



EU citizenship and 'work': tensions between formal and substantive equality

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Chapter 5

EU Citizenship and 'Work': Tensions between formal and substantive equality

Hartley Dean

... the triple slogan ... liberté, égalité, fraternité [appears] to express a contradiction rather than a combination.

(Eric Hobsbawm, 1962: 284)

The owner of labour power first becomes a wage labourer as a citizen of a state.

(Claus Offe, 1984: 99)

Introduction

This chapter considers the extent to which citizens of the European Union (EU) have been constituted primarily as citizen-workers, and the consequences this has for substantive equality of life chances across Europe.

Ancient and pre-modern forms of citizenship had extended exclusively to certain privileged inhabitants of a local or city-state and not to those whom we might now call 'workers': not, for example, to women, slaves, migrants or rural populations. The first of the epigraphs above contends that the founding principles of democratic nation-state citizenship in the post-European Enlightenment era, as captured in the French Revolutionary slogan, '*liberté, égalité, and fraternité*', posed what might be called a trilemma: it isn't necessarily possible simultaneously to achieve freedom, equality and solidarity! Different democratic nations have attempted to resolve that trilemma in different ways. But to what extent has the EU's narrow constitutional focus on a particular aspect of freedom – freedom of movement – neglected or restricted the extent to which supranational European citizenship can effectively embrace and enhance equality and solidarity between all citizens?

The second of the epigraphs above draws attention to the sense in which the status and identity of the 'worker' under industrial capitalism's wage labour system was forged in conjunction with the creation of the sovereign nation-state and its characteristic mode of governance. The wage labourer became, potentially, both a market actor and a citizen with rights. The nation-state became both the principal locus of market activity and the pre-eminent seat of administrative power. The substantive bounds of a worker's freedom are determined or constrained by citizenship of a nation-state, but to what extent can alternative or additional freedoms be offered by an emerging form of supranational citizenship as proclaimed by the EU?

Firstly, this chapter will address the way in which the EU, having begun primarily as an economic project, has espoused a supranational form of citizenship that constructs citizens as 'workers', or more particularly, as wage-labourers. Mobility of labour within the EU - other than for the relatively privileged – has depended on attempts to achieve broadly consistent standards of labour market regulation and the co-ordination of national social protection systems premised largely on social insurance principles that link the social entitlements of citizens across the life-course to their past or present labour market status and contribution. In the first instance, therefore,

a worker's citizenship was as a worker. And the meaning of 'work' was closely associated with economically productive labour market processes, not with the wider spectrum of socially productive activities upon which human wellbeing in all European societies depends.

Secondly, the chapter will discuss the ambiguity of workers' rights, particularly in the context of the changing nature of labour markets, which function differently now than when the European project began. The EU's approach has neither effectively responded to the demise of the 'typical' citizen worker nor accommodated the polarisation that has been occurring between higher-skilled, 'valuable' citizen-workers on the one hand and lower-skilled 'vulnerable' citizen-workers on the other. Thirdly, the chapter will consider the systemic inequalities that arise from the social construction of the citizen-worker, namely the marginalisation of non-market related human activity and the limited relevance of EU citizenship for non-workers.

The conclusion will reflect on wider meanings of 'work' in the lives of European citizens and the means by which to achieve a more egalitarian and solidaristic form of European citizenship through the introduction of a modest EU Citizen's Income: a pan-European basic income scheme that might not immediately portend greater equality of income, but equality of citizenship status by according recognition to those citizens whose social contribution or 'work' is undervalued or unpaid.

The Framing of European Citizenship

The idea of citizenship has evolved from that of a status once selectively applied to the inhabitants of certain local or city-states, to that of a principle set more widely applied for the governance of all inhabitants lawfully residing within 'modern' nation-states (Oliver & Heater, 1993). The most widely accepted account suggests that there have been two dominant models of citizenship, each of which reflects a different approach to reconciling the 'trilemma' alluded to above: one leading to a 'liberal' citizenship model (originally associated with Anglophone countries); the other to the 'civic-republican' model (originally associated with continental Western European countries). In reality neither model can accurately characterise the form of citizenship evolving in any particular country, but the distinction has heuristic power insofar as it provides an analytical basis for understanding the competing and intersecting values and logics that have informed the emergence of diverse forms of citizenship. The principle of equality provided a fulcrum around which both models turned, but the meaning of equality was differently inflected so as to render it more readily compatible with either freedom in the case of the liberal model, or solidarity in the case of the civic-republican model.

During the twentieth century certain 'deeper' principles of citizenship were distilled to provide a general basis for an international framework of human rights (Clarke, 1996; Freeman, 2011). The freedoms espoused in the preamble to the 1948 Universal Declaration of Human Rights were four-fold: freedom *of* speech and worship together with freedom *from* fear and want, a formula attributable to FD Roosevelt (1941). However, in the context of a shared commitment to the goals of peace and prosperity in Europe, it is significant that the four very different freedoms espoused as the founding principles of what would become the EU were fundamentally economic freedoms and far more narrowly focused than those identified in the UDHR. The freedoms proclaimed by the original treaty of the European Economic Community (Treaty of Rome 1958) were freedoms of *movement* for goods, services, capital and labour, reflecting 'a strategy of neo-liberal laissez-faire' (Bercusson, 2009: 16) and 'a very particular understanding of the interaction between state and market' (Dawson & de Witte, 2016: 213). The express objective was the creation and

supervision of a transnational common market. Insofar as this accorded equal freedom to the individual citizens of member states it was as labour market participants, or 'workers'. In the decades that followed the EEC evolved, becoming the European Community (under the Treaty of Maastricht 1992) and, finally, the EU (through amendments and enforcement provisions contained in the Treaty of Lisbon 2009).

