area of lone parent assistance, moves were also underway to bolster *existing* labour market conditions applying to Jobseeker’s Allowance. First in a series of key developments was the introduction, via the Social Welfare Miscellaneous Provisions Act 2010, of a new system of benefit penalties. Distinct from the traditional “disqualifications” and “disallowances”, penalties were aimed at addressing more minor infractions arising from the re-focused ‘activation agenda’. These included failure to attend an individual or group meeting, or to avail of suitable education or training opportunities.⁴⁹² Proportionate to the ‘infringement’, new penalties carried the comparatively modest sanction of 25% of the benefit payment rate and, in the first instance, could be applied for a maximum period of 21 days.⁴⁹³

Modesty in sanction level was matched by an initially low rate of usage. As we can see from Table 2 below, only 359 penalties were issued in their first year of operation, amounting to a share of 0.1% of JSA claimants on the live register for the same year. By 2015 however, the yearly number of sanctions had increased considerably - by nearly 200% since the 2011 baseline - and accounted then for a little over 2% of claimants on the live register for 2015.⁴⁹⁴

⁴⁹² For young people under the age of 25, for whom the Government alleged to be channelling the greatest employment supports, the threshold for activation requirements was more exacting still and a penalty could be triggered by as little as failure to register a CV on a recommended jobs website or the more traditional ground of failure to participate in any of the Government’s new youth-focussed employment and training programmes such as JobBridge – the new national internship scheme. See Dept. of Social Protection 2012.

⁴⁹³ As identified in a personal email exchange with Dept. of Social Protection in 2013, some interaction between penalty rates and existing disqualifications occurred with changes to the laws which allowed those who had previously been subject to penalty rates and were continuing to fail to engage, to receive a nine week disqualification.

⁴⁹⁴ Penalty rates are not broken down in any way – not by age category or by benefit type. The yearly totals in Table 2 thus cover all those receiving the contributory Jobseeker’s Benefit and, from 2013, those on the separate benefit – Jobseeker’s Transitional Payment. The figure of 2% thus overestimates the number of sanctioned Unemployment Assistance claimants on the live register.

Table 2 Number of benefit penalties issued, 2011-2015

Year	Penalties
2011	359
2012	1,519
2013	3,395
2014	5,325
2015	6,743
TOTAL	17,341

Source: Department of Social Protection (by request)

While rising numbers of penalties can be interpreted as evidence of the Irish Government's growing support for a more conditional welfare regime, equally there have been a number of important policy decisions that indicate certain misgivings about this type of punitive conditionality in the benefit system and its appropriate use. This was apparent from the outset of the reforms when, in committing itself to a new sanctions model, the Government made clear that such model would be "... set in such a way as to imply an effective loss of income without being perceived as excessively penalising so that it could credibly be used whenever lack of compliance is ascertained."⁴⁹⁵ The fact that claimants subject to a penalty rate can, at any point, have their full social welfare payment immediately restored upon meeting the required activity suggests that compliance and not punishment remains the overriding objective of the new penalty policy. Moreover, the exclusion of short-term jobseeker's (those unemployed for under three months) and older job-seekers (aged 62+)⁴⁹⁶, from the new conditional regime and associated penalties suggest that the policy model has been expressly limited to instances where it is perceived to 'add value' in terms of its effect on labour market entry/progression.⁴⁹⁷

⁴⁹⁵ Dept of Finance 2010: 21.

⁴⁹⁶ See Dáil Éireann Debate, 24th October 2013 where Minister Joan Burton, defended the exclusion of older jobseeker's from the conditionality regime "...in recognition of the difficult position facing some older workers as well as their longstanding contribution to the state".

⁴⁹⁷ See NESC 2013.

With a new tool to penalise non-compliance with labour market conditions among JSA claimants, the next priority for the state was to develop its capacity to more effectively monitor adherence to benefit conditions. Since the existence of separate employment and benefit agencies was heavily implicated in Ireland's low sanction use, a decision was taken to merge FÁS, the Department of Social Protection and the HSE Community Welfare Services under the single roof of the National Employment and Entitlements Service (NEES). Undergirding this new institution was a revised understanding of the reciprocal duties of the state and claimant in the job-seeking sphere and this found concrete expression in the introduction in 2013 of a "Record of Mutual Commitments".⁴⁹⁸

But having cut Jobseeker's Allowance, abolished the Back to Work Allowance and re-prioritised benefit sanctions, how exactly was the Government supporting benefit claimants on their path towards employment? Perhaps one of the biggest surprises of the crisis era was the increased state investment in second and third level educational opportunities for benefit claimants. The Back to Work Education allowance which, since its introduction in 1997 had registered only moderate usage of around 5,000 participants per year, suddenly found itself trebling in size between 2007 and 2009. In 2012, over 25,000 benefit recipients were registered on the programme— just short of the numbers of participants on Ireland's largest ALMP: Community Employment.⁴⁹⁹

In a bid to expand community work placements and internships the Government also launched two new initiatives in 2010 and 2011 respectively: Tús⁵⁰⁰ and

⁴⁹⁸ See Department of Social Protection 2012 and 2013 for more on the "Pathways to Work" approach.

⁴⁹⁹ Dept of Social Protection 2010-2015, annual statistical reports.

⁵⁰⁰ Tús was introduced by Fianna Fáil's Martin O'Cuiv in 2010 as a new, time-limited variant of Community Employment. It provided 12 month community work placements for those on Jobseeker's Allowance for more than 12 months, offering participants a small training allowance in addition to their primary benefit. The Government provided 7,500 Tús places between 2010-2015.

JobBridge.⁵⁰¹ With the EU “Youth Guarantee” policy operative in Ireland from 2013, funding from the European Commission was directed to part-finance both of the above programmes as well as other education, training and employment schemes for those under the age of 25 (including the existing FÁS/Solas employment schemes, Back to Work Enterprise Allowances, Vocational Training Courses and Back to Education Allowances).⁵⁰² Given that Tús was essentially a time-limited version of Community Employment, it seemed that Ireland had once again found a way of innovatively routing EU funding to finance a direct employment scheme.

A third new state employment support was “Jobpath” – a job subsidy scheme begun in the summer of 2015. Jobpath follows in a long tradition of partnership between the Government and private enterprise dating back to the mid 1970s. More radical and potentially controversial however, was the Government’s decision to contract private providers to run this programme on a payment-by-results basis. Since similar operational models had been adopted in countries such as the UK and Australia which have been associated with “workfare-type” programmes, the Irish Government has had to robustly defend its position by reference to the freeze in public sector recruitment at a time of increased pressure on state job-search support functions. Government representatives have also been keen to point out that Jobpath is in no way ideologically inspired nor will it be used to force people into low paid, undesirable employment.⁵⁰³ To emphasise this point the Department of Social

⁵⁰¹ This was an internship programme open to all ages and introduced by the Fine Gael-Labour Government by Minister Joan Burton on 29th June 2011. By November 2012, 12,560 participants had registered on the scheme. See Indecon, 2013 for background to and an initial evaluation of the programme.

⁵⁰² The EU Youth Guarantee was a 2012 recommendation of the European Council, and during Ireland’s EU Presidency, was adopted by the European Commission in 2013. It opened up new streams of funding via the Social Fund and the European Employment Initiative to support training and employment opportunities for young people under the age of 25. In 2014, the Irish Government committed to support 30,000 young people through the Guarantee.

⁵⁰³ Comments made in one-to-one interviews with the author in 2015.

Protection maintains responsibility for any benefit penalties arising from failure to comply with instructions from Jobpath private providers. It will however be some time before the effects of the programme are known and can be properly assessed.

By the end of 2015, with the economy showing signs of a steady recovery and Ireland at that stage liberated from the constraints imposed by international financial assistance, it is clear that Government policy moved to consolidate state employment supports and claw back some of the cuts imposed at the height of austerity. In December 2015 a remodelled version of the Back to Work Allowance was introduced - the Back to Work Dividend – and the political stage was gearing up towards a reversal of some of the cuts on earnings disregards for lone parents with new disregards likely to be extended also to lone parents in receipt of Jobseeker’s Transitional Payment.

5.5.4 ‘The Ones that Got Away’ – The Single Working Age Payment and Family Income Supplement

While the focus of this chapter has been on examining *change* in Irish social assistance policy and particularly changes associated with the rise of the activation agenda, it is also interesting to remark on policy continuity in areas that might, in other environments, have been ‘natural’ candidates for change. In the case of Irish social assistance policy for the unemployed and lone parents two areas that seemed in some way ripe for reform but which remained largely unaltered were: the treatment of adult dependents of JA beneficiaries, and Family Income Supplement (FIS).

Over a period of thirty years when both lone parent and unemployment assistance beneficiaries have to varying degrees been touched by new active labour requirements it is remarkable that no such requirements have been brought to bear on the adult who benefits financially as a dependent of the UA/JA claimant. For most of

the same period, the numbers of UA/JA recipients claiming for an adult dependent remained fairly constant at around 20% of all claims but rose to over 30% (an increase of 50%) in the period from 2008 to 2012.⁵⁰⁴

Of course imposing duties on a person with no individual right to a benefit payment is highly problematic and therefore the closest that Irish policy got to considering labour market conditions for the ‘stay-at-home’ partner was not in the context of dependency but under the 2006 proposal of a “parental allowance” which sought to confer individual rights on the benefit holder. As discussed earlier however, the idea of the Parental Allowance never got off the ground and indeed controversy over the desirable treatment of the “dependent adult” partly explains the more recent rejection by the Houses of the Oireachtas Joint Committee (2012) of the Department of Social Protection’s (2010) proposal of a Single Social Assistance Payment for People of Working Age.

As for FIS, a policy that had started out as a temporary sticking plaster and viewed for much of its existence as a “cup half empty”, proved to be exceptionally resilient. Proposals to replace the benefit with a new model of tax credit or revised Child Benefit were warded off, as was the proposal, post 2009, to end lone parent entitlement to FIS alongside receipt of OPFP.⁵⁰⁵ Indeed in the period of austerity when all other social assistance payments were cut, FIS payments actually increased by €6 per child per week and, for a benefit traditionally plagued by a low take-up rate, the numbers claiming FIS virtually doubled from 25,963 to 50,306 between 2009-2014.⁵⁰⁶ With the rise in FIS related to an increase in claims both by low paid public sector workers (affected by austerity pay cuts) and by lone parents, the benefit had

⁵⁰⁴ Dept. of Social Protection, Annual Statistical Reports 1985-2015.

⁵⁰⁵ See McCarthy 2009 and the rejection of the Committee’s proposal by the Department of Social Protection in 2010.

⁵⁰⁶ Dept. of Social Protection, Annual Statistical Reports 1985-2015.

clearly made the transition from employment incentive to poverty reduction measure.⁵⁰⁷

5.6 Chapter conclusion

The foregoing analysis has shown that, over the period 1985-2015, Irish social assistance policy changed considerably in its policy settings for benefit values, benefit conditions and employment supports in a way that promoted welfare *and* work. Up to the point of the economic crisis of the late 2000s and the Irish Government's subsequent resort to a financial rescue package by the EU, IMF and ECB, the value of Irish social assistance policy benefits increased substantially in real terms and significantly so in the period of economic growth in the early 2000s. Employment supports also grew, particularly in the form of enhanced financial work incentives, education and training programmes and direct state employment initiatives. At the peak of Irish economic development in the 2000s, Ireland was therefore closer than ever in its welfare state history to attaining the 'work or maintenance' ideal of the 1930s. What is more, this ideal was no longer limited to state support for the unemployed but extended to lone parents in receipt of social assistance.

Social assistance expansion occurred in a context where recipients of unemployment assistance were subject to few labour market conditions and, up until 2010, no such condition applied to assistance-receiving lone parents. Rather than *coercing* claimants to take up jobs or employment supports, claimants were largely incentivised by extra income supplements, benefit bonuses and opportunities for social inclusion through protected employment. In the case of mandatory job-search

⁵⁰⁷ The share of lone parents in receipt of FIS rose from 14,395 in 2010 to 24,307 in 2014. See Dept. of Social Protection 2010-2015, Annual Statistical Reports.

or training requirements the state took a lenient approach to the matter of sanctioning non-compliant claimants. Even post 2010, when required by international creditors to increase benefit controls via enhanced enforcement of job-search conditions, the Irish Government adopted a cautious approach to the matter of benefit sanctions, resisted labour market conditions for partners of unemployment assistance-receiving beneficiaries, and, when it regained domestic control of its own financial affairs, scaled back new labour market conditions that since 2010 it had been imposed on lone parent benefit recipients.

If these developments suggest substantive and qualitative change since 1985, what are the implications for Ireland's status as a 'liberal' welfare state? Certainly the expansionary pattern of Irish policy on benefit values and the nature of state employment supports suggest that Irish social assistance policies no longer fit the 'liberal' category as measured in 'decommodification' terms by Esping-Andersen. Moreover if, as a strand of the comparative activation literature suggests, 'liberal' welfare states are associated with workfare and benefit control emphases, then here too Irish policy is not a good fit. Where Irish social assistance policy *is* however 'liberal' – if not in the Esping-Andersen sense but in more classic political theory terms - is in its reluctance to impose undue controls on the employment and family preferences of social assistance beneficiaries.

Conclusion to Part II: Comparative Analysis

The preceding analysis in Chapters 4 and 5 of the evolution of British and Irish social assistance policy for the unemployed and lone parents over the period 1985-2015 highlights the emergence of substantive policy differences between two countries which, at their baseline, ascribed to similar, so-called ‘liberal’ welfare state policies (cf. Esping-Andersen 1990). In the case of British policy, the market was prioritised as the primary source of ‘welfare’ and stringent benefit conditions enforced this market focus. Irish policy, on other hand, increasingly centred on state welfare provision and the nature of non market-based state interventions exempted substantial segments of social assistance claimants from labour market duties.

British policy was unequivocally oriented towards the labour market integration of *all* assistance-claiming population groups analysed. Out-of-work benefit values diminished, in-work social assistance was prioritised, state childcare supports were expanded in order to increase the parental labour force and the market became the principal locus for employment-training opportunities. In the process of what was a ‘work as welfare’ strategy, the state *overall* gave ‘less’ to assistance recipients whilst asking ‘more’ in terms of labour market duties (cf. Lødemal and Trickey 2001). The balance between benefits and duties was more evenly weighted in the case of families with children but was considerably uneven for single and childless couples whose social assistance entitlements declined over time.

Irish policy development was, by contrast, characterised by substantially increased out-of-work social assistance payments for all groups and the absence of associated labour market conditions for partners of the assistance-receiving unemployed as well as for large segments of lone parents. The scale and nature of Community Employment for the long-term unemployment indicated an emphasis on objectives

around social inclusion rather than on labour market integration. Up to the point of the economic crisis of 2009/2010, the balance between state employment supports and labour market duties was heavily weighted in favour of supports for all groups.

A clear point of difference between British and Irish social assistance policies over the period 1985-2015 relates therefore to the benefits that such policies confer relative to the duties that they impose on welfare recipients. A more illuminating way of thinking about this difference is in terms of what Isaiah Berlin (1969) termed positive and negative liberties. Berlin (*ibid.*) argued that the welfare state was a classic trade-off in liberties since in providing social policies that enable individuals to lead lives of their own choosing (i.e. policies that promote positive liberties) the state must necessarily intrude on the freedoms of individuals from state interference (negative liberties). Specifically the ‘price’ to be paid for the positive liberties associated with the welfare state was considered to be the infringement, through the imposition of income tax and social security levies, of the negative liberty to hold private property without state interference.

In addition to this general liberties trade-off however, there is a further potential trade-off in positive and negative liberties that may arise for the individual benefit recipient (who may or may not number among the tax payers who fund the welfare state).⁵⁰⁸ As we have seen in the cases of British and Irish social assistance policy, there are circumstances where the benefits of state social assistance accrued to the individual come at the cost of interference with benefit recipients’ negative liberties to enjoy freedom in family life and in employment. The ‘price’ of positive liberties in negative liberties terms depends however on what the policies (taken as a whole) are understood

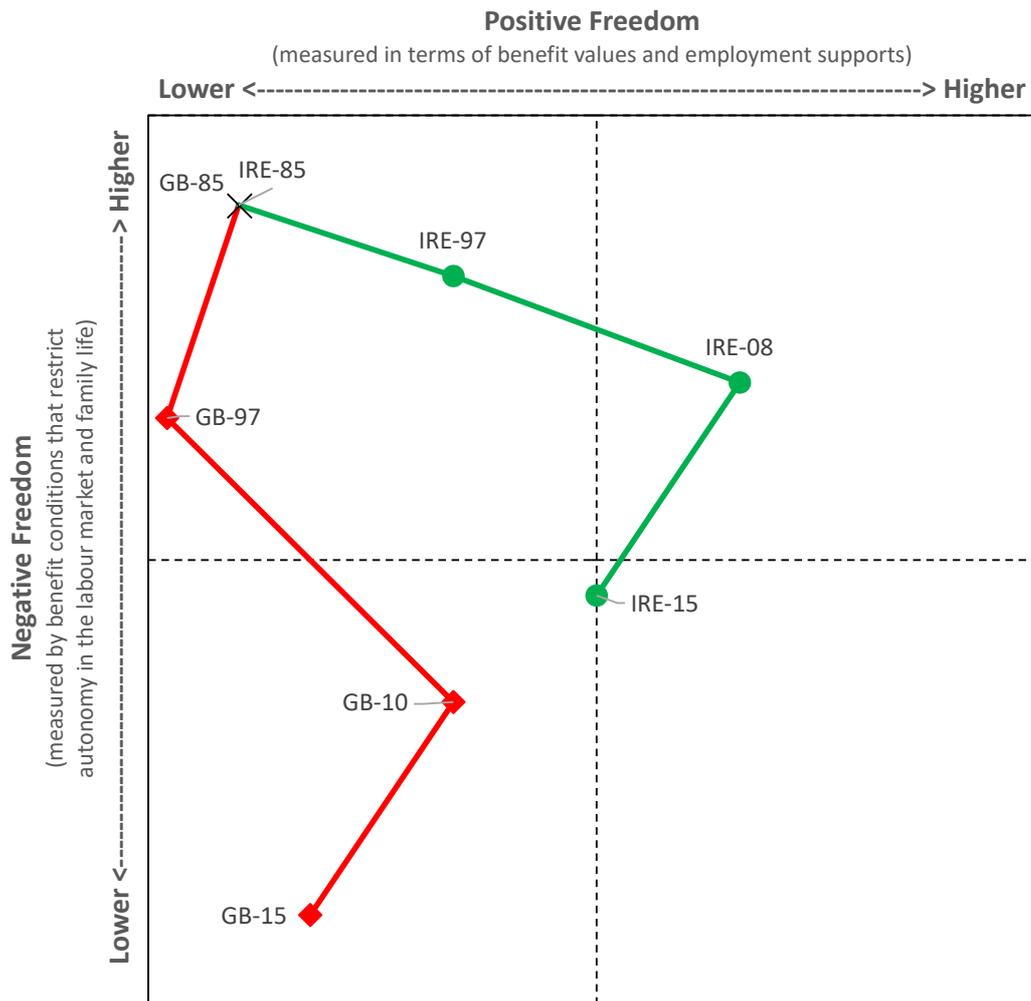
⁵⁰⁸ For some discussion of a tension in liberties at this level see Goodin 1988.

to mean for the relative opportunities of, and constraints on, the lives of benefit recipients.

Figure 7 visualises and highlights the differences in the effects of British and Irish social assistance policy changes on the positive and negative liberties of recipients of unemployment and lone parent social assistance between 1985-2015. Reflecting the critical junctures which formed the time blocks of analysis in the preceding two chapters, changes are shown on the graph at three periods: 1985-1997; 1998-2008 (Ire)/1997– 2010(Brt); and 2009-2015(Ire)/2010 -2015(Brt). Directly mirroring the three policy dimensions (values, employment supports and conditions) which were the subject of the policy change analysis in Chapters 4 and 5, positive liberty is measured in terms of the aggregate changes to the value of benefits and the nature of employment supports in each country, and negative liberty is measured by changes to benefit conditions which alter the autonomy of the benefit recipient in the areas of employment and family life.

The effects of policy change on both liberties are graded at five levels: no change; minor change; moderate change; large change; and major change. An aggregate increase in benefit values and/or employment supports represents an *increase* in the positive liberty of the relevant benefit recipients and vice versa. Conversely, an increase in benefit conditions is associated with a *decrease* in the negative freedom of benefit recipients. A detailed explanation of the methodology used to construct Figure 7 is provided in Appendix Tables A3 and A4.

Figure 7: British and Irish social assistance policy developments (1985-2015) expressed in terms of changes to positive and negative freedoms of the benefit recipient



Note: The methodology used to construct this Figure is explained in detail in Appendix Tables A3 and A4.

The most striking inter-country difference highlighted by Figure 7 is the different “price” of positive freedoms in Britain and Ireland. Over the period 1985-2008, there was strong upward growth in the positive freedom of benefit recipients in Ireland and this was accompanied by only minor-moderate restrictions on negative freedom. British policy, by comparison, is associated with significantly less of an increase in positive freedom between 1985-2010 (including a minor decrease between 1985-1997) but with a substantially greater decrease in benefit recipients’ negative freedoms. Hence the

‘price’ of positive freedom was higher in Britain than in Ireland; British benefit recipients gained less in positive freedoms and lost more in negative freedoms than their counterparts in Ireland.

While the foregoing policy pattern suggests that trading positive liberties for negative liberties might indeed be a *likely* scenario (in ‘political’ terms) in Britain and Ireland, it is not a trade-off that is inevitable. There is nothing inherent in the nature of the positive and negative liberties of social assistance benefit recipients that should create diametrically opposing movements in such freedoms. Both liberties may move simultaneously in the *same* direction such as the graph indicates in the case of the *simultaneous downward* movements of both liberties that are associated with the policy changes in Britain and Ireland following the economic crisis of the late 2000s and, in the British case, during the recession of the early 1990s. Indeed, had I measured policy changes in Ireland in only the final year of the period –2015– the graph would arguably have identified the beginnings of a small but nonetheless *simultaneous upward* movement in positive and negative freedoms owing to a degree of policy reversal between 2012-2015 on labour market conditions for lone parent benefit recipient and improvements in state employment supports.

We are therefore left to ponder the reasons both for the observed differences in the scale of the trade-offs in positive and negative liberties associated with Irish and British policy over the respective periods of 1985-2008 and 1997-2010, and the variation in the occurrence and pattern of simultaneous downward movements. In neither instance do economic developments – neither shocks nor growth periods – provide a satisfying explanation for these inter-country differences in policy patterns. The simultaneous downward movement in liberties in both countries from the late 2000s might naturally be associated with the effects of the global economic crisis but the latter alone fails to

explain why Ireland, which suffered significantly greater economic damage than Britain, followed a comparable policy trajectory to Britain in positive and negative liberties terms. The recession of the early 1990s may provide some explanation for the joint decline in liberties in Britain but it does not explain why Ireland, whose economy was stagnant in 1985 and also substantially affected by the downturn of the early 1990s, pursued social assistance policies which expanded positive freedoms without, until 1996, *any* restrictions on negative freedoms. Finally, since both countries experienced strong economic growth for a decade from the late 1990s to 2000s, the notable differences in positive and negative liberty movements associated with policy developments cannot be explained by the particularly dynamic character of the Irish economy (the so-called ‘Celtic Tiger’) relative to the British.

A comprehensive analysis of the reasons for the different policy paths of British and Irish policy-makers, including an analysis of the role of different ideas of social rights, will therefore form the basis of Part III of this thesis. Following the empirical analysis of policy-making dynamics in each country, I will then return, in the overall concluding chapter, to further consider the relationship, if any, between different ideas of social rights held by British and Irish policy-makers and the different effects of policies on movements in positive and negative liberties of benefit recipients.

Part III

Explaining Policy Differences between Britain and Ireland:

The Role of Social Rights Ideas

Introduction to Part III:

Part III of this thesis analyses the determinants of British and Irish social assistance policies for the unemployed and lone parents (1985-2015) with the objective of explaining the cross-national policy differences established in Part II.

I hypothesised in chapter 1 that such inter-country policy variation could be explained by differences in culturally and institutionally-shaped ideas of social rights held by British and Irish policy-makers. This hypothesis was further supported by the conclusions to Part II which compared the effects of policies on the positive and negative liberties of benefit recipients and found that British policy involved a significantly greater trade-off in individual liberties relative to that of Ireland. The trade-off in British policy was more consistent with the consequentialist-oriented ideas of social citizenship rights and positive rights ideas while the minimal tension in liberties in the Irish case was compatible with the deontological rationale of the human rights idea.

Before proceeding to further explore the relevance of social rights ideas in explaining British and Irish social assistance policy differences over time, it is helpful to restate the ways in which we can anticipate that such ideas may shape policy. As discussed in Chapter 3, each of the three ideal-typical ideas of social rights (the social citizenship rights, the human rights and the positive rights ideas) constitutes a unique, broad philosophical perspective which establishes the normative parameters of policy. Given the breadth and, in some respects, the abstract dimensions of these ideas, it can be challenging to identify their influence on policy-making. For a variety of conscious and less conscious reasons, policy-makers may not explicitly acknowledge social rights ideas as relevant to their policy-making rationale. Conversely, where ideas of social rights *are* explicitly articulated we cannot assume that such ideas are indeed believed and genuinely

motivating policy action, nor that they are tantamount to the ideal-typical social rights ideas that I have here identified.

In order to establish the relevance of social rights ideas, it is therefore necessary to analyse the beliefs of key policy-makers so as to ascertain whether, at the aggregate level, such beliefs can be understood to share the features of one of the three ideal-typical social rights ideas as specified in Table 1 (Chapter 3). Given the respective British and Irish government structures and locus of policy-making power, analysis will focus, in the British case, on the relevant beliefs of the ruling political parties and, in the Irish case, on the beliefs (for the most part) of the governing social partners. In view of the democratic principles of the British and Irish political systems and the associated vote-seeking objectives of elected politicians, the analysis will also be particularly attentive to what policy-makers *perceive* to be the critical values and normative expectations of the public.

In sum, studying the role of ideas of social rights in social assistance policy-making requires an analysis of political ideologies, the beliefs of individual policy-makers, the organisational beliefs of key interest groups and the perceived widespread beliefs of the public or what we might refer to in shorthand as ‘public norms’. Such approach is consistent with the theoretical expectations outlined in Chapters 1, 2 and 3 of this thesis which emphasise the critical interactions between ideas, interests and institutions that underpin the process by which ideas shape policy outputs.

To this end, chapters 6 and 7 will each begin with an overview of the key cultural and institutional antecedents that set the scene for social assistance policy developments from the mid 1980s onward. Informed by the materials from forty five qualitative interviews with senior policy-makers in Britain and Ireland alongside a primary analysis of policy documents and parliamentary records, the remainder of each of the two chapters

will then assume the task of explaining policy evolution over economically and politically significant blocks of roughly ten years mirroring the structure of Part II.

Chapter 6. Explaining Social Assistance Policies for the Unemployed and Lone Parents in Britain 1985-2015: The Significance of Social Citizenship Rights and Positive Rights Ideas

6.1 Introduction

The objective of this chapter is to explain what I characterised in Chapter 4 as the ‘work as welfare’ approach to British social assistance policy developments for the unemployed and lone parents (1985-2015). I will here argue that this policy pattern was driven by two main forces: perceived public norms on “deservingness” in the benefit system; and the political ideologies of the alternating Labour and Conservative Governments. These two powerful dynamics shaped how policy-makers conceived of the idea of a ‘social right’ to state assistance; they led to the Labour party elaborating an idea of social citizenship rights and the Conservative party adhering to a minimalist idea of positive rights.

The chapter begins with a brief historical analysis of British social assistance policy developments from the 1920s to the 1940s and their effects in consolidating public norms of ‘benefit deservingness’. Relying primarily on an analysis of data from elite interviews and policy documents, I then trace how, over the period 1985-2015, these ‘deservingness’ ideas interacted with the ideological beliefs of the ruling political parties in a way that fixed policy-makers ideas’ of social rights and explained their support for particular policy initiatives. Mirroring the structure of Chapter 4, the analysis is grouped according to periods of political leadership: the Thatcher and Major Conservative Governments of 1985-1997; the New Labour Governments of 1997-2010; and the Coalition and Conservative Governments of 2010-2015. The chapter concludes with findings and reflections on the role of ideas in British social assistance policy and the particular relevance of ideas of social rights.

6.2 Normative Baseline: Ideas of Deservingness in Social Assistance Provision and the Policy-Shaping Potential of Political Ideology

6.2.1 Poor Laws Legacy and the Effects of ‘Uncovenanted’ Benefits on the development of National Assistance (1920-1948)

When the Atlee Labour Government introduced Britain’s first statutory entitlement to social assistance in 1948, it declared the end of almost 350 years of localised, charitable relief issued under the auspices of the Poor Laws.⁵⁰⁹ This was more than just the end of a system of meagre and stigmatising financial provision which distanced beneficiaries from the status of citizenship and which, through the 1834 institution of the ‘workhouse’, denied them fundamental liberty.⁵¹⁰ It was rather hailed as the end of an idea, which, as the Government Whip, Lord Henderson put it: “our present-day social outlook will not tolerate.”⁵¹¹

It seemed that the efforts of such social reformers as Sidney and Beatrice Webb and the new insights on poverty in England of both Charles Booth (1901) and Joseph Rowntree (1945) had had an effect. No longer was it considered socially acceptable to essentially punish ‘the poor’ for their impoverished condition and, through the terms of relief, to maintain them on the fringes of society; indeed such practices were regarded by Minister for Health, Aneurin Bevin as a “reproach to a civilised society”.⁵¹² Instead a new humanity was said to have taken hold and, among policy-makers, poverty was increasingly believed to be the product of structural failings in the socio-economic

⁵⁰⁹ See National Assistance Act 1948, Foreword. See also HL Deb 06 April 1948, Vol, 154, cc1096-1097, Lord Henderson on the National Assistance Bill.

⁵¹⁰ For history on the Poor Laws and details of the 1834 Poor Laws Amendment Act see Marshall 1950 and also Harris 1992a.

⁵¹¹ HL Deb 06 April 1948, Vol, 154, cc1096, Lord Henderson on the National Assistance Bill.

⁵¹² Minister of Health, Aneurin Bevin. Hansard, HC Debate, National Assistance Bill, 24 November, 1947, Vol. 444, cc1612-13.

system which could only be corrected by a more interventionist strategy on the part of the Government. This was not so much about empowering ‘the poor’ vis-à-vis the state, as establishing new duties on the state to meet, in a humane and compassionate way, the needs of all of its citizens.

Despite these then popular sentiments, the actual terms of the National Assistance Act 1948 bore striking similarities to some of the underpinning logic of the Poor Laws. Consistent with past practices, this was a policy which, as discussed in Chapter 4, was contained to the most needy, offered low-level subsistence payments, and was subject to labour market-oriented conditions which made job search endeavour or demonstrable work ethic a requirement of benefit receipt. To that extent it perpetuated the idea of the ‘deserving poor’ that had characterised Victorian-era poverty relief measures. However, given that National assistance operated as a ‘residual’ benefit (cf. Beveridge 1942) within a broader system of social insurance which provided unemployment benefits for those with stronger attachment to the labour market, it also established the assistance beneficiary as a relatively less ‘deserving’ category of state welfare recipient vis-à-vis the insured unemployed.

