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The Future of Social Citizenship in the EU

Edited by

Maurizio Ferrera

Flagship Report 2

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8. A Stronger and more Coherent Marble Cake: Conclusions and some Proposals

Maurizio Ferrera, Bea Cantillon and Maarten Keune

The status of citizens serves important constitutive functions for democratic polities; it creates an area of symmetry and equivalence within which each individual develops feelings of equal worth and dignity, regardless of other factors, promotes inclusion as well as inter-personal trust and loyalty vis-à-vis the territorial government, not to speak of the material and social advantages provided by civil, political and social rights. In the process of state-building at the national level, citizenship did serve as a powerful instrument for achieving 'togetherness', especially in the historical federations. The new rights provided subjects with key power resources to mobilize and organize in society, participate in politics, make legitimate claims, and emancipate themselves from economic and social constraints. Issues of representation, elite responsiveness, and accountability gained centre stage in electoral and policy-making arenas.

In current EU debates there persists a widespread scepticism about the prospect of uplifting the institution of citizenship (and thus harvesting the fruits of its political potential) at the EU level, due to the strong persisting link between citizenship and the nation-state. This scepticism is to a large extent overblown, as it rests on either-or assumptions. Citizenship must be seen instead as a 'gradient category'. It connotes 'degrees of membership' to a community and there are several ways in which persons can straddle (and have historically done so) the binary opposition between inclusion into and exclusion from the space of citizenship. Polities can generate multiple forms of belonging, including 'nested' ones. What is lacking today in Europe is a suitable frame to relaunch the symbols and practice of EU citizenship and to elaborate an agenda on how to strengthen and configure the rights and duties of (social) citizenship in the European Union. The challenge is that of identifying what to add into the half-baked and poorly visible container of EU citizenship created by the Maastricht Treaty.

The EUSOCIALCIT project has made steps in this direction. By looking at both the social acquis and the novelties introduced by the European Pillar of Social Rights and the Commission's Action Plan, the project has unveiled the emergence of a novel pattern in the configuration of social citizenship within the European Union. Borrowing from US studies on federalism, we have termed this pattern as a *marble cake*, which rests on creative assemblages of different individual power resources provided by different levels of government: 1) normative (deontic and legal) resources, 2) instrumental resources and 3) enforcement resources. This tripod is accompanied by a fourth element, i.e. output production resources. The latter do not confer individualised powers, but provide the material means which are needed to produce, precisely, the outputs (benefits and services) prescribed by legal rights.

Our resource-based conception allows to move beyond the perspective which has dominated the social citizenship debate in both academic and policy circles. Such perspective has drawn a sharp line

between the EU and the national level, reducing the EU role to producing and guaranteeing transnational rights in cross-border situations, while considering the nation-state as the prime (sole) underwriter and provider of social protection for its citizens. By unpacking the concept of right in its internal components, our project has shown that the line between levels of government is much less sharp than it is assumed. To begin with, the primacy of EU law means implies that domestic definitions of rights must remain EU-law observant. Moreover, the EU social acquis has put in place an articulated layer of 'EU social rights' whose primary source are, precisely, binding acts of the EU. The expansion of soft law has in its turn increasingly shaped the production of national social rights via communications, recommendations and, increasingly, social conditionality. But that is not the end of the story. The EU contributes to the production of both instrumental and enforcement resources, while the EU budget (including temporary funds like SURE or the RRF) provides a significant share of the material resources required for output production. One can still lament, of course, the subordination of EU social measures to economic measures and argue that more must be done. But it is hard to deny that the Union already plays today an important role in the social domain, by discharging several important functions. It provides in fact overall guidance and material support; in some cases it provides guarantees through hard law; it plays the role of monitor and surveyor of compliance and outcomes; it serves as adjudicator by means of its jurisprudence.

At the end of the introductory chapter, we started to indicate some priorities for future developments. Let us now conclude this Report by better articulating and specifying our range of recommendations, which we group in three clusters: 1) institutional recalibration, mainly to do with normative resources; 2) infrastructural enhancement, mainly to do with instrumental and output production resources and 3) improving the overall governance of the marble cake.