The resulting *Treaty on the Functioning of the EU* (TFEU - in effect, the amended Treaty of Rome) and the *Treaty of the EU* (TEU - in effect, the amended Treaty of Maastricht) provide expressly for citizenship of the EU as a supranational entity, affording citizens the right to move and reside freely in any member state and, for example, to vote in local and European Parliamentary Elections. It outlaws discrimination against citizens on the basis of nationality, and it seeks to combat discrimination on the basis of sex (as had the original Treaty of Rome), 'race' or ethnicity, religion or belief, disability or sexuality. The TEU binds the EU to *The Charter of Fundamental Rights of the European Union*, first proclaimed in 2000, which ostensibly broadened the scope of rights the EU claims to promote, incorporating those already encompassed within international human rights instruments. Certain member states, however, secured a protocol exempting them in relation to the enforcement of socio-economic rights and, in any event, the provisions of the Charter are applicable to EU institutions and member states only when acting under the specific scope of EU law. Thus, though the Charter declares a range of normative *principles*, these are not necessarily *in practice* reflected through substantive directives or regulations: for example, all but workers and jobseekers are excluded from the non-discrimination regulation (van Eiken & de Vries, 2015).

The consequences of EU law for EU citizens remain focused largely on citizens as market actors, not social actors. EU citizens are market actors both as consumers and as waged workers, though there is a direct relationship between consumption patterns and living standards available to citizens and their labour market status. The EU plays an important role in promoting certain aspects of consumer rights (Adamo, et al., 2016); and regarding citizens' access to justice and the means effectively to enforce their rights (van Eiken & Phoa, 2016). But it is primarily in the impact of economic and employment policies that the EU has significance for the life chances of its citizens. EU labour law was originally concerned with promoting labour mobility and preventing 'social dumping' (i.e. competitive reductions in social protection costs). It has since been extended to ensure various forms of protection for workers and some would now regard European labour law as 'the core of the social conception of European integration and the social dimension of EU law' (Bercusson, 2009: 4). By implication the worker may now be acknowledged as a social being, as well as a market actor, but she is protected primarily in her capacity or for her potential as a wage labourer. In the 1970s to develop its 'social dimension' the EC enacted a clutch of 'hard-law' directives, setting national legislative parameters for the regulation of collective redundancies and company take overs. In the 1990s further directives emerged, relating to the regulation of working hours and the treatment of 'atypical' workers. However, the thrust of EU policy was later switched to a 'soft-governance' Employment Strategy, the impact of which on the conduct of member states was limited (Copeland & Harr, 2013) and which has, since the global economic crisis of 2008, been subsumed within the *Europe 2020 Growth Strategy* (EC, 2010).

Closely related to EU labour law has been regulatory provision to achieve the co-ordination of social security provision within the EU, the object of which has been to facilitate freedom of movement for workers, albeit without necessarily harmonising social protection between member states (Pennings & Seeleib-Kaiser, 2016). Formal EU legislation does not attempt to address labour market inequalities or wider social inequalities, other than – as we have seen – in the case of

inequalities arising from discrimination, rather than systemic disadvantage arising from market forces. The EU is not enabled directly to regulate wages or to usurp the role of national collective bargaining. What is more, 'hard law' legislative action by the EU may, though legally binding, be diluted since it depends for its interpretation and implementation on national legislation by member states (Hantrais, 2007).

Citizens may benefit in less direct ways from the policies and processes of the EU. The normative elements of the commitments expressed in treaty documents and charters provide a context in which laws may be interpreted and policies may be framed. For example, *The Community Charter of Fundamental Social Rights of Workers*, proclaimed by the European Council in 1989, provides a statement of principles that go beyond the measures formally enacted by the EU. The European Economic and Social Committee, originally established under the Treaty of Rome and intended (now as then) to provide a bridge between the EU and organised civil society, represents an enduring attempt to introduce a corporatist element to supranational governance by engaging the 'social partners' (employers' organisations and trades unions) through 'social dialogue' and, in later years, more directly in the framing and (for some countries) implementation of directives. Through the EU, therefore, trades union bodies may on behalf of European workers exercise some influence over transnational labour law. Additionally, the EU's 'soft law' initiatives apply what it described as an 'Open Method of Co-ordination' in an attempt loosely to co-ordinate national strategies of member states in the areas of social *inclusion* (but not, it should be noted, social *equality*) and employment (albeit with a strong emphasis on labour market activation) (Gray, 2004). There are clearly solidaristic as well as liberal elements to some of these mechanisms, but from the citizen's perspective, the EU is relevant in a relatively restricted sphere and remains an ambiguous phenomenon, with which they can be at best distantly connected through trades union representation in the social dialogue process and electoral representation in the European Parliament, whose jurisdiction remains significantly constrained (Gaus & Seubert, 2016).

The citizenship of 'workers'

However remote the EU, as a supranational body, has been from the quotidian realities of workers' lives, EU citizenship adds an additional layer or dimension to national citizenships of established welfare states. Citizen-workers can be seen in some measure to have benefited from European labour law and the protective rights it promotes for those in paid employment and to varying degrees for the families of those in paid employment. But a right to protection when one has a job, does not mean a right to work.

