PUBLIC WELFARE AND PRIVATE BEHAVIOUR:
THE CASE OF ‘WELFARE TO WORK’ PROGRAMMES

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Writing in 1991, Robert Walker observed that ‘workfare works best as an ideology’ (1991, p. 55). By this he meant that the imposition of work requirements upon welfare recipients appeared to provide a way of reconciling the duty of governments to support those unable to find work with that of claimants to take advantage of any opportunities offered to them. It appeared also to make it possible for governments to alleviate the poverty of the unemployed without undermining work incentives or eroding the status of those in low paid work. Walker’s comment, however, also reflected the fact that workfare was far less common in practice than may have been supposed from the prominence given to it in academic and political debates.

Subsequent developments have broadly confirmed Walker’s assessment. There have been a plethora of proposals for what are now most commonly termed ‘welfare to work’ schemes and there is now an extensive literature upon the economic ideas which underpin such schemes and - especially - upon the principle of compulsion. It is still the case, however, that there has been relatively little evaluation of how compulsion works in practice, and the findings which have been published have been confined largely to the United States.

The purpose of this paper is to provide a brief overview of the debate over the proper role of compulsion in ‘welfare to work’ strategies. The central question which it confronts is the is the degree to which an individual's eligibility for benefit should be dependant upon his or her willingness to participate in such measures. This in turn raises the broader issue of what are the respective rights and obligations of claimants, employers and governments. The paper also considers the question of how far such issues can be resolved without much greater research and experimentation.

The focus of the paper is upon the debate in Britain and particularly the Labour Government’s so-called ‘New Deal’ for the young unemployed. Nevertheless the term ‘welfare to work’ is interpreted broadly and reference is made to some of the other schemes which have been proposed in recent years.

In broad terms 'welfare to work' strategies have three inter-related objectives. First, to increase the job opportunities available to welfare claimants by means of employment subsidies, job creation measures, or training and work experience schemes. Second, to improve the motivation and skills of
particularly the long term unemployed through an expansion of personal
counselling and advice services along with educational and training
 provision. Third, to reform the structure of social security benefits so as to
give claimants a greater financial incentive to take advantage of the
opportunities thereby created. This third objective can be achieved by
enhancing the benefits paid to those in work, by imposing stiffer sanctions
upon those who refuse to participate in the schemes, or by a combination of
both of these approaches.

THE NATURE OF THE COMPULSION DEBATE

At first sight the question appears a simple one: should those who fail to
make effective use of the opportunities provided by welfare to work schemes
be subject to benefit sanctions? In principle, the obligation upon claimants to
participate in welfare to work could be additional to, and distinct from, other
conditions for benefit. In practice, however, it is not possible to discuss work
requirements in isolation from the broader issue of the delivery of benefits
and employment services, and the compulsion debate is a far from straight
forward one.

The first point to recognise is that the proposals which have been put forward
are often targeted at discrete groups amongst the unemployed; young
people, lone parents and the older long term unemployed. There are
important differences in the assumptions which are made about the causes of
unemployment amongst these groups, and these differences are reflected in
the remedies which are proposed and the terms in which they are justified.

A further distinction is between those who have established an entitlement to
benefit through the payment of contributions and those who have not. The
Act of 1911 which introduced national insurance stipulated that
unemployment benefit be paid to those who had demonstrated that they were
members of an insured trade - by paying contributions when in work - and
had established their status as unemployed persons. In order to fulfil the
latter condition they were required to show that they were available for work
and prepared to accept a suitable job should one be offered to them. If these
conditions were met then benefit was paid for a limited period without
reference to tests of need or character.

In fact, of course, national insurance was never a funded scheme and so the
length of time for which benefits have been paid ‘as of right’ has rested
historically upon political rather than actuarial calculations. Nevertheless
there have always been important differences at the point of delivery between
contributory insurance and means-tested assistance. This distinction remains
but the role and significance of contributory benefit has been eroded in recent
years as the job search behaviour of all claimants has been subjected to increasing scrutiny. In broad terms the expectation that they be ‘passively’ awaiting the offer of a job has been replaced by a requirement that they are actively seeking work.

It remains true, of course, that the steps which a claimant has to take to satisfy this requirement are still more stringent the longer he or she remains out of work. In this sense, then, a stipulation that they participate in ‘welfare to work’ schemes represents only one position on a long continuum of conditions for benefit which stretches from the ‘passive’ regulations of 1911 at one end to the most authoritarian forms of ‘workfare’ at the other. The former Conservative Government travelled along the continuum in a number of ways. The condition that unemployed people on benefit should engage in active job search was imposed much more stringently after the mid-1980s. The process began with the introduction of Restart interviews in 1986 and culminated in the Jobseeker’s Allowance of 1996. The latter required claimants to sign a detailed Jobseeker’s Agreement in order to demonstrate their commitment to finding work. Over the same ten year period it became common for participation in a range of government employment programmes to be compulsory in all but name. This was most evident with regard to some job search courses but was true also of some training or work experience schemes. As early as 1988, the automatic benefit entitlement of 16-17 year olds was withdrawn if they refused a youth training placement, while the pilot Project Work scheme introduced in 1996 is compulsory for those out of work for more than two years.

The relevance of this to the current debate is that some commentators appear to have identified discontinuities along that continuum which mark a transition from a voluntary scheme to a compulsory one, or which represent the introduction of something called ‘workfare’. Lord Plant of Highfield, for example, has recently argued that moves to make receipt of benefit ‘more and more conditional on the discharge of obligations’ constitute a shift away from a view of citizenship as an unconditional status towards a view of citizenship ‘as an achievement based upon discharging obligations in the labour market’ (1997). In contrast it is argued here that the ‘unconditional welfare rights’ cited by Lord Plant were never granted in respect of unemployment and that he neglects the conditions which have always been imposed upon claimants.

In effect Lord Plant is making a distinction between two types of condition for benefit. The first requires claimants to demonstrate a general willingness to seek work and also to take what steps are deemed necessary to acquire the skills and attitudes which will enhance their employability. The second requires the claimants to accept a place on a specific work experience or
training programme. Considerations of space and convenience dictate that this paper must also focus upon the second type of conditions. Nevertheless it should be emphasised that the distinction between the two is more apparent than real.

Moreover the first type of condition is not necessarily less stringent than the second. The previous Conservative Government, for example, remained convinced that a combination of advice and counselling services and a tough benefit regime was more effective in countering dependency than ‘welfare to work’ measures (Employment Committee, 1994/5, 1995/6). Similarly Frank Field and Matthew Owen proposed in *Beyond Entitlement* (1994) that there should be no linkage between participation in welfare to work schemes and entitlement to benefits, but also called for a rigorous tightening up of the general administration of benefit so as to deter fraud and abuse.

It is argued here that the real difference between the various forms of welfare to work lies not in what claimants are required to do but in the assumptions which are made about the character and capacities of the unemployed. If, for example, the long term unemployed are viewed as competent individuals who pursue their self interest in the same manner as everyone