8.1 Recalibration

As mentioned, social citizenship is constitutive in democratic societies, with its foundational essence deeply rooted in its inherent connection to the dignity of human life. At its core, social citizenship embodies the primary right to lead a decent life in accordance with prevailing societal standards. The European headline targets for reducing the number of individuals at risk of poverty or social exclusion directly engage with this fundamental objective. To achieve this, all the principles and rights outlined in the EPSR come into play, the implementation of which requires a delicate balance between economic and social policies and careful calibration of interventions at the local, regional, national, and supranational levels, thereby encompassing the entirety of society's social fabric.

8.1.1 A balanced set of principles and rights, but an unequal implementation

The EPSR presents a balanced distribution of equal opportunity rights and access to the labour market, fair working conditions, social protection, and social inclusion. Particularly with last two mentioned, the EPSR highlights important dimensions that have been underplayed in the European social acquis which has been mainly shaped by derivative economic objectives and, since the Lisbon strategy, by employment and social investment-related rationales. So conceived the EPSR holds the potential to contribute to poverty reduction and enhanced social inclusion insofar as it is effectively utilized to

define minimum standards to fully participate in society and as reference to screen the social performance of Member States, to support social inclusion policies with funds, and to guarantee the basic rights that are necessary to enable European citizens to live a decent life.

The success of the Pillar depends on the concrete initiatives and measures for an adequate and balanced implementation of its substantive principles in all the covered domains, in the first place, for the most vulnerable. The EUSOCIALCIT findings indicate, however, that although the Action Plan promises to 'leave no one behind', there is an imbalance between the EU actions in terms of the available power resources in the fields of employment and gender on the one hand and social protection and basic social services on the other hand while the impact of employment and social investment interventions on the most vulnerable remains underemphasized.

The analysis of measures aimed at implementing the EPSR demonstrates that the level of implementation of the 20 principles is uneven. The principles of the first chapter, 'Equal opportunities and access to the labor market', have received adequate implementation. The adopted measures cover all relevant aspects of the principles and the rights they enshrine. The principles of the second chapter, 'Fair working conditions', are implemented adequately for half and limitedly for the other half. As for the third chapter, 'Social protection and inclusion', only two principles are adequately implemented; three are implemented to a limited extent, and the remaining five insufficiently. Notably, deficiencies are observed regarding employment benefits, minimum income protection, pensions, and housing.

The Pillar has fully embraced the social investment paradigm, a perspective that distinctly influences the majority of principles outlined in the first and second chapters. This reflects and strengthens the existing blocks of EU resources which the Pillar Principals build on in the EU social acquis. By focusing on the first two chapters, the imbalance in the social acquis, favouring social objectives directly derived from and functional for economic goals, is reinforced or, at the very least, perpetuated. The implementation of social rights persist to a certain extent, if not as subordinate, then as primarily driven by economic functionality. The empirical evidence however demonstrates that only a more balanced implementation of the Pillar and a more careful balance between social and economic objectives can ensure that the legitimate goals for poverty and social inclusion can be achieved.

8.1.2 The importance of social protection and inclusion proof social investment

While employment, investments in capacitating services and measures aimed at facilitating the work life balance are essential for the developmental opportunities of individuals, the experience of the past decades teaches us that these policies are insufficient to enhance social inclusion. Employment growth does not necessarily benefit the more vulnerable groups, work is not always a guarantee for a decent life while lower social groups tend to benefit less from social investments.

The evidence on poverty trends in the past decades points indeed to qualified successes in terms of employment and gender equality but not in terms of social inclusion: a significant employment growth and defeminization of poverty went along with a marked precarisation of low-skilled men and women. Particularly striking is the rise in the risk of poverty among jobless households. This fairly universal

trend has numerous causes, but to a large extent, it is attributed to the inadequacy of minimum income protection, and a weakening of the poverty reducing capacity of social protection as a consequence of tightened eligibility criteria, increased conditionalities and more people in non-standard jobs, that do not always entitle social insurance protection.