The ambiguity of the right to work

The implication, or at least the immanent logic, is that subject to such social protection as is provided through the member states of the EU, citizens are ultimately responsible for maintaining themselves through paid employment and maintaining each other within families. This has been an assumption generally shared by European welfare states, which have through the framing of education and pension policies been implicated in the social construction, legal definition and governance of childhood on the one hand and retirement on the other (Gittens, 1993; Townsend, 1991). They have in the process similarly provided for the social construction, legal definition and

governance of the 'working age' as the primary constitutive stage of the citizen's life-course (e.g. Leisering & Leibfried, 1999). Some welfare states, some of the time, have come close to securing full employment for those of working age, but while the EU as a supranational regulator may seek to guarantee the citizen's freedom of movement as a worker, it cannot and does not guarantee access to employment for those whose citizenship is implicitly defined by their being of 'working age'.

The concept of a right to work is contestable at several levels. Firstly, is it a human right or a right of citizenship? The EU's *Charter of Fundamental Rights* provides for the European citizen's right 'to engage in work and to pursue a freely chosen or accepted occupation' and her 'freedom to seek employment [and] to work'. By implication there is no obligation on member states to provide a citizen with a job. This is a more equivocal provision than that contained in the Council of Europe's *Social Charter* of 1961 (revised 1996) which specifies a person's right 'to earn one's living in an occupation freely entered upon' and to 'an economic and social policy designed to ensure full employment'. The Council of Europe's right to work reflects the spirit of that provided by Article 23 of the UDHR. As a human right, the right to work might not readily be realised for the benefit of every citizen of every nation state, but the widely accepted principle of the human rights framework is that nation states should aim progressively to realise rights, such as the right to work, by seeking so far as possible to protect the workers' rights and, even when they cannot themselves provide work, to promote job creation (see *International Covenant of Economic, Social and Cultural Rights* 1966 and UN Committee on Economic, Social and Cultural Rights' General Comment No. 3 of 1990¹). Arguably, the human rights of EU citizens are violated if indeed the EU, as a club of relatively rich nations, does not effectively pursue policies designed to ensure full employment.

Secondly, is work a right or a duty? TH Marshall, the celebrated theorist of twentieth century citizenship, contended that the duty to work was of 'paramount importance'. His argument was that so long as social relations were governed by contract and not status, work was neither a right nor a duty. If work were not a necessity it might be regarded as a personal obligation, but to attach that sense of obligation to the status of citizenship was 'no easy matter' (1950: 45-6). The so called 'crisis' of the welfare state in the post-industrial era entailed extensively questioning the normative basis of citizenship and the extent to which welfare states had promoted rights at the expense of correlative responsibilities (Roche, 1992). This has been most evident in the continuing development of labour market activation policies, workfare, 'welfare-to-work' and/or flexicurity (Serrano & Keune, 2014). While supporting a combination of demand and supply-side measures to boost employment, the *Europe 2020 Growth Strategy* guidelines hold that 'Member States should effectively activate and enable those who can participate in the labour market to do so' (Council Decision 2015/1848). Paradoxically, the foundation of the right to freely chosen work within the human rights framework had been a concern to prohibit slavery as well as forced labour, and policies (such as apply in several EU member states) that impose benefits sanctions on citizens who decline exploitative work placements arguably violate human rights (Dean, 2007). The conundrum identified by Marshall remains unresolved.

The changing context

As we have seen, the original core concerns for EEC labour policy were freedom of movement on the one hand and some oversight of health and safety standards on the other. However, the 1970s heralded a new era of economic uncertainty and Monetarist pessimism. Associated with this was a

¹ <https://www.eschr-net.org/resources/general-comment-3>

transition from industrial to post-industrial capitalism that entailed: a shift from manufacturing towards 'tertiary' service sector industries; the onset of economic globalisation with increased capital mobility and the ascendancy of powerful transnational corporations, able to invest selectively wherever labour is cheap or most adaptable; hegemonic neo-liberal orthodoxies favouring financialisation, deregulation and new modes of corporate management; a trend to the 'flexibilisation' of labour market processes and a shift in the balance of power and rewards between capital and labour; the burgeoning of new information technologies and the growth of the 'knowledge economy'; and the consequent polarisation of labour between, on the one hand, a relatively secure, highly skilled, well rewarded and 'valuable' core and, on the other, a chronically insecure, less skilled, poorly rewarded and 'vulnerable' periphery (e.g. Dean, 2016; Doogan, 2009).