The most significant factor differentiating assistance from insurance entitlements was that the former were regulated by a means test. While rights for the insured flowed automatically from contributions, rights for those on assistance were discretionary and depended upon an administrative examination of means. William Beveridge – senior British civil servant and architect of both assistance and insurance policies - also recommended that the value of assistance benefit should be lower than the insurance equivalent. Defending both elements of differentiated treatment on grounds of equity, Beveridge (1942, 141) in his report, *Social Insurance and Allied Services*, argued:

Assistance....must be felt to be something less desirable than insurance benefit; otherwise the insured persons get nothing for their contributions.

How British social assistance policy arrived at this point had arguably as much to do with normative ideas about fairness and social rights associated with political ideologies and Victorian era social norms, as with the particular experience of inter-war policies which significantly moulded and reinforced those rights ideas. The policy context to the Beveridge Plan and to the subsequent National Insurance and Assistance Acts of 1946 and 1948 was the 1918 Out-of-Work Donation for ex-service men and its subsequent modulations in the various forms of “uncovenanted”, “extended” and “transitional” benefits.⁵¹³ The Out-of-Work donation was a relatively generous, non-contributory income support introduced by Lloyd George’s Coalition Government and aimed at the economic reintegration of returning soldiers and unemployed civilians in the difficult context of the aftermath of the First World War. It established a precedent for state unemployment income support without the need for paid contributions in contrast to the strictly contributory basis of payments which had until then pertained in accordance with the National Insurance Scheme of 1911. However when struggling economic conditions and rising unemployed resulted in individuals, in large numbers, finding themselves unemployed and “uncovenanted” – that is without having made the contributions necessary for unemployment insurance payments – the Government chose to continue issuing benefits rather than have individuals resort to the Poor Laws. This was initially a temporary political response to growing civil unrest but, over the succeeding years, the practice began to be interpreted as an effective ‘government

⁵¹³ See Deacon1976 for a critical history of social insurance and assistance policies between the First and Second World Wars in Britain. See also Thane 1982.

advance’ on the future earning potential of the average citizen and indicated potentially a new degree of solidarity with the worker.⁵¹⁴

As parliamentary records attest, the relatively generous spirit of the ‘uncovenanted’ approach was however hampered by significant public critique that the policy was unfair. It was perceived as rewarding the ‘undeserving’ - notably those regarded as ‘work-shy’ and those classed as ‘aliens’ (worse “*former enemy aliens*”) without legitimate claims to the resources of the British state – and believed to simultaneously penalise the ‘deserving’ – namely the prudent, hard-working citizens who had paid their contributions but whose means denied them any entitlement.⁵¹⁵ The 1921 response of the Lloyd-George Coalition Government to extend to certain uncovenanted benefit recipients the requirement of the 1911 National Insurance Act that the claimant must “genuinely seek work” initially went some way towards allaying concerns about benefit scroungers.⁵¹⁶ However the decision by the in-coming Law Conservative Government of 1922 to control expenditure on Uncovenanted Benefits by tightening the means test (and therein further restricting eligibility) further fanned the flames of perceived injustice.⁵¹⁷

In taking over office from the Conservatives, the minority MacDonald-led Labour Government of 1924, abolished the means-test, tightened the work-related benefit conditions⁵¹⁸ and set out a radical vision for a truly *universal* form of state unemployment relief where, as then Minister for Labour, Thomas Shaw expressed it, benefit “....will be considered a right and not a charity.”⁵¹⁹ A review of the

⁵¹⁴ See comments by Liberal Minister for Labour, Dr, Macnamara in House of Commons Debate, 30 March 1922, Vol. 152, col. 1600.

⁵¹⁵ See House of Commons Debate, 10 March 1924, vol.170, cc. 1976-2026.

⁵¹⁶ See Unemployment Insurance Act 1921.

⁵¹⁷ See Deacon 1976.

⁵¹⁸ See Unemployment Insurance Act, 1924. The requirement on beneficiaries of the 1911 Unemployment Insurance to demonstrate genuine work search was originally introduced by the Liberal Government under the Unemployment Insurance Act, 1921.

⁵¹⁹ House of Commons Debate, Mr. T Shaw (Minister of Labour), 10 March 1924, vol. 170, col. 2000.

parliamentary debates at the time provide reason to believe that, beyond the immediate political interests of appealing to the electorate, the MacDonald Labour Government's policy ambitions of 1924 were influenced, by socially inclusive and communitarian-inspired ideas of citizenship based on the fundamentals of work and the 'right to work'.⁵²⁰

Such ambitions did not however have the chance to be immediately tested as, after only nine months in power, the Labour Party lost political control and was succeeded by the Baldwin Conservative Government. Holding rather different ideas about social assistance and reverting back to the political objective of slim lining the state, the Baldwin Government reinstated the means test and presided over a system where the 'genuinely-seeking work test' policy was increasingly used to disentitle - in many cases erroneously so - otherwise eligible recipients of 'uncovenanted' and 'extended' benefits.⁵²¹ Both measures were disastrously unpopular and resulted in unprecedented public resentment of the overall unemployment insurance system and electoral backlash against the political establishment.⁵²²

When Labour returned to power in 1929 it faced, within months, the tumultuous economic consequences that succeeded the Wall Street Crash in the United States and which led to a worldwide depression. MacDonald, who had returned as Prime Minister, attempted to piece together some elements of Labour's 1920s vision for universal unemployment insurance but, with the insurance scheme heavily in debt, the policy that was ultimately implemented was a non-means tested "Transitional Benefit" paid out of the general Exchequer. High unemployment and a deteriorating domestic economy weakened Labour's grip on power and resulted in a 'National', (coalition) Government

⁵²⁰ In support of this contention, see Harris 1996 and 1992. See also Beech and Hickson 2007.

⁵²¹ For a brief overview of some of the disentitlement numbers under the genuinely seeking work test, see Thane 1982, 164-165.

⁵²² See Deacon 1976.

led by MacDonald but with policy increasingly steered by Conservative Party coalition partners.⁵²³ In 1931, means-testing was re-introduced in respect of Transitional Benefits (administered by a newly established Public Assistance Authority), and following the recommendations of the 1931 Royal Commission on Employment, the Employment Act 1934 created two separate statutory systems of unemployment assistance and a revised unemployment insurance.⁵²⁴

Over a decade later when William Beveridge (1942) made his recommendations for social security reform which acted as a blueprint for the subsequent 1946 and 1948 National Insurance and National Assistance Acts, it seemed there was no way back from what was an effective labour market ‘insider’ and ‘outsider’ divide in unemployment protection. Public and political opinion had consolidated around the idea of the ‘deservingness’ of unemployment benefit recipients based on two key principles: entitlement via contributions from earned income; and entitlement based on demonstrated job-search effort. As the insured population met both deservingness criteria their entitlement to benefit was greater and more secure than that of the uninsured. For the integrity and success of state unemployment protection as a whole, it was accepted that policy should reflect this attitude. As Beveridge commented (1942,12):

Benefit in return for contributions, rather than free allowances from the State, is what the people of Britain desire.

⁵²³ The National Government was formed of Labour, Liberal and Conservative Parties and the Ministry of Labour was run by the same Conservative Minister who held the role under the previous Baldwin Government. In joining the Government, MacDonald was ostracised by the Labour party and resulted in a party split.

⁵²⁴ See Royal Commission in Unemployment 1933 for the minority reports of Labour representatives on the which indicate continued Labour Party preference for a universal scheme. See also Harris (1996,123) where she notes the evidence provided by Beatrice Webb to the Commission expressing concern about a contributory scheme without job-search conditions. For background discussion on the Royal Commission see Thane 1982.

This contractual, or more precisely social contractual, notion of social rights was something that had appeal across the political spectrum. It resonated with Conservative ideas of self-reliance, individual moral responsibility, regulating the size of the welfare state and limiting the redistribution of public resources. It was compatible to an even greater degree with Labour ideals founded on the primacy of work and employment as a form of social inclusion and mobility. It appealed also to related ideas of civic republicanism and communitarianism which crossed the left-right chasm.⁵²⁵ What it did not resonate with was the idea of unemployment protection as first and foremost a response to human needs based on universal human characteristics. While the MacDonald Labour Government of the mid 1920s and early 1930s indicated some support both for the idea of a non means-tested insurance programme and sympathy with the plight and needs of the uninsured unemployed there is no evidence that, even in optimal economic and political circumstances, Labour would have favoured a type of human right to income support for the unemployed. Commenting on the broader social appeal of the contributory idea at this time, Jose Harris (1996, 137) argued:

“Contributory insurance became the financial keystone of the post-war welfare state....because insurance fitted in with current perceptions of fiscal reality and with current evaluations of virtue, citizenship, gender, personal freedom, and the nature of the state.”

6.2.2 Relationships between Fairness Norms, Political Ideologies and Ideas of Rights (1948-1985)

Between 1948 and 1979 policy-makers stuck fast to pre-Second World War notions of ‘fairness’ as constituting the overriding normative parameters for social assistance policy development. What became evident over time however, were the

⁵²⁵ For discussion see Harris 1996.

different ways in which these basic demands of fairness were reinterpreted by the Labour and Conservative parties during their respective periods of governance. The first substantive modification of the deservingness idea as it applied to social policy came following the Labour Party's return to power in 1964 after thirteen years of Conservative Governments. Under the premiership of Harold Wilson, Labour replaced National Assistance with Supplementary Benefit and therein weakened the idea of the social assistance claimant as relatively less deserving than his or her insured counterpart. This was achieved by regulating the discretionary power of the old National Assistance Board, reducing much of the social stigma that had been associated with the administrative assessment of means and thereby enhancing the rights status of what had been a traditionally weaker socio-economic claim on the state.⁵²⁶

High poverty levels and low take-up rates of National Assistance gave the Labour Government reasonable justification for improving social assistance entitlement but such measures were also strongly in keeping with Labour's historic principled objections to means-testing. With social assistance made more attractive in its Supplementary Benefit form, the Wilson Government took steps to reinforce the idea that this was primarily a benefit for those demonstrating effort to find employment. In the same 1966 Ministry of Social Security Act that gave effect to Supplementary Benefit it thus added a new duty on both the uninsured and insured to register with the Employment Exchange.⁵²⁷ Available data on benefit sanctions throughout the Labour Governments of the 1960s and 1970s also point to an increase in the enforcement of existing labour market conditions, with greater numbers of benefit recipients referred to

⁵²⁶ For more on the enhanced rights character of Supplementary Benefit see Titmuss 1971 and Harris 2000.

⁵²⁷ See King 1995 for details of this period.

re-establishment centres for re-conditioning or prosecuted for neglecting to make efforts towards self-sufficiency.⁵²⁸

Following the general election of 1970, the Heath Conservative Government continued with Labour's emphasis on the labour market duties of Supplementary Benefit recipients but also shifted the policy focus to a new population grouping considered deserving of state social assistance support; namely low-income workers with large families. Besides being a direct measure to alleviate poverty in large families with children, the introduction in 1971 of Family Income Supplement was the first, albeit small step to re-set the labour market insider-outsider balance in state social assistance support in the aftermath of Supplementary Benefit.

Despite the changes to Supplementary Benefit, social assistance in the area of income support for lone parents remained strictly needs-based and entirely unrelated to labour market behaviours. In the main, the lone parent, assistance-receiving population consisted of unmarried or separated mothers who were either ineligible for widows' pensions or not adequately maintained by payments from former partners. In the late 1960s and early 1970s when political concern grew about the numbers of lone parents claiming Supplementary Benefit and the high levels of poverty among this family type,⁵²⁹ it was not within the world view of British policy-makers (of either of the two main political parties) to consider that part of the policy solution might be to extend labour market conditions to this group of benefit claimants.⁵³⁰ Despite measures such as

⁵²⁸ See Green 1999, 79-80. See also Atkinson (1969,102) where he cites a 1966 annual report of the Department of Health which states that single men under the age of 45 who had been drawing Supplementary Benefit in excess of four weeks had their benefit entitlements reduced.

⁵²⁹ See Wikeley 2006, 88 for figures. See also Townsend 1979, Chpt 22 with D. Marsden.

⁵³⁰ See Finer 1974. The Committee showed overall neutrality on the matter of lone parent employment despite views both in favour and against. See Thane and Evans 2012 for discussion.

the 1970 Equal Pay Act, the male breadwinner and mother as full-time carer was still very much the prevailing social norm of the time.⁵³¹

Although there was no question of *imposing* work requirements on lone parents or indeed on any assistance-receiving parent involved in childcare functions, it was very much within the Labour Party's objectives that state social assistance should operate in a way which would *encourage* lone parents to work.⁵³² This was reflected in 1965, in the Labour Government's support for the idea that lone mothers should not have to reduce their working hours to order to be eligible for state income payments that underwrote failed private maintenance payments from fathers to mothers.⁵³³ It was also evident in the Labour Government's response to the 1974 Report of the Finer Committee (Finer, 1974) where, on cost grounds and lack of appetite for another means-tested benefit it rejected the idea of a Guaranteed Maintenance Allowance and instead sought to ameliorate the situation of lone parents by providing further state employment supports.⁵³⁴ The Wilson Labour Government thus subsequently introduced in 1975 the first designated earnings disregard for lone parent claimants of Supplementary Benefit,⁵³⁵ and, within the context of new Child Benefit proposals of the same year, it made provision for higher rate payments for lone parents in appreciation of the particular childcare costs.⁵³⁶

Given the tone of the 1979 Conservative Party manifesto and its tougher approach towards welfare dependents⁵³⁷ - what, Former Chancellor Nigel Lawson later described

⁵³¹ See Lewis 1998.

⁵³² See Thane and Evans 2012 for discussion of the Atlee Government support for lone parent employment.

⁵³³ In the context of the 1965 National Insurance Bill, see House of Lords debate led by Baroness Summerskill (Former Minister of National Insurance under the Atlee Government), National Assistance Bill, House of Lords Debate, February 1965, vol. 263, cc 617-51.

⁵³⁴ Kiernan et al 1998. See also Wikeley 2006.

⁵³⁵ Kiernan et al 1998. Earnings disregards on Supplementary Benefit were increased to £6 per week in 1975 for lone parents, relative to £2 for unemployed claimants and £4 for partners for the unemployed.

⁵³⁶ For background see Morgan 2005 and Kiernan et al 1998. Also Wikeley 2006.

⁵³⁷ Conservative Part 1979

as the “self-help” Victorian values of Thatcherism⁵³⁸ - it is rather ironic that it was in the first years of the Thatcher Conservative Government that social assistance policy drifted most perceptibly from the principles of benefit deservingness that had dominated British policy since the 1920s. This was achieved not by further elevating the entitlements of social assistance beneficiaries as Supplementary Benefit had done but, conversely, by eroding the rights of those who had contributed to social insurance schemes. Although insurance benefit had never achieved the higher rates relative to assistance benefits that Beveridge had envisaged, the Thatcher Government decision to uprate benefits against price indexes rather than average wages translated as a significant decline in the real value of benefits. Combined with the proposed abolition of the State Earnings-Related Pension Scheme (SERPS) that Labour had introduced in 1975,⁵³⁹ the policies signified a departure from the relatively more deserving insured individual.

Also contrary to the prevailing approach to benefit deservingness and at odds with decades of policy oriented towards intensifying work search conditions for the unemployed, was the 1982 decision to temporarily suspend the duties of both the insured and uninsured unemployed to register with the Employment Service. Of course the context for this change and indeed for the earlier cuts in benefit levels was the struggling state of the British economy; the second oil price shock of the 1970s and the rise in inflation had taken the unemployment rate to heights which had not been recorded in Britain since the great recession of the 1930s.⁵⁴⁰ Thatcher’s response to abandon the prevailing Keynesian supply-side economic dogma and embrace a new

⁵³⁸ Lawson 1993, 64.

⁵³⁹ The proposed abolition of SERPS was withdrawn but benefit rates were diminished and contributors encouraged to opt-out of the scheme.

⁵⁴⁰ Statistics from the Office of National Statistics record unemployment at 13% in 1982 (the equivalent of around 3 million unemployed). For more on the economic context of social security developments see Dilnot and Walker 1999.

monetarist policy emphasising financial regulation and book balancing, forced her Government down lines in social policy that it may not, in other circumstances, have taken but which appealed to those on the ‘right’ of the party who favoured a smaller state and reduced market intervention.⁵⁴¹ Referring to Thatcher’s personal conflict on these matters, a former Whitehall civil servant and advisor to Margaret Thatcher (GB7, 1) commented:

“Margaret Thatcher’s first job in government was as the Junior Minister for National Insurance. She was undoubtedly a Beveridgean..... I mean she was a believer in the contributory principle and that’s a paradox actually because you can always just cut back the value of contributory and employee benefit. The significance of the contributory principle is that it was eroded..... just because of the pressures and requirements to save money. She had a very clear, a Beveridgean, sense of the difference between people who had paid in and had some kind of entitlement, and people who were on means tested welfare.”

Between 1948 and 1985, we thus find that despite the degree of political consensus that had paved the way for the National Insurance and National Assistance Acts of 1946 and 1948, the two main parties had their own discrete conceptions of what exactly ‘fairness’ in social assistance should mean and how it should rank relative to other policy priorities. Resembling elements of the social citizenship rights idea, the Labour Party was consistently wedded to the notion of a claim to social assistance based on need and on job-search effort but was less concerned – even opposed to – the socially segregating effects between the insured and uninsured. In moral rhetorical terms, Conservative Party policy traditionally supported a more socially divisive idea of fairness in the benefit system but, when put to the test, the Party’s normative convictions about fairness were weak relative to its beliefs in market economics and a small state. As demonstrated by the fate of unemployment insurance under the early Thatcher years, the social rights claims of individuals vis-à-vis the state – even those

⁵⁴¹ See analysis by Hall 1993 of the alleged ‘paradigm shift’ from Keynesianism to monetarism which characterised Thatcher-era British politics.

which were explicitly contractual in nature – appeared liable to compromise in the face of greater political objectives and a consequentialist approach to policy-making.

6.3 Conditions and Deservingness Under the Thatcher and Major Conservative Governments (1985-1997)

If it were the political and economic context that indeed caused Thatcher to sacrifice principles of benefit deservingness in the cause of serving the broader Conservative ideological vision, it appeared that the improving economy of the mid 1980s provided the right conditions for re-asserting the primacy of work and linking benefit receipt to work-search requirements. So began what was known in the Department of Employment as the “stricter benefits regime”.⁵⁴² As discussed in detail in Chapter 4, this included new work-search duties on unemployment assistance claimants including Restart interviews with employment advisors, the reinstated mandatory duty to register with the Jobcentre and, in 1989, the introduction of the statutory duty to ‘actively seek work’ under the new Income Support which in 1988 had replaced Supplementary Benefit. Explaining the embrace of new labour market activation measures and their role in politically legitimating unemployment assistance, one former Conservative Government advisor (GB7, 5) commented:

“When in the early ‘80s you’ve got three million people unemployed and the steelworks has closed, you’ve got a lot of unemployed ex-steelworkers. People don’t think they’re scroungers, everybody can see what’s happened - the steelworks has closed. As the economy picked up through the ‘80s, and unemployment fell and employment rose, public attitudes shifted as well as politicians’ attitudes.....That became the background for more active labour market policies. It’s understandable, there’s more consent for active labour market policies in a rapidly growing economy.”

⁵⁴² See Price 2000 for details.

Running parallel to this more coercive, benefit-policing approach to unemployment assistance was the expansion of in-work financial incentives for low-income earners with children. As with the policy of benefit conditionality, the ultimate objective of Family Credit was to reduce the numbers of individuals in need of state unemployment assistance but Family Credit adhered to a different policy logic; rather than assume that individuals needed to be coerced into finding market employment, then Minister of Social Security Norman Fowler was of the view that individuals could instead be incentivised by appealing to their material interests.⁵⁴³ Such approach took a less moralising and more pragmatic view of how to tackle the phenomenon of the high numbers of unemployment assistance claims but it was equally rooted in principles of benefit deservingness related to labour market effort. The policy in fact served to rebalance the Government's support between state income support for labour market 'outsiders' and 'insiders' that had been all but lost in the erosion of contributory benefits.

Notwithstanding the attraction of Family Credit as a policy measure, it remained a minor part of overall Government policy to reduce long-term unemployment assistance claims. In the early years of the Major Conservative Government, Family Credit underwent some moderate expansion notwithstanding the fact that Britain was then still (1992) in the midst of a recession.⁵⁴⁴ However the cost of further extending the scheme was prohibitive and offended Conservative sensibilities about unnecessary state intervention in the market. There was also a sense that activation measures would produce better results, as one former Whitehall advisor (GB7, 4) reflected:

⁵⁴³ Several interviewees in this research attested to Fowler's rationalist approach and support for economic incentives.

⁵⁴⁴ For details of expansion see Chapter 4.

“Peter [Lilley, Minister for Social Security 1992-1997] would say - ‘you can’t just use incentives to do this’. There are some people who are going to be facing high marginal rates of tax and benefit withdrawal. If we want to get them into work we have to be hassling them, encouraging them, actively engage with them.”

Policy thus continued to centre on the need to enhance labour market activation measures for the unemployed and, through the early 1990s, this approach received strong academic endorsement. Notable among researchers advocating enhanced active labour market measures for working-age benefit recipients in Britain was a group of London School of Economics economists - Richard Layard, Stephen Nickell and Richard Jackman. These economists related Britain’s exceptional non-cyclical benefit dependence among the long-term unemployed (relative to other European countries) to a disconnect between benefit receipt and the labour market oriented-behaviours of beneficiaries.⁵⁴⁵ The claim built on the early academic research of one of this group - Professor Richard Layard⁵⁴⁶ – and bolstered the argument (the so-called ‘Layard thesis’⁵⁴⁷) that to cut long-term unemployment assistance use, the Government needed to invest in effective active labour market measures aimed, in particular, at those furthest removed from the market. Reflecting on the policy impact of these findings, one former senior Government civil servant at the Department for Work and Pensions (GB13, 1) commented:

“...it’s pretty rare that you can actually talk about serious academic research directly translating into policy development but there’s no doubt that in this case it did..... it did translate into policy in the UK beginning in the early 90s, particularly when it became pretty clear that UK labour market policy had really taken a pretty bad wrong turn at some point.”

If the suggestion is that policy followed, in evidence-based fashion, it undoubtedly did so because such research conveniently coincided with the normative

⁵⁴⁵ See Layard, Nickell and Jackman 2005.

⁵⁴⁶ See Layard 1979.

⁵⁴⁷ See Price 2000.

attitudes of policy-makers as to the ‘deservingness’ of unemployment assistance claimants. In a similar way, the Conservative Government also seized on theories of the ‘underclass’ and of the moral bankruptcy of welfare dependency that were being propagated by the Institute for Economic Affairs (IEA) through the early 1990s.⁵⁴⁸ The IEA had proven to be an important source of policy advice for the Thatcher Government and the free market and ‘new right’ thinking that it developed was in many ways the anti-thesis of a rights-based approach to social welfare. Expressing this point, one prominent IEA official of the time (GB6, 19) commented:

“What I was against at the time was the feeling that you have the right to other people’s money just because you’re a human, just because you’re a member of society. And what I tried to say was I think that society has a duty to make available support to people just because they’re there, just because they’re members of society but you can’t demand it if you’re the recipient because it can only work if there’s reciprocity behind it... So you have to have done something and you, and the people who are giving you the money are entitled to say: ‘well, have you tried to get a job and, if you haven’t, well here’s a job, take this job - you take that job and I’ll give you some more help’.”

The IEA’s contribution to pathologising the phenomenon of ‘welfare dependency’ helped to politically legitimise an increasingly derogatory discourse in relation to long-term benefit users. This was typified by Minister for Social Security Peter Lilley’s (Secretary of State for Social Security) infamous speech to the 1992 Conservative Party conference where he promised to close down the “...something for nothing society” and to target in particular a “little list” of ‘hardened’ welfare ‘abusers’, including lone mothers.⁵⁴⁹ It also paved the way for tougher work-related conditions for benefit

⁵⁴⁸ Murray 1990.

⁵⁴⁹ Lilley, 1992. Lilley’s ‘play’ on the Gilbert and Sullivan Mikado operetta included the following lines: “So I’ve got a little list/of benefit offenders who I’ll soon be rooting out/And who never would be missed/They never would be missed/ There’s young ladies who get pregnant just to jump the housing queue/And dads who won’t support the kids of ladies they have...kissed/...and there’s none of them be missed.”

recipients which culminated in the introduction of Jobseeker's Allowance in 1995 to replace Income Support.⁵⁵⁰

6.3.1 Cost-saving and the Lone Parent Dilemma

What is interesting is that although the political momentum in the early 1990s was evidently supportive of a tougher policy approach to long-term welfare users of unemployment assistance, this did not translate into more stringent labour market conditions for lone parents such as those which attached since 1989 to the unemployed. As discussed earlier, customary acceptance that lone parent beneficiaries need not work was associated with social norms which were moderately supportive of the idea of the 'mother in the home' although not hostile to maternal employment. By the 1990s however, social and political norms on maternal employment had shifted in a way that no longer readily explained the exclusion of lone parents from job-seeking requirements of Income Support and Jobseeker's Allowance. Commenting on this, one Conservative Cabinet Minister (GB12, 2) of the period observed:

"I think there was increasing recognition that the norm was for women to work both before and after they had children and it, you know there had - in the past, before my time- been a sort of social attitude that women ought not to work, they stay at home and look after the children and that had become - from being a norm - had become the absolute opposite, so that anyone who said that would be laughed out of court. So, it seems slightly odd that we were saying the norm is that women will probably work, it's up to them but that's the norm to, but if they're lone mothers, dependant on benefit we should assume they don't work. So it just became absurd and inconsistent and unsustainable."

It is likely that a concern to contain public spending in the aftermath of the 1991-1992 recession can largely explain why Conservative Party policy lagged behind public attitudes to lone parent employment and was also out of step with the general party belief that job search should be a condition of state income support. Lone parents shared

⁵⁵⁰ See Chapter 4 for full details of the tougher job search conditions that accompanied the shift to Jobseeker's Allowance.

similar educational and social profiles to other categories of the long-term unemployed which made job placement more difficult, but the challenge of lone parent employment was additionally compounded by the lack of state funded early year and after-school childcare. Commenting on the particulars of the lone parent case, one former Whitehall policy advisor (GB7, 3-4) hinted at these dynamics:

“...if anything public policy was lagging behind public attitudes...there was a degree of resentment from women who were going out to work as to why the benefits should cover non-working women, when you had two kids in their teens.... Of course all these things were in the background of trying to save money.”

Instead therefore of pursuing the active labour market route, the Thatcher and then Major Governments opted instead to increase state efforts to chase, for child support/maintenance, the ‘errant’ fathers of the children in lone parent families.⁵⁵¹ Not only was this more in line with the Conservative economic model, it had the further advantage of keeping lone parent support in what many Conservative politicians still considered to be its rightful place – within the family. Moreover, the approach appealed to those Conservative politicians who, consistent with the thinking of the IEA, took the view that state benefits were contributing to moral and social decline and that forcing fathers to assume their familial and financial responsibilities rather than passing off that duty onto the state, was an important element in achieving social renewal. Of this approach, one senior voluntary representative (GB4, 1-2) who was involved at an advocacy level in these development commented:

“Child support was supposed to kind of get income from private means to replace what they were claiming from public means. And it was so explicit that that’s what the policy was about. It wasn’t actually about reducing child poverty or benefitting children, because there were no maintenance disregards, so every penny you got would be sunk into your benefits. So there was nothing

⁵⁵¹ There was some continuity in this approach as, under National Assistance and Supplementary Benefit, lone parent claimants had to show that they had made efforts to secure financial maintenance from the ‘absent’ parent.

in it for you to apply for it, yet, you would be facing severe penalties if you refused to cooperate.”

When it transpired that chasing fathers for maintenance was not delivering the financial gains that had been envisaged and failed to reduce persistently high levels of lone parent benefit dependence, the Major Government finally played its trusted, if least creative, card and committed the Government in 1996 to cuts in lone parent benefits. In line with the sentiment attributed by a senior civil servant to a former Chief Economist at Department of Social Security that “if you pay lone parents, you get lone parents”,⁵⁵² the Major Government set out plans to abolish the ‘premium’ or higher level additional child payment which since the 1970s had been made to lone parents in appreciation of their greater childcare burden relative to couple families.⁵⁵³ Emphasising that cost considerations trumped all other secondary normative considerations (such as the promotion of the caring role of mothers) one senior civil servant (GB3, 10) recalled the thinking in the late Thatcher years as intimating: “...it’s fine to be a kind of ‘stay home mum’ as long as you can afford to be, and if you can’t, you can’t afford it.”

6.3.2 Skeletal Positive Rights Ideas

In terms of ideas of fairness associated with social assistance provision, the years of the Thatcher and Major Governments indicated continuity, change and revision. The most significant change was the party’s detachment from the idea of relative benefit deservingness between the insured and assistance-claiming unemployed as demonstrated through the devaluation of Unemployment Insurance benefits. Continuity was indicated in the consolidation of job search condition for unemployed assistance recipients (as expressed both in Income Support and Jobseeker’s Allowance), and in the

⁵⁵² View attributed in an interview with a senior Department of Social Security Official (GB3).

⁵⁵³ Subsequent to laying out these spending plans, John Major’s Conservative party suffered electoral defeat and power transferred to the Labour Party. It was thus under a Labour Government that the lone parent premium was actually abolished.

decision to maintain a lone parent income support policy free from labour market conditions. Family Credit, on the other hand, pointed to a desire to establish a new kind of relative fairness for assistance-claiming labour market insiders and outsiders.

These particular patterns of ideational developments are all testament to the shaping power of the Conservative political ideology - an ideology which travelled in a more 'right-leaning' direction under the leadership of Margaret Thatcher. The patterns reflect the priority of contained social spending and underscore the reluctance of political leaders to afford the state a more interventionist role in the operation of labour markets. They also indicate some residual gendered ideas about care and labour market participation. Innovative though Thatcherism was, it did not overturn the underlying norm which linked benefit deservingness to work ethic but rather gave it distinct flavouring.

The sum of these ideological beliefs and normative commitments suggests that Conservative Party elites held rather shallow ideas of social rights. The explicit contractual tones of the Jobseeker's Agreement within Jobseeker's Allowance point to a belief in the claims of welfare recipients as holders of 'positive rights'. Recognition of rights undoubtedly stemmed from an accepted social arrangement but not from an expansive understanding of social contract such as we tend to associate with the idea of social citizenship rights. Nor is there a sense that such rights are in any way fundamental and superior to positive law as a human rights idea of social rights would demand. Indeed when prompted to reflect on whether ideas of social citizenship rights or even human rights, influenced policy-thinking in this area, one former minister in the Major Government (GB12, 6-7) unequivocally refuted any such influence, preferring instead to emphasise the focus on duties of the citizen and state.