Additionally, jobless households tend to make less use of social investment policies. Workers at the margins of the labour market with irregular contracts and a discrete employment history may not be eligible for parental leave; childcare is underutilized by work poor families while there are significant Matthew effects in lifelong learning. As far as social investment interventions favour work-rich households and leave behind the most disadvantaged, social imbalances are exacerbated while social expenditures are at risk of being diverted towards higher income groups.

Taken together, it follows that without strengthening the resource framework for social protection of groups with serious employability gaps and directing social investment policies towards the most vulnerable groups, it may not be possible to meet the European social inclusion targets in the future. To achieve that goal employment policies should improve the opportunities of the most vulnerable first, job quality (including wages) enhanced, social investment interventions primarily and explicitly directed towards more vulnerable groups and social protection strengthened to ensure a basic standard of living, particularly for individuals who cannot work or do not benefit from job growth. A significant concern in this context is the fact that minimum income protection falls short in virtually all Member States, contradicting the primary social right to lead a decent life in accordance with prevailing societal standards.

The strengthening of the implementation of the third chapter of the Social Pillar is all the more crucial against the backdrop of the big changes of our time. Digitization is poised to diminish job opportunities that demand lower skill levels. Simultaneously, there is a need to strengthen social protection of platform workers and individuals engaged in flexible work arrangements. The climate transition is anticipated to place significant burdens on households, with both the direct impacts of climate change and the policies to counteract it disproportionately affecting those who are least well-off. Additionally, the aging population will introduce added pressures on social welfare states. In order to address these great challenges, basic securities must be established, particularly for the most vulnerable. This involves, firstly, a recalibration of the implementation of the EPSR towards social protection, and secondly, a more explicit focus in the implementation of the first two chapters on strengthening the social rights of the least well off.

8.1.3 The pivotal role of minimum income protection

The recalibration towards social inclusion involves:

- a stronger focus on the accessibility and adequacy of social protection and minimum incomes: employment and gender equality objectives are now firmly anchored in the European social agenda; equivalent European embedding of social protection and minimum income guarantee is required.

- a ‘social inclusion proof’ implementation of social investment initiatives in the domains of employment, gender and the work-life balance (including ECEC): in implementing these strategies catering for the most vulnerable should be given priority.
- the strengthening of the role of social funding to a) enable national policies to provide basic needs (FEAD), finance temporary unemployment services (SURE), increase employability and job opportunities for lower skilled individuals (ESF) and support vulnerable groups in the climate transition (Social Climate Fund) ; b) support the strengthening of public awareness by organisations like FEANTSA and EAPN and c) add strength to political processes that may eventually lead to binding agreements on minimum standards in social protection.

Catering to the needs of the most vulnerable should be the primary focus of the European Social Union, and in this regard, ensuring the guarantee of adequate minimum incomes is pivotal: it directly fulfils the right to lead a decent life in accordance with prevailing societal standards, connects income security with individual assistance, necessitates pan-European solidarity, and, conversely, serves as a prerequisite for the further development of social and climate funding. To achieve this, now that the foundation has been laid with the Directive on minimum wages, further steps must be taken to move toward a framework directive on minimum incomes that would make principle 14 of EPSR enforceable. EUSOCIALCIT identified the following elements in order to prepare for the next step while making the Recommendation on adequate minimum incomes a success: 1) the reinforcement of the analytical work to define common benchmarks of adequacy and affordability; 2) the strengthening of the role of the social funds in supporting member states in their mission to improve minimum income protection schemes and 3) linking the monitoring of the implementation of the minimum income recommendation to the functioning of FEAD and progress made in terms of minimum wages and access to social protection, two essential areas on which binding agreements do already exist.

Given the great variation across Member States and their uneven capacity to meet minimum EU standards (the distance between minimum incomes and need is, for instance, greatest in poor Member States) the definition of such standards would imply agreeing on a modicum of cross-national subsidization, e.g.. through the enhancement of a needs-oriented distribution of ESF+ and targeting the funds more effectively through smart social conditionality rules. Conversely, it also holds that minimum income standards are a necessary precondition for the functioning of social and climate funding.