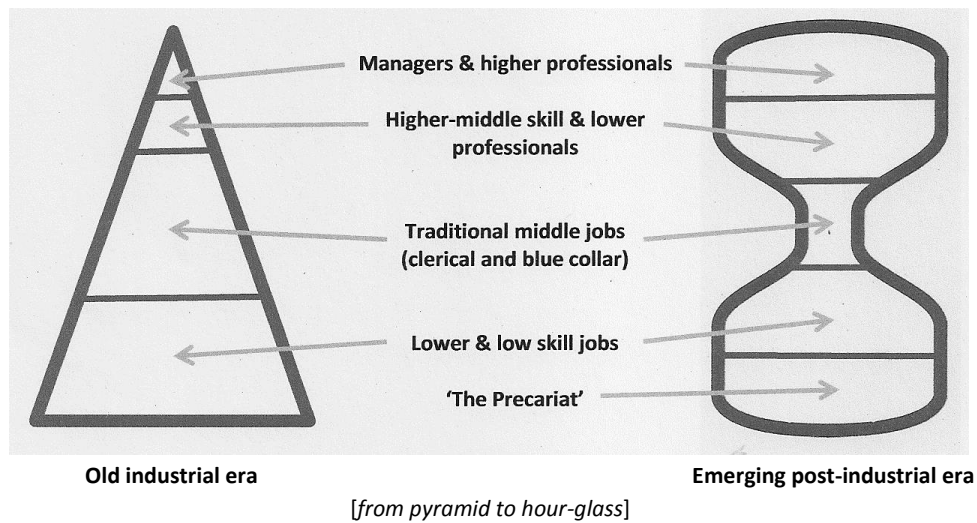


Figure 1 - The changing shape of the labour market: a schematic representation

Across much of Europe inequalities between the valuable core and the vulnerable periphery of citizen-workers have been escalating, albeit to a different extent in different countries, (OECD, 2011, 2014). What is entailed amounts to a new axis of inequality driven by labour market change. Not only have old status demarcations between manual and non-manual work long since eroded (Braverman, 1974), but technological change and economic globalisation are also radically restructuring the labour market of post-industrial economies as demand both for high-skilled workers in the information technology and finance sectors together with low-skilled workers in the service and retail sectors increase at the expense of traditional mid-range trades and occupations (OECD, 2013 and e.g. UKCES, 2014). Guy Standing (2011) has controversially identified the emergence, globally, of a new systemically vulnerable class beneath the traditional working-class: the 'Precariat' (see Figure 1). Certainly, the ideal of the 'standard' or typical job (undertaken by men for 40 hours per week for 40 years, probably with the same employer) has substantially evaporated. The power of trades unions has been eroded, more significantly in some countries than others (Visser, 2013). The boundary between 'work' and family life has been re-drawn (Lewis, 2010). The lives of workers are changing as a consequence of global influences. Much of this has been acknowledged in documents such as the *Europe 2020 Growth Strategy* but the EU's capacity substantively to address the implications for workers as citizens – other than through general guidance to member states – remains constrained.

Valuable Citizen-Workers

Whether in a national or a European context, certain citizen-workers generate more economic value than others. And at national level there can be significant differences between the citizenship rights accorded to core labour market 'insiders', who may have benefited from labour market restructuring, as opposed to labour market 'outsiders' at or beyond the labour market periphery, whose skills and potential are less valued, or not valued at all.

Labour itself, according to the Independent Labour Organisation's Declaration of Philadelphia in 1944, is not a commodity, or at least, insofar as a labourer - if s/he is indeed a citizen, rather than a slave or a serf - cannot legally be owned, labour is a 'fictitious commodity' (Polanyi, 1944). But labour *power* may indeed be regarded as a commodity (Standing, 2009), having market 'value' that vests in the time, effort and skills that may be provided by a labourer in return for a wage. In the pre-industrial era the guild system provided the means by which skilled craftsmen and artisans could in towns and cities obtain a form of local citizenship. And the regulatory control exercised over the perpetuation and deployment of occupational skills by the guilds represented a barrier to, or partial defence against, commodification, a defence unavailable, for example, to agricultural labourers 'freed' from feudal ties, yet increasingly displaced from the land. By the early nineteenth century guild systems had largely been abolished across Europe as labour power was increasingly commodified and the occupational communities once represented by the guilds were absorbed into wider and more diverse pools of labour governed by national institutional frameworks. Where trades unions succeeded the guilds they were accommodated within the logic of an industrialised political-economy (Hoogenboom, et al, 2016).

Just as the transition from absolutist to constitutional rule assumed different paths, so did the transition from restrictive forms of occupational citizenship to industrial citizenship. For example, the rapid process of economic liberalisation and the extensive introduction of new technologies in Britain contrasted with the endurance of certain guild traditions and the more gradual influence of technological change in other European countries. In the latter case the enfranchised (male) citizen-worker became the subject of a unitary sovereign state; in the latter he was subject to power through state-brokered corporatism, albeit that the precise form of the state remained contested in some European countries adopting a compromise between liberal and corporatist characteristics (Mann, 1978). The eventual emergence of twentieth century welfare states would afford their citizen-workers varying degrees of protection through the partial and regulated de-commodification of labour power (Esping-Andersen, 1990; Dean & Brady, 2015). So it was that Offe could argue that social policy and social citizenship amounted to an immanent state strategy for the 'incorporation of labour power into the wage-labour relation'; for transforming 'dispossessed labour power into "active" wage labour' (1984: 98-99). The evidence suggests that growing trans-national labour mobility facilitated by the EU may partly be implicated in shaping such inequalities (Anderson, et al., 2016; Faist, 2016).

Skills are key to the 'value' of the citizen-worker and skill levels, as discussed above, have a major impact on the life chances of individual citizens. Skills and the value that attaches to them are socially constructed, however (McGovern, 2012). Through high skilled migration programmes there is global competition for 'talent' – not only between nation states but by the EU itself². Talent may

² See <https://www.apply.eu/BlueCard/>

equate variously with the specific preferences of employers, the general priorities of different employment sectors, or more crudely with academic qualification levels. While employers across Europe increasingly look to international migration as a source of highly-skilled labour (Gallie, 2013), they look specifically to the EU to provide systems for the mutual recognition of professional qualifications within Europe (Adamo, et al., 2016).

But the foundations of professional and/or vocational skills and training are now to be found in national education and training arrangements. The vocational skills training systems associated with the guilds (see above) evolved into self-regulated apprenticeship systems administered largely by employers – in consultation with trades unions. The pace and trajectory of change have varied considerably between countries (Hoogenboom, et al, 2016), but generally craft-based skills and occupations have been declining in significance and in some countries (notably, the UK) the tendency has been for the state to become involved in regulating and subsidising vocational training schemes and qualifications frameworks, though provision for practical skills training could entail shorter periods than applied under traditional apprenticeship models (Steedman, 2011).