"They [ideas of social citizenship and human rights] certainly didn't [influence]....Mainly because, as I said, I approach it from a sense that everyone has an obligation to help others rather than that people have got a

*right to sit back and expect others to help **them** and that, that's one half of it, and the other half is when it comes to rights I think of lawyers and when I come to think of lawyers I think of Shakespeare: 'first, let's hang all the lawyers'."*
(Emphasis original.)

6.4 Pursuing Social Citizenship Rights: The New Labour Government (1997-2009/10)

Despite the scale of its victory in the 1997 general election and the sunnier economic climate of that time, the Labour Government did not assume control of Government (and social assistance policy-making) unburdened and unconstrained. It rather faced the challenge of breaking free from the 'long shadow' that had hung over it since its bruising 1992 electoral defeat when the manifesto pledges of former party leader, John Smith, had earned Labour the reputation as the party that would tax, spend and borrow. Now in power, Labour had to navigate a careful path that struck a cautious note on spending but at the same time demonstrated ambition on social justice and objectives around socio-economic development that were consistent with Labour's political ideology. As one Labour Party grandee (GB1, 1), heavily involved in the 1997 election, explained:

"Blair and Brown.....thought that Labour had damaged itself greatly in the 1992 election with the Smith budget which had basically been a plan to put up universal benefits - pensions, child benefits - financed by taxing the better off. They were absolutely determined that they weren't going to do anything like that. But they recognized that as a party of the Left they had to say something about poverty because poverty was such a serious problem..... So the philosophy was how do we show that we care about these things without committing ourselves to very costly universal pledges that are going to blow a hole in our public spending and tax credibility . So that idea was central – was a central motivation."

Also constraining Labour's social assistance policy development plans were the now entrenched views shared across the political system about fairness in benefit receipt. After almost fifty years of statutory social assistance policies, of which the last

eighteen were under Conservative Government rule, the idea that unemployment assistance should be conditional upon labour market activities had become institutionalised within the machinery of Government and most particularly within the Department of Social Security - thereafter renamed the Department for Work and Pensions (DWP). For the Department, which was predisposed to reducing welfare claims and increasing employment, the labour market conditionality approach was considered not simply fair but, importantly, effective. Thus, at that time, “the ‘what works’” approach as one former DWP senior official (GB13, 2-3) commented “... became very much embedded in the Department’s culture.”

While setting out ambitiously to capture the political ‘centre ground’, Labour was also mindful of maintaining the support of those that it considered its core voters. With trade union membership in decline and the Smith Labour government programme believed to favour a liberal, social justice agenda, traditional Labour voters were said to be experiencing what one Labour Peer and former Minister described as a “double disconnect” with a party that was no longer explicitly seen to be promoting their material interests.⁵⁵⁴ With policy on contributory unemployment benefits substantially weakened after nearly two decades of Conservative Government rule, voters needed to be convinced that Labour still stood for the interests of the worker and, through its social assistance policies, would guarantee more than just outright or absolute fairness (via strict conditionality criteria) but also *relative* fairness, in the sense of ensuring equitable social provision across the spread of ‘deserving’ social groups. Meeting these perceived public ‘fairness’ standards was, in the view of senior Labour leaders, not only critical to the party’s political success but also, by this point, to the

⁵⁵⁴ This point was made in an interview with GB17.

sustainability of the welfare system itself. As one former Labour Cabinet Minister (GB5, 2) elaborated:

“...in order to sustain public support for a benefit system, the people who are paying for it have to believe it's fair. When they don't believe it's fair, if there are on low wages and working and paying tax, and they see other people in circumstances not very different from themselves, just that the benefits - okay, they are paying some contribution to tax, to value-added tax, but they are not contributing actually to some extent..... it's about maintaining a benefit system to actually have some integrity because, if we hadn't taken that action (I'm sure the same sort of pressures were evident with the Major government that preceded us....) the public would demand sharper cuts in benefits.”

If these were the political, normative and institutional boundaries delineating the scope of feasible policy-making for the incoming Labour Government, there was still room to adapt the social assistance policies inherited from the out-going Conservative Government in ways that were more consistent with the ideologically-motivated beliefs of the former. Indeed despite the Labour party labelling itself ‘the party of ideas, not of outdated ideology’,⁵⁵⁵ the policy adaptations pursued in practice were, as I shall now show, largely in line with traditional Labour party beliefs about redistribution, state interventions in the labour market, social justice and social democracy.⁵⁵⁶ Indeed it was these ideological beliefs that gave rise to policy-making solutions which resulted in some significant re-moulding of the framework ideas of fairness in the benefit system and which provided scope for revised ideas of *social rights* such as would distinguish Labour's policies from those of the previous Thatcher and Major Governments.

6.4.1 Tax Credits and New Categories of Deserving

One of the truly coined political slogans of the New Labour era was the idea of “work as welfare”. This idea can be understood to encapsulate many of the ideologically-inspired policy goals of New Labour: it aspired to the party's

⁵⁵⁵ Labour Party 1997.

⁵⁵⁶ Ideas of fairness had been explored in the Smith instituted Commission on Social Justice in 1994-1995.

macroeconomic model of ‘full employment’; it spoke to a feminist agenda of senior party figures such as Harriet Harman and Patricia Hewitt aimed at boosting employment opportunities for women; it was consistent with Prime Minister Tony Blair’s vision of rebalancing public expenditure away from social welfare payments and towards universal services; and, it was considered critical in the battle against poverty - led by Chancellor and later Prime Minister, Gordon Brown. A step towards making a reality of the ‘work as welfare’ idea, was the delivery of the subsidiary objective to ‘make work pay’. In policy terms this translated into a minimum wage guarantee, revised income tax thresholds, affordable childcare and *in-work* social assistance supports for the low paid with families.⁵⁵⁷

As discussed in detail in Chapter 4, in-work social assistance in the re-worked form of Working Family Tax Credits (later Tax Credits) became the centrepiece of New Labour’s ‘make work pay’ agenda and its social assistance policy reforms. In substantially expanding the scope and scale of the Family Credit template, Labour was not only driven by all of the end goals just mentioned but more immediately, and in a way that was significantly more overt than under the previous Major Government, by the *political objective* of serving the ‘labour market insiders’ – in other words, Labour’s core voters. Hence when Labour’s first Minister for Welfare Reform Frank Field, motivated by the same immediate political objectives, found his proposal for a remodelled contributory unemployment benefit soundly rejected on feasibility grounds,⁵⁵⁸ political momentum consolidated around the single policy instrument of the Working Families Tax Credit. Being accompanied, at least initially, by cuts to *out-of-work* benefits (most notably Labour’s abolition of the lone parent premium in line with

⁵⁵⁷ For details see Chapter 4.

⁵⁵⁸ Field’s proposals were seen as politically suicidal since they violated first principles of reasonable social spending. The cost implications were prohibitive and Field lost his ministerial position. For more see Clark 2015, chapter 8. See also Timms 2014 and Field 2014.

their commitment to stick to the outgoing Conservative Government social spending limits), the tax credit approach thus had the net effect of strengthening the more and less deserving divide among the labour market ‘insider’ and ‘outsider’ populations of social assistance claimants.

At some level, this effect was both politically and pragmatically desirable: it appeased low-wage Labour voters who viewed themselves as deserving of state support, and it increased employment incentives that were critical to the ‘work as welfare’ goal. But we cannot take from this that Labour leaders personally *believed*, in moral terms, in the greater deservingness of the in-work recipient of social assistance. Leaders had other political goals – notably poverty reduction - that were not, at least in the immediate term, advanced by these measures. They also had personal convictions that the Government had a duty to redistribute to help *all* those in financial need. The challenge therefore was to develop policy that would serve potentially conflicting ideas and interests and, at the same time, avoiding violating self-imposed social spending caps.

This was a policy dilemma that fell largely in the lap of the Chancellor, Gordon Brown. Despite Tony Blair’s high profile Toynbee Hall intervention in 1999 when he committed the Government to eradicate child poverty within a decade,⁵⁵⁹ it was Brown who was widely acknowledged by Labour/parliamentary colleagues, civil servants and across the voluntary sector, as the engine behind Labour’s anti-poverty drive.⁵⁶⁰ Brown’s belief in the moral imperative to tackle poverty was said to be an “animating force” that had driven him from his days as a backbencher when he was a fierce critic of

⁵⁵⁹ Blair’s intervention was a surprise to many colleagues in the field. Even those closest to Blair conceded that poverty objectives were more squarely within Brown’s interest area. (View expressed in an interview with GB19.)

⁵⁶⁰ One former ministerial colleague (GB17, 15), said of Brown’s approach to Child Tax Credits: “Gordon....would have gone out to battle on if he had needed to...”.

what he considered inadequate government spending on the ‘poor’.⁵⁶¹ In the words of a former special advisor (GB10, 11), Brown’s passion was however simultaneously contained by pragmatism and a sense of duty in service:

“Gordon was very much a conviction politician. He was a very moral politician and he also had very clear ideas of what happened. What he wasn’t was a dogmatic politician..... So the framework is morality; the value system is absolutely driven by the how as much as the what. What works matters a great deal, because this is, in the end, public money you’re spending and if it’s not going to achieve the objective then you shouldn’t be spending it doing that.”

This passionate but pragmatic approach had led Brown, during his time on the Opposition benches, to heavily research models of social welfare provision overseas.⁵⁶² He was said to have been particularly influenced by the general supply-side approach to macroeconomic policy in the United States⁵⁶³ and was of the view that, in the run-up to the 1997 General Election, the Labour Party faced some similar electoral issues to those which the US Democratic Party had confronted. Colleagues of Brown recall his particular enthusiasm for the tax credit policies of the Clinton Administration in the United States, as a former Treasury civil servant (GB3, 11) commented:

“...the obsession that he [Gordon Brown] came into power with (and I was very much involved in this) was wanting to replicate the American system of an Earned Income Tax Credit...I have very clear memories of 97-98 (I was still in the Treasury then) of a rather impatient Gordon Brown saying ‘I want one of these here! Why can’t you do it?’ and then he and Ed Miliband having a quite prescriptive approach to how to introduce tax credits.”

It was an innovative policy solution on which the Labour Government ultimately settled – one that sought to reconcile competing political interests and objectives and

⁵⁶¹ One senior DWP civil servant (GB3) recalled in an interview Brown’s particularly passionate critique of fuel poverty among pensioners in his backbench days.

⁵⁶² An expert interviewee (GB14,2) commented: “Gordon Brown was the sort of sponge, he used to go around everywhere talking to people about welfare policy. I remember he, me and Larry Katz sat down one lunch time for about two hours and Larry Katz explained all the working family tax credit things.... and he was very receptive. . .So by the time he became Chancellor he was sort of quite well versed at the sort of social benefit activation kind of issues.”

⁵⁶³ View expressed in an interview with GB2.

which was subtly distinct from the US Earned Income Tax Credit approach.⁵⁶⁴ To all intents and purposes, the Child Tax Credits policy (introduced in 2002) effectively instated a second tier of targeted/means-tested child income support to supplement the existing universal Child Benefit. In focusing on the *source* of financial need – dependent children - the policy enabled the government to side-step scrutiny of benefit recipients’ ‘deservingness’ in labour market terms, and to treat alike all low-income families with children - both those in and out of work.

Despite what might appear to be the ‘safe’ moral high ground of benefits for children, the Government was nonetheless ever-mindful of negative political reaction and felt the need to smudge the true nature of the benefit by aligning it to the new ‘parent’ policy of Tax Credits, administering it from HM Revenue and Customs and classifying the cost as negative income tax rather than social spending. While this helpfully created the ambiguous impression that the benefit was somehow work-related when in fact, the core element (minus the childcare component) applied equally to children of parents in and out of work, it also had the disadvantage of underselling the Government’s actions to tackle child poverty and potentially contributed to the disappointing take-up rate of the benefit itself. Reflecting on the contention and implied critique that Labour ‘redistributed by stealth’,⁵⁶⁵ one former advisor (GB19, 4) commented:

“...in retrospect, actually Labour could have done with making the argument more clearly and might have had greater success in being able to sustain it and I think that sort of fluctuated. I think you know sometimes it was owned – the record at the time – and other bits were spun.”

Ultimately, while the Tax Credit approach did at the very least *condone* the idea of the relatively more deserving labour market ‘insider’ (or at least paid lip-service to

⁵⁶⁴ For a comparison of the two approaches see Blundell and Hoynes 2003 and Gregg and Harkness 2003.

⁵⁶⁵ Hattersley 2005.

that view at the level of the electorate), the Child Tax Credit policy had the effect of moderating some of the negative financial effects of this policy for families with children in receipt of out-of-work social assistance payments.⁵⁶⁶ Moreover, the Child Tax Credits policy was motivated by what was essentially a variant of the idea of *universal* deservingness and one already present in the broader British welfare system; namely, deservingness by virtue of the financial cost associated with raising children as given expression in Child Benefit. Since the Child Tax Credits policy can be regarded as a targeted component of the former, it was claimed by Gordon Brown and the Treasury as a type of ‘progressive universalism’ – a concept to which the Labour Government was particularly attached in ideational terms.⁵⁶⁷

6.4.2 Benefit Conditionality: Rights, Responsibilities and Social Control

Just as tax credit policies were, in part, electorally-motivated and in line with perceived public attitudes towards ‘benefit fairness’ so too were Labour’s measures to extend benefit conditions. But while there may be insufficient evidence to attribute to Labour leaders *personal belief* in the idea of the ‘relatively more deserving’ among social assistance recipients, there is little doubt that Labour leaders were committed, at both an individual and party level, to the idea of reciprocity in the benefit system and specifically to the idea that, with the right to state income assistance comes the duty of claimants to seek financial independence through work. Speaking to this point, and explaining the communications strategy of ‘rights and responsibilities’, a former New Labour Cabinet Minister (GB5, 4) explained:

“...as we re-designed and reformulated Labour’s policies in order to end the years of Tory governments and get Labour into power, shaking off any notion that Labour was in some sort of antediluvian sense, wedded to the idea of entitlement without responsibilities, was something we did need to change, and

⁵⁶⁶ Of course childless couples and singles, for whom no such mitigating measures were in place, did feel the consequences of their ‘less deserving’ status.

⁵⁶⁷ See HM Treasury 2001a, 2001b and 2004.

in doing so, as I said, we were in accordance with what, not just our sort of target voters wanted, but what our core voters wanted.”

For Tony Blair and Gordon Brown, the ideas of social contractualism and community interdependence centred around market employment were core to their political perspectives. According to numerous interview sources, both men linked their beliefs to Labour Party attitudes prevalent in the 1920s and 1930s when (as earlier discussed) there had been a strong focus on the reciprocal duties of the state and the citizen. Of Blair, one former special advisor (GB2, 3-4) commented:

“Blair was at some level committed to a sort of Communitarian reading of socialism, which was about the idea of people having reciprocal responsibilities alongside rights..... he would argue that what he was saying in ‘97 or 2001 was not that different to how ethical socialists in the early 20th century would have thought, about the relationship between individual rights and sort of reciprocal duties.”

Brown’s influences were believed to be similar, if not more squarely within Labour’s political ‘left’. As with Blair, his views were described as deriving from a “communitarian tradition”⁵⁶⁸ but he was most particularly associated with ideas of labour rights and the influence of Independent Labour Party leader James Maxton as well as, according to one former colleague, by the role of the Presbyterian covenanters in Scottish history.⁵⁶⁹ Relating Brown’s beliefs to the ‘rights and responsibilities’ idea, one senior labour party figure (GB1, 2) commented:

“I think we made some bold claims on this rights and responsibilities thing like this was what the Labour party had already, originally argued for historically. Whether that is true or not, it’s for historians... Gordon Brown felt it particularly strongly because of course his academic research – he had written a biography of Maxton and Maxton had been very keen on the right to work and all that sort of thing. So he felt, he wanted to argue, that he was reverting to a kind of old Labour tradition.”⁵⁷⁰

⁵⁶⁸ View expressed in an interview with a former special advisor (GB10).

⁵⁶⁹ This point was made by a Labour Peer and former Labour Minister (GB17).

⁵⁷⁰ The influence of James Maxton on Gordon Brown (including the concept of social covenants) was highlighted in interviews with several of Brown’s Labour colleagues (GB17 and GB2).

If both men were committed communitarians, they arguably adhered to discrete branches of that political philosophy.⁵⁷¹ While each ascribed to the idea that, in the pursuit of social equality objectives, the benefit system could justifiably be used as an instrument of social control and therefore as a reasonable constraint on personal liberty, they differed on the scope of legitimate means for pursuing these objectives and perhaps also on the precise nature of the objectives themselves.

Blair's views represented the harder edge; his ambition of an equal, more prosperous society was one which justified strongly 'illiberal' restrictions on the autonomy of benefit recipients. The ambition was also given to legitimise, at least in the short-term, measures which potentially undermined re-distributive efforts to actually achieve social equality goals. Moreover, his relatively 'moralistic view' of human behaviours and their perceived societal impacts, distanced him from the more 'liberally-inclined' elements within his party.⁵⁷² Blair nevertheless maintained the view that his beliefs ascribed to, what once former advisor (GB2, 3-4) described as a:

“Left and Centre-Left understanding of the relationship between the individual and the state rather than...as somehow a sort of deviation towards a kind of Right wing or New Right agenda.”

If we associate Brown with re-distributive Tax Credits and social investment elements of the New Deal, Blair's imprint on welfare reform can be felt most keenly in the new regime of labour market conditionality for lone parents and policy measures steered towards an increase in benefit sanctions. He was supported in these policy directions by 'law and order' allies in the form of David Blunkett and John Hutton as successive Secretaries of State for Work and Pensions each of whom shared Blair's

⁵⁷¹ See White 2001 for a discussion of the tensions between liberalism and communitarianism within New Labour's 'third way' philosophy.

⁵⁷² In this moralising aspect, Blair shared much in common with his first appointed Minister of Welfare Reform, Frank Field, and was controversially associated with endorsing the latter's theory of the 'underclass.' For a critique see Levitas 1998.

moral objectives of social renewal. Convinced by the empirical evidence on labour market conditionality as a means of reducing welfare dependency, Blair's approach also had the backing of the Department of Work and Pensions but not the overt support of Brown and the Treasury. Reflecting on this tension, one former Brown advisor (GB11, 7) commented:

"I remember distinctly discussions with DWP officials where they were pushing for conditionality for lone parents at the time when we did work-focused interviews, and I myself wasn't out of step with Brown and his team in saying that we didn't want to do that..... Brown never pushed for it, and indeed to some extent resisted it, and then the signal of his losing control over that kind of aspect of things was the advent of Hutton and Freud."

While we can speculate about the extent to which these different emphases on welfare reform were political (that is, representative of the widely-discussed power struggle between the two Labour leaders) as opposed to deeply ideologically-based, what is clear is that there were natural limits to the amount of ideational difference, if even on the surface, that New Labour could absorb. Blair felt this with force when he found himself without party backing for his controversial proposals to place behavioural conditions on recipients of Child Benefit and Housing Benefit.⁵⁷³ While, in both cases, Blair's ostensible motivation – to improve children's school attendance and to reduce anti-social behaviour - could be seen to fit within the broad social democratic and social equality objectives of the Labour party, the potential immediate costs (cutting children off without state income support and removing the roof over the head of families) were a step too far for a party which claimed social justice credentials.

Lone parent reforms were a different matter altogether. The implementation of what was undoubtedly a radical move in British social policy terms - the progressive

⁵⁷³ Blair lost the support of key advisors in regard to the Child Benefit proposal and faced stern opposition from Deputy Prime Minister, John Prescott over his efforts to attach behavioural conditions to Housing Benefit. The legislative proposals for the latter failed to receive sufficient parliamentary support but the inclusion of a 'sunset clause' in the Anti-social Behaviour Act kept this item on the political agenda for future reappraisal.

replacement of Income Support with Jobseeker's Allowance - must be understood within the context of prevailing public norms.⁵⁷⁴ The success of the reforms were not just the outcome of a power struggle or collusion with Labour colleagues pursuing either a feminist⁵⁷⁵ or anti-poverty agenda; rather, a large part of the reason why lone parent reforms came to be enacted while other equally controversial measures were shunned was because of their perceived public support. The public was given to have strongly endorsed maternal employment but, more importantly, to have adopted the attitude that it was only "fair" to subject lone parents to the same work requirements as other low-income women with children.⁵⁷⁶ Underlining this point, a former Labour Cabinet Minister (GB5, 7) commented:

"There's also an equity and fairness question here as well, in that many young women who were in couples, and therefore not in that sense lone parents, were going out to work with their partners going out to work, and so yes the pressures and the difficulties faced in lone parents can be different and can be greater, but it's not a wholly dissimilar situation, and also actually across that same period, greater conditionality was brought in relation to partners of unemployed people as well. So it's not like it was just the focus on lone parents."

By the time Gordon Brown took over from Tony Blair as Prime Minister, substantial investments had been made in the areas of early years educational and childcare services, such that the labour market orientation of lone parents social assistance policy was fixed to the tracks and there was no political desire to re-route. From 2008 through to 2010, the political focus shifted on readying the party for the general election, not for launching new policies. And while Brown's personal commitment to state-funded "lifelong learning" and training/apprenticeship opportunities, his social investment-styled policy ambitions (and indeed those of his

⁵⁷⁴ See Chapter 4 for details.

⁵⁷⁵ Several interviewees (GB1, 2 and 15) credited the direction of lone parent reforms to leading Labour feminists such as Harriet Harman and Patricia Hewitt.

⁵⁷⁶ Such view of course ignored the reality (discussed in chapter 4) that partners of the unemployed were subject to only light-touch labour market conditions.

Secretary of State, James Purnell) met with an inhospitable climate in the context of the deteriorating economy. Thus, when Labour lost Government control in 2010 election, it left social assistance policy more deeply tied to the labour market than at any point since its statutory origins - epitomised by *Work for Your Benefit Schemes* and the contracting of private providers to oversee the more extreme end of conditionality in out-of-work social assistance.⁵⁷⁷

6.4.3 Ideas of Fairness and of Social Citizenship Rights

We can conclude that over the period of the New Labour Government (1997-2010), the way in which public norms of fairness in social assistance provision were interpreted and given policy effect reveals the important and distinctive force of Labour ideology; specifically, the dominant ideas of a strong, interventionist state, progressive redistribution, and equality of opportunity with the aim of producing a certain level of social equality (including gender equality). This ideological perspective provided a new lens for conceiving of social rights and for developing ideationally consistent policy solutions that broke with the tradition of previous Conservative Governments and resonated clearly with the idea of social citizenship rights.

The degree of overlap with the ideology of the New Labour Governments and the social citizenship rights idea is, in fact, substantial. Each emphasizes the concurrent rights and duties of the citizen and state, the centrality of labour market employment and the importance of society. In the pursuit of social equality, the citizenship rights idea is permissive of certain restrictions on what we might think of as classic liberal individual freedoms; an allowance that was repeatedly relied on in justifying Labour welfare reform policies. But just as the citizenship rights idea is bounded by a social

⁵⁷⁷ See Freud 2007. This was the basis for future reforms in this area under the leadership of Gordon Brown – i.e. “Work for Your Benefit Schemes”. For more see Chapter 4.

democratic teleology so too Tony Blair found himself pulled back by his party when he attempted to develop policy in more illiberal and less egalitarian directions.

If there is substantial alignment therefore between Labour party ideology and the social citizenship rights idea, no such compatibility exists with the human rights idea. The circumscribing effect of public norms of benefit fairness automatically placed Labour's social assistance policy approach in conflict with core human rights values, meanwhile Labour support for the idea of the relatively more deserving labour market 'insider' breached the principles of universality and non-discrimination which require that rights are equal to *need* and are not varied by worker or any other status.⁵⁷⁸ Further, the demonstrated willingness to restrict individual freedoms in the area of family life and employment in the pursuit of policy goals and political objectives risked undermining the principles both of autonomy and the indivisibility of rights. Recognising the shortcomings of Labour policy for certain vulnerable population groups, one senior Labour parliamentarian (GB1, 7) commented:

"I think one of the sad things about the Labour policy was that, particularly single men, who weren't able to work for a variety of psychological, mental issues, criminal records etc did very badly out of the system that we instituted. And we should have thought about it more."

Even the social entitlements of children, to which the Government took a less contractual and more universal approach, were not understood by senior Labour policy-makers as fundamental human rights. Despite the strong redistributive effect of the Child Tax Credit policy, its lack of conditionality and its response to 'need', the policy was not understood as a 'right' of the child per se but was conceived rather as a right of

⁵⁷⁸ Although not the focus of this thesis, it should be noted that "Worker" status has also been used to exclude EU migrants/citizens working in the UK from receiving social assistance benefits. Immigration status also excludes many non-EU individuals from access to the British benefit system.

the future worker or, as Gordon Brown put it, as representing the ‘*best investment*’ that a Government can make.⁵⁷⁹

6.5 Conservative Policies under the Coalition and Cameron Governments 2010-2015: Shrinking the State

Following defeat in the May 2010 general election, Brown’s Labour Government was replaced by a coalition Government of the Conservative and Liberal Democrat parties, operating under the leadership of Conservative Prime Minister, David Cameron. With the Conservatives as the major coalition partner and both the Department of Work and Pensions and the Treasury among the Conservative-controlled ministries, working-age social assistance policy was Conservative Party territory.⁵⁸⁰ Under the direction of Secretary of State for Work and Pensions and former Conservative Party Leader, Iain Duncan Smith, social assistance policy over this period was characterised by cuts and compulsion; both in-work and out-of-work benefits suffered decline in value and the labour market conditions for all types of working-age benefits increased in intensity.

As detailed in Chapter 4, new elements of compulsion were present in the following specific forms: the extension of labour market conditions to lone parents of children as young as three; mandatory workfare schemes for the long-term unemployed (notably the Work Programme); changes in eligibility for Tax Credits for families with the de facto effect of increasing working hour conditions from 16 to 24 hour minimum weekly threshold; the piloting of new in-work conditions for beneficiaries of working tax credits; and more severe benefit sanctions. Meanwhile cuts extended beyond reductions in the real value of social assistance payments for lone parents and the

⁵⁷⁹ Brown 2001.

⁵⁸⁰ HM Government 2010

unemployed and included cuts to the peripheral ‘safety net’ benefits for families with children.

On first glance, cuts may be quickly attributed to the economic climate and the perceived need to make savings in the public purse. Moreover, since the overall patterns of increased labour market conditionality and in-work benefit provision do not appear particularly radical compared to what had come before (even if conditionality for lone parents represented a jump from the Major years) there might also be a tendency to see the Coalition/Conservative era in rather more continuous, ideational terms. The strength of public norms on benefit fairness had certainly meant that benefit conditionality was a *sine qua non* of British social assistance policy. As a Labour parliamentarian sitting under the Coalition and Conservative Government (GB9,9) argued, of the idea of benefit contractualism generally:

"...it's just taken for granted now. It's implicit. They [the Conservatives] don't have to justify extending conditionality in a sense, in terms of an underlying philosophy of reciprocity. I'm not saying that the communitarianism is implicit, but that idea that people have obligations certainly is. They feel that it doesn't have to be spelt out."

But what this seemingly continuous, if intensified, policy pattern belies, is the step change in some of the underlying normative ideas and logic justifying such social assistance provision for the unemployed and lone parents. As I shall now demonstrate, normative framework ideas about fairness in the British benefit system which had long provided the basic parameters for the content and conditions of social assistance entitlements, were in elements reinterpreted and even resisted in the face of core Conservative ideological beliefs whose political legitimacy was enhanced by the external economic context – the ‘opportunity’ of the economic crisis. What is more, the Conservative ‘take’ on fairness in social provision indicates distinct and revised ideas of social rights.

6.5.1 Levelling Claims and Conditions: Universal Credit

Undoubtedly the most significant policy-making idea which shaped the direction of social assistance over the period 2010-2015, was Iain Duncan Smith's new policy instrument - Universal Credit. Bringing under one roof all existing in-work and out-of-work social assistance payments with the exception of pensions, Universal Credit constituted Britain's first single working-age social assistance structure.⁵⁸¹ What was perhaps most radical about this policy was that it represented a departure from the idea of the relatively *more deserving* labour market 'insider' which had been cultivated for over fifty years - first by the unemployment assistance-insurance divide of the late 1940s and then, under the New Labour years, by the expansion of in-work credits. It effectively reverted to the 1920s position when, as earlier discussed, labour market 'insiders' on what was then means-tested unemployment insurance received treatment that was no more favourable than that of 'outsiders' in receipt of uncovenanted benefits.

With the move to Universal Credit the elevated claims of the labour market 'insider' to social assistance payments (credits) were made more equivalent to those of 'outsiders' by virtue of new conditions requiring 'insiders' to demonstrate their commitment to securing additional and higher paid employment. This began with the increase in the weekly minimum working hours threshold for Working Tax Credit for families with children (from 16 to 24 hours) and continued with the subsequent trialling of in-work conditionality among the early waves of Universal Credit beneficiaries.

Despite the best efforts to dress up the Universal Credit policy change as offering *more* to the low-paid part-time worker in terms of new Jobcentre advisor 'support' for progressing in employment, the increasingly conditional approach was undoubtedly one which weakened the claim or *prima facie* 'right' of the labour market 'insider' to social

⁵⁸¹ See chapter 4 for a detailed discussion of the policy.

assistance vis-à-vis the state. It thus came with the political risk of alienating low-paid workers. For the Conservatives however, such risk was outweighed by the gains of what was believed to be a more effective method of not only transitioning individuals from out-of-work to in-work benefits but of permanently ending reliance on the state. Indeed, political leaders were of the view that Universal Credit would in fact revolutionise the relationship between the individual, the state and the market, encouraging the market to adopt what had previously been the state's burden.

Explaining the latter point, one former Conservative Minister (GB18, 5) commented of Universal Credit:

What it's also done [Universal Credit] is – lots of companies like x – who break up their jobs into 16 hours slots, don't do that anymore so that means they are more likely to start training people who can go up the hours. So that's had a big effect. In fact, when we first rolled it out in the North West we had loads of companies saying that they don't want to take anyone on Tax Credits – they only want people on Universal Credit, because the whole attitude and mindset is different and the whole linkage with the advisor is different. It meant that their own complicated systems could now be ended and they could now look to employ people for other hours because if you were a lone parent on 16 hours it was hardly worth your while doing any other hours but now it is because you will only actually lose the rates that you lost before. So all of that means that a lot of these companies say that this changes the internal way that they work.

Universal Credit, conceived in the above terms, thus reflected core tenets of Conservative Party dogma: market supremacy, the desirability of a small state, and the need for the state to cultivate individual personal responsibility. Since, in electoral terms, the Conservative Party was not subject to the same political constraints as its Labour predecessors to prioritise the interests of workers, such ideological beliefs trumped other normative ideas that supported the notion of the relatively more deserving labour market 'insider'. But what Universal Credit developments also demonstrated was that *any* welfare state intervention – even one fully in line with long-term Conservative goals - had to satisfy the cardinal requirement of cost containment.