8.2 Better and more equal access to social rights: Instrumental resources

The European Pillar of Social Rights acts as a catalyst for the creation of more and stronger social rights, first of all expressed in normative power resources. In this way, it aims to reinforce European social citizenship and to provide European integration with a stronger social dimension. However, the success of the Pillar depends not only on the enactment of more social legislation but, crucially, also on the question if the social rights that are created building on the Pillar effectively improve the lives of EU

citizens. In this respect, EUSOCIALCIT has shown that normatively having a right does not necessarily translate into the fruition of a right by the right holders and therefore may not lead to improved life chances. To guarantee effective access to social rights instrumental power resources play a pivotal role. Instrumental power resources help individual to effectively become aware of and get access to the rights conferred upon them by laws and other regulations. They can consist, among others, of information and awareness raising about the existence of and entitlements to certain rights; simplified application procedures, easy access to public administration and guidance and counselling services that support applying for and using the right; and mechanisms for problem-solving, mediation, and legal advice services in case of difficulties in accessing the right. Instrumental resources can be provided by public bodies but also by social partners and civil society organisations.

Without instrumental resources, rights may remain promises, especially for the groups in society that face more difficulties in navigating complex systems of social rights, for example elderly persons, persons with language difficulties, or persons with limited education. More and better instrumental resources can reduce the non-take up of benefits, a major problem across the EU. They can also help to reduce differences between countries and support upward convergence. For example, in the implementation of the work-life balance Directive some countries introduced ample instrumental resources, expected to lead to a higher take up of fathers' leave, while other hardly introduced such instrumental, expected to lead to a limited take up.

Increasingly attention is given by the EU to instrumental power resources, for example through EU agencies providing information (e.g. Eurofound, CEDEFOP), the European Labour Authority, the Child Guarantee or through the EU supported national equality bodies. Also, recently, the 2019 Recommendation on the access to social protection for workers and the self-employed put the issue of accessibility front and centre. However, this attention to instrumental resources has not (yet) been systematic nor comprehensive. Further fostering the development of instrumental resources as part and parcel of social rights can be a powerful contribution of the EU to improve the access to and fruition of social rights in the member states. This can entail:

- Increasing knowledge on the types, functioning and effects of instrumental resources in improving access to social rights, through its agencies and the academic research it finances. And disseminating this knowledge to the member states to foster the production of instrumental resources;
- Consistently including instrumental resources as standard elements in EU social regulations and policies, akin to the 2019 Recommendation on access to social protection, with its focus on information and accessible procedures. In this way, the EU can promote the production of instrumental resources by setting standards and criteria for national social legislation and social policy. Considering the often high non-take up of social assistance, this would be particularly relevant for a future Directive on Minimum Income;
- Producing additional EU level instrumental resources, building on the above-mentioned experiences in this respect. Also here, taking into account the disappointing developments of poverty rates, developing EU instrumental resources directed towards the neediest would be a promising avenue.

8.3 Improving the overall governance of the marble cake

If our concept of the marble cake is accepted as an accurate description of the current state of social citizenship, a third front of action is to improve its overall steering, with a view to making it more coherent and stronger. As we have seen, there are many gaps to be filled and additions to make in order to create more synergies among its constituent parts, i.e. individualised power resources for citizens and material resources for output production.

In addition to serving as a key deontic guide, the European Pillar of Social Rights must be fully turned into an effective governance tool: its prescriptions must be mainstreamed into all EU policies, both as sources of direct EU action for strengthening social rights and as constraints for all measures, including outside the social domain. Moreover, the Pillar must become the key benchmark for social conditionality, i.e. the conditional use of budgetary resources, with a view to promoting social goals and upward social convergence. Social conditionality is a relatively new instrument, which provides both positive and negative reinforcements, ultimately calibrating access to EU funds: the granting of output production resources is subordinated to the creation of individual power resources and/or the achievement of certain outputs. Social conditionality is already being employed to promote the implementation of the EPSR. Since the early 2010s, this principle has also inspired the introduction of 'social guarantees' (e.g. the Youth and Child Guarantees), a novel type of measure providing soft power resources to individuals, but hard obligations for state administrations.