As suggested by Figure 1 above, there is a global trend towards polarisation between high paid and low paid work. The effects vary between countries: for example, in 2011 the gross annual earnings of the highest paid decile in Germany was 13 times as much as the lowest paid decile; in Italy it was 7 times as much. Though the extent of the inequality between citizen-workers may vary between countries, it is a consistent feature and income inequality between 2006 and 2011 had been increasing in two-thirds of the countries of the EU (EP, 2015).

Vulnerable Citizen-Workers

Though claims that we are witnessing the emergence of a new global class – the 'Precariat' – may rest on overgeneralised premises, there clearly are transnational trends currently affecting the EU workforce. There are citizen-workers whose work, generally concentrated within low-paid service and casual labour sectors, is no less essential, but less valued and whose conditions of employment may be especially precarious. Though their labour has economic value, in highly flexibilised or casualised labour markets, workers are readily replaced, and therefore expendable. They are susceptible to a pernicious 'low-pay/no-pay cycle' (McKnight et al., 2016). Such *precarité* (Bourdieu, 1999) is increasingly endemic to working conditions for Europe's most vulnerable workers as a result of supply-side labour market policies that sustain labour market flexibility and facilitate lower wages (Pennings & Seeleib-Kaiser 2016; Anderson, et al., 2014). For example, it has particular salience for younger migrant workers and migrant care workers (Bruzelius, et al., 2015; Luppi, et al. 2016), but it has general salience for all those lower-skilled workers who are subject to the economic pressures currently prevailing across Europe. Certain groups of workers on the margins of the labour market are especially vulnerable and are not necessarily well-protected either by EU or domestic legislation.

Since the global economic crisis that began in 2008, the stated goal of the European project has been to achieve 'smart, sustainable, inclusive growth' (EC, 2010). And yet, some would claim, the EU's policy options remain constitutionally entrenched: for example, 'monetary policy is geared towards "price stability" instead of "full employment"' (Dawson & de-Witte, 2016: 212). It may be seen that though the performance of different countries within Europe has varied significantly, labour market participation as a whole has been *relatively* resilient despite the crisis. But unemployment has increased overall (most especially youth unemployment) and what might be called 'underemployment' (insofar as this is in part revealed by the incidence of part-time

employment and the need for people to hold down more than one job) has been becoming increasingly prevalent (see Table 1). In 2011, of those working on part-time contracts, 26 per cent were doing so involuntarily (55 per cent in Italy and 17 per cent in Germany – Eurostat, 2013). And in 2014 the proportion of employees in the EU with a contract of limited duration (fixed-term employment) was 14 per cent.

Table 1 – Employment, unemployment and ‘underemployment’³

		% persons aged 15-64	
		2008* or 2009†	2013* or 2014†
Employment Rate	EU 28	65.7*	64.9†
	Italy	58.6*	55.7†
	Germany	70.1*	73.8†
Unemployment Rate	EU 28	7.0*	10.8*
	Italy	6.7*	12.2*
	Germany	7.5*	5.3*
Part-time or second job	EU 28	18.0*	19.6*
	Italy	14.1†	18.1*
	Germany	25.3†	26.5*

Source: http://ec.europa.eu/eurostat/statistics-explained/index.php/European_social_statistics [accessed 1.11.2016]

Citizen-workers without satisfactory access to the labour market are potentially disadvantaged, but those who achieve access may also be disadvantaged, depending on the *quality* of their job. One criterion of quality relates to remuneration levels. If low pay is defined relatively as less than two thirds of median earnings, across the EU in 2010, 17 per cent of workers were low paid (for example, 12.4 per cent in Italy and 22.2 per cent in Germany). Such conventional statistics tell us something about variations in the monetary value attaching to different workers’ labour time, but little about substantive and ontological security or the non-monetary rewards associated with work.

Following a commitment at the EU’s Lisbon Summit in 2000 to not only *more* but also *‘better’* jobs, the 2001 Laeken Summit adopted a loosely framed set of quality of employment indicators. The more recent *Europe 2020 Strategy* document, it may be noted, does not place the same explicit emphasis on quality of employment (Pochet, 2010). Nevertheless, there have been various attempts to establish and apply more specific measures of job quality (EP, 2009; Muñoz de Bustillo et al., 2011). Amongst these has been the job quality index devised by the European Trade Union Institute, which measures six components: wages; non- standard forms of employment; working-time and work-life balance; working conditions and job-security; access to training and career development; and collective interest representation (Leschke, et al., 2008; 2012). This has been used to map changes between 2005 and 2010, demonstrating for that period an overall decline in job quality across the EU. Incremental reductions in excessive working hours and work intensity were outweighed by a significant decline in real wages, increased use of part-time and fixed-term contracts and the incidence of workers taking such jobs involuntarily; and for workers increased fears of losing their jobs.

Eurofound (the tripartite European Foundation for the Improvement of Living and Working Conditions), which has been conducting periodic working conditions surveys since 1990, has

³ Germany and Italy are here chosen for illustrative purposes since the former represents the strongest of the Western European economies and Italy is one of the Southern European countries worst affected by the economic crisis.

developed a particular subjective measure of job satisfaction, based on whether or not employees report that they 'always' experience the feeling of 'work well done'. The proportion of European workers surveyed reporting such a feeling has been in decline from 51 per cent in 2005, to 45 per cent in 2010, 40 per cent in 2015, when additionally 5 per cent reported that they never or rarely experienced such a feeling (Eurofound, 2015). This measure relates to the sense of value that workers place on their own performance and the evidence tends to confirm Sennett's contention that work in post-industrial capitalist society is losing its inherent value, or 'character' (1998). There is an alienated minority of workers in Europe who feel their work does not have intrinsic value.