The primacy of the ‘small state’ idea and the associated political objective of containing social spending was most evident in the context of the battle of ideas between the Department for Work and Pensions or, more specifically its Secretary of State Iain Duncan Smith, and the Treasury. Duncan Smith represented an ambitious vision of Conservatism that went beyond both the pragmatism of winning the next election and a narrow interpretation of economic austerity but which instead took a long-term perspective on how to realise the Conservative ideal. That ideal consisted of more than just an efficient, prosperous and liberal economic model but incorporated a significant element of social renewal – a world where market employment led to “better people” and hence a better society. Unsurprisingly, it was an ideal which led to substantial disagreements between the Work and Pensions Secretary and the Treasury over the scale and funding of Universal Credit. Speaking to the nature of this inter-Ministerial tension, one senior Conservative party figure (GB18, 11) commented:

*“Macroeconomic policy-making constrains the space of any area of Government policy. But I think what we did.....was to try and carve out a space marked ‘something bigger than the money’..... We made compromises on things because you think that in the greater swing of it you’re going to get that point.....My argument with the short-term changism - my constant argument with the Treasury – was that you don’t see what happens to **people** you only see what happens to **expenditure** and the problem is, you lose sight of what happens to an individual or human being, you will then find yourself with consequential expenditure because you haven’t changed that life.” (Emphasis original.)*

Testament to the economic core of Conservative Party politics, it was the Treasury view which ultimately prevailed in this battle of policy ideas. Following the 2015 general election which saw the Conservatives return to Government as a single ruling party, Universal Credit was starved of the investment considered necessary to bring about long-term returns in economic and social terms and Iain Duncan Smith resigned as Work and Pensions Secretary. What is interesting is that at the same time as cutting back on Universal Credit plans, the Treasury chose to compensate low-paid

workers by instituting a new ‘living wage’ policy. This route – which had previously been regarded as a “zero sum”⁵⁸² by the Treasury (in the sense that lost revenue from corporation tax would nullify the savings from cuts to in-work credits) – indicates the extent to which political calculations, in addition to ideas, played a role in social assistance policy development during the 2015 Conservative Government.⁵⁸³

6.5.2 Pushing the Boundaries of Permissible Means in Benefit Conditionality

If the Conservative Government was prepared to readily dispense with the notion of the relatively more deserving labour market ‘insider’, it clung more tightly to the longer-lived and arguably more overarching idea of benefit deservingness based on labour market endeavour. This preserved the fundamental ‘framework idea’ of work-effort as a basis of state social assistance and reinforced the underpinning concept of reciprocal state-citizen duties. It was also an idea that was entirely consistent with the Conservative emphasis on individual responsibility and labour market participation, and which could be developed in a way compatible with cost-saving, market-oriented objectives of a Government still in the grip of economic austerity.

One of the ways in which this reinvigorated idea of welfare contractualism found fresh policy expression was in the intensification of benefit sanctions for claimants who failed to comply with the relevant labour-market conditions. Unburdened by commitments to poverty eradication that had defined the New Labour Government, the Conservative-led coalition could rely on narrowly construed arguments of ‘fairness’ to justify a policy approach which left non-compliant social assistance claimants cut off from primary state income supports for up to three years and forced to resort to charitable foodbanks for the means of basic subsistence. Even the concept of the

⁵⁸² View expressed in an interview with a former Conservative Cabinet Minister.

⁵⁸³ The living wage policy was also, to some extent, a trial to assess how well business could absorb the costs of the state welfare bill.

‘deserving’ child, which (as earlier discussed) had formed part of the logic of the Labour Government’s Child Tax Credit strategy of poverty relief for *all* families, carried insufficient normative currency to offset some of the more severe consequences of benefit sanctions for individuals with dependent children. Hence, under the 2015 budget of the newly elected Conservative Government, Child Tax Credit was limited to two children per family and the additional ‘per family’ element was also removed.⁵⁸⁴

The Conservative approach to renewed reciprocity was of course not all about increasing sanctions. Indeed for those close to the process, sanctions were considered but a small part of the overall agenda which was fundamentally oriented towards steering assistance recipients into long-term, sustainable employment. Given however that ‘work as welfare’ was the ultimate Conservative goal for social assistance policy development and that, save for cost containment objectives, such goal was uncompromised by other competing political priorities, the government had wide scope in terms of how it would go about shifting welfare users into employment. As with welfare sanctions, it thus operated in a way that demonstrated a lack of principled constraints.

Perhaps the most noteworthy feature of the Conservative treatment of social assistance applicants was the revival of administrative discretion. This involved tearing up parts of the old rule book governing the relations between the welfare claimant and Jobcentre advisor – what had been described as the “huge number of checks and balances” put in place by the Labour Government – and instead enhancing the powers of the advisor to secure employment for the claimant by all lawful available means.⁵⁸⁵ At the more extreme end, this administrative discretion extended beyond agents of the

⁵⁸⁴ See HM Treasury 2015b. For details see section 13-14 of the Welfare Reform and Work Act, 2016 and discussion in chapter 4 of this thesis.

⁵⁸⁵ Comment made in an interview with former Minister (GB18).

state and applied also to contractors tasked with administering the much-critiqued workfare-style “Work Programme” for the long-term unemployed. The unregulated - so-called “black box” - methods used by contractors who found job placements for welfare claimants on a ‘payment-by-results’ basis was accordingly the subject of much public and political scrutiny and concern.⁵⁸⁶

What must therefore be regarded as a heightened level of state control over the behaviours, preferences and autonomy of assistance-receiving individuals was of course increased still further with the advent of Universal Credit. Under the latter, state oversight and control remains in place until the claimant progresses in employed hours or wages such that he/she is no longer dependent on state aid. For Conservatives however who approach the matter of social assistance not from the perspective of the entitlements and agency of the benefit claimant but purely from the standpoint of the labour market policy objectives of the state, administrative discretion is celebrated in positive terms and its potential negative effects in terms of the asymmetric power relations between the citizen and the state, regarded as an irrelevance. Describing the move to increase Jobcentre advisors’ discretion, a former Minister (GB18, 6) revealingly commented:

“...the advisors love it because they are basically employed to help people get on...it gives them a much better relationship with the individual.”

6.5.3 Reviving Ideas of Positive Rights

It is clear that Conservative political ideology was the dominant force in shaping social assistance policy over the period 2010-2015. With Conservative rule coinciding with an economic crisis as well as a certain amount of public appetite for change after more than a decade of Labour Government, the Conservative party was in a position of

⁵⁸⁶ For a full discussion, see Chapter 4.

relative strength to direct policy along political lines of its own choosing. This strength enabled it to resist the residual public norm of the relatively deserving labour market ‘insider’ and instead reinforce the normative idea of benefit deservingness based on work effort with which the party’s beliefs and interests were more readily aligned.

Conservative ideology was furthermore a barrier to the influence of more prescriptive ideas of social rights of either the social citizenship or human rights variety. What is clear from the policy logic and design of new social assistance developments is that while the Conservative policy approach endorsed some of the principles of the social citizenship idea (particularly that of reciprocity and the centrality of work,) it positively undermined other central *values* of the idea namely, the social democratic objective of social equality. Similarly, while Universal Credit promoted, as its name implies, a more ‘universal’ treatment of all social assistance recipients in a way that *could* have resonated with a core feature of the human rights idea, this new common standard had the opposite effect by reducing the autonomy and thus the strength of the ‘rights’ claim of the individual vis-à-vis the state. Moreover human dignity – a fundamental characteristic of the human rights idea – was entirely disregarded when it came to practices such as benefit cuts, benefit sanctions and mandatory workfare programmes.

Just as under the Thatcher and Major years, we thus find that the Cameron Coalition and Conservative Governments of 2010-2015 adopted an approach to social assistance policy development that reflected belief in a positive rights idea. Conservative ideology put no demands on the nature of those rights and indeed could easily have dispensed with the idea of rights completely since the concept was not critical to any of its policy objectives or long-term goals. Emphasising the ‘positivist’

nature of rights, a former Conservative Minister (GB18, 9) commented: “Well there are only the rights in accordance with how the legislation was set.”

6.6 Chapter conclusion: The role of norms and political ideologies in shaping social rights ideas and determining British social assistance policy

The analysis of British social assistance policy for the unemployed and lone parents over three decades from the mid 1980s has shown that, however significant the influence of macro-economic developments and so-called “evidence-based” research, social assistance policy is ultimately and fundamentally shaped by value judgments which reflect the mutually constituted ideas and interests of the relevant policy actors. With the British electoral and parliamentary system resulting in the concentration of political power in either the Conservative or Labour party, political parties are the main agents of social assistance policy development, while the content of such policy is shaped by two key types of idea: perceived public norms and political ideologies.⁵⁸⁷ It is moreover the interaction of these two classes of idea that determines how policy-makers conceive of social assistance benefits in rights-based terms.

Consistent with existing research which associates ideas of ‘deservingness’ and ‘just desert’ to British social assistance policy-making,⁵⁸⁸ this study confirms the underpinning influence of longstanding norms on benefit fairness. These norms, as discussed, are deeply associated with political, cultural and institutional developments in Britain during the Nineteenth and early Twentieth Centuries. Since, owing to these influences, ‘benefit fairness’ is ultimately assessed in terms of justice to the tax-payer,

⁵⁸⁷ The emphasis on these two ideational causal dynamics, is consistent with significant existing research on ideas in British policy-making. For example, see King 1999 and Marquand and Seldon 1996.

⁵⁸⁸ See for example, Hills 2015 and Hutton 1995.

this is a norm which is inextricably linked to the economic interests of the latter group and, by extension, to the political interests of elected representatives.

Although perceived public norms operate to constrain the boundaries of permissible social assistance policy-making, the distinct political ideologies of the Labour and Conservative party are nonetheless a source of policy variation and innovation. Based on ideological convictions, parties develop problem-solving ideas that reinforce, reinterpret or resist public norms. Over the period 1985-2015, Conservative party beliefs in a small state, in market supremacy and in individual self-sufficiency led key policy-makers to emphasise the work requirements of the overarching benefit fairness norm in a way that justified the actions of the Thatcher, Major and Cameron Governments to shrink the pool of the ‘deserving’ and over time, progressively reduce the entitlements of state assistance beneficiaries. On the other hand, the beliefs of the Labour Government in the primacy of work, of tackling poverty and promoting gender equality in the workplace, similarly reinforced the norm of labour market conditionality but also interpreted the reciprocity principle as imposing significant responsibilities on the state to ensure increased financial assistance for families and equal opportunity for all. Labour also revamped the idea of the relatively ‘more deserving’ labour market ‘insider’ to defend new levels of state social assistance support to those in low-paid work.

The analysis has also shown that policy ideas which appear to violate core tenets of political party ideology fail to find expression in new policy programmes. This is the case even in circumstances where such ideas are held and advanced by some of the most senior political figures. Neither Tony Blair as Prime Minister under the New Labour Government nor Iain Duncan Smith as Secretary of State for Work and Pensions under the Cameron Governments succeeded in directing social assistance policy down paths

less travelled by their respective parties. In Blair's case, attempts to extend the principle of benefit conditionality to Child Benefit and Housing Benefit trammelled on principles of social justice while Duncan Smith's appeal for greater upfront state investment in the long-term unemployed in order to make future savings failed to satisfy the cost containment standards of his party.

The findings that associate the beliefs of the New Labour Governments with a social citizenship idea of social rights and the beliefs of the Thatcher, Major and Cameron Conservative Governments with a positive rights conception, are consistent with and can thus be explained by the effects of perceived public norms on benefit 'deservingness' and by political party ideologies. These policy-making dynamics inhibited the likelihood that policy-makers might endorse a human rights conception of social rights. With its heavily prescriptive requirements of universality and inalienability, the human rights idea directly conflicts with the selective and conditional dimensions of the overarching norm of benefit fairness. Nor is the human rights idea readily compatible with either the communitarian and social democratic teleology of the Labour ideology or with the market-led, 'small state' thinking of the Conservatives. The shared utilitarian tendencies of both political ideologies are difficult to reconcile with some of the more uncompromising and fundamental demands of the human rights idea.

The constraining effect of public norms on benefit deservingness may explain the perception among some (non-political party) policy-makers of significant social assistance policy continuity. As one seasoned former civil servant (GB16, 14) reflected: "You see differences in how the policy is delivered but the underlying principles are the same." While norms have indeed defined the permissible boundaries of social assistance policy-making in Britain the degree of policy changes over time should not be underestimated. The foregoing analysis has clearly shown the ability of political

party leaders to *reinterpret* the requirements of public norms and develop innovative policy solutions that were in keeping with political ideologies. The scope for reinterpretation has been greatest when it has been assisted by ‘external’ developments such as shifts in societal norms (e.g. on maternal employment) and periods of strength and weakness in the British economy. While policy solutions and associated ideas of social rights have therefore changed across the alternating periods of political leadership in Britain over the period 1985-2015, the core features of Conservative and Labour political ideologies as they relate to social assistance policy have remained remarkably stable from the post-World War 1 period into the Twenty-First Century.

Chapter 7. Explaining Social Assistance Policies for the Unemployed and Lone Parents in Ireland 1985-2015: The Significance of the Human Rights - Positive Rights Idea

7.1 Introduction

This chapter traces the influence on Irish social assistance policy development of a blended human rights-positive rights idea of social rights held by Irish policy-makers over the years 1985-2015. It relates the policy-making relevance of this social rights idea to the influence of public norms on benefit adequacy, human dignity and the autonomy of the family that are shown to have derived from the Republican and Catholic traditions of the 1922 Irish Free State and subsequent Irish Republic. Driven by committed social justice and political actors, and in the context of an amenable economy and consensual social partnership government, the analysis demonstrates how political support consolidated around these norms and contributed to a discrete idea of social rights among policy-makers.

The analysis begins with an overview of the widely-held normative beliefs of Irish policy-makers (deemed to be shared by the general public) that can be associated with social assistance developments ranging from the Unemployment Assistance Act 1933 through to the lone parent income supports of the early 1970s. Mirroring the structure of Chapter 5, the subsequent three sections then analyse the policy-making dynamics shaping Irish social assistance policy development for the unemployed and lone parents over distinct periods of economic development: the economic growth of 1985-1997; the economic boom of 1998-2008; and the economic crisis of 2009-2015. I conclude with some final reflections on Irish policy-making dynamics over the period 1985-2015 as a whole.

7.2 Normative Foundations: The Influences of Republicanism and Catholicism on Social Rights Ideas and Social Assistance Policy 1932-1985

On the 24th April 1916, leaders in Ireland's independence movement staged an armed coup in an attempt to liberate Ireland from British rule. On the steps of the General Post Office in Dublin, Patrick Pearse - one of the coup leaders - proclaimed an Irish Republic and heralded "the right of the people of Ireland to the ownership of Ireland."⁵⁸⁹ Reading from the Proclamation of Independence, and in notes reminiscent of French and American independence declarations, he further pronounced:

"The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past."⁵⁹⁰

The 'Easter Rising', as Ireland's bid for independence became known, ended unsuccessfully with the majority of the Rising's leaders executed by the British military. However, the event, and in particular the British Government response, strengthened the cause of Irish independence and gave fresh legitimacy to old grievances about the oppression of the rights of Irish men and women under a foreign, usurping power. Given the socialist inclinations of many of Ireland's notable Republican figures – including that of the martyred Rising leader and co-founder of the Irish Labour Party, James Connolly - the Republican vision provided not only the road to civil and political liberties but also the promise of economic development that would be pursued in the interests of all of Ireland's peoples.⁵⁹¹ Ireland would no longer be 'labour' to an imperious, capitalist Britain.

⁵⁸⁹ Department of the Taoiseach 2018.

⁵⁹⁰ Ibid.

⁵⁹¹ See Connolly 1973 for selected political writings.

The strength of popular support for this political agenda was demonstrated in the 1918 General Election, where Sinn Féin (‘We Ourselves’) received more than a 70% share of the vote. Countess Markievicz, an Easter Rising leader who had been spared execution on grounds of her gender, was among those successful Sinn Fein candidates and her election gained her a place in history as the first female member of the Westminster House of Commons.⁵⁹² In line however with Sinn Fein’s policy of abstentionism, Markievicz boycotted her British Parliamentary seat and, along with colleagues, instead formed Ireland’s first unilaterally proclaimed independent parliament - Dáil Éireann.⁵⁹³

It was not however until 1922 that Ireland officially gained independent political status as the “Irish Free State”. The terms of the negotiated Anglo-Irish settlement in the Treaty of 1921 bound the elected representatives of the Free State to swear an oath of allegiance to the British Crown, to maintain Ireland’s position in the British empire as a ‘dominion’ and to leave under British control six of Ireland’s Northern counties. This was a price too great for many in Sinn Fein and the party split into pro- and anti-treaty forces thereby launching the country into a bitter civil war. The pro-treaty forces which had entered the Free State Government in the form of the new political party Cumman na Galachta (‘Society of the Gaels’), were victorious and governed under the new arrangements for a decade. Meanwhile, the principled refusal of anti-treaty Sinn Fein politicians to take their seats in the Dáil (i.e. Irish parliament) led to a breakaway faction under the leadership of prominent Republican Eamon de Valera who formed a new party - Fianna Fáil (“Soldiers of Destiny”). Following the results of the 1932 general election, De Valera’s Fianna Fáil party assumed government control.

⁵⁹² See Arrington 2016 for an historical analysis of the political life of Constance Markievicz.

⁵⁹³ See Lee 1989 for a detailed historical account of the period.

Despite the unresolved rift over the terms of Ireland's independence and the deep personal divisions caused by the atrocities of the Irish civil war, Ireland's two main political parties - which by 1933 were Fianna Fáil and the reconfigured Cumman na Galachta in the form of Fine Gael - were surprisingly unanimous in their views on economic and social policy.⁵⁹⁴ A point on which there was strong cross-party agreement⁵⁹⁵ was that, as a matter of statutory right, the state should provide income support to unemployed men and women at a level adequate to their basic needs. In introducing the Unemployment Assistance Act 1933, Fianna Fáil Minister for Industry and Commerce, Séan Lemass spoke directly to the rights-status of the benefit holder:

*“He is given a statutory right to it, a right of which he cannot be deprived by administrative action subject of course to the conditions laid down in statute. He is as much entitled to that payment as any servant of the state is entitled to payment for services.”*⁵⁹⁶

For Lemass, the right to unemployment assistance derived from the duties of the state to its citizens. He regarded unemployment as structural and a consequence of what he described as, “.....the defects in our social organisation, for which the whole community must accept the blame.”⁵⁹⁷ Consistent with what Dunphy (1995, 148-149) termed as his “proto Keynesian” policy approach, Lemass took the view that it was incumbent on the Government to directly intervene to remedy the ills of unemployment through the provision of either ‘work or maintenance’.⁵⁹⁸ While he endorsed the notion that benefit should be adequate to needs he was also clear that true benefit adequacy would have to wait until the country developed economically.⁵⁹⁹

⁵⁹⁴ See Mair 1979 and 1987. Fine Gael was born in 1933, out of a merger of Cumman na Galachta with some smaller parties (the National Centre Party and the National Guard). The Irish Labour Party constituted a third but significantly smaller Irish political party.

⁵⁹⁵ Ibid.

⁵⁹⁶ Seanad Éireann Debates, 18th October 1933, Vol.17, No.21, Col.1586.

⁵⁹⁷ Ibid. Col.1589.

⁵⁹⁸ For more on Lemass's influence on Irish policy-making see Bew and Patterson 1982.

⁵⁹⁹ Seanad Éireann Debates, 18th October 1933, Vol.17, No.21, Col.1586.

While Lemass emphasised the need for an interventionist state in responding to unemployment, parliamentary colleagues, including the Taoiseach De Valera and the future Fine Gael leader James Dillon, adopted the more religiously-inspired view that such response was the duty of a “Christian state”.⁶⁰⁰ Senator Farron of the Labour Party and the former head of the Irish Congress of Trade Unions went further still, arguing that the right to secure employment or be otherwise maintained by the state transcended the constructs of positive law and was a “God-given right” of every man and woman.⁶⁰¹

Religious belief as a rationale or moral guide for policy-making undoubtedly characterised Irish politics during the early years of the Irish Free State. The 1936 census indicated that 93.5% of the Irish population subscribed to the Roman Catholic faith.⁶⁰² It is arguable therefore that in a relatively small, monotheist society that had been torn asunder by civil war, Catholicism, if even only at a cultural and social level, was perceived as the common bond which could piece it back together. Political efforts aimed at nation-building potentially sought to draw on the unifying power of religion to mould the Free State as a Christian state. This was most explicit in the replacement of the essentially secular text of the 1922 Free State Constitution with the more expansive and overtly religious 1937 Constitution of Ireland – *Bunreacht na hEireann* – which declared Ireland as a Republic.⁶⁰³

Research on the drafting of the 1937 Irish Constitution points to the strong hand afforded to key figures in the Catholic Church.⁶⁰⁴ Not only was church influence associated with the explicitly Christian references in the Constitution’s Preamble and to

⁶⁰⁰ Dáil Éireann debate, 27 August 1932, ‘Immediate Needs of the Unemployed’, Deputy James Dillon. For analysis of the salience of the idea of the Christian *duties* of the state in Christian Democratic welfare states see Manow and van Kersbergen 2009.

⁶⁰¹ Seanad Éireann Debates, 18th October 1933, Vol.17, No.21, Col. 1596.

⁶⁰² Irish Times: <https://www.irishtimes.com/news/catholic-ireland-1932-versus-2012-1.1063516>

⁶⁰³ Ireland could not official claim the status of a republic until 1949 following the Republic of Ireland Act 1948 and the removal of its status as a British dominion.

⁶⁰⁴ See e.g. Farrell 1988, Keane 2004, Keogh and McCarthy 2005 and Hogan 2012.

the inclusion of an article acknowledging the “special position” of the Catholic Church as “the guardian of the faith professed by the great majority of the citizens”,⁶⁰⁵ but was linked substantively to the content of the sections on Fundamental Rights and the Directive Principles of Social Policy. The dominant philosophical influence apparent from the Fundamental Rights chapter is that of natural law and natural rights. Thus, in what has been regarded as a blend of the Thomist and Liberal traditions,⁶⁰⁶ the Constitution provided for a high degree of individual autonomy from the state in matters of education,⁶⁰⁷ private property⁶⁰⁸ and family life. It notably defined the family as the “natural primary and fundamental unit group of society....possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.”⁶⁰⁹

Subsequent analysis has pointed to the significant overlap in substantive terms between the ideas of natural rights expressed in the Irish Constitution and the contemporary understanding of human rights.⁶¹⁰ Moyn (2015, 31), for example, has highlighted the exceptional standing of the Irish Constitution among written Western Constitutions in including, as part of the Constitution’s Preamble, a commitment to the “dignity of the individual.” There is also a further degree of overlap with the human rights idea and the commitments to social justice made under the Constitution’s Chapter on the Directive Principles of Social Policy. While the provisions under Article 45 related to economic redistribution can be seen as closely aligned with a mixture of Catholic social teaching and left-leaning Republican political ideology, they also have strong resonance with human rights ideas, in particular the acknowledgement in Article

⁶⁰⁵ Article 44.1.2. This clause was removed from A.44 followed the Constitutional referendum of 1972.

⁶⁰⁶ See e.g. Clarke 1982, Whyte 1997 and Hogan 2012.

⁶⁰⁷ Article 42.1

⁶⁰⁸ Article 43.1.1 which states that “...man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods.”

⁶⁰⁹ Articles 41.1.1

⁶¹⁰ See Sullivan 2008.

45.1.2 that “men and women equally have the right to an adequate means of livelihood”.⁶¹¹

A notable extension of the Constitution’s guarantee of the natural rights of the family was its striking pledge to “...endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”⁶¹² This was perceived by many as a regressive provision – an insult to the role played by women in achieving Irish independence, a travesty of the Republican vision of gender equality and Ireland’s relatively precocious extension of suffrage to women, and a devious way of improving the employment prospects of male workers.⁶¹³ The provision was however reflective of a male breadwinner norm that had strengthened through the economic recession of the 1930s and was encouraged by the hierarchy of the Catholic Church.

De Valera’s official reasoning for supporting the constitutional rights of women and mothers in the home is of particular interest because his thoughts reflected an idea of social rights which, at the time, was seldom vocalised by Irish politicians and differed from the natural rights perspective. De Valera was clearly drawn to the idea that social assistance by the state prompted some form of return obligations from the beneficiary to the taxpayer and to society at large. This was not simply the duty to look for work (as required by the terms of Unemployment Assistance Act 1933) but, as De Valera put it, to commit to “work of public utility, something of value to the community as a whole”.⁶¹⁴ In the case of mothers however he took the view that any return

⁶¹¹ For a critical discussion of Ireland’s Republican roots and the socialist-oriented commitments of the Constitution see Bacik 2009.

⁶¹² Article 41.2.2. This was preceded by A.41.2.1 which provided “...by her life within the home, woman gives to the State a support without which the common good cannot be achieved.”

⁶¹³ Dáil Éireann Debate, Friday, 4 June 1937, Vol. 67 No. 14. See also Beaumont 1997 for some discussion of the response of women’s groups to Article 41.2.2.

⁶¹⁴ Finance Committee, Friday, 4 June 1937, Dáil Éireann Debate, Vol. 67 No. 14.

obligations associated with social assistance receipt were already met by the provision of “public goods” in the form of motherhood and care. In defending the proposed Article 41.2.2. in these terms, De Valera was effectively advancing an idea of social citizenship rights that was substantially more expansive than the employment-centred model that T.H. Marshall was later to articulate. De Valera explained:

“I say a woman, by her duties in the home, is, in fact, performing for the community as a whole a fundamental service. I would say that she, by doing that work, was rendering invaluable service to the State and I would not require of a mother, under these circumstances, any other form of return, such as I would be inclined to demand in the case of a man.This is a just recognition of the important part that mothers play in society as a whole in their homes. That does not mean to say that women are not playing important parts elsewhere..... All that is done here is to try to get people to agree, as part of their fundamental law, that it should be the purpose of the State to try to secure that mothers will not be forced to neglect their duties in the home by economic necessity compelling them to labour outside.”⁶¹⁵

If we can therefore associate the forces of Republicanism and Catholicism with the ideas of social rights that found expression in the 1937 Irish Constitution and in the Unemployment Assistance Act 1933, there is an argument to be made that it was the processing and modification of these two major dynamics at the level of the Irish public which embedded their influence on subsequent Irish social policy-making. That Irish public norms should have become so pertinent to Irish policy-making over the years 1937 to the early 1980s can be explained by the nature of Irish political party configurations and by the changing political influence of the Catholic Church hierarchy.

Irish politics did not emerge out of the class or religious conflicts that had typically shaped other Western welfare states. Irish society was largely socio-economically, religiously and ethnically homogenous and dominated by a rural economy.⁶¹⁶ Although the two main parties had divided on tribal lines, they were

⁶¹⁵ Ibid. Col. 1849 and 1865-1866.

⁶¹⁶ See Lee 1989.

mostly indistinguishable on social policies and tended to represent policy positions on social assistance policies that were shared by the public at large and drew on the common cultural legacies of Catholicism and Republicanism.⁶¹⁷ Deference to public norms was further encouraged by the voting system which operated according to a variant of proportional representation (the Single Transferrable Vote model) and which perpetuated a constituency or ‘localised’ approach to politics.⁶¹⁸

The consensual nature of Irish socio-economic policy-making was advanced further when, in 1963, a National Industrial and Economic Council was established by Fianna Fáil’s Séan Lemass (then Irish Taoiseach) to facilitate tri-partite discussions between the Government, the unions and the business sector in order to develop joint strategies for economic development.⁶¹⁹ This led to a period of significant economic growth and a new pragmatism in Irish policy-making about how to secure sustained national prosperity.⁶²⁰ Simultaneously true to his socialist inclinations, Lemass promised that new strategies for growth would result in socio-economic improvements for all Irish citizens. In appropriating text from US President Kennedy, he famously declared to the Dáil:

*“ ‘A rising tide lifts all the boats’. While our aims are fixed and constant, we intend to go towards their realisation pragmatically and flexibly, trying so far as possible to bring all sectional organisations and sectional interests along with us. ”*⁶²¹

A second reason for the increasing social policy-making significance of public norms relates to the declining influence of the Catholic *hierarchy* and its replacement by the Catholic ‘church’ in its broadest sense of the Irish faithful. Over the period 1947-

⁶¹⁷ See Mair 1982.

⁶¹⁸ See Farrell and Sinnott 2017.

⁶¹⁹ For the Terms of Reference for the NIEC see: Dáil Éireann Debate, Vol. 205, No.1, Col.22-23, Wed, 23rd October 1963.

⁶²⁰ O’Donnell 2006 and 2008.

⁶²¹ Lemass, Wed 15th April 1964, Dáil Éireann Debate Vol. 208, No. 11, Col.1790-1792.

1951 the Catholic hierarchy's controversial involvement in influencing the outcome of the Mother and Baby Scheme harmed the institution of the church and left politicians and voters alike questioning the compatibility of Catholic morality and social teaching.⁶²² It was the start of a gradual separation of church and state which culminated symbolically in 1972 with the removal of the 1937 Constitutional acknowledgement of the 'special position' of the Catholic Church following the results of a public referendum.⁶²³

Thus when, in 1973 and forty years after the creation of the Unemployment Assistance Act, the Government introduced the first designated social assistance provisions for unmarried mothers – the Unmarried Mother's Allowance – it was no longer the Christian duty of the state on which such social welfare provisions were justified but rather to what Labour T.D. Barry Desmond (and later Minister for Social Welfare) referred to as an "awakening to some extent of the national conscience". The effects of watershed publications such as the report of the 1970 Kilkenny Inquiry⁶²⁴ and Michael Viney's (1966) Irish Times serialisation "*No Birthright*" which highlighted the plight of unmarried mothers are believed to have generated new public awareness of the socio-economic needs of this group of women among a public that was considered sympathetic to issues of social justice and state welfare provision.⁶²⁵ In keeping with public sentiment, the findings of the 1972 Report of the Commission on Women,⁶²⁶ along with the advocacy efforts of senior political figures (including Labour Senator and later Irish President Mary Robinson) provided the necessary injection of political

⁶²² See Whyte 1971 for a detailed historical and political analysis of the events surrounding the Mother and Baby scheme.

⁶²³ Fifth Amendment of the Constitution Act 1972.

⁶²⁴ National Conference on Community Services for the Unmarried Parent 1972.

⁶²⁵ For discussion see McCashin 1993 and 1996, Conroy 1997 and Ferriter 2009.