In addition to rule-based conditionality, the EU should also extend the use of 'nudging' strategies. As is known, a nudge is 'any aspect of the architecture of choice which changes people's behaviour in a predictable way, without eliminating any of the options or drastically changing financial incentives' (Thaler and Sunstein, 2008, 6). The use of nudging could be especially fruitful in increasing the take up rate of the new 'capacitating services' funded by social investment, such as ECEC. As Chapter 5 has shown, in certain member states there is still some reluctance to enrol young children in ECEC facilities. In addition to availability, accessibility and affordability obstacles, there are also cultural obstacles: the 'flourishing' advantages (which are 'merit goods') of ECEC for young children are neither perceived nor known. ECEC should become a universal service on a par with education and health care. Compulsory attendance - as in education - is however inappropriate in this domain, while contrary to health care the perception and pressure of 'need' remains weak and does not encourage satisfactory levels of fruition. Nudging could thus provide the right incentives for a more extensive utilization of new-generation social investment services (EESC, 2016).

Several steps have already been made for improving the EU social governance. But there is a need of a dedicated and reinforced steering capacity, supported by adequate instruments of monitoring and surveillance.

As far as the strengthening of social rights is concerned, the reinforced steering capacity should not only redress the existing imbalances in the implementation of the three EPSR chapters, but it should also enhance the focus on the two fronts discussed in the previous sections: the 'social inclusion

proofing’ of measures and the provision of adequate instrumental resources. The two are related, as both aim at making sure that the most vulnerable social groups be fully integrated within the reach of social adequate, accessible and affordable provisions.

The promotion of upward convergence requires in its turn the establishment of a more systematic institutional architecture. Convergence is today challenged by a number of factors: from sluggish growth to the difficulty of delivering a just transition, from wide disparities of institutional regulations to the lack of adequate fiscal space to introduce and fund reforms. Thus a new impetus should come from the EU, inspired by the rationales discussed in the first chapter of this report. The EPSR principles should be fully incorporated and reinforced within the European Semester – the main mechanism for overseeing wider economic and social policy-making.

In order to fully exploit the potential of social conditionality, it is crucial to establish effective synergies among all existing European funds, making them less fragmented and more blended and bundled. Specific and dedicated forms of surveillance and monitoring should be incorporated in the implementation of the Council Recommendation on adequate minimum Incomes and Distributional Impact Assessment (the ‘DIA’) as well as in the evaluation of social investment policies (e.g. the implementation of the Work-Life Balance Directive), with a view to capturing their impact on different income groups, including the most disadvantaged.

As recommended by various EU leaders during the Porto Summit, it is also desirable to re-open the discussion about SURE, with a view to making it permanent. This scheme was an extremely successful instrument for protecting workers during the pandemic. A permanent SURE could be used to protect workers in all economic sectors exposed to risks associated with the green and digital transitions, in order to reinforce social security and confidence in the huge transformations of EU economies and societies. In due course – in view to the expiration deadline of the RRF - the establishment of a fully-fledged fiscal capacity at the EU level should be discussed, to meet investment needs for common priorities and provide fiscal space for ‘social inclusion proof’ social investment. It would be desirable that specific conditional disregards related to social investment and infrastructure be incorporated in the ongoing revision of the SGP rules. A governance framework formally recognising the contribution of social-inclusion-proof social investment to sustainable and inclusive would change the EU narrative and thus reap the benefits of a more widespread support for the sustainability agenda.

The introduction of the Social Convergence Framework must be welcomed as an important step to monitor and assess the social progress of the member states and the effectiveness of the marble cake pattern in its social outcomes. The integration of the Social Convergence Framework with the multilateral surveillance activities could foster a shared understanding of challenges to upward social convergence and the related policy actions, with a deeper country-specific perspective. The release of dedicated Council Conclusions on Social Convergence in the Union to be adopted by the EPSCO Council every year in June could in their turn upgrade the visibility of the Framework. In its first application (through the Joint Employment Report 2024), the first stage of analysis has flagged seven member states for further analysis during the second stage, in which the causes of divergence will be

explored. This exercise is key to demonstrate that the Framework is meant to be not just cheap talk, but a serious governance tool.