Citizen-workers who are only intermittently employed, who are involuntarily working part-time, who are low-paid, whose jobs are chronically insecure or whose work is otherwise of low quality may be described as 'vulnerable' when their work places them 'at risk of continuing poverty and injustice resulting from an imbalance of power in the employer-worker relationship' (TUC Commission on Vulnerable Employment 2008: 11). As the ILO might assert, it is not 'decent work' (ILO, 1999). The ILO has a long standing global campaign dedicated to promoting just and favourable conditions of work and protection against loss or lack of livelihood. Its concept of decent work is premised on the fundamental principles enshrined by its own international labour standards: the existence of employment opportunities; the provision of social protection and social security; and the presence of social dialogue and tripartism. The idea of 'decency' captures a normative imperative as to the significance of work as a human experience, regardless of the skill or status of the worker. But it is also rooted in a normative commitment to a particular mode of economic organisation.

This is clear from the ILO's own definition of 'vulnerable' employment as work relating to paid work carried out on a person's 'own account' (i.e. independently and/or without a formal contract) or unpaid work within a person's own family. This is a definition framed primarily with regard to 'developing' economies, where substantial amounts of economic activity remain situated in the informal sector, yet the ILO estimates that in 2013 some 10 per cent of employment in the 'developed' world could be counted as 'vulnerable' (ILO, 2014). The 'great transformation' that portended the advent of modern capitalism entailed the formalisation of wage labour and regulation of labour markets (Polanyi, 1944). Thus, in Europe work is now regarded as 'informal' if it is not performed in accordance with a legally regulated contract and/or if it is not declared for social security or taxation purposes. In practice many of the everyday services that are exchanged between people are informal. In the EU, it has been estimated that almost a quarter of the population is involved to some degree in 'undeclared work' (Eurobarometer, 2007). Such work is not *necessarily* 'vulnerable', though it may well be illegal and it is potentially exploitative and/or dangerous, especially where it is unscrupulously organised employment at the outer margins of the labour market. The most recent data suggest that in 2012 the 'shadow economy' within the EU accounted for some 15 per cent of GDP: for example, 22 per cent in Italy and 13 per cent in Germany⁴. The survival of informal work is regarded by policy makers as a significant threat to economic competitiveness (Hazans, 2011). The EU seeks to promote the regularisation of unregulated work where feasible, though the strategy generally favoured is to clamp down particularly on informal work carried out by recipients of social assistance, unemployment and disability benefits, a strategy that tends to have the greatest impact on the most marginalised workers.

⁴ http://ec.europa.eu/europe2020/pdf/themes/07_shadow_economy.pdf

Work does not cease to be work if it is not regulated or declared, but as labour markets become increasingly polarised, with ever greater flexibility at the periphery, the extent to which people resort to vulnerable informal employment is likely to increase. The prevalence of vulnerable employment may be regarded as evidence of social citizenship's failure. Qualitative evidence from the UK has suggested that, by and large, those who resort illegally to supplementing inadequate social assistance benefits by engaging in undeclared informal employment do so reluctantly (and often fearfully), but with a sense that they have been betrayed by a welfare state that once promised decent work in good times and sufficient support in bad times: their sense of citizenship had been eroded (Dean & Melrose, 1996).

If the EU's strategy is to promote inclusive growth for all its citizens, there is across Europe a significant minority of vulnerable citizen-workers whose lives are systemically precarious and whose interests are currently ill-served.

Non-worker Citizens

But, arguably, the interests of those citizens who are not defined as workers are not directly served at all. Paradoxically, there is no definition of a 'worker' in TEU or EU Regulations. The interpretation of who may be regarded as a worker specifically in regard to establishing the rights of intra-EU migrants is subject to some variation between EU member states and therefore to uncertainty, despite rulings by the European Court of Justice (Pennings & Seeleib-Kaiser, 2016). Individual countries may have some regard as to whether or not work is 'genuine and effective', to its duration and level of remuneration. Job seekers, workers between jobs and those temporarily disabled may be regarded as workers, but not indefinitely unless they have legally resided in the country for more than 5 years. Other than for citizens of independent means, effective European citizenship status is, therefore, very much dependent on labour market status (Anderson et al., 2014).

The implication is that to be a 'good citizen' one must have economic value; one must belong, or be capable of belonging, within a 'community of value' (Anderson, 2013). It may be inferred that this implication extends not only to that small minority of EU citizens who are intra-EU migrants (in 2012 only 2.7 per cent of EU nationals were residing in countries other than their own⁵), but in effect also to *all* EU citizens, such that not to be a 'worker' is not to be a citizen at all. But whether paid or unpaid, work is a means of social engagement, identity and fulfilment. Work may be understood as any form of conscious human activity that expresses a person's human essence. However it may be quantitatively represented, culturally symbolised or morally appreciated, the 'value' of work reflects the recognition accorded to the human subject who performs that work. To assert that work is more than wage labour we may draw on a variety of philosophical interpretations.