⁶²⁶ Commission on the Status of Women 1972.

energy to bring about the creation of the Unmarried Mother's Allowance and a Prisoner's Wife's Allowance of the same year.⁶²⁷

Interesting by its omission was the absence in the Dáil Eireann records of any reliance on arguments associated with the Constitutional rights of the mother in the home (Article 41.2.2) made in defence of the Unmarried Mother's Allowance. In effect however, the new provision gave partial expression to the Constitutional guarantee to safeguard the mother from work outside of the home for while it was not a generous allowance it did not impose any labour market duties on the beneficiary. Avoiding any constitutional rights reference may have been considered prudent in view of the perceived non-justiciability of the 'rights' that had consolidated over time.⁶²⁸ Most likely however it seems that given the public and political expectations that the state should make provision for lone mothers, the policy was something of an inevitability that required little debate - less debate that could open up thorny questions of the legitimacy and value of this constitutional pledge or indeed of the nature of any duties that it imposed on the state.

The re-establishment in 1973 of a tri-partite forum for elaborating socio-economic policy in the form of the National Economic and Social Council (NESC), reaffirmed the importance of public norms as a core foundation for developing Irish social policy. By contrast to its predecessor the NIEC, the NESC was given a broader mandate which required it to furnish the Government with advice not only on economic matters but on the "principles" necessary for achieving "social justice" including "...the fair and equitable distribution of the income and wealth of the nation."⁶²⁹ To this end, it devoted

⁶²⁷ See Social Welfare Act 1973. See Chapter 5 for the details of the Deserted Wife's Allowance that had been earlier introduced in 1970.

⁶²⁸ See Whyte 2015 for discussion of the non-justiciability of socio-economic rights under the Irish Constitution.

⁶²⁹ NESC 1975, 1.

its early work on social policy to establishing the aims and objectives that were perceived to underlie the system, arguing that up to the early 1980s there had been “no coherent social philosophy to guide policy-makers.”⁶³⁰

On the basis of research which purported to examine political party positions, government and ministerial statements, enacted social policies, views of interests groups and public opinion, the NESC (1981, 15) concluded that, in Irish social policy-making, “the aims of policy which are pursued at any time reflect the values accepted by policy-makers”. Those values, it then argued (Ibid.), were derived from a “system of values” which existed in the Irish policy-making sphere at large and were deemed to include:

- *“the dignity and right to personal development of the individual;*
- *the value of bonds of mutual obligations between all members of the community;*
- *the importance of fair shares within the community, including in particular the right of access of all people to adequate income, housing, education and health services;*
- *and the securing of these rights within a democratic framework.”*

Assuming the accuracy of the NESC’s interpretation of the broad public values underpinning Irish social policy-making in the early 1980, what becomes apparent is the considerable degree of ideational continuity that stretches as far back as the Proclamation of Independence of 1916. While the overt influences of Republicanism and Catholicism (in terms of the policy-making actors and institutions) undoubtedly receded over time, the cultural legacies of these dynamics operated to ensure that social provision was consistently understood as a right of individuals, and that concepts of dignity, social equality, redistribution and community persisted as core policy-relevant ideas. Given the broad basis of these values, Irish social assistance policy could at this

⁶³⁰ NESC 1981, 15.

point be conceived equally along the lines of human rights, social citizenship rights or positive rights ideas of social rights.

In 1975 NESC (1975, 16) predicted that a “national consensus about social priorities” would be needed in order to protect the interests of society’s most vulnerable whom it described as being “ill-equipped, virtually by definition, to gain for themselves a hearing in the political market place.” In a detailed analysis of the ideational, interest-based and institutional dynamics of social assistance policy development for the unemployed and lone parents over the period 1985-2015, the remaining sections of this chapter will now assess the reality of that ‘national consensus’.

7.3 From Recession to Growth: The Dynamics of Social Assistance Policy-Making 1985-1997

As discussed in detail in Chapter 5, the period from the mid 1980s to the early 1990s presented a challenging environment for progressing the social justice-inspired vision of Irish social policy as depicted by the NESC. The growth of the early 1970s had been replaced by a deep economic recession giving rise to levels of unemployment of around 17%. The somewhat unexpected level of economic growth of the early 1990s was not matched by growth in the labour market and hence a period of ‘jobless growth’ ensured that unemployment levels remained high. Over the same period, the numbers of individuals claiming lone parent social assistance increased exponentially.

Despite these pressures, Irish social assistance policy expanded in terms of benefit values and employment supports for the unemployed and lone parents. By the mid 1990s when unemployment levels had significantly reduced, Ireland’s expenditure on ‘active labour market policies’ was still among the highest in the OECD at 1.75% of

annual GDP.⁶³¹ Notwithstanding this expansionary direction there was little political interest in making income or employment supports conditional on the fulfilment of labour market conditions by beneficiaries.

This policy pattern, which was consistent with the NESC-articulated norms of social justice, can be attributed to two key developments. First there was the effect of the Report of the Commission on Social Welfare which provided practical policy-making ideas for expanding social assistance policy and a new political focus around which advocates of social justice could unite. Second, Irish political interests came together under the auspices of social partnership governance, thereby creating opportunities to advance a more left-leaning social justice agenda in the context of a bargained, developmentalist economic recovery and growth plan.

7.3.1 The Commission on Social Welfare: New Solutions for Old Ideas about Benefit Adequacy and Human Dignity

The 1986 report of the Commission on Social Welfare still, to this day, stands as the only single comprehensive review of Irish social policy.⁶³² All the more significant then that, as its guiding framework, the Commission chose to adopt the approach set out in the NESC 1981 report. From the latter it derived a set of five core values to guide its recommendations: adequacy, redistribution, comprehensiveness, consistency and simplicity.⁶³³ Of these, benefit adequacy was considered by the Commission as paramount to securing the twin overall goals of satisfying human needs and therein upholding human dignity.

In many ways, it was neither unnatural nor unexpected that the Commission should accept the NESC's value framework as the normative parameters for its own

⁶³¹ Dept Enterprise, Trade and Employment 1998.

⁶³² See Commission on Social Welfare 1986 for more on the Commission's origins and mandate. See also Curry 1998 and discussion in Chapter 5 of this thesis.

⁶³³ Commission on Social Welfare 1986, 8-10.

review. The Irish policy community was then – and still is – small in scale and the same interests represented on the NESC (indeed in many instances the same individuals) were also represented on the 18 member Commission.⁶³⁴ Tendencies towards “group think”, as one business representative described it,⁶³⁵ were also encouraged by the largely homogenous historical and cultural experiences of policy-makers which they shared more broadly with the Irish people. Keenly aware of this and its relevance in social policy-making terms, the Commission (1986, 89-90) commented:

“Any debate about key social security policy issues will not be conducted in the political terms experienced elsewhere. Indeed, there is a considerable political consensus on the basic issues of welfare policy.our political culture does not sustain strong ideologies, of right or left, and this feature, together with the traditions of Christianity and the sheer scale of dependence on social welfare, may provide a form of guarantee against the policy approaches adopted elsewhere.”

Part of this consensus was the reaffirmation of social assistance as a ‘right’. But here the Commission went a step further arguing that social expectations had, over time, developed to the point where social welfare services were increasingly understood in Ireland as “a right of citizenship” – a right which guaranteed not simply subsistence-level income support but rather, as the Commission described it, “high standards of provision and quality of service”.⁶³⁶ This was not a citizenship rights idea that did much to bind welfare users to reciprocal duties in terms of work search or community contribution; this matter was not even raised by the Commission in the context of discussions for reforming lone parent income support while, in the area of unemployment assistance, the “genuinely seeking work” requirement was considered as much “contentious” as necessary given the economic realities of the prevailing labour market.⁶³⁷ The emphasis was rather on citizenship rights to social welfare provision as

⁶³⁴ Namely representatives of labour, business, the farming sector, government and academia.

⁶³⁵ View expressed in an interview with IR23.

⁶³⁶ Commission on Social Welfare 1986, 92.

⁶³⁷ Ibid. 335-343.

an acknowledgement of “...membership of a political community which confers rights to participate in the well-being of that community, including social services provided as an expression of communal solidarity.”⁶³⁸

If the report of the Commission was therefore largely a source of consolidation in terms of the framework principles which were considered by policy-makers to underlie the development of social policy, its more innovative contribution was in the realm of problem-solving ideas for *how* to achieve these social justice ideals in practice. It was particularly progressive in its proposals for achieving benefit adequacy which resulted in it presenting to Government new benchmarks of “priority” and “recommended” rates for all social welfare benefits. In doing so it tackled inequities in then existing payment structures that saw, for example, highly varied rates between categories of lone parents which benefitted widows in a disproportionate way to other social groups on grounds not obviously linked to need.

Moreover one of the greatest impacts of the Report on the Commission of Social Welfare was its effect in mobilising concerted campaign and advocacy efforts across a wide range of voluntary sector organisations. While Ireland had had a long history of voluntary sector organisation and community-based poverty relief initiatives (such as, for example through the parish-based society of St Vincent de Paul), non-governmental political advocacy and campaigning was still in its early stages. Among the forerunners in this new branch of advocacy were the Council for the Status of Women (founded in 1973 and today known as the National Women’s Council of Ireland), the Justice Office of the Conference of Religious Majors and Superiors (founded in 1981 and known subsequently as the Conference of the Religious of Ireland or CORI and currently as Social Justice Ireland) and the Irish Nation Organisation for the Unemployed (INOUE)

⁶³⁸ Ibid. 116.

formed in 1987 at the height of Ireland's unemployment crisis.⁶³⁹ The report of the Commission on Social Welfare had the effect of uniting these groups – each of which would have had distinctive perspectives on 'rights' and the meaning of social justice -⁶⁴⁰, so that they confronted the Government with demands for full implementation of the Commission's recommendations.

What became known as the "National Campaign for Welfare Reform" thus marked the start of a new era in state–voluntary sector relations which, over time, assumed more institutional dimensions as voluntary sector concerns became further embedded in the government infrastructure.⁶⁴¹ Revealing some early signs of the future political significance of the sector, Fine Gael's Minister for Welfare Reform, Gemma Hussey (1990, 226-227), commented in her Cabinet Diaries in the aftermath of the Commission's report:

"Their Report is undoubtedly an amazing document, full of extraordinarily good, well-meaning, well-researched recommendations, but the financial implications of the central recommendations are absolutely mind-boggling. Of course I am taking considerable public criticism from every single organisation involved with working with the poor for not promising to fully implement the recommendations in the Report."

7.3.2 Irish Social Partnership Governance: A New Ideology

Against the context of a downward spiralling economy and fraught industrial relations, Fine Gael failed to muster adequate electorate support in the 1987 general election and power passed once again back to Fianna Fáil, operating as a minority government under the leadership of Taoiseach Charles Haughey. Within six months of

⁶³⁹ INOU was a membership organisation. Under the direction of Mike Allen, INOU's objective was to fill a gap in the policy space that was considered to be inadequately defended by Ireland's trade unions and to bring the voice of the unemployed to policy discussions around Ireland's future. See Larragy 2014.

⁶⁴⁰ NWCI took a feministic perspective, CORI an understanding rooted in the Judeo-Christian tradition and the INOU a socialist/Marxist ideology.

⁶⁴¹ The demands of the Campaign was said to have had the support of a broad range of union, business and parliamentary leaders. See Curry 1988, 132. This was confirmed in an interview with a senior Commission official.

taking up office, Haughey – acting under the intellectual steer of NESC - negotiated a new settlement with the unions, business and farming sectors and thus set Ireland on the path of social partnership governance.⁶⁴²

The decision to enter a social partnership agreement has been regularly described by some of the key architects and those close to the process as the deliberate antithesis of the political approach of neighbouring Thatcherite Britain. Specifically, it was said to be a rejection of what was variously described as the “wreckage” of Thatcherism with its “socially divisive” and “polarising” effects.⁶⁴³ Others regarded the development of social partnership more idiosyncratically; in the view of one of Ireland’s leading civil servants, it was as an embrace of “a Communitarian approach to politics”⁶⁴⁴ and, according to another key architect of social partnership, it was a vision which was inspired in certain respects by “Catholic social teaching”.⁶⁴⁵ Adhering to what was labelled as a “developmentalist” strategy, its core elements were a commitment to redistribution and social investment contingent on solid economic growth. The overall vision would be achieved by: reducing taxes; moderating wage demands; growing the economy through liberalising trade/encouraging direct foreign investment particularly in the banking industry; and expanding social welfare measures and employment supports.

While it was the Fianna Fáil Government who could claim responsibility for negotiating this deal with the unions and pushing through on the political side - it was the NESC who masterminded the substantive content of the approach and ensured early tri-partite ‘buy-in’. The NESC influence also guaranteed that previous ideals around social policy and social justice (for which it was alleged there was increasing popular

⁶⁴² For background see O’Donnell and O’ Reardon 2000, O’Donnell and Thomas 2002 and Regan 2012.

⁶⁴³ Comments from interviews with IR2, IR15, and IR16 respectively.

⁶⁴⁴ Interview with IR16.

⁶⁴⁵ Interview with IR19.

and political support) were integrated in a new economic model that would provide Ireland with the *means* to deliver on these goals and at the same time promote business, protect employment rights and preserve low taxes. As one leading trade unionist (IR12, 3) described the NESC:

“NESC is really, or was, the intellectual platform upon which the social partnership model was constructed. You know like, the idea - the new ideas - came from NESC which was the same people essentially, albeit in a non-adversarial type of forum, trying to work out some of these problems.”

Social partnership government thus produced what has since been described as Ireland’s very own “Third Way”.⁶⁴⁶ Since however Irish politics, unlike that of other countries to which the broad “Third Way” label has been applied, has always occupied a ‘middle of the road’ existence, we should take care not to use this label to inadvertently imply a degree of normative transformation that did not *obviously* occur in the Irish case. While some of partnership’s leading protagonists are keen to describe the approach in terms of an “ideology”, it was in many ways an ideology that was *consistent* with, rather than transformative of the existing social consensus on the desirable role of the state in terms of social provision.⁶⁴⁷ In an interview for this research, one pivotal former Government Minister (IR2, 7) in the social partnership government summarised the approach as follows:

“The Right-wing politics of getting the finances in order doesn’t have to be a Right-wing philosophy. If you ‘get’ people – and I think it’s far better – we didn’t have anyone talking about austerity in 87-90 – it was social partnership based on a philosophy that if we got the bucks right, everyone would be a winner and that we could work to a situation where there would be growth and that the employers could be making more profit and the rich would be richer but that it would be redistributed back into people having jobs, being able to run schemes for people who hadn’t jobs to try to help them and to be able to genuinely do something for the people who just aren’t really employable.”

⁶⁴⁶ Regan 2012.

⁶⁴⁷ The ‘consensus’ of 1987 has been much commented on in Irish political science and social policy literature. See for example Hardiman 1988 and Daly and Yeates 2003.

It was, as indicated above, in the problem-solving field where partnership offered truly innovative economic and political solutions to make a reality of deep-seated social commitments. Also new was the extent of political engagement with traditional interest groups, and, as partnership developed, with new societal groups. In terms of democratic governance, this had the effect of developing the Irish system beyond populism and towards a political space driven more by discrete sectoral interests. The partnership approach also produced new structures by which such interests could influence government policy-making. Notwithstanding these changes however, interests were directed – mostly from inside the system itself - to support and reinforce existing framework ideas on state social assistance and social justice. As one of Ireland’s most senior ranking civil servants (IR16, 17) of the partnership era reflected:

“democracy is the art of governing by persuasion, so... and it’s the social partners who for the most part have power and influence - that doesn’t depend on government - so, if you want them to exercise it in ways that are consistent with your public policy then you’ve got to engage them. So, how it’s done probably doesn’t matter hugely.”

7.3.3 Principled Actors and Social Partnership

Conviction Politicians

Certain actors, internal to social partnership, were critical in driving forward developments through the late 1980s and up to the second half of the mid 1990s in the areas of benefit adequacy and state employment supports – even before the economy really had the technical capacity to support such growth. Among these were the two Social Welfare Ministers of the day – Fianna Fáil’s Dr. Michael Woods and the Democratic Left’s Prionsias de Rossa – both of whom, by numerous accounts, were credited as being ‘conviction politicians’ who were strongly motivated by the pursuit of social justice.

Both men came from left-leaning traditions – Woods from the ‘left’ wing of Fianna Fáil and De Rossa from Ireland’s most left-leaning party in Government over the partnership period and with an earlier political background in both Sinn Féin and the Irish Republican Army (IRA). Woods served under a Fianna Fáil minority government, a coalition government with the Progressive Democrats (1989-1992) and a Fianna Fáil - Labour Coalition (1992-1994) overseeing the formulation of two social partnership government programmes (1987-1994), while De Rossa served as part of the rainbow coalition government of Fine Gael, Labour and the Democratic Left (1994-1997).⁶⁴⁸ In their ministerial functions, the two politicians were associated with the pursuit of, and in de Rossa’s case a commitment to, the extension of the social welfare payment benchmarks recommended by the Commission on Social Welfare, the increasingly equitable and needs-based support of lone parents and the significant expansion of state employment supports.

Perhaps being the initiator of these policy developments as well as his palpable and long-standing commitment to social policy, Michael Woods in particular was credited by senior policy-makers and colleagues with driving the impetus for these expansions.⁶⁴⁹ Explaining Wood’s role in these developments, one former Government advisor (IR17, 19) argued simply: “Michael will tell you the driver of policy, which is Michael” Other Government colleagues variously described him as “genuinely committed”⁶⁵⁰ to social welfare issues, “paternalistic”⁶⁵¹ in his attitude towards benefit recipients and, “much more Left-leaning than his public persona would give you the impression of.”⁶⁵² In addition to such strong conviction, one former cabinet colleague

⁶⁴⁸ Government of Ireland 1994:62.

⁶⁴⁹ Woods held the social welfare ministerial portfolio for longer than any other minister since the founding of the Irish Free State.

⁶⁵⁰ Interview with IR20.

⁶⁵¹ Interview with IR10.

⁶⁵² Interview with IR17.

(IR2, 10) equally attributed Woods's success in advancing social assistance benefit rates to his professional competence to effectively navigate the social welfare system:

“.....the great thing about Michael Woods was that he knew the social welfare system better than the officials so they weren't able to conn him.... He was in the job for a long time and he knew the schemes – he knew every inch of the schemes – sometimes he almost bored people but he understood why they were there, how they were there, how they should be moved forward. He was massively progressive on the left of the party”.

FÁS

Woods and De Rossa were supported, as well as steered, in their actions by a number of organisations central to, or associated with, social partnership. In the context of the development of state employment supports, the critical body was FÁS – Ireland's national training and employment authority. FÁS was not only a product of social partnership and itself controlled by a tripartite management structure, but it tended to adhere to the same left-leaning political tendencies as the Social Welfare Ministers of the period. Boyle, (2005, 114) who conducted an in-depth analysis of the role of FÁS in shaping Ireland's active labour market policy, offered the following characterisation of the body:

“The FÁS paradigm grew out of an Irish developmentalist tradition that was most strongly embraced by the 'left' wing of Fianna Fáil and the trade union wing of the Labour party..... it is arguable that if there is such a thing as 'Fianna Fáil socialism' FÁS is it.”

Under control of such political influences it is perhaps not surprising that FÁS oversaw and contributed to the rapid expansion of Irish state employment supports during the early 1990s, above all in the area of voluntary community employment programmes. As discussed earlier in Chapter 5, the move was economically feasible thanks to very large financial streams under the EU Structural Funds. It was also politically advantageous given its reductive effects on the numbers of unemployed on

the social welfare live register⁶⁵³ and its ability to spare business the ‘burden’ of having to pick up ‘undesirable’ labour from the pools of the long-term, unskilled unemployed.⁶⁵⁴ Neither facts should however eclipse the normative feasibility of the approach to state employment supports favoured by FÁS and endorsed by Government.

Voluntary and strongly community-based supports were seen as desirable because they appealed to core beliefs about ‘decent work’ and dignity in employment that were prized by the unions and associated with Ireland’s Catholic Church influences. One former trade union head (IR22, 3) who played a critical role in social partnership, offered the following reflection on these influences in the context of discussions about state employment supports:

*“I don’t know whether this is a throwback to, you know, Catholic social thinking because Ireland up until recently, had been a very Catholic country....but the whole notion of a job - a decent job, a job that gives you the capacity to say who you are to your family, to **have** a family, to be somebody in your community, all that, rights, dignity and all of that side, - that would be a very big motivator in Ireland of a policy position and as a strategy” (emphasis original)*

But voluntary state employment supports – in the main part, non-market based - were also considered desirable on pragmatic grounds linked to beliefs about the limits of the market in resolving social need. That is, there was a broadly shared view that the market did not have the capacity to meet labour supply and that some of that supply was not well suited to market conditions. One of Ireland’s most senior civil servants (IR 16, 1) commented of the policy of the day:

Every active labour market policy known to man or woman was mobilised and it worked because it wasn’t obvious that growth alone would have reached into the long-term unemployment created and sustained by a very strong hysteresis effect. Exclusion was setting in so it took a lot of mobilisation and fine-tuning - and probably overkill in some respects - to ensure that employment recovery not only matched the level of growth but actually impacted on the less favourably placed in the labour market.”

⁶⁵³ Interview with IR2.

⁶⁵⁴ Interviews with IR15 and IR13.

These state employment support ideas were not universally applauded and suffered critique both from those (such as CORI and the National Economic and Social Forum) advocating a more developed ‘social investment’ agenda and from those on the ‘right-wing’ side of Fine Gael and within the Progressive Democrats⁶⁵⁵ who wished for a ‘tougher’, market-based approach. They however prevailed because, in pragmatic terms, they were considered a reasonably effective response to the growing problem of social exclusion and were within the parameters of normative acceptability.

Voluntary Sector Advocates

Another set of actors that came to social policy-making prominence during Irish social partnership was those representing segments of the voluntary sector or politically “unrepresented”. Organisations such as CORI, INOU and the NWCI, who, in the aftermath of the publication of the report of the Commission on Social Welfare had adopted a campaign mode and who were accustomed to petitioning government from ‘outside’ of the policy-making process on issues of social rights found themselves by the mid 1990s ushered ‘inside’ that process and with new opportunities for influence.

The path of integrating elements of the voluntary sector into the Government policy-making machinery began in earnest in 1993 with the creation, by the Fianna Fáil-Labour coalition, of the National Economic and Social Forum (NESF) – a body expressly designed to give political influence to those unrepresented in the social partnership government.⁶⁵⁶ This pattern was extended in 1995, when the NWCI, the INOU and CORI’s Fr. Sean Healy (the latter wearing an ‘academic’ hat) were invited to

⁶⁵⁵ See Chapter 5 for discussion of the debate surrounding the introduction of the Youth Progression measure which was implemented in 1996 making benefit contingent on a compulsory referral to the local employment service for helping in training, job-search or work experience/placement.

⁶⁵⁶ NESF focus on unemployment broadened to social inclusion and equality. Of the 15 voluntary sector organisations represented, 3 represented the interests of the unemployed, 3 the interests of socially disadvantaged, 3 women’s groups (the Community Worker’s Co-Operative) (See Larragy 2014: Chapter 5).

sit on NESC as Government-sponsored nominees. By 1996, and in the spirit of partnership-inspired collaborative policy-making, a Community and Voluntary Pillar was added to the social partnership model which allocated eight seats to voluntary sector organisations representing concerns associated with poverty, social justice, children, women and the unemployed (including seats to NWCI, INOU and CORI).⁶⁵⁷

The creation of the Community and Voluntary Pillar marked a new era in the relationship between the state and non-governmental bodies and created new momentum for expansionary social assistance policy. As I shall now discuss, this influence was arguably at its peak in shaping the direction of social assistance policy over the period of economic growth during the ‘Celtic Tiger’ years. It was then that campaigning efforts for benefit payment increases really sharpened the policy focus in the area of ideas of social rights and social justice.

7.3.4. The ‘Overlapping Consensus’ and Ideas of Social Rights

Notwithstanding some consideration by the Commission on Social Welfare of the idea of social citizenship rights as a foundation for Irish social policy, social assistance developments over the period 1985-1997 indicate that more relevant were ideas of social rights of a human rights-positive rights variety. The course of events suggests that NESC had indeed accurately identified a social consensus around principles of benefit adequacy and human dignity in state welfare provision. In fact, these were the key ideas used to advocate and justify the expansionary path of social assistance over the decade 1987-1997.

⁶⁵⁷ One seat was reserved for the “Community Platform” which represented a more diverse range of social issues spanning equality, disability, local communities, and Traveller rights. CORI, INOU, NWC, and SVDP who had seats in their own right were also members of the ‘Platform’ which otherwise covered the interests of 15 national networks and organisations. For more see: Combat Poverty Agency 1998.

Although social assistance policy in line with such public norms could be interpreted as symptomatic of a positive rights assessment of social rights, it is significant that these norms shared an overlapping consensus with core elements of the human rights idea; namely the notion of an inherent right to minimum subsistence based on need and intrinsic human characteristics. This overlap was emphasised in 1997 when the Government launched its first ten year anti-poverty plan and explicitly drew attention to the “social consensus” for tackling poverty, including through benefit increases which, it argued, were essential for ensuring ‘human dignity.’⁶⁵⁸

The identity of the political actors who led policy development efforts over this period would also support the relevance of human rights-positive rights ideas of social rights. The NESC, left-leaning Government Ministers, FÁS and social justice voluntary organisations may have been pragmatic in pursuit of their respective political and organisational objectives but all were proponents of redistribution and basic human socio-economic entitlements in a way that rendered their agendas compatible with the values of a human rights approach. In other elements, certain actors may also have been motivated by a more discrete social democratic teleology such as we typically associate with a social citizenship idea of social rights. However other core elements of the latter idea – notably, the concept of reciprocal duties between the citizen and the state - found no resonance. Rights were overwhelmingly understood as conditional only upon basic human needs.

7.4 The Economic Boom and the Dynamics of Policy Expansion 1998-2008

The period of unprecedented economic growth in Ireland from 1998 to 2008 provided new capacity for further advancing some of the problem-solving ideas of the

⁶⁵⁸ Government of Ireland 1997, 13.

Commission on Social Welfare and the social justice dimensions of the partnership settlement. If limited financial means had, in the past, held Irish Governments back from investing more heavily in social policies, now was the time to test the strength of the ruling Government's commitment to its social assistance 'ideals'. What transpired were exponential increases in the value of income transfers to the unemployed and lone parents, enhanced employment supports and, a new emphasis on the labour market duties of unemployment assistance recipients. The idea-interest dynamics associated with these developments remained largely constant to those of the previous decade if focussed on a more discrete set of social justice and political actors. One new development however was the way in which the longstanding public norm of freedom from state interference in family life became significant in the context of policy developments in the area of benefit conditions.

7.4.1 Benefit Adequacy, Dignity and Social Justice

One of the most dramatic policy developments of the 'Celtic Tiger' era in Ireland was the increase in social assistance benefit rates which, as discussed in detail in Chapter 5, resulted in out-of-work payment levels featuring among some of the highest in the OECD and trailing only those provided in the Scandinavian countries. In the heavy critique that followed Ireland's economic crisis of 2009/2010, political rivals showed an eagerness to attribute such payment increases primarily to the vote-seeking behaviour of politicians which, given Ireland's system of proportional representation and populist political party tendencies, is generally deemed to be pronounced.⁶⁵⁹ Branding Fianna Fáil as the "spend it when you have it" party, Labour Party leader and Tánaiste, Joan Burton, accused the Government to which she succeeded as responsible for cynically timing welfare payment increases to coincide with local elections and with

⁶⁵⁹ See for example, Farrell et al 2017.

little regard for the long-term economic implications of their actions.⁶⁶⁰ In a Dáil

Eireann Private Members address she argued of Fianna Fáil:

“...they threw money around like confetti at a wedding. They doled it out without regard to the needs of their clients, many of whom would have benefited more from help with a job, education or training.”⁶⁶¹

While it goes without saying that a key objective of all political parties is electoral success – and, in this regard, Fianna Fáil was no exception - reducing political action to a zero sum game of electoral politics obscures important normative reasons for why the Government would choose benefit increases for the unemployed and lone parents as a means of boosting its popular following. It also ignores the fact that such increases formed part of an underlying commitment of social partnership governance in which the Fianna-Fáil led government was not the only invested party.

The sequence of events that led to substantial benefit level increases from 2003-2007 is widely agreed. It began with a Government commitment to establish a new benchmark for social welfare payments given that the recommended rates of the Commission on Social Welfare had been surpassed. On the advice of the NESC, such task was delegated to a Benchmarking and Indexation Working Group⁶⁶² which, in July 2001 and after dashed hopes for a more ambitious basic income, recommended that benefit payments should be raised to the level of 30% of the Gross Average Industrial Earnings in Ireland with significant additions also in the relevant child additions.⁶⁶³

Facing much resistance from the Department of Finance, the Government initially refused to commit to increases of more than 27% GAIE. Opposition was not uniform however and, in the 2002 mid-term review of its anti-poverty plan, the Government published projected figures for 2007 social welfare rates which *implicitly* accepted the

⁶⁶⁰ Dáil Éireann, November 2011, Private Members’ Counter Motion.

⁶⁶¹ Ibid.

⁶⁶² The group was composed of government and social partner representatives.

⁶⁶³ Social Welfare Benchmarking and Indexation Group 2001.

higher 30% GAIE target.⁶⁶⁴ Around the same time it also published a Green Paper on the concept of a Basic Income.⁶⁶⁵ Despite these positive signals, commitment remained rhetorical only until Fianna Fail's disappointing summer elections in 2004 caused it to reappraise its social policy stance. Following a controversial invitation to Fr. Sean Healy of CORI to address the Fianna Fail parliamentary 'think in' on the subject of social inclusion, the party put its support behind the 30% target with the effect that benefit levels rose from 137 to 188 euro between 2004 and 2007.

Interviews with those closest to this particular policy development and aimed at getting behind the mechanics of the chain of events reveal two critical elements to the acceptance of the 30% target. What first emerges are the strategic and honed advocacy efforts of CORI which were backed informally by a united coalition of social justice campaigners. More fundamentally however and indeed critical to CORI's advocacy success, was the fact that the key CORI policy recommendation chimed with the values of a sufficient number of influential Irish politicians and policy-makers, *and* with the Irish voting public. It appears that the cultural legacies of Catholicism but also arguably of Republicanism provided the basis for this shared value system.

At the pinnacle of the political system, a critical former Government Minister clearly acknowledged the influence of Sean Healy both at a personal level and at the Fianna Fáil party level in generating support for the 30% target. He explained:

"I'd say it wasn't just me....but Father Healy. You know I bought into a fair bit of his philosophy about what you can really do to get a good basic income..... And I got the Party to buy into that...you know we were really making a difference and, you know, we were winning popular support like for that, by in large, we were delighted, the Government had 65% popularity". (IR2, 6.)

⁶⁶⁴ Government of Ireland 2003.

⁶⁶⁵ Government of Ireland 2002.

In the view of the same former minister, this was a policy approach made feasible by the strength of the economy at the time combined with favourable electoral calculations but also because it was compatible with his own long-standing political beliefs as a self-confessed “practical socialist” in the mould of former Fianna Fáil Leader and Irish Taoiseach Sean Lemass.⁶⁶⁶ He reflected:

“You know, there were those of us who believed in the social justice and believed that when we had money we should spend it.....I used to be in that”..... I will never be accused of being a right-wing economist [laughs].” (IR2, 10)

Fellow politicians were equally part-motivated by the CORI perspective on social justice – said to derive not just from the Catholic faith of its members but from a broader base which reached into “the Jewish-Christian-Islamic tradition.”⁶⁶⁷ CORI articulated its intervention in a way which appealed to politicians’ susceptibility to the notion of upholding “human dignity” through socio-economic policy-making. According to a former senior civil servant (IR16, 12):

“Politicians look to political expediency when they have to but in my experience they do struggle to be fair. They’re maybe blinkered but... but they would regard fairness as a moral claim, so and I mean Sean Healy’s sort of mantra about enabling people to live life with dignity, that connects...”

CORI’s advocacy efforts in pushing for the 30% target did not however find political success simply by appealing only to political and/or moral *ideals*. They operated also at the more pragmatic or *realist* level of ‘what works’ in policy terms. Based on personal contact with a cross-section of Ireland’s long-term unemployed, CORI took the view (previously endorsed by FÁS, the unions and other social partners) that there were limits to market employment as a solution to poverty and social

⁶⁶⁶ See Irish Independent, 24 October 2009, www.independent.ie/lifestyle/like-me-lemass-was-a-practical-socialist-26576120.html See also Irish Times, 16 November 2004, www.irishtimes.com/news/dail-row-over-socialist-ahern-1.995233

⁶⁶⁷ Interview with IR15.

exclusion, and that a form of basic state income was necessary for an inevitable minority of the welfare-using population who would require ongoing state support.⁶⁶⁸

Again this view accorded with the beliefs of politicians – on this occasion, beliefs informed by on-the-ground experiences. A former Government Minister commented:

“I remember it well, we had a scheme where we kind of started forcing people to go interview for jobs, because there were jobs for them.... That was probably about 2001, 2002 and we were able to start putting them under pressure. But I was starting to get back reports then that we couldn’t employ these people because they either had major drink problems or drug problems so then you start seeing the hard core of people who were not really in the labour market and were never going to be in the labour market. So that was when we were able to do some of our more imaginative thinking.....so that was where the 30%, you know came in... So we were able to say ‘well let’s see what we can do with these people’. (IR2)

This realistic – some would argue overly paternalistic or even fatalistic – view of the limits of both human and market capacity continued to be shared across a majority of the social partners even (for somewhat self-interested reasons) among the business sector and was significant in their support for raising benefit levels. Such realism was part of the same philosophy that inspired continuing support for Community Employment at a time when the buoyant economy could have made such measures redundant. One leading trade unionist (IR12, 2) observed:

“when the level of unemployment dropped to around four and a half percent -.... the people who were being serviced [through state employment supports] were people who had difficulty actually making it in the normal labour market situation. So, there’s a considerable tolerance let’s say, of Community Employment, you know really going on for a pretty long time...it gave you a permanent occupation.... it was kind of a social employment measure.... it was credible work which was beneficial largely to the community and...the type of people who could do that and could manage to do that when they were reasonably well treated and respected, they could manage that but wouldn’t have been able to survive the rigors of the labour market as such.”

⁶⁶⁸ See CORI documents on Basic Income . CORI was also influential in bringing about the publication of a Green Paper on a Basic Income (Government of Ireland 2002).

When political belief tends to coincide with a social consensus, there is always the risk that such belief is simply written off as political interest.⁶⁶⁹ Since there are grounds to suspect that not just the breadth of social partners, but the Irish voting public *also* supported the principle of benefit level increases, the risk of conflating what appear as populist policies with pure electoral interests becomes greater still. The majority of interviewees to this research however interpreted electoral support for social welfare provisions throughout the 2000s as more than simply interest-driven behaviour by those set to profit personally from the benefit rises. Support was instead variously associated with what was described as a “caring society”,⁶⁷⁰ “empathy for those in hardship”⁶⁷¹ and community solidarity – all of which were regularly linked to Ireland’s tradition of social Catholicism.

7.4.2 ‘Supportive Conditionality’ and the Constraining Consensus

Another standout feature of social policy development during the years of economic boom in Ireland (and discussed in depth in Chapter 5) was the adherence to a social assistance policy which imposed little in the way of labour market requirements. Against the trends not only of other liberal but also of social democratic welfare states, the Irish position was one of *voluntary* employment supports, limited labour market conditions for beneficiaries of Unemployment Assistance and no labour market conditions for those in receipt of lone parent allowance. Moreover, what made this pattern all the more exceptional in international comparative terms was that such lack of compulsion was combined with significant increases in benefit rates atypical of the classic liberal welfare state.

⁶⁶⁹ See also *Sharing in Progress*, the Government’s National Anti-Poverty Plan which speaks of the social consensus for tackling poverty, amongst other things, through increases in benefit levels. Government of Ireland 1997.

⁶⁷⁰ Interview with IR11.

⁶⁷¹ Interview with IR4.

This was not a position maintained without effort nor as a result of political agnosticism. Pressure for a shift towards a more punitive and labour-market oriented system was building from a variety of sources internal and external to the Irish Government. Chief among these were the demands of Fianna Fáil's junior coalition partner – the neo-liberal Progressive Democrats – for a tougher approach towards long-term benefit recipients and new sanctions to reduce benefit payments for those who failed to take more 'active' measures to end their benefit dependency. The Department of Social Welfare who, in the words of one senior civil servant (IR16, 16) "*for a long time hadn't much to say about anything*" also began to adopt a more robust rhetorical position, emphasising the long-standing statutory commitments of claimants of unemployment assistance to genuinely seek work and ostensibly setting up new systems to monitor claimant compliance. The Department's more active labour market approach dovetailed with new EU requirements arising from the European Employment Strategy/Lisbon Treaty which required Member States to produce National Employment Action Plans, including strategies for incentivising employment and sanctioning non-compliance by benefit recipients.

While these pressures, allied with some genuine political concerns about the intransigent numbers of long-term unemployed, can account to some extent for a series of legislative and procedural changes that took Unemployment Assistance policy in a more 'active' and light-touch conditional direction, more significant are the changes they failed to bring about and the changes that were actively resisted over this period. I argue that while beliefs associated with human adequacy, human dignity and the limits of market intervention *drove* social assistance increases, the same beliefs, in the sphere of policy on benefit conditions, *constrained* policy from developing in the direction of compulsion and strengthened labour market requirements. And just as CORI played a

leading role in relating principle to policy, a similar role was in this instance carried out by both the NESC and FÁS.

Sharing similarities with CORI, the NESC argued in both idealist and realist terms against further conditioning social assistance benefits on labour market requirements. The Council cautioned against the impacts of compulsion on grounds that such changes would threaten individual dignity, autonomy vis-à-vis the state, the goal of ensuring decent employment and (in the context of potential benefit sanctions) the principle of income adequacy.⁶⁷² It also argued that the effectiveness of the policy was doubtful since compulsion was not likely to create sustainable employment nor to provide employers with the suitable, skilled labour that they required.⁶⁷³ The NESC alternative to sanction-based conditionality was “supportive conditionality” (NESC, 1999). This was summed up as a form of conditionality

“..not based on time limits or coercion but on the obligation and need for welfare recipients and public authorities alike to periodically review the extent to which the recipient’s best interests are being facilitated by the arrangements governing their access to an income.”⁶⁷⁴

The idea behind ‘supportive conditionality’ and the similar concept of ‘sensitive activation’ (NESC 2003) was that the quality of state employment and/or training supports would be of such a level as to encourage participation with little to no need for coercion or the threat of sanctions. This was regarded as a ‘good’ that eligible individuals would gladly avail of and a ‘good’ which would filter through to the society at large. Essentially it amounted to a peculiarly Irish blend of the dignity and autonomy components of the human rights idea along with the social investment and community membership dimensions of the social citizenship rights ideas. To this end, the NESC

⁶⁷² See NESC 1999, 2003 and 2005.

⁶⁷³ See NESC 2005.

⁶⁷⁴ Ibid. 221

sought to push Government in the direction of establishing social-rights benchmarking and re-evaluating the relationship between the citizen and the state in rights terms.⁶⁷⁵ Its efforts culminated in the 2005 visionary report – *The Developmental Welfare State* – which envisaged Ireland having the kind of enhanced social provision of social democratic welfare states but fuelled by a ‘liberal’ approach to economic development and expansion.

NESC opposition to punitive conditionality and an exclusive labour-market lens was echoed, if not as academically but with important political weight, by its fellow social-partnership related body – FÁS. The circumspect approach of FÁS to new demands for enhanced benefit conditions was not only significant because, as a tripartite body, its approach was a mirror of the social partnership attitude at the general governmental level but also, being Ireland’s national employment agency, its collaboration would be required to make a meaningful reality of any new compulsory system. Indeed the fact of resistance to enhanced benefit conditions by FÁS officials at the operational level was identified by the OECD as a part explanation for Ireland’s internationally low use of benefit sanctions throughout the 2000s and before.⁶⁷⁶ The FÁS operational attitude to benefit conditionality was summed up by a former senior government official (IR16, 15) in the following terms:

“The conditionality thing has always been there but it hasn’t been actioned - partly because, for long periods, I suppose people could reasonably say: ‘well you want me to get a job, there are no jobs’ which was fair enough. Secondly there were lots of people in, on the unemployment register whose employability was pretty low so you were only aggravating them basically by hounding them to it. Thirdly there was a systems issue: case management - active case management - wasn’t made easy by the sort of administrative systems that were

⁶⁷⁵ See NESC 1999 and 2003.

⁶⁷⁶ Grubb (2009,86) for example, has observed that “.... Irish social norms make FÁS (and other) employment services reluctant to impose sanctions....and argued (ibid. 85) that the preferred approach of FÁS to job-seekers was instead to “develop an agreed Action Plan, and avoid coercing clients into participation on programmes that they do not believe are useful, which would often be unproductive since an unwilling trainee is unlikely to gain much from participation.”

in place in the past and I suppose, I suspect staff in local employment exchanges might have been reluctant to expose themselves to the hassle and the feedback of implementing “

7.4.3 Benefit Conditionality, the Parental Allowance and Family Autonomy

In the context of the strength and breadth of resistance to labour market conditionality in the benefit system, one policy proposal that stood out as offering something more radical was the Parental Allowance put forward in the Government Green Paper of 2006.⁶⁷⁷ In the NESC-inspired mould of social investment and “supportive conditionality” – or what the Government termed “relaxed conditionality” – the paper proposed to end the unconditional One Parent Family Payment and Qualified Adult payment (made in respect of spouses of those receiving unemployment assistance/insurance) and replace both with a single Parental Allowance. The latter would require a vague and unspecified degree of labour market engagement on the part of recipients but also new employment, training and social inclusion supports.

The proposal did not come without political risks. In an attempt at reforming Ireland’s tax laws on incoming splitting in 2000-2001, Fianna Fail had paid a high political price for what was perceived to be undue interference by the state in the private realm of the family.⁶⁷⁸ Proposals which were ostensibly aimed at easing the tax burden for working women were regarded as discriminating against single earner couple families particularly those where the non-working member was designated as the primary carer. Lambasted by political rivals as being “anti-family”, “Thatcherite”⁶⁷⁹

⁶⁷⁷ Dept. of Social, Community and Family Affairs 2006.

⁶⁷⁸ This refers to Minister for Finance Charlie McCreevy’s budget proposals which reversed Ireland’s policy of income-splitting which had been in place since 1980 (wherein in single earner couple households, taxes could be divided between both the earning and non-earning couple members thus lowering the overall household tax burden).

⁶⁷⁹ See Financial Resolutions, 2000; Budget Statement 2000, Wed 6 Dec 2000 responses to McCreevy’s budget speech

and concerned with “conscripting” women into the labour force,⁶⁸⁰ Fianna Fail also faced more popular opposition that had been generated by the adept mobilisation efforts of an articulate and well-connected women-at-home lobby group.⁶⁸¹ Commenting on the debacle, one senior Government official (IR15, 2) observed:

“...family was, despite being a source of labour for the economy, was a zone of autonomy.... family choices were legitimately made independently. So people chose not to work – women in the main chose not to work in paid employment – and that should be respected.”

When the Parental Allowance of the 2006 Green Paper was published the women-at-home lobby returned to the political stage with similar arguments about the Government’s abandonment of women engaged in unpaid ‘home’ labour. On this occasion however these political objections were isolated. The soft and deliberately ambiguous approach to conditionality alongside the strong emphasis on social investment had neutralised concerns that the Parental Allowance would lead down a punitive, workfare-style path; hence the proposal had the support of key voluntary sector groupings in social partnership (the lone parent lobby groups, women’s groups and children’s groups) as well as from the unions. Had Ireland’s economic performance been maintained there is a reasonable likelihood that the Parental Allowance would have been enacted and that Ireland may have travelled further in the direction of NESC’s ‘Developmental Welfare State’. The economic crash that instead ensued meant that the proposal was abandoned and replaced by a reform that was partly driven, as I will shortly discuss, by new cost-cutting objectives that were at odds with the social investment/social rights vision.

⁶⁸⁰ See Comments by Michael Noonan T.D., former Government minister and subsequently leader of Fine Gael. Financial Resolutions, 2000; Budget Statement 2000, Wed 6 Dec 2000 responses to McCreevy’s budget speech

⁶⁸¹ Interviews with IR6, IR2, IR16 and IR13 highlighted the political capital of this group.

7.4.4 Human Rights-Positive Rights Ideas Affirmed

The decade 1998-2008 was clearly a time for consolidating existing human rights-positive rights ideas of social rights. With enhanced economic resources, it was also an opportunity to convert such ideas into concrete policy advances. As in the period 1987-1997, the same sets of political actors were at the vanguard of this development; namely voluntary sector actors, left-leaning politicians and the NESC. The Unions and FAS who had previously backed the Commission on Social Welfare recommendations on benefit adequacy became more incisive in their interventions and, in the face of proposals to make Unemployment Assistance more conditional on labour market-oriented behaviours, they defended the principles of dignity and autonomy in employment.

The particular success of CORI in influencing the government and Fianna Fáil to support benefit level increases up to the level of 30% of Gross Average Industrial Earnings, can be attributed in part to the deeper integration of the voluntary sector pillar within the social partnership model of government. Arguably more significant however was the compatibility of CORI's proposals with the *values* of key politicians as well as with the perceived values of the general public on whose votes politicians relied. The CORI-articulated policy rationale, based on human dignity and benefit adequacy as well as on a practical assessment of solutions to social exclusion, maintained politicians in their normative and political 'comfort zone'.

Efforts to push the Government beyond its 'comfort zone' and encourage it to commit itself more explicitly to a human rights-based social policy were resisted. Both CORI's appeal for a basic minimum income and NESC's more expansive proposals for a comprehensive 'developmental welfare state' failed to generate more than fleeting rhetorical interest on the part of the Government. Ultimately the Government was

pragmatic and, despite new economic capability, preferred to remain in control of social spending and with a back door open for a quick retreat if necessary. A deeper and more explicit public commitment to a particular form of rights was not only considered a philosophical irrelevance to the voter⁶⁸² but was associated with what one former Government Minister (IR14, 2) described as a wariness of “creating open ended financial provision” and of transferring undue power to the judiciary on matters that were properly the domain of an elected legislature. As one senior Government official (IR16, 12) commented: “.....rights at a certain level are a legal concept and people are very nervous about detaching entitlements from affordability and indeed from politics”.

7.5 The Economic Crisis and the Constraining Consensus, 2009-2015

After a period of over twenty years of Irish social partnership governance during which Irish social policy stuck steadfast to the policy objectives of raising out-of-work benefit levels and of maintaining largely voluntary employment supports (including a sizeable portion of non-market interventions) to assist the long-term unemployed and socially excluded, social assistance policy took its first major change of direction. Benefit levels were reduced, labour market conditions were increased (including the first ever conditions for lone parent benefit recipients) and there was a new emphasis on market-based solutions to unemployment.

The breadth of elite policy-making opinion points to the significant impact of the domestic and international economic crises of the late 2000s, in explaining these changes. With high levels of debt and state bailout of the banks, savings were needed -

⁶⁸² This point was made in several interviews (IR2, IR7, IR8, IR10). One former senior politician (IR2) speaking of the language of rights on the campaign trail commented: “You know when you go into communities.....no-one has ever heard about ‘rights-based’ - none of the people. You could be out canvassing for a week in these places.”

and with Ireland exceptional in “liberal welfare state” regimes for having both high replacement rates and very little in the way of labour market compulsion, both policy aspects presented natural cost-saving opportunities. These aspects came under increasing pressure when the Irish Government, unable to turn things around unilaterally, had to succumb to the terms of an economic rescue package by the Troika of the EU/European Central Bank/IMF.

Notwithstanding this pressurised and restricted economic and political environment, Irish policy-makers still retained a certain degree of policy-making autonomy. Choices of where, when and how much to cut continued to be made at the domestic level and resulted, by most accounts, in a large degree of electorally motivated policy-making. What has been described as a “targeting of the weak”⁶⁸³ ensued with unemployed singles under the age of 25 and lone parents marked out for particularly harsh treatment. As one social justice advocate (IR15, 16) argued of the motivation of policy-makers: “We won’t say this too loud, but these people don’t vote or they don’t shout very loud most of the time anyway, therefore we can go along with it’.

With the infrastructure of advocacy and certain policy-development channels dismantled, this was certainly an opportune moment to prey on the weak. By the end of 2009, social partnership governance collapsed after failure to get agreement across the social partners for a pay deal for public sector workers. Special interest groups which had previously enjoyed channels of political influence through the voluntary sector pillar, no longer had such resources at their disposal. NESC which had long steered the Government’s socio-economic policies – indeed had come to prominence at a previous time of crisis in the late 1980s – found itself in newly-oriented position of influence;

⁶⁸³ Interview with IR15.

moved away from the Taoiseach's Office, where it had traditionally resided, to the Department of Finance.

But if these economic and political factors tell us some of the dynamics *driving* change, they do not reveal what *constrained* the pace of change – initially under the Fianna Fáil minority Government and then, under the Fine Gael-Labour Government which took over in 2011? Why was it, for example, that notwithstanding the enormity of the fiscal correction, the Fianna Fáil Government first sought to *increase* benefit levels for the working-age population and only later introduced some relatively more minor cuts for the same groupings? Why did Fine Gael take cold feet and backtrack on one of its radical social assistance changes – the shift to Jobseeker's Allowance for all OPFP claimants with a youngest child over the age of seven – and instead introduce a stop-gap of the Jobseeker's Transitional Payment?

I will now argue that despite the perhaps once-in-a-generation political opportunity to re-set the direction of travel of social policy and to steer it along a path of *new* ideas, Irish social assistance policy remained largely faithful to its underpinning normative framework of benefit adequacy, human dignity and family autonomy. This demonstrates the enduring effect of these ideas even in the absence of facilitating institutional structures and given the demise in the political influence of their chief advocates. It further suggests that such continuity is owed to the presence of a social consensus on basic 'framework ideas' of social policy that, to some extent, transcends party political lines and socio-economic events.

7.5.1 Crisis Era Policies under a Fianna Fáil-led Government

It was under the watch of the Fianna Fáil-led Government that the economic crisis hit Ireland; thus it fell to the same powers to take responsibility for much of the initial heavy lifting when it came to remedial measures to attempt to regain a level of financial

control and reduce the deficit. Interestingly, some of the earliest government-imposed cuts of 2008 and 2009 targeted, not the politically weak social assistance recipients, but rather those benefitting from strongly represented interest groups: namely, public sector workers who were hit with pension and wage reductions; and old age pensioners, who faced new rules on the previously universal medical card. Indeed, over the period 2008-2009, unemployment assistance (including insurance) and OPFP payment rates actually rose - perhaps as concession for other cuts or in recognition of the doubling of the unemployment rate (from 5-10.4% over the period Feb 2008-Feb 2009⁶⁸⁴).

It was not therefore until 2010, by which time Fianna Fáil was already badly injured in political terms, that the first cuts to general social assistance payments were introduced. These were announced in the December 2009 budget statement, with the Government committing to progressively reduce social welfare payments (including Jobseeker's Allowance and OPFP but excepting pensions) by 4% of their then existing value (204 Euro per week) and to make benefit cuts of 50% and 25% respectively for *new* single claimants of Jobseeker's Allowance aged between 20 and 21, and between the ages of 22-24. At the same time, the Government passed primary legislation to introduce both the first labour market-oriented conditions for lone parent beneficiaries (of OPFP) with a youngest children aged over 14, and a new type of benefit sanction of up to 25% of benefit rates (for a maximum period of 21 days) for failure to comply with labour-market conditions attached to Jobseeker's Allowance/Benefit.

In light of the severity of the crisis and the mounting international pressure on Ireland to respond, the scale of these *general* cuts to those on working-age benefits were extremely modest by any standard. While part of the motivation was arguably to avoid

⁶⁸⁴ Central Statistics Office data accessed on 2nd December 2017 online at: <https://www.cso.ie/en/statistics/labourmarket/principalstatistics/seasonallyadjustedstandardisedunemploymentatessur/>

alienating voters by imposing what could have been seen as a double punishment on anyone made unemployed as a result of the crisis, it appears that there was also a genuine desire within Fianna Fáil to remain faithful, so far as circumstances would allow, to the principle of benefit adequacy such as had been consistently pursued through the partnership years. Thus in his December budget speech, Fianna Fáil's Minister for Finance – Brian Lenihan – prefaced his cuts announcements with a reminder of the Government's enduring commitment to strong welfare state assistance payments:

“The Government is proud of its unrivalled record in increasing the level of social welfare payments..... We extended coverage, removed barriers, and increased entitlements such that the level and extent of social support payments has been transformed beyond recognition. We are determined, where possible, to maintain that progress in inflation-adjusted terms. But we can either safeguard the generous system we have by making these savings now, or we can put it all at risk by extending it beyond what resources will allow.”⁶⁸⁵

Despite the political accusations that such social spending increases were in part to blame for the mismanagement of public funds that had brought about the economic crisis, Fianna Fáil stuck resolutely to its long-time strategy. Whatever the effect of immediate economic and political pressures, the underlying approach to social welfare payments as part of a broader social justice agenda based on the redistribution of wealth was considered ‘right’ and ‘just’. Challenging critics who, in the aftermath of the crisis, rejected the supposed virtue of Fianna Fail's approach, one of the party's most senior figures (IR2, 18) commented:

“Like, the view now is screw the workers and everyone else and save the money so that when the banks messed up, we'd have had enough money.....I read a lot of the books that have been written since and, Jesus, they make you sick! I mean these people weren't around in the '70s or '80s. It's almost seen by some of these people as a bad idea that we gave pensioners money. The view was that the pensioners didn't need it.....I would be very hostile to all of those.”

⁶⁸⁵ Minister for Finance, Brian Lenihan. Financial Statement, December 2009.

Suggesting that in the absence of the economic downturn the Fianna Fáil government would have remained true to its social justice agenda, the same former politician (IR2, 8) argued:

“If we hadn’t hit the crash I actually think we would have eliminated a huge amount of social inequality here – like if there hadn’t been the crash of 7 years we would have really changed that – we would have really been able to keep it going.”

An enduring commitment by the Fianna Fáil-led government to the principle of benefit adequacy and its underlying associations with human dignity, can also partly explain the limited way in which benefit sanctions were eventually introduced in Ireland in 2010. Despite the growing international and - from some quarters - domestic pressures to introduce a more conditional regime in social welfare payments, policy-makers remained of the view that sanctions would only stand a chance of being implemented in the Irish context if they were considered ‘fair’. Establishing a new sanction of 25% of the benefit rate for a maximum of 21 days (with a discretionary power to transfer the claimant to Supplementary Welfare Allowance during this period) was as far as the Government was willing to go and even that involved a moral wrestle. As one senior official in the Department of Social Protection (IR18, 6) commented of the new emphasis on compulsion:

“Now, it’s not savage but it’s there, and we had to do a lot of things to get to that point in terms of changing our policies and our legislation but we have got there. I mean, it took a lot of..... it was with a good bit of soul searching and trying not to be ruthless to people or unfair to people at all. So there’s a limit to which you can be deducted..... It’s benign conditionality, I would say.”

It appears that the consciences of key policy-makers were more easily reconciled to the idea of a pronounced cut in benefits for new, young single applicants for Jobseeker’s Allowance. While the severity of such cuts could easily be interpreted as

undermining the adequacy principle and certainly introduced a new level of *explicit* discrimination in terms of the substance of benefit rights vis-à-vis older and married beneficiaries, the change was reasoned on grounds which sought to *reinterpret* the idea of income adequacy and the nature of state employment supports for the young, single unemployed. The idea was that income adequacy should meet basic needs but not to the extent that it should create a potential employment disincentive. With young people entering the market place in a weak bargaining position, the view was that state investment would be better directed towards assisting this segment of the labour force via enhanced opportunities for further education, training and work experience.⁶⁸⁶ Expressing the merits of this approach, one senior official at the Department of Social Protection (IR18, 14) commented:

“putting people on a full welfare payment at the age of 18 - at the time it was 204 euro a week - and treating them the same as someone who has just recently lost their job and giving them the same level of payment was not clever..... think what can they earn in the private market, in the employment market - like effectively were you overpricing them? Were you introducing a level of payment that the private market couldn't compete with? So effectively you were just not allowing people to get some employment opportunities.

7.5.2 Crisis Policy-making Under a Fine Gael-Labour Coalition: Attempts to Re-interpret and Resist Existing Framework Ideas

Compared to the changes ushered in under the Fianna Fáil-led Government, the second phase of cuts and conditions, executed under the Fine Gael-Labour coalition marked a notch up in reform terms. Jobseeker's Allowance for young people underwent another round of cuts, reducing from 150-100 euro per week the rate for 22-24 year olds (thereby bringing it in line with the rate for 18-21 year olds) and

⁶⁸⁶ See B. Lenihan, Minister for Finance, December 2009, Budget Speech. Over this period the Fianna Fáil -led Government introduced a new time-limited community employment programme – Tús – and there were significant increases in the numbers availing of the Back to Education Allowance.

introducing a first-time reduction of 25% of the benefit value for 25 year olds. Reform of lone parent income support also developed rapidly so that by 2015, the One Parent Family Payment was limited to recipients with children up to the age of seven, earnings disregards had been halved, and initiatives designed to encourage lone parents into the labour market - such as half payment rates⁶⁸⁷ and Community Employment - were either removed or negatively altered.

In extending benefit cuts to young people, the Government relied on an increasingly stretched notion of benefit adequacy which harked back to old ideas of subsidiarity and the collective role of the family in compensating the member without sufficient personal income. This principle has always maintained a place in Irish social assistance policy-making through the policy of the ‘Board and Lodgings Rules’ which allows the costs of “benefits and privileges” in the family home to be deducted from individual benefit entitlements. Through the 1990s however some reforms to this policy took place which were motivated, in the view of one senior civil servant, by the idea of “an absolute right of an eighteen year old....to independent income”.⁶⁸⁸ However with the cuts imposed first by Fianna Fáil and then by Fine Gael, the quality of that right regressed and the reality of a more means-tested benefit was increasingly justified by new ideas of benefit adequacy in the context of assumed family income support.

This interpretative stretch of the adequacy principle was potentially undermining of core elements of the general framework idea: namely that through state income support the individual could enjoy a degree of dignity and autonomy. For this reason, cuts that started out as normatively tolerable within the broad parameters of adequacy

⁶⁸⁷ This refers to the practice of providing a continued time-limited benefit in circumstances where former OPFP claimants exceed the upper earnings threshold and are transitioning away from welfare dependency.

⁶⁸⁸ Interview with IR3.

became less so. At the principled level, the saving grace of these reforms was the fact that they were accompanied by incentives for young people to improve their incomes by availing of state training opportunities which, compared to a life ‘on the dole’, were considered to be in their immediate and long-term interests. As one senior civil servant in the Department of Social Protection (IR18, 15) commented of the cuts:

“That would be penal if you weren’t giving them [the affected young people] alternatives but with the youth guarantee there is a commitment: within four months of being unemployed we will give you something, we will give you a programme, whether it’s an internship or back to education, whether it’s an employment scheme or skills based, we will give you something to enhance your skills.”

A greater challenge to the idea of income adequacy and dignity - and one that ultimately exceeded the normatively acceptable boundaries of Irish social assistance policy – were the reforms to lone parent income support introduced, from 2012, by the Fine Gael-Labour coalition. When, in 2010, Fianna Fáil first scaled back the scope of the One Parent Family Payment from claimants with youngest children up to the age of 18 to those up to the age of 14 only, the measure had a certain element of inevitability about it. Regardless of this being a ‘crisis era’ policy, the change had long been discussed and there was generalised consensus for the notion that market-based employment, if properly supported by the state, offered the potential to reduce poverty and social exclusion in a way that long-term welfare dependency could not. By limiting the scale of the reform only to lone parents whose youngest children were of advanced secondary school age, the interference with family autonomy was considered proportionate to the aims of the policy.

The decision however by the Fine Gael-Labour Government to further and dramatically reduce the scope of the OPFP to families where the youngest child was seven years old, generated a significantly more negative political and public reaction.

Removing an important form of income support for lone parents at a time of high unemployment and with few of the promised employment supports in place (notably childcare and training), did not speak to the aims of poverty reduction or the prevention of social exclusion. Moreover, reductions in earnings disregards, back-to-work allowances and community employment supports were widely interpreted as positively *undermining* such aims and harming those already *in* work. Commenting on the supposed anti-poverty rationale for the changes, and considering whether parallels could be drawn with the British approach, one social justice advocate (IR15, 9) commented:

*“If it had happened before the crash, there could have been some parallels.....
But when it happened after the crash, it made no sense at all. Absolutely none. It happened because they wanted to save money.”*

Endorsing the cost-saving motivation of the Government’s policies on lone parents, one former Labour Party special adviser (IR8, 1) commented: “So what you end up with is simply a cut and it’s an indefensible kind of cut.” These were cuts moreover which alienated the Department of Social Welfare and pitted the Government against a largely unified opposition in the voluntary sector and among the unions. The bottom line of the protest which culminated in the “*Seven is too Young*” campaign, was that the state was illegitimately interfering with the choice of lone parents to look after their young children at home by pressurising them, through the social assistance system, to enter the labour market. At the same time the cuts to benefit levels and employment supports had weakened long-held commitments to benefit adequacy and dignity in employment. As for childcare, provision was operating at only a fraction of the level that the Government had previously promised.

Given the strength of opposition and critique, the Government was forced to backtrack and introduced the stop-gap measure of the Jobseekers Transitional Payment (JTP) which effectively reinstated OPFP for all claimants with a youngest child aged

14.⁶⁸⁹ This did not constitute a full return to the policy position of the Fianna Fáil Government in 2010 since the JTP change did nothing to remedy the employment support cuts that had been imposed on *working* lone parents. In the view of one senior lone parent advocate (IR13, 15), the post 2013 position had regressed lone parent social assistance policy back to the pre ‘Celtic Tiger’ era:

“they’ve brought social policy back 20 years, whatever number of years that is, the guts of 20 years without a doubt. It was Michael Woods who said that Irish policy change was incremental – ‘an Irish solution to Irish problem’: incremental change.”

7.5.3 The Push and Pull of Positive and Human Rights Ideas of Social Rights

At the beginning of the economic crisis, Fianna Fail’s increases in social assistance payment levels and its tentative approach to lone parent conditionality and benefit conditions spoke to continuity in ideas of social rights. Fianna Fail wished to carry along the path that they had started to the extent that this was possible within the parameters of the financial rescue package.

The approach of the Fine-Gael Labour Coalition suggested that the influence of ideas of social rights may have been somewhat different. The Government’s erosion of the principle of benefit adequacy by extending cuts to the under 25s, it reduced in-work employment supports and end of double payments to those on Community Employment – indicated ideas of rights of a positive variety. Social assistance payments and employment supports could be cut by whatever was necessary to improve the economic situation. But underlying this more positive and instrumental approach to social rights were new social objectives that marked a change in economic policy-making from that of social partnership - a more liberal, market-based agenda where job subsidy schemes were prioritised and the emphasis was on back to education programmes to maintain a

⁶⁸⁹ Seanad Éireann Debates, Wed 15th July, 2015. Minister of State David Humphries.

skilled labour force. Summing up these views, one prominent social justice advocate (IR15, 11-12) commented:

“Fine Gael totally believes that the market is the way to do it, business is the key. The Met Office approach to job creation, which is basically that we create the weather for the jobs to thrive, as if government had no role.... I think Fine Gael is very ideological on welfare. I’m going to say something that you’re not expecting; the younger half of the Labour Party in the Dáil is as close to Fine Gael as you can get.”

Despite these new policy-making ideas and with the ‘perfect’ set of circumstances for initiating reform – namely, the start of a new Government tenure, the ‘cover’ of the economic crisis, and the absence of social partnership-associated vetoes – the Fine Gael-Labour Government nonetheless found itself without the widespread popular political support that it needed and, in respect of lone parents reforms, was forced to retreat. This retreat was associated with popular support for core dimensions of the human rights idea of social rights; namely the principles of benefit adequacy, human dignity and individual autonomy.

7.6 Chapter conclusion

Reviewing social assistance policy developments for the unemployed and lone parents over the period 1985-2015 as a whole, I conclude that policy has been consistently shaped by a hybrid human rights-positive rights idea of social rights although there has been some variation in the dominant characteristics of this blend over time. The consistency in policy-relevant social rights ideas was associated with the durable salience of perceived public norms which encouraged a social assistance system characterised by respect for human dignity, adequate state income supports and autonomy in both family life and in employment. Indicating the extent to which

perceived public norms had an important influence on Irish social policy-making, one former leading Irish civil servant (IR16, 1) reflected:

*“I suppose Irish politicians pride themselves on not having any ideas. In other words, they’re pragmatic for the most part - problem solvers, policy takers if you like from events and conditions and would appeal very much to sort of common sense as a grounding for things, everyone knows it’s that..... And obviously a small political community lends itself to that because, at a certain level, everybody **does** know, you know there’s an intimacy. On the other hand of course, that’s very prime breeding ground for self-delusion and for counting as common sense ideas and ideologies you agree with and the reverse.”*

Equally significant to this ideational stability was the compatibility of such public norms with Ireland’s social partnership ‘ideology’. However despite the largely populist and ideologically homogenous nature of Ireland’s two main political parties, it was far from inevitable that the Social Partnership Governments would advance social assistance policies in line with public norms that had their roots in Ireland’s historic cultural legacies of Republicanism and Catholicism. Norms can lie in the background of a given policy-making context but it requires the right set of conditions to bring them to the foreground and render them an explicit policy rationale. In the Irish case, this job of articulating and advocating such ideas in the context of social assistance policy-making fell largely to the NESC, voluntary sector groups (notably CORI), left-leaning Government Ministers as well as the unions and FAS. Without the efforts of these ‘principled actors’ and the opportunities provided by both the Irish economy and the partnership model, social assistance policy is unlikely to have developed as it did.

Rather than argue, as O’Donnell and Thomas (2002) have done, that partnership *transformed* interests,⁶⁹⁰ I suggest instead that, in the specific area of social policy, the deliberative process of partnership *reacquainted* actors with their underlying normative inclinations while the overarching and innovative ‘developmentalist’ strategy facilitated

⁶⁹⁰ See also O’Donnell and O’Reardon 2000.

the advancement of problem-solving ideas which came to be seen as compatible with interests. The focus on this anchoring effect of social rights ideas stands as a helpful corrective to studies by Roche (2007), Larragy (2014), Regan (2012) and Hardiman (2004) which give priority respectively to interest-based and institutional dynamics in Irish policy-making. It also however helps us to better understand, in a way that existing studies of ideas do not,⁶⁹¹ some of the unanswered questions arising from these important previous works such as *why* policy solutions for the long-term unemployed should be considered “non-contentious” among Irish social partners (Roche 2007: 412), and *why* voluntary sector actors – notably fringe groups like CORI – should have carried the political influence that they did.⁶⁹²

⁶⁹¹ Murphy 2012, for example, highlights the significance of ideas in Irish policy-making but is not clear on how and why certain ideas exercise such influence in interaction with other relevant variables.

⁶⁹² See Hardiman 2004 and Larragy 2014 which both do a job good at explaining *how* these voluntary sector actors influenced by tell us less about *why*.

Conclusion to Part III: Comparative Analysis

The previous two chapters (6 and 7) analysed the policy-making dynamics that were likely to explain the divergent patterns of British and Irish social assistance policy for the unemployed and lone parents over the period 1985-2015. The analysis associated the observed variation in British and Irish policy developments with policy-makers' distinct beliefs about social rights – beliefs that were influenced by historic, institutionally-shaped public norms related to social assistance and by the political ideologies of key policy-making actors in each country. British policy development was associated with varying ideas of either positive or social citizenship rights depending on whether the Government was under Conservative Party or Labour Party leadership. By contrast, Irish social assistance policy was consistently associated with a hybrid human rights-positive rights idea of social rights.

From this comparative analysis we can draw several conclusions which contribute to the literature on the role of ideas in social and public policy-making. A key finding of Part III, which has considerable support in the existing literature,⁶⁹³ is that policy-making ideas are more likely to shape policy outputs when such ideas are perceived to be compatible with the relevant, entrenched public norms - in this instance, those relating to social assistance. Expressed in other terms we can say that 'culture matters' in determining which ideas influence policy.⁶⁹⁴ Public norms of 'benefit deservingness' in Britain and those of benefit adequacy, human dignity and the autonomy of the family in Ireland constituted 'framework ideas' which shaped the viable parameters of social assistance policy.⁶⁹⁵ Policies that were construed as being consistent with these public

⁶⁹³ See, for example, Weir 1992, Skocpol and Rueschemeyer 1996, Sabatier 1993, Seldon 1996 and Plant 1996.

⁶⁹⁴ See Harrison, Lawrence and Huntington 2000.

⁶⁹⁵ See Chapter 3 where I explain "framework ideas" and locate them within the ideational literature and also in the context of my conceptual framework for understanding the role of ideas in social policy-making.

norms were successfully implemented and those that were perceived to contravene them were ultimately overturned.

The compatibility of policy initiatives with public norms is however only one element in the successful path from idea to policy; to succeed in shaping policy, the analysis of Part III has shown that policy-making ideas must be both economically viable and have the support of political advocates and allies who are powerfully placed to influence the policy development process. As demonstrated by the parallel developments of economic growth and social partnership governance in Ireland, it is the confluence of necessary policy-making dynamics that lead to certain policy-making ideas finding full policy expression. Ideas, which were present in the background of Irish policy, had latent policy-making effects once compatibilities in associated policy-making dynamics were established. Such delayed effects of policy-making dynamics are similar to those observed in other Western democracies by Tarrow (1994, 134):

“Rights in America and Catholicism in Poland had been available for generations without visibly helping African American or Polish Workers to throw off their oppression. It is the weaving of new materials into a cultural matrix that produces expanding collective action frames. Combining them depends on the actors in the struggle, on the opponents they face and on their access to a broader public through the forms of collective action they employ and the political opportunities they exploit.”

If the need for compatibility between public norms and policy-making ideas suggests policy stability, the research in Part III also highlights the *identity* of political actors (i.e. their mutually constituted ideas and interests) as important in determining the degree of policy innovation. The Irish case demonstrated that, where there is more political homogeneity and consequently greater shared values between the main political actors (in this case, the social partners) and the public norms, policy-making ideas typically *reinforce* norms and maintain the status quo in policy-making. By contrast, the British political system, which encourages more political party competition

and has, since the 1930s, been characterised by the two rival ideologies of the Labour Party and Conservative Party, provides greater scope for delivering policy change. In order to ensure the compatibility of policy-making ideas with ideological objectives, political party actors tend to attempt to *reinterpret* the boundaries of public norms and thereby offer ‘new’ or revised policy-making solutions. In either case of policy change or continuity, successful policy-making ideas, such as the different social rights ideas which influenced British and Irish social assistance policy, should be understood as idea-interest configurations.

Lastly, in support of the ‘policy feedback’ insights of historic institutionalists, the research has also shown the varied effects of past policies in determining *which* policy-making ideas succeed in shaping policy outputs and *when* they are influential. These feedback effects were particularly significant in Britain, where the demise of social insurance policies in the 1980s and the subsequent erosion of the insurance-assistance divide called for a new solution to give policy expression to public norms associated with ‘benefit deservingness’. Irish social policy, which was substantially more underdeveloped than its British counterpart in the field of social insurance, was less affected by significant policy feedback effects in the development of its social assistance policies over the period 1985-2015.

We can conclude that the impact of different social rights ideas on the evolution of Irish and British policies (and their divergence over time) was due to the intertwining of multiple policy-making variables including the effects of relevant public norms, political actors, political structures, past policies and economic developments. The research thus supports the contention made by Kingdon (1984), Lieberman (2002) and others that when an idea has ‘its time’, it is in circumstances of compatibility between these inter-connected policy-*shaping* and policy-*making* dynamics.

Conclusion

Chapter 8. Conclusion

8.1. Research Findings and Contributions

This thesis explored and positively confirmed a contention articulated by T.H. Marshall (1981, original 1965) that how policy-makers conceive of state social welfare provision in social rights terms significantly affects the nature and substance of that provision. Britain and Ireland were particularly suitable cases for testing this theory because they demonstrated significant cross-national variation in social assistance policy over the period 1985-2015 such as could not be satisfactorily explained by the typical variables of the economy, interests and institutions, but which could - for historic cultural reasons - potentially find an answer in different ideas of social rights.

Part I of the thesis (comprising chapters 2 and 3) established the theoretical framework for the empirical exploration of the policy-making significance of ideas of social rights. Following a thorough review of the comparative literature on the determinants of social policy I concluded, in Chapter 2, that satisfactory explanations of social policy development not only require multi-faceted analysis but must specifically include analysis of the role of ideas – understood as the “beliefs of individuals”(cf. Goldstein and Keohane 1993). Accepting the parallel arguments of both constructivists and historic institutionalists about the “mutual constitution” of, in each case, “ideas and interests” and “interests and institutions”, I undertook to analyse ideas of social rights as part of a three-way interaction between ideas, interests and institutions.

Chapter 3 developed the general theory of the significance of social rights ideas to social policy development. There I developed and expanded on Marshall’s proposition that ideas of rights are of the moral, legal and social citizenship variety by arguing that social policy provision may be variously justified as a “social right” according to the

logic of either a social citizenship rights idea, a human rights idea, or a positive rights idea. Based on the philosophical literature on rights, I constructed ideal-types of each of these three ideas of social rights and associated each ideal-type with core dimensions that could be readily applied to the subsequent empirical analysis aimed at explaining British and Irish social assistance policy variation. I also set out my conceptual framework for understanding the role of ideas in social policy-making in terms of an actor-focussed policy-making pyramid with public norms held by ‘the people’ at the foundational level, the normative ideas of policy-relevant groups (including political ideologies) at the middle level, and the policy-making ideas of political elites at the pinnacle.

Part II of the thesis (comprising Chapters 4 and 5 along with an Introduction and Conclusion to the Part) comparatively analysed the nature of British and Irish social assistance policy change over the period 1985-2015. Based on a primary analysis of policy documents and statistical data, and supplemented by secondary sources, the chapters demonstrated that, over the course of thirty years from 1985 to 2015, Irish and British social assistance policy diverged substantially across the policy dimensions of benefit values, benefit conditions and employment supports. Change in British policy was considered more dramatic than that in Ireland and the character of change (measured in terms of the positive and negative freedoms of the benefit recipient as displayed in Figure 7, Part II Conclusion) implied significantly greater trade-offs in liberties for social assistance beneficiaries in Britain than in Ireland.

Analyses of the determinants of British and Irish social assistance policy development (1985-2015), including the policy-relevance of ideas of social rights, were presented in Chapters 6 and 7 which, along with a comparative conclusion and introduction, made up the elements of Part III of the thesis. Relying on data from

qualitative interviews with senior policy-makers as well as the analysis of primary and secondary policy and academic materials, the study found that social assistance policy developments in Britain and Ireland were indeed associated, in significant ways, with different ideas of social rights: in the case of Ireland, with ideas of rights representing a hybrid of the human rights and positive rights idea; and in Britain, with ideas of both positive rights and social citizenship rights in correspondence to the respective periods of Conservative and Labour Governments.

Particularly significant among the findings was the analysis of *how* and *why* these different ideas exercised influence. I argued that in both cases, there was reason to believe that cultural legacies, political ideology and, though to a lesser degree, governance systems, all played important roles in determining the ideas of social rights that would succeed in exercising influence on social assistance policy-making. These findings demonstrated the interdependence of the policy-making dynamics of ideas, interests and institutions as theorised in Chapter 2. They support the view that both cultural legacies, expressed in public norms, and political ideologies ‘matter’ in shaping how policy-makers think about social rights and, consequently, the policy-making actions that they take.

The contributions of this thesis are accordingly four-fold. Building on Marshall, the thesis developed a theoretical framework for measuring social policy development through the lens of social rights. Second, the thesis has demonstrated empirically that policy-makers think about social rights in ways that go beyond the familiar paradigm of ‘social citizenship rights’ and that different rights conceptions will significantly impact on social policy outputs in practice. Third, it has drawn out important relationships between the *identity* of political actors and the influence of particular rights ideas in a way that underlines the interaction of ideas, interests and institutions. Lastly, the

research has demonstrated, in methodological terms, the critical importance of an historical approach to the study of normative ‘framework’ ideas in social policy-making.

8.2 Implications for Research and Normative Debates in the Comparative Social Policy Literature

Given these findings, I now consider the implications of this thesis for the comparative social policy literature and offer suggestions for future research aimed at explaining, comparing and evaluating social policy developments. I will begin by reflecting on the value of the social rights lens and the scope for extending this theoretical framework to different country and social policy settings. In light of the findings on the role of ideas of social rights in social assistance policy-making in Part III, I then return to further evaluate and discuss a conclusion of Part II about the comparative effects of Irish and British social assistance policies on the balance of individual liberties for benefit recipients.

8.2.1 Application of the Framework of Social Rights Ideas to Other Social Policies and Country Settings

A first point to emphasise is the demonstrated capacity of the lens of ideas of social rights to isolate the policy-making relevance of ideas notwithstanding express analysis of the material interests of relevant political actors. To that extent this research defies the critics who have highlighted the tendency of ideational studies of policy-making to be “all-encompassing” and unable to pinpoint causation.⁶⁹⁶ It also endorses the notion that accepting the mutual constitution of ideas and interests does not mean

⁶⁹⁶ See, for example, Skocpol 1992.

sacrificing the analytical distinction between the two dynamics in respect of their explanatory roles.⁶⁹⁷

It is largely the nature of social rights ideas that allows us to simultaneously specify the discrete policy-shaping effects of such ideas *and* show the necessary interactions with other policy-making dynamics. Ideas of social rights are broad normative ideas that are not overtly entangled with political interests and actors in the way that ideologies are or as could be said of single policy-making ideas such as monetarism and Keynesianism.⁶⁹⁸ And while associated (as shown in the cases of Britain and Ireland) with a wider but nonetheless *particular* range of social actors from certain cultural settings, the ideas are not themselves *of* those people and places; rather the ideas exist independently and contribute to the identity of actors when appropriated by them.

The social rights ideas framework also advances our understanding of the role of ideas in policy-making by helping to explain not only the patterns of *implemented* policies but for shedding light on why certain other policy paths were neglected or rejected. When we study the policy-making significance of specific ‘problem-solving’ or ‘programmatic ideas’ we tend to focus only on ideas as a source of policy innovation. By contrast, social rights ideas can operate in a similar way to ‘framework’ ideas (as discussed in Chapter 3) in that they define the normative parameters or ‘red lines’ of policy-making and are therefore as capable of explaining policy continuity as innovation. Both elements are necessary for any comprehensive attempt to explain policy-making dynamics across time and place.

If there are therefore good reasons to study the policy-making significance of ideas of social rights, what is the potential for extending the application of this

⁶⁹⁷ See Jacobsen 1995.

⁶⁹⁸ See studies on the effects of these respective ideas by Hall 1992 and 1993 and Weir 1992.

framework to comparatively analyse social policy developments in other settings? In theory, social rights ideas could have almost universal relevance to social policy development in advanced welfare states, given particularly the wide-ranging scope of the positive rights idea. However, since Britain and Ireland were both examples of ‘liberal’ welfare states and hence characterised by means-tested social security benefits, what we cannot tell, without further research, is the likely significance of all *three* social rights ideas in alternative welfare state models; namely in the heavily insurance-based ‘Conservative’ model and in the ‘Social Democratic’ model with its typically universalist provision (c/ref Esping-Andersen, 1990). It is an open question whether, and to what extent, the institutional design and funding structures of welfare systems constrain the influence of certain rights ideas and promote others.

One first step in assessing whether there may indeed be any truth in the notion that the policy-making relevance of social rights ideas may be affected by welfare *regime-type* as opposed to simply *policy type*, would be to extend the analysis of the role of social rights ideas in British and Irish social policy development to cover universal and insurance-based policies that might typify the rationale of these alternative welfare state models. To this end, a British-Irish comparative analysis of universal Child Benefit and insurance-based pensions would be particularly interesting to explore through the lens of social rights ideas.

8.2.2 The Effects of Social Rights-Inspired Social Policy-Making on Individual Freedoms: A Future Research Agenda

I turn now to address the matter of what this thesis has indicated about how social policies, guided by different ideas of social rights, are likely to affect the balance of individuals’ positive and negative liberties vis-à-vis the state and to make the case for further research on this subject. To restate a point made in the Conclusion to Part II, it is

fairly settled that, in the words of Isaiah Berlin (1969: Xlviii), “...guaranteeing some liberties always restricts others”. In the context of the welfare state, the classic trade-off in liberties is discussed in terms of the ‘positive freedoms’ *to* enjoy life’s opportunities (by means of welfare state provisions) and the ‘negative freedoms’ *from* state interference (notably the infringement on individual property rights as a result of taxes levied to fund the welfare state). The nature of these trade-offs will naturally vary depending on the welfare state model and how we judge the ‘equity’ or ‘good’ of this balance in normative terms.⁶⁹⁹

As I discussed in the Conclusion to Part II, there is also however a potential trade-off in liberties for social assistance beneficiaries who may not necessarily suffer the negative freedoms of paying for the welfare state through taxes, but who typically experience other infringements from state interference (in the realm of labour market autonomy and in family life) and which are a direct consequence of the conditions of their social assistance benefits (i.e. conditions that stem from their positive freedoms). The comparative analysis of social assistance policies for the unemployed and lone parents in Britain and Ireland revealed that, on the matter of this more discrete trade-off in liberties for social assistance beneficiaries, there were notable differences between the two countries.⁷⁰⁰

Trade-offs in the positive and negative liberties of benefit recipients were observed in association with Irish social assistance policies from the late 1980s to the late 2000s when Ireland followed a path of economic expansion under a government of social partnership. In Britain, such trade-offs were more pronounced and limited to the years of the New Labour Governments between 1997-2010. In summary, the ‘price’ of positive freedom was higher in Britain than in Ireland; British benefit recipients gained

⁶⁹⁹ For further discussion see Goodin 1988.

⁷⁰⁰ See Figure 7 and discussion in the Conclusion to Part II.

less in positive freedoms and lost substantially more in negative freedoms than their Irish counterparts. Periods of simultaneous decline in positive and negative freedoms coincided in both countries with periods of economic recession and, in the British case, with Conservative Governments.

Taken together with the findings of Part III of the thesis, we can now relate these particular cross-national patterns of positive and negative liberties associated with British and Irish social assistance policy developments with the respective influences of social citizenship rights ideas (in Britain) and human rights ideas of social rights (in Ireland). We might therefore be tentatively inclined to draw the conclusion that social assistance policies guided by human rights ideas (as demonstrated by the Irish case) are associated with minimal tension in positive and negative freedoms for social assistance beneficiaries whereas in policies influenced by social citizenship rights ideas (as demonstrated by the British case), the tension may be substantial. At some level, these associations are intuitive. The human rights idea values human dignity, autonomy, the indivisibility of civil, political and socio-economic rights, and establishes minimum thresholds on which the state cannot trespass regardless of the supposed 'good' of its objectives. The social citizenship idea is inherently more contractual and consequentialist to the extent that it justifies restrictions on certain liberties in order to secure others, and indeed to secure other collective 'goods' beyond individual liberties. The research also points towards the arguably equally intuitive suggestion that positive rights ideas of social rights may be more likely to come to the fore and find political support in times of economic crisis.

Before however rushing to assess the full implications of social rights-inspired social policy-making for the individual liberties of benefit recipients, it seems important to first ask the further questions of how the balance of liberties might be affected if we

were to add to the equation the effects of different models of social assistance policies on the negative liberties of the taxpayer (i.e. the freedom from state interference in private property)? This seems a reasonable consideration given that, without the financial support of the taxpayer, we would have no welfare state policies with liberty consequences to discuss.

This is not a question that can be answered here because it requires a mix of empirical and normative analysis that is beyond the scope of this thesis. That is to say, we might assume that in the case of a strong human rights-influenced social assistance policy (i.e. an unconditional universal minimum income) the negative liberties side of the equation would increase because the policy affords the taxpayer no ‘say’ over policy conditions. Conversely, in a policy guided by the social citizenship rights idea, negative liberty infringements might be mediated precisely by taking account of the desires and interests of the taxpayer in setting those conditions. In each case however, some of the critical factors determining the balance of liberties (‘real’ and ‘perceived’) would be the cost of conditions, the proven effectiveness of conditions and the extent to which conditions reflect the interests of the taxpayer.

The foregoing sets out the rough parameters of a potentially interesting future research agenda which would ideally combine empirical analyses with normative evaluation. Stuart White’s analysis (2000) of welfare contractualism provides a good example of the type of evaluative framework that could be developed to assess the normative implications of social assistance policies in line with a broadly egalitarian conception of distributive justice. Work of this nature, albeit on a different scale, was attempted by Goodin et al (1999) where social policies of countries representing each of Esping-Andersen’s (1990) ‘three worlds’ were assessed against a set of normative values. The study, which did not include Irish or British policies in the empirical

analysis, found that autonomy was important to all welfare states in the sample, “*..if not necessarily prioritized by any.*”⁷⁰¹

Since this thesis finds that individual autonomy (as I measured it) was a value that was prioritised to very different degrees in Irish and British social assistance policies it suggests the need for more comparative cross-national research which aims to categorise social policies in value terms. Currently the ‘liberal’ category is so accommodating of different values that such categorisation tells us little on this dimension. This applies whether we take the ‘liberal’ label in its purely descriptive sense as used by Esping Andersen (1990) but also if we take it in its political theory sense as King (1999) demonstrates in respect of the ‘illiberal’ policies of liberalism.

Finally, before I move to discuss the implications of this thesis for policy, it is worth adding that new research on the role of values in policy-making and their implications for particular social objectives would help inform the attitudes and agendas of policy-makers. Advocates of all positions need to be more aware not only of the merits of their own approaches but of the trade-offs implied and how these fare against rival or alternative approaches.

8.3. Policy Reflections: The Potential of a Human Rights-Based Approach to Social Policy-Making

The global economic crisis of the late 2000s and subsequent austerity measures imposed across most advanced welfare states put into sharp relief the status of individuals’ ‘social rights’. People took to the streets to demonstrate and even riot against the erosion of their perceived socio-economic ‘entitlements’.⁷⁰² In many countries, including in Britain, political debate in the socio-economic arena became

⁷⁰¹ Goodin et al 1999, 260.

⁷⁰² See, for example, Lammy 2011 for commentary on the 2011 riots in London.

more polarised, marking a retreat from the trend towards centrist politics of the 1990s and early 2000s. With the ramifications of austerity measures still palpable in many countries today, including in the United Kingdom and Ireland, I want to conclude this thesis with some reflections on the likely political challenges faced by political actors wishing to defend social welfare entitlements in human rights terms and the potential for overcoming these hurdles.

Human rights-based ideas of social rights have been used globally as a platform for political protest, leading in certain cases to political change. The findings of this research indicate however that the influence of human rights ideas of social rights on Irish social assistance policy-making had less to do with the power of popular protest and more to do with the power of popular belief. The research found that support in social policy-making for key components of the human rights idea – notably the emphasis on human dignity, income adequacy, individual autonomy, the indivisibility of rights and the equal importance of policy means and ends - could be linked to beliefs consensually held by Irish policy-makers. I argued that such beliefs were shaped by cultural legacies of Catholicism and Republicanism, the absence of competing political ideologies and the inclusion of social justice advocates as “social partners” in government policy-making.

It is noteworthy that, notwithstanding the presence of institutional and interest-based conditions which made Irish policy-makers amenable to a human rights idea of social rights, the influence of this idea on social assistance policy-making was far from being a ‘given’. Policy-makers who, in face-to-face interviews, openly expressed their conviction in core components of the human rights idea (as just discussed) were simultaneously reluctant to explicitly acknowledge the policy-shaping influence of human rights ideas by name. This tension arose from their view that, in the context of

social welfare provision, the idea of human rights was ‘toxic’. There was a feeling that it would be irresponsible to communicate and encourage the idea of universal and inalienable social minimums in a way that was divorced from the critical political discussion of how such rights would be publicly financed. There was also the view that it would be an abuse of democracy and an infringement of constitutional principles of the separation of powers if, as a corollary of recognition social welfare provision as human rights, matters of social provision were effectively transferred from the legislature to the judiciary.

The analysis in this thesis showed that the successful influence of human rights ideas in Irish social assistance policy-making had therefore as much to do with the strategic interventions from ‘principled’ political actors as to the widespread political and public compatibility of the idea itself. Social justice advocates, for example, were careful to avoid the explicit term ‘human rights’ in a welfare context and would instead argue in the politically palatable terms of human dignity and income adequacy. Such ideas, composite of the larger human rights idea, resonated with the core values and interests of key policy-makers without raising any political alarm bells and thereby made it more likely that such ideas would be integrated in social assistance policy rationale.

It is also interesting that when the discussion in interviews with Irish policy-makers ranged to cover the matter of social welfare provision for disabled people, some of the political objections that policy-makers expressed in relation to the language of ‘human rights’ diminished. Irish policy-makers across the board expressed more appetite for explicitly defending the social welfare entitlements of people with disabilities in human rights terms. The full reasons for why this should be so are worthy of further research and discussion. Indeed given that recent policy

developments in social assistance for disabled people in Britain and Ireland further accentuate already significant cross-national differences, there are strong grounds to believe that including disability policy as a third policy area in the empirical analysis of this thesis would strengthen the central finding that different ideas of social rights help account for the variation between British and Irish social assistance policies. This is an area for future study.

The analysis of social assistance policy-making in Ireland is therefore instructive for those wishing to advocate a human rights-based approach to social policy-making in other country contexts. Whether however the salience of human rights ideas can be sustained in the post-austerity, post social partnership era in Ireland is something that will need to be closely observed. Increasing secularisation and new economic prosperity are forces that could in theory displace cultural legacies associated with Republicanism, Catholicism and natural rights. On the other hand, should there be any move in the direction of unifying Ireland's 32 counties, such as has been discussed in the context of the United Kingdom's planned departure from the European Union, then such new circumstances might ultimately consolidate human rights ideas given the centrality of human rights protections (including the existence of North-South Human Rights Institutions) in the Northern Ireland Good Friday Peace Agreement.

If it takes dedication and struggle to ensure a human rights-inspired approach to social assistance policy-making in Ireland notwithstanding the compatibility of such ideas with interest-based and institutional settings, what must it take for human rights ideas to be influential in Britain where the political environment is initially more hostile? As the analysis in this thesis has shown, British social assistance policy-making occurred in the context of strong political support for deeply contractual and instrumental or consequentialist conceptions of social rights. Such ideas undoubtedly

militate against the human rights idea of social rights and with a two party political system and advocates of human rights largely shut out of the inner policy-making process, there are currently few political actors (with the exception perhaps of members of the Joint Committee on Human Rights) in Government who have taken up the cause of a human rights-based approach to welfare state provision.

However, as discussed at length in the conclusions to Part III of this thesis, neither culture, political ideologies or political structures are determinate nor are their effects on the dynamics of social policy-making inevitable. The policy-making context is liable to change and so too the ideas that might find favour. Two dominant and inter-related political dynamics currently at work in the United Kingdom with potential to dramatically alter the political landscape are devolution, and the UK Government's declared intent to relinquish its membership of the European Union ("Brexit").

At the time of writing (September 2019), the United Kingdom is poised to leave the European Union. The political decision to hold a referendum on whether the United Kingdom should remain or leave the European Union and the political response in the aftermath of a majority 'leave' vote, has led to significant political reconfiguration: new intra-party factions have sprung up in the two main political parties (Labour and the Conservative Parties), small break-away political parties have formed, parliamentarians have defected or been 'deselected' and, the electorate has demonstrated changed voting preferences. Whatever political arrangements ultimately ensue as a result of the UK referendum on the European Union, it is probable that the Brexit debate will change the face of British politics. It is entirely possible that in the political re-mix some voices may want to carve out a niche as advocates of a human rights-based approach to social policy.

In the short-medium term, further extending social security powers to Scotland under enhanced devolution arrangements presents arguably the most realistic scenario in which human rights ideas of social rights may exercise influence on a segment of ‘British’ social policy-making. Following the 2014 referendum on Scottish Independence, primary legislation was passed to transfer certain aspects of social security provision – notably disability benefits – to the Scottish Government. While the 2016 Scotland Act did little to increase the devolved capacity of the Scottish Government in the areas of employment-related income supports and tax credits, it is striking that as the 2016 Act came into effect the Scottish Government published a vision paper - *Creating A Fairer Scotland* – where it outlined the policy principles which, as it stated, “...would apply equally to a future where the Scottish Parliament has full control over social security.” (Scottish Government, 2016: 3).

Headlining the Scottish Government’s vision for Scottish social security was the principle of ‘dignity’, followed by ‘fairness’ and ‘respect’ (Scottish Government, 2016: 3). In echoes of Irish social security policy documents there is no explicit reference to ‘human rights’ but the language of ‘rights’ *is* used and it is notable that this is reserved to discussions of the rights of disabled people and pensioners – arguably two groups to which the electorate might be particularly sympathetic and to which they might adopt a different perspective in the realm of responsibilities. There is also an indirect reference to rights in the context of optimising the role of welfare rights officers to attempt to lower the use of benefit sanctions. All in all, the document is significant in setting down a marker of the social policy ambitions of the Scottish Government which are *loosely compatible* with some components of the human rights idea. Moreover the vision statement reveals a tone that is distinct from either the ‘rights and

responsibilities' contractual rhetoric of the New Labour Governments or the Coalition and Conservative Governments emphasizes on duties and 'claimant commitments'.

I conclude this thesis by echoing the words of Raymond Plant (1996, 173-174) who reminds us that the most enduring ideas, and those most likely to have long-lasting influence on policy-making, come from 'moral reformers' who influence from the 'bottom up' and "...draw deeply on values held by the population at large."⁷⁰³ From many perspectives this is good news for democracy; the will of the people might ultimately determine the success of policies but in a truly democratic society there will always be scope for those eager to re-write the story to take on the task of changing hearts and minds.

⁷⁰³ Plant's reference to 'moral reformers' relates to the work of Peter Clarke 1978.

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Appendix

Table A1: Codes for interviewed British policy-makers

GB1:	Labour Parliamentarian and Senior Party Figure
GB2:	Former Labour Special Advisor
GB3:	Former Senior Civil Servant (Department of Work and Pensions)
GB4:	Voluntary Sector Representative
GB5:	Former Labour Cabinet Minister
GB6:	Think-tank Policy Specialist
GB7:	Former Conservative Cabinet Minister and Conservative Advisor
GB8:	Voluntary Sector Representative
GB9:	Labour Parliamentarian
GB10:	Former Labour Special Advisor
GB11:	Former Labour Special Advisor
GB12:	Former Conservative Cabinet Minister
GB13:	Former Senior Civil Servant (Department of Work and Pensions)
GB14:	Academic and Policy Advisor
GB15:	Former Labour Cabinet Minister
GB16:	Former Senior Civil Servant (Department of Work and Pensions)
GB17:	Labour Parliamentarian and former Labour Minister
GB18:	Former Conservative Cabinet Minister
GB19:	Former Labour Special Advisor
GB20:	Think-tank Policy Specialist
GB21:	Former Conservative Special Advisor
GB22:	Former Labour Special Advisor

Table A2: Codes for interviewed Irish policy-makers

IR1:	Senior Civil Servant (Department Social Protection)
IR2:	Former Fianna Fail Government Minister
IR3:	Senior Civil Servant (Department Social Protection)
IR4:	Voluntary Sector Representative
IR5:	Academic
IR6:	Voluntary Sector Representative
IR7:	Senior Civil Servant (NESC)
IR8:	Former Labour Party Special Advisor
IR9:	Academic
IR10:	Former Government Specialist and Academic
IR11:	Voluntary Sector Representative
IR12:	Former Trade Union Leader
IR13:	Voluntary Sector Representative
IR14:	Former Labour Party Government Minister
IR15:	Voluntary Sector Representative
IR16:	Senior Civil Servant (Department of the Taoiseach)
IR17:	Former Government Advisor
IR18:	Senior Civil Servant (Department Social Protection)
IR19:	Former Senior Civil Servant (NESC)
IR20:	Former Senior Civil Servant (Department Social Welfare)
IR21:	Voluntary Sector Representative
IR22:	Former Trade Union Leader
IR23:	Business Sector Leader

Measure of Changes in Social Assistance Policies for the Unemployed and Lone Parents in Britain (1985-2015), in terms of Positive and Negative Freedoms

Table A3a assesses changes in the positive freedom of benefit recipients measured in terms of aggregated changes in benefit values and employment supports. An increase in the value of benefits indicates *greater* positive freedom. An increase in employment supports also indicates *greater* positive freedom.

Table A3b assesses changes in the negative freedom of benefit recipients based on changes in benefit conditionality which affect the autonomy of benefit recipients in the labour market and in family life. An increase in conditionality indicates *reduced* negative freedom.

Changes are gauged at five levels: no change (0); minor change (1); moderate change (2); large change (3); major change (4).

Table A3a: Changes to Values, Employment Supports and Positive Freedom (Britain)

	1985 (base-year)	1985-1997	1997-2010	2010-2015
Values	Low	Minor change ¹	Moderate increase ³	Minor decrease ⁵
Employment Supports	Low	No change ²	Moderate increase ⁴	Minor decrease ⁶
Positive Freedom	Low	Minor decrease	Major increase	Moderate decrease

Table A3b: Changes to Conditionality (Autonomy) and Negative Freedom (Britain)

	1985 (base-year)	1985-1997	1997-2010	2010-2015
Conditionality	Low	Large increase ⁷	Major increase ⁸	Large increase ⁹
Negative Freedom	High	Large decrease	Major decrease	Large decrease

¹ 1992 legislation reduced the maximum working hours threshold for Income Support (IS) for the Unemployed and Lone Parents (from 24 to 16 hours per week). Childless claimants working 16-24 hours per week lost entitlement to IS and were ineligible for the expanded Family Credit (FC). 1992 also marked a permanent freeze in earnings disregards attached to IS. The Lone Parent Premium established in 1988 which boosted the value of IS for lone parents was set for abolition in the Treasury Spending Review of 1996-1997.

² FC improved thereby boosting employment incentives for lone parents and “Job Clubs” were created but gains were off-set by the abolition in 1988 of the “Community Programme” and fluctuating support for youth training schemes.

³ Increases in social assistance payments for lone parents and the unemployed with children via child dependent allowances/Child Tax Credits (CTC) outweighed the cuts

in value associated with the real term decline of JSA payments for childless claimants and the 1997 abolition of the Lone Parent Premium.

⁴ Work incentives improved via Working Tax Credits (WTC); substantial increases in state childcare and the 'New Deals' improved the level and quality of state employment supports.

⁵ Austerity era cuts to CTC; Jobseekers Allowance (JSA) rates frozen; benefits uprated against more conservative price index (CPI instead of Rossi); "Benefit Cap" introduced; reductions in Work Allowances associated with the new Universal Credit (UC).

⁶ Reduced work incentives via eligibility changes to UC; 'work-first' employment programmes with reduced social investment features.

⁷ 1986 "stricter benefits regime" initiated and practice of Restart interviews for claimants; tighter benefit conditions and significant benefit sanctions for young people; 1989 statutory duty to "actively seek work" and abolition of longstanding concession that work should be "suitable"; 1996 Jobseeker's regime introduced with enhanced job search conditions and more punitive system of automatic benefit sanctions.

⁸ Tougher benefit sanctions ("fixed" sanctions) from 2000 and the end of the automatic right to "hardship payments" for sanctioned individuals. Progressive labour market-oriented conditions for lone parent IS claimants and partners of the unemployed, progressing in 2009 to new legislation (Welfare Reform Act) progressively abolishing IS for lone parents and treating former claimants as "Jobseekers" subject to the same mandatory job-seeking conditions as other JSA claimants. Partners of the Unemployed treated as "Joint Claim Jobseekers" and those with children subject to the same labour market conditions as lone parent claimants of JS. New Deals replaced by Work for Your Benefit Schemes.

⁹ Implementation of Welfare Reform Act 2009 resulting in labour market conditionality for all lone parent claimants of JSA/UC with children over the age of 1 and same child age restrictions for Partners of the Unemployed with children; increase in 'work-fare' style programmes (notably the "Work Programme") and more 'directive' approach (including increased administrative discretion) by Jobcentre advisors; significantly more penalising benefit sanctions.

Measure of Changes in Social Assistance Policies for the Unemployed and Lone Parents in Ireland (1985-2015), in terms of Positive and Negative Freedoms

Table A4a assesses changes in the positive freedom of benefit recipients measured in terms of aggregated changes in benefit values and employment supports. An increase in the value of benefits indicates *greater* positive freedom. An increase in employment supports also indicates *greater* positive freedom.

Table A4b assesses changes in the negative freedom of benefit recipients based on changes in benefit conditionality which affect the autonomy of benefit recipients in the labour market and in family life. An increase in conditionality indicates *reduced* negative freedom.

Changes are gauged at five levels: no change (0); minor change (1); moderate change (2); large change (3); major change (4).

Table A4a: Changes to Values, Employment Supports and Positive Freedom (Ireland)

	1985 (base-year)	1985-1997	1998-2008	2009-2015
Values	Low	Minor increase ¹	Moderate increase ³	Minor decrease ⁵
Employment Supports	Low	Moderate increase ²	Moderate increase ⁴	Minor decrease ⁶
Positive Freedom	Low	Large increase	Major increase	Moderate decrease

Table A4b: Changes to Conditionality (Autonomy) and Negative Freedom (Ireland)

	1985 (base-year)	1985-1997	1998-2008	2009-2015
Conditionality	Low	Minor increase ⁷	Minor-moderate increase ⁸	Large increase ⁹
Negative Freedom	High	Minor decrease	Minor-moderate decrease	Large decrease

¹ Real term increases in Unemployment Assistance (UA) and income supports for lone parents falling barely short of the benchmark targets recommended by the Commission on Social Welfare's (CSW).

² Family Income Supplement (FIS) substantially increased; earnings disregards introduced for lone parent benefit claimants; tightening of means-test for UA off-set against new part-time work supports (earnings disregards and the Part-time Job Initiative Scheme), including the Back to Work Allowance; very sizeable state investment in direct job creation programmes (i.e. Community Employment).

³ Significant nominal and real term benefit increases for the unemployed and lone parent claimants; CSW 'recommended levels' achieved and new benchmark of benefit levels at 30% Gross Average Industrial Earnings surpassed.

⁴ Sustained government investment in direct employment schemes which extended to and offered enhanced financial supports to lone parent participants; further development of state education and training programmes, including targeted youth employment initiatives; enhanced FIS especially for lone parents; increased employment incentives for lone parents via increased earnings disregards and a more generous means test.

⁵ Austerity measures modest cuts to basic rate of Jobseeker's Allowance (JA) and One Parent Family Payment (OPFP), and 50% cuts in JA benefit values for under 25s mitigated somewhat by increases in payments over 2009 and, for claimants with children small increases in "qualified child" additional payments.

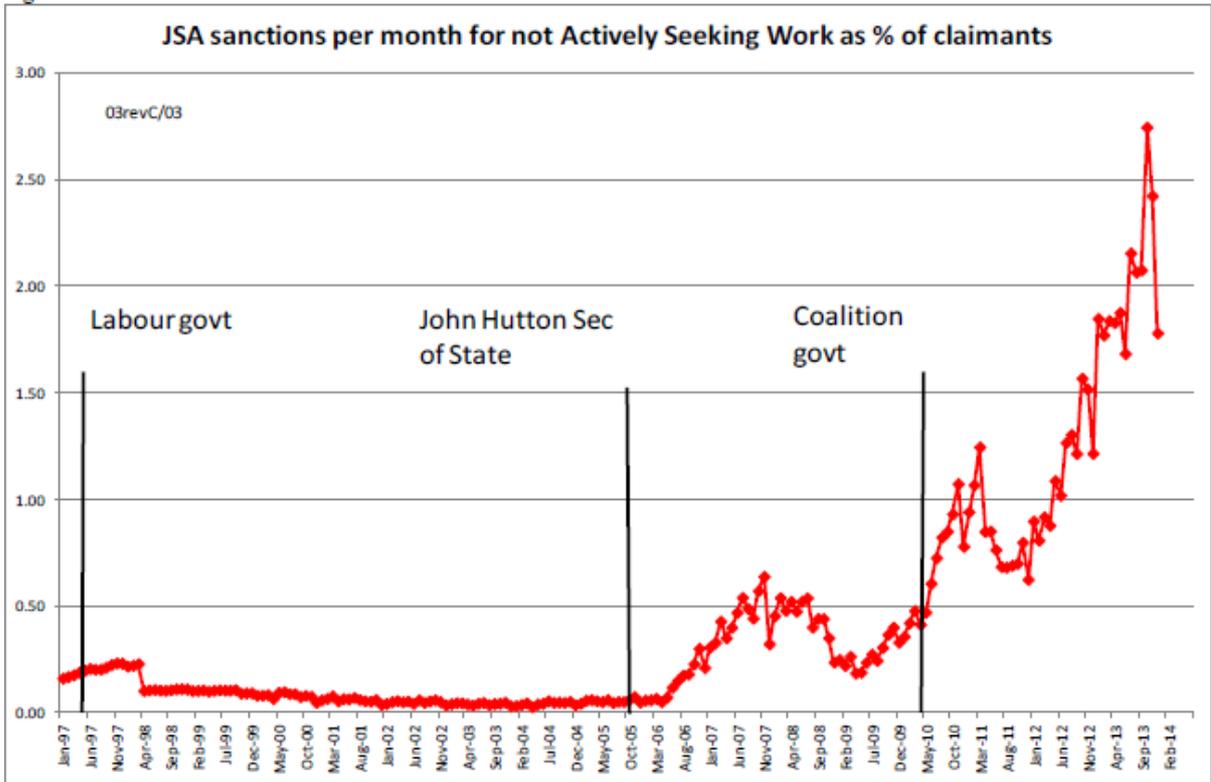
⁶ Cuts post 2009 in employment supports (abolition of Back to Work Allowance, abolition of training allowance and double payments for lone parents on CE and reduction in earning disregards for lone parent claimants) off-set by very large increases in Back to Education Allowances, the creation of new job subsidy and internship programmes, the Youth Guarantee (of employment or training), the creation of a new Back to Work Dividend and increases in the 'per child' element of FIS.

⁷ First-time mandatory referrals to state employment services for 18-19 year olds in receipt of Unemployment Assistance, subject to penalties for non-compliance.

⁸ In line with National Employment Action Plan, UA claimants required to show more flexibility in regard to 'suitable' work; following 2006 shift from UA to Jobseekers Allowance (JA) progressive extension of mandatory referrals to state employment services to all those claiming Unemployment Assistance for more than 3 months; Supplementary Welfare Allowance made discretionary rather than automatic for individuals sanctioned in relation to JSA.

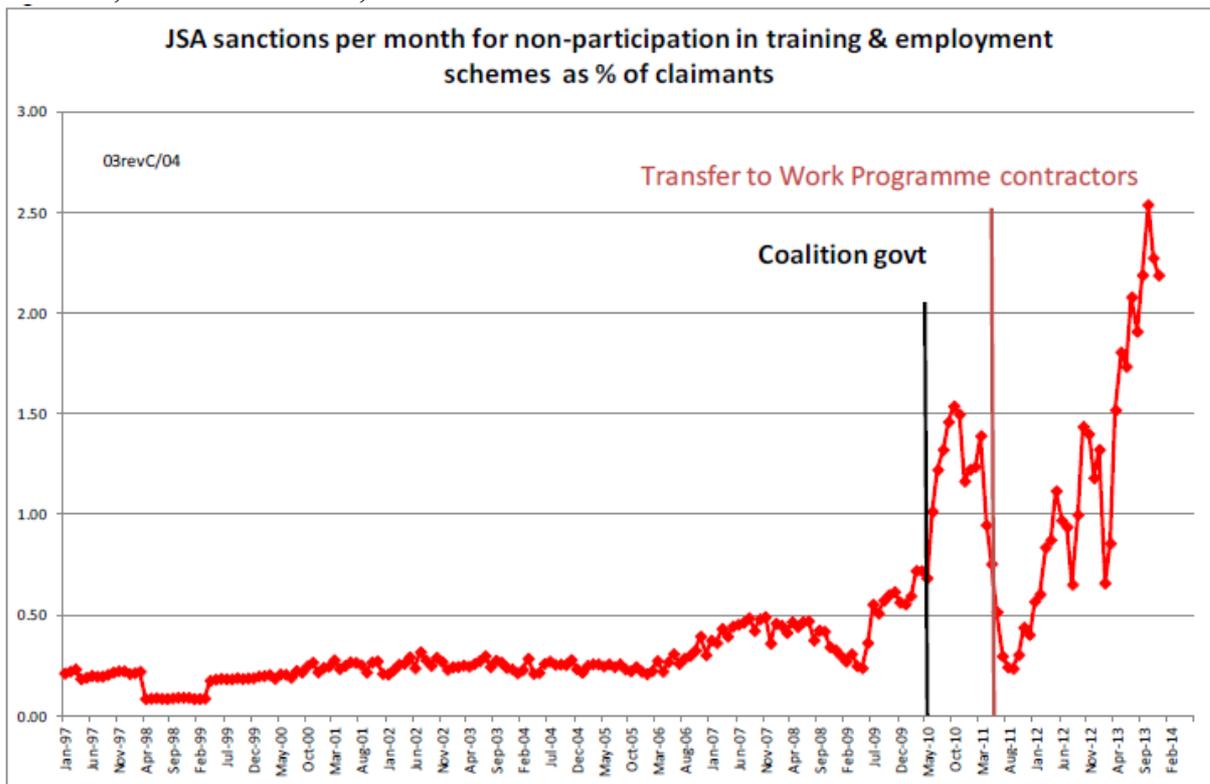
⁹ Post 2010, new system of benefit penalties at 25% of benefit payment rate for claimants under the age of 62 and claiming benefits for more than three months; groups of OPFP claimants transferred to JA (where children aged 14+) or Jobseekers Transitional Payment (parents with children aged 7-14) and required to meet varying degrees of labour market conditions for the first time. Labour market conditions for partners of JA claimants unchanged.

Figure A1: JSA sanctions per month for not actively seeking work, as % of claimants, 1997-2014



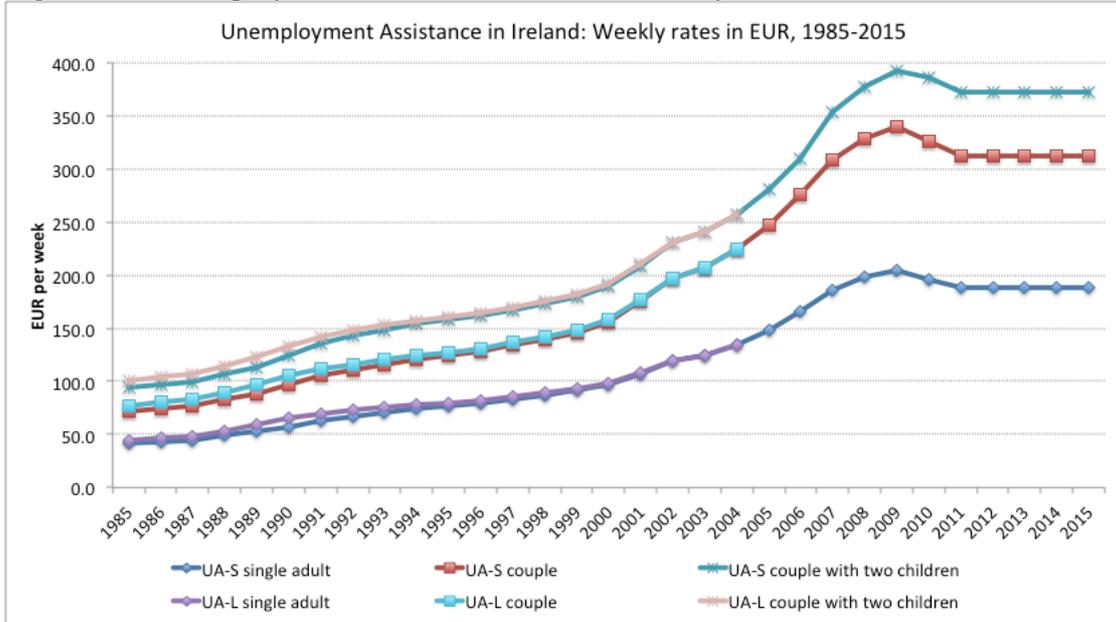
Source: Webster 2014b

Figure A2: JSA sanctions per month for non-participation in training and employment schemes, as % of claimants, 1997-2014



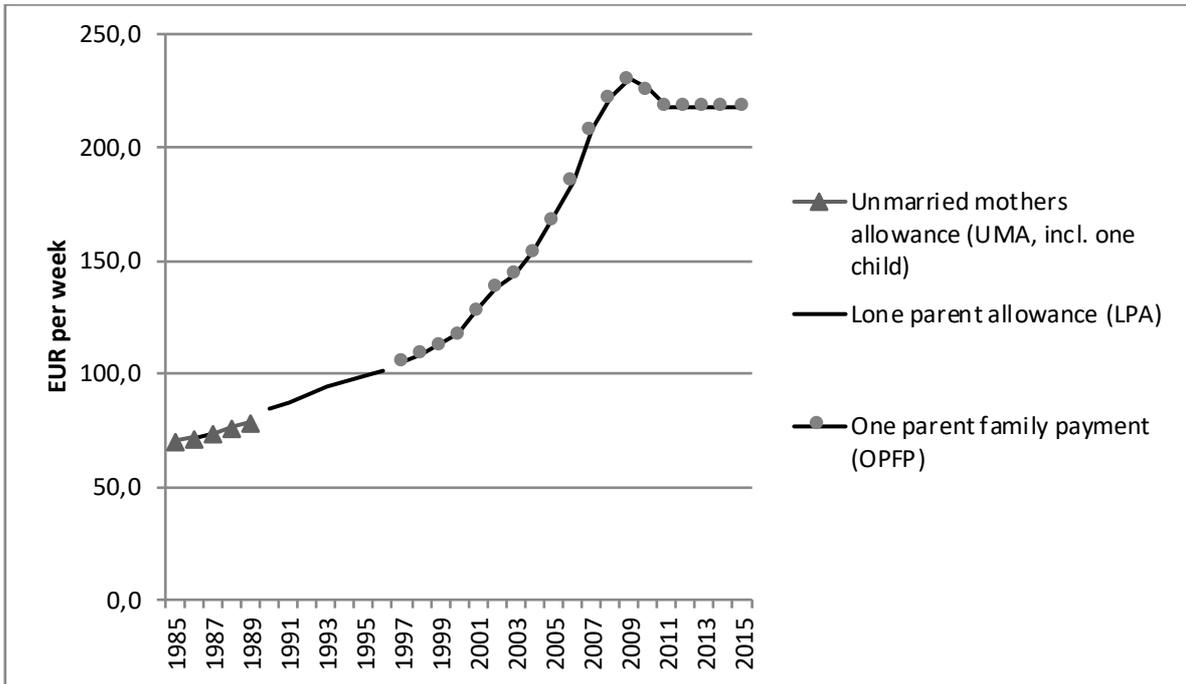
Source: Webster 2014b

Figure A3: Unemployment assistance in Ireland, weekly rates, EUR 1985-2015



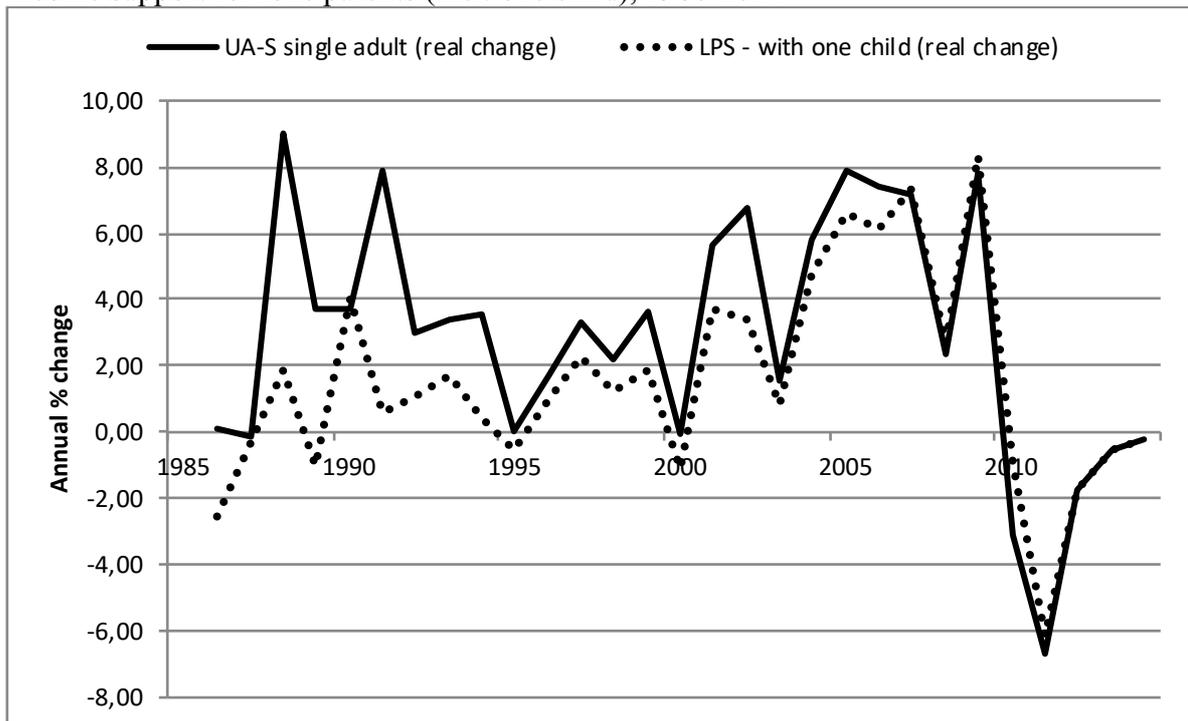
Source: Data taken from Department of Social Protection.

Figure A4: Income support for lone parents (incl. one child), weekly rates, EUR 1985-2015



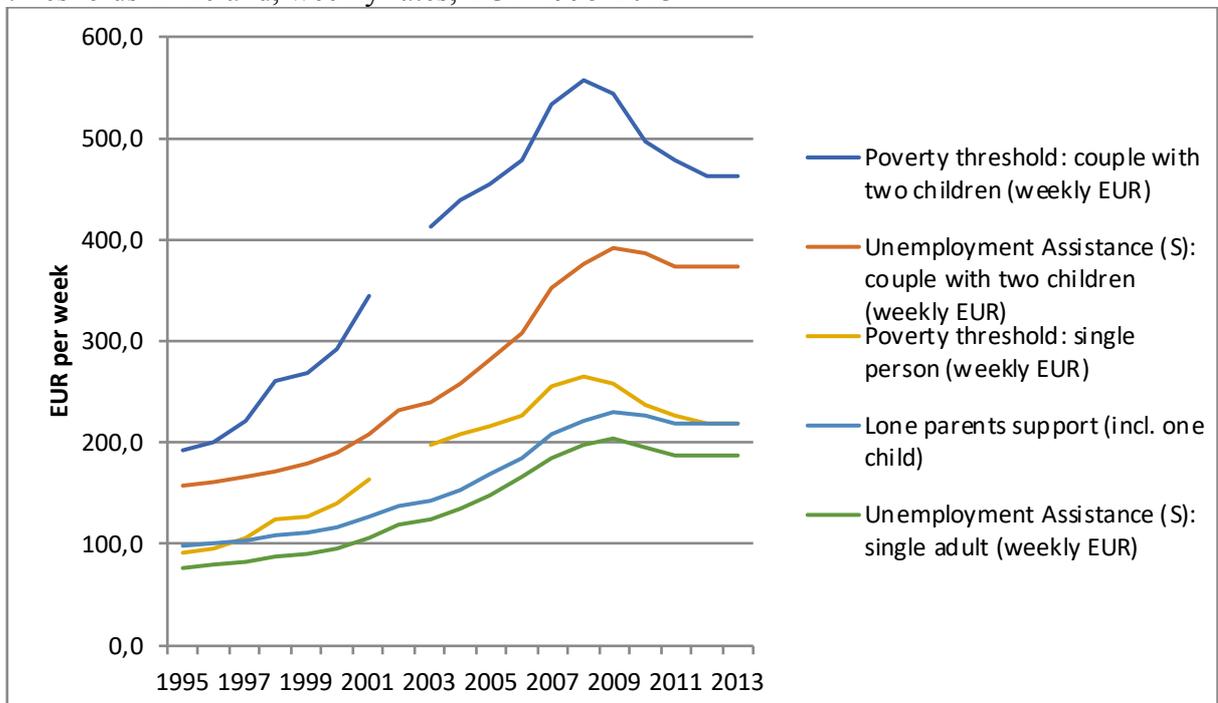
Source: Data taken from Department of Social Protection.

Figure A5 Real annual % change of unemployment assistance for single adults and income support for lone parents (incl. one child), 1986-2014



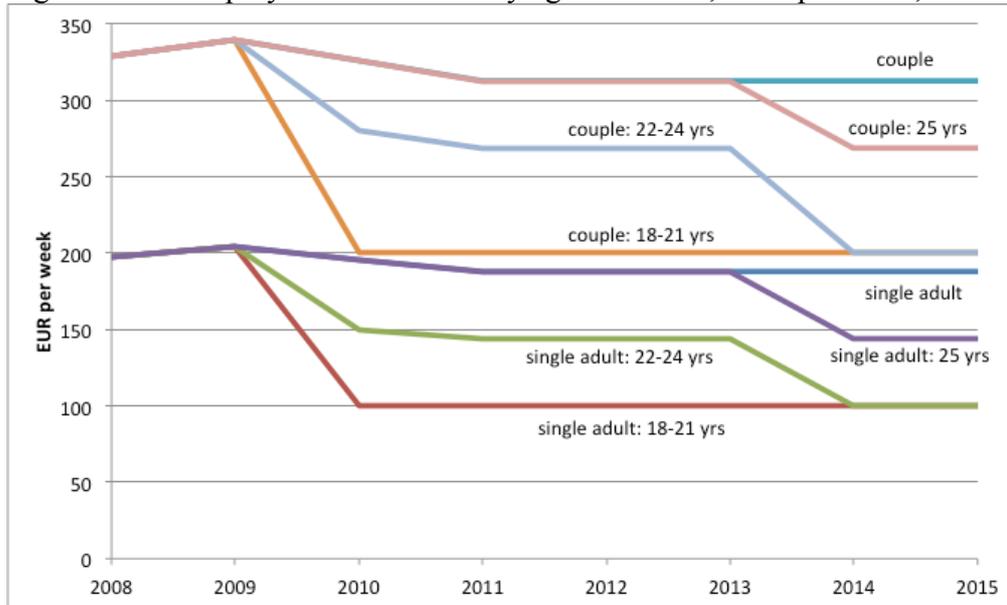
Source: Author's calculations based on data taken from Department of Social Protection (nominal benefits data) and CSO (CPI)

Figure A6 Unemployment assistance, lone parent income support, and poverty thresholds in Ireland, weekly rates, EUR 1995-2013



Source: Data taken from Department of Social Protection (benefits) and OECD (poverty threshold)

Figure A7 Unemployment assistance by age in Ireland, EUR per week, 2008-1015



Source: Data taken from Department of Social Protection.