The actual application of the Framework can in itself be considered as an institutional and political success, given the initial contrasting positions of the member states on this issue. Understandably, this new process has remained so far segregated within a restricted epistemic community of officers and experts. The challenge is now to fine tune its analytic traction, political salience within EU decision making arena – particularly the Council – and especially its public visibility. The Social Convergence Framework can in fact play a key role in facilitating and incentivizing the achievement of the social targets set for 2030.

In terms of monitoring a surveillance, the new social governance architecture should widen its remit by expanding the range of indicators, also with a view to stimulating debate and raise awareness. For example, the definition of reference budgets and their measurement in the various member states could provide precious information on minimum protection levels and their adequacy. It would also encourage policy makers to address the highly normative question: what is the minimum amount of income that well-defined family types, including families with children, need in order to fully participate in the society in which they live - one of the overarching objectives which T.H. Marshall assigned to social citizenship.

The establishment of a Well-Being Economy Framework should also be considered. In line with the 2030 Agenda for Sustainable Development, there is now a strong, evidence-based case for going 'beyond GDP', incorporating much broader policy tools and initiatives (in the areas of environmental sustainability, health, education, gender equality, social protection and redistribution) and proposing statistical measures that bridge the gap between standard macroeconomic statistics and indicators with a more direct bearing on people's lives. Italy has been at the forefront in the development of Equitable and Sustainable Well-being (ESW) indicators since the early 2010s and was the first country in the OECD to link well-being indicators to economic and budgetary programming. Interesting insights could be drawn from the Italian experience also in terms of governance and organisational terms.

A final point regards less the rules and practices of social governance than its capacity to include the social partners and civil society organisations. Several studies of our project have shown that these actors play a significant role in both the input and the output sides of EU policy. They serve as transmission belts for the needs and demands of citizens and they contribute to the implementation of social rights on at least two key fronts: facilitating access via instrumental resources and assisting (potential) users in case of complaints. While the EU already has an established tradition as regards the Social Dialogue, civil society associations still have relatively limited formalised opportunities to make their voice heard (including through whistleblowing, which often remains a dead letter). According to a recent Eurobarometer (2023), almost nine in ten respondents (87%) think the role of civil society (associations, NGOs) is important in promoting and protecting democracy and common values, including in terms of fostering a well-informed and pluralistic democratic debate. The proportion who see the role of civil society as important ranges from 71% in Greece to 94% in Sweden. More than half of respondents think there is a need to increase the engagement of civil society

organisations in the decision-making process at the European level (54%). Launching civil society strategy, with a view of establishing a fully-fledged system of Civil Dialogue, should feature as an important element in the reform of EU social governance.

8.4 Conclusion

We want to conclude this Report by quoting one of the recommendation made by the Conference on the Future of Europe (Plenary proposals), to which we fully subscribe:

We need to ensure the full implementation of the European Pillar of Social Rights, including its relevant headline targets for 2030, at EU, national, regional and local level in the area of ‘social protection and inclusion’, with due regard for respective competences and the principles of subsidiarity and proportionality and to include a Social Progress Protocol in the Treaties

(Conference on the Future of Europe, 2022)

It is of paramount importance that the new Commission guarantee continuity with regard to the Pillar. Continuity is key for all policies that require time to become effective, but is especially important for the European institutions, as they must maintain credibility with the public at large. For the EU’s credibility, there is nothing worse than the impression that social policy initiatives are ‘cheap talk’, and as quickly forgotten as they have been launched. In 2025 the Commission will undertake its review of the Pillar’s implementation. We suggest that this exercise be not only the celebration of successful achievements, but also an occasion for re-boosting the entire potential of the Pillar in respect of the – still poorly visible, but already functioning – marble cake of European social citizenship and, more generally, of a European Social Union.

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