In the era of the Athenian city state, necessitous *labour* was performed not by citizens, but slaves, and for Aristotle (c. 350 BCE) the essential natural purpose of a good citizen was to be realised through creative and public engagement. For Hegel (1805-6), by contrast, a life that fulfilled the essence of the human Spirit might embrace all forms of instrumental action, including labour. In more recent times, Hannah Arendt's notion of the *vita activa* (1958) similarly included not only labour and work for the fulfilment of needs, but also as had Aristotle, public 'action'. However, it was

⁵ See http://ec.europa.eu/eurostat/statistics-explained/index.php/EU_citizenship_-_statistics_on_cross-border_activities

Marx (1844) who had reflected on the rise of industrial capitalism and the manner in which the dominant form of work – both physical and intellectual – had assumed the form of wage labour. He argued that all forms of work – whether materially productive or socially reproductive – entail human self-realisation. The essence of work, therefore, lies not in its exchange value, but in its dynamic capacity to fulfil the distinctively radical needs of the human species (Heller, 1974). Marx regarded work as one of the uniquely constitutive features of our species-being (Márkus, 2014). Work was to be understood in terms of a human being's purposive interaction with the world around her; of her 'metabolism with Nature'. Wage labour, in contrast, was inherently exploitative and a distortion of work as a constitutive human activity. From Marx's perspective, human beings' metabolism with Nature is socially rather than naturally organised and reproduced. According to this analysis, the activity that is constitutive of our species' being extends beyond economic production to the entire arena of social and cultural reproduction as well as the realm of political engagement.

So far this chapter, in common with policy actors across the EU, has for the most part used the word 'work' as if it were synonymous with 'labour'; or specifically with wage labour as the currently dominant form of individual economic activity and means of livelihood. 'Work', however, is a word that in everyday parlance may apply not only to paid employment, but other meaningful human activities including caring and domestic activities together with a variety of educational, creative, and voluntary pursuits that are unpaid, to which no monetary value attaches and which are systemically marginalised or subordinated to the demands of the formal economy. Such work, however, particularly the vital socially reproductive work provided disproportionately by women in caring for children and frail or disabled relatives, clearly benefits society and has inestimable, if indirect, economic value. Both the practical and greater *moral* value of such work can be systematically marginalised by policies that prioritise only wage labour (e.g. Duncan & Edwards, 1999). Such work has been described as 'excluded work' (Anderson, et al. 2016: 11) in the sense that according to the premise by which EU citizenship has been defined, it is performed by non-workers and by implication, therefore, by non-citizens; or at least by persons who are not fully recognised as citizens.

It has been widely acknowledged that those excluded from the labour market - predominantly women, but also, depending on other circumstances, disabled and older persons - do not necessarily enjoy the full benefit of their citizenship (e.g. Lister, 2003). Insofar as this can in part be remedied through provision based on conditional social assistance or non-contributory universal provision, the effects can in many instances be restrictive both for nationals and, especially, intra-EU migrants seeking to exercise their right to reside in another country (Bruzelius, et al. 2015; Pennings & Seeleib-Kaiser, 2016; Luppi, et al., 2015; Anderson, et al., 2014).

It may be argued that to extend substantively to all citizens, rights of citizenship should not be conditional on labour market status (cf. Anderson, et al., 2016). A more extensive understanding of citizenship would require an alternative conceptualisation of 'work' as the sum of all activities and forms of industry (literally understood) that constitute personhood and therefore citizenship (as community membership). This conceptualisation would necessarily include all forms of 'labour', but also the work entailed through:

- Caring for children and for frail, sick or disabled adults. Precisely because it most usually is a labour of love (Finch & Groves, 1983), it is work that is every bit as definitive of our humanity as any other. Human beings can exist only through and with others within networks of care (Sevenhuijsen, 1998). Care work has been and still is carried on for the most part by women and

within families. But it has been suggested that one of the most important issues for post-industrial capitalism is that of how social welfare provision will adapt to the changing dynamics of care within the household economy, as family life adapts to the imperatives of changing labour markets (Esping-Andersen, 1999).

- Creative endeavour manifested through artistic expression, sporting, recreational and cultural activity undertaken for its own sake; in study, learning and scholarly activity. Artistic creativity and musical expression are essential components of human achievement. Amateur and unsponsored forms of such endeavour may be dismissed as mere hobbies and yet they are conscious forms of metabolism with Nature (Fischer, 1963). *Re-creation*, in its literal sense, has long been recognised as essential to human wellbeing (Rowntree & Lavers, 1951) and has value not only for those who engage in creativity for their own pleasure, but also as a medium of social engagement for the mutual benefit of others. Education and scholarship – which can entail hard work – are, incidentally, activities essential to economic productivity, but fundamentally essential to human progress.
- Voluntary and community activities, including engagement in formal politics. A considerable amount of valuable work, particularly in social service provision, has long been undertaken in the sphere of 'civil society' on a voluntary and unpaid basis. Civil society is inhabited by a wide variety of movements and organisations and is a contestable space (Powell, 2013). It is a space in which, historically, radical social movements have been able to mobilise, but which, paradoxically, have also on occasion been harnessed from above by neo-liberals and 'new' communitarians to revive ancient principles of *noblesse oblige* under the banner of 'active citizenship'.

Towards an EU Citizen's Income?

The conclusions that follow thus far are twofold. Firstly, narrowly framed freedom of movement never could and cannot now guarantee substantive equality of life chances. Allowing free movement of labour without market regulation and effective social protection measures can foreseeably exacerbate inequality between workers. Secondly, a more just and inclusive understanding of citizenship must necessarily accept that while 'work' may define us as citizens, it amounts to more than wage labour: it encompasses all purposeful human activity, whether materially productive, socially reproductive, culturally creative or politically constructive. These other forms of work are equally constitutive of our species being or personhood and, arguably, should be valued as rights of social citizenship (cf. Isin, et al., 2008).

In such a context we may speak of a right to work as the articulation of a human need (Dean, 2015). A right to work within the formal labour market is to be understood as a right to 'decent work' or work of acceptable quality. But equally important as a right, is the recognition and valuing of a wide spectrum of unpaid work. For the idea of European citizenship to assume deeper meaning, emphasis should be placed less on the citizen's freedom of movement as a worker within a single market and more on the constitutive relationship between work as the purposeful activity of citizens within a community that extends beyond the city or the nation state to a region with broadly shared or converging living standards and democratic values. The function of citizenship would then be to uphold the personhood that is realised through what people *do* in the context of their social

connectedness. This requires not necessarily freedom of movement, but certainly freedom to work, albeit work understood more broadly than labour market activity (cf. Anderson, et al., 2016).

The barriers to this deeper realisation of citizenship are significant. Priority might be accorded to the kind of constitutional reform that through increased empowerment might lead EU citizens to a greater sense of belonging within a single political community (Gaus & Seubert, 2016). But in parallel with this it would be important to establish some mechanism by which to accord every EU citizen equal recognition of her value, regardless of labour market status. The most effective mechanism, perhaps, would be the introduction of a pan-European universal basic income or EU Citizen's Income, as suggested by Dean & Brady (2015) and as was proposed, albeit unsuccessfully, through a European Citizenship Initiative in 2013. It must be conceded that the introduction of an EU Citizen's Income could not by itself redress social inequalities throughout Europe. The idea of an EU Citizen's Income warrants attention, nevertheless, because of its potential for reconciling the objectives of individual freedom and collective solidarity.

The concept of a universal basic income is far from new and attracts support from across the ideological spectrum. Resistance to the concept stems primarily from concerns regarding the potential cost of effective schemes, and, in particular, their effect on labour market participation. There is a body of research, however, suggesting that basic income schemes can be sustainable and have beneficial, rather than adverse effects on social and economic activity (van Parijs, 1992; Torry, 2016). Potentially, though not necessarily, a basic income can secure the freedom of a citizen to undertake work of her own choosing, under just and favourable conditions. It can establish work as a concept applicable to all forms of valued human activity. For example, when a modest invalid carer's allowance was first introduced in the UK, recipients valued it not so much for its monetary value, but as a symbol or token of recognition for their work as carers: it acknowledged their status as citizens (McLaughlin, 1991). An EU Citizen's Income could, of course, be expressly designed not as a strictly universal basic income, but as a 'participation income'; this would be a payment to all adults who are engaged in either economically productive or socially reproductive activity (Atkinson, 1996), although potentially administratively complex and unjustly disadvantageous for certain highly dependent social groups.

Certainly, implementation would require decisions and compromises regarding: precise terms of citizen eligibility; the extent to which the necessary joint funding mechanisms might have some redistributive element; the level at which such an income should initially be set; whether and how its value should be indexed to national living standards; how it would be administered alongside and supportively articulate with national social security schemes. Nevertheless, such a project may stand a greater chance of succeeding than past proposals for a pan-European social insurance scheme (Pieters, 1989) or a Euro-Stipendium (Schmitter and Bauer 2001). The advantage of an EU Citizen's Income is that it would be received by virtue not of a person's employment status or nationality, but of her European citizenship. Money, of course, is 'among the most important identity markers in people's daily lives' (Risse, 2003: 488) and though, for example, the introduction of the Euro as a transnational currency had varying effects on citizens' sense of European identity, we might suppose that the introduction of a transnational cash benefit could have a rather more significant impact.

At whatever level it might be set and regardless of whether or not it might enhance overall levels of social security provision, an EU Citizen's Income could play a key role in cementing a shared European identity; it could facilitate freedom of movement; it could provide a common underpinning to national social security systems for all Europeans. It may be that a European

Citizen's Income could be incrementally developed, starting at a modest, primarily symbolic, level. But the value of a right to such a benefit would lie in the substantive meaning it might bring to EU Citizenship as a status defined by something more than labour market activity.

Conclusion

The EU was founded as an economic union. While seeking to develop political and social dimensions to that union, its constitutional premise remains economically oriented. The idea of EU citizenship remains rooted implicitly in an understanding of Europe primarily as a community of market actors and only secondarily as a community of political and social actors. The argument presented in this chapter is that the EU's focus on the right of an individual 'worker', as a market actor, to freedom of movement does not translate into, and in current circumstances arguably cannot be, the basis for a right of access on free and equal terms to work that is freely chosen; nor can it be a right to participative fulfilment and effective social security.

To move beyond this constrained form of citizenship might require some measure of accommodation between different understandings and priorities with regard to how freedom, equality and solidarity may be reconciled. More immediately it would require an expanded understanding of:

- what counts as 'work' and the value attaching to different kinds of work;
- the work entailed in technically lower-skilled but none the less essential services;
- the positive contributions made by unregulated work in the informal economy;
- unpaid caring and indispensable socially reproductive roles;
- the creative, cultural and community activities on which societies rely if they are to flourish;
- the activities that are constitutive of human existence and thereby define what it means to be a citizen.

It is suggested that one way forward might be the introduction of a EU Citizen's Income or – at the very least – a serious debate about such a possibility. There is evidence of a debate already blossoming elsewhere (e.g. Widerquist, 2016; Bregman, 2017), but for the EU to engage with this, it would probably be on the basis that, in the first instance, an EU Citizen's Income should amount not to a utopian revolution, but a modest and practicable intermediate strategy for establishing a more meaningful form of EU citizenship. This chapter, quite deliberately, does not offer detailed proposals. It contends only that the essential starting point for discussion would entail a new and concerted understanding of citizenship and 'work': an understanding that of itself would be a worthwhile outcome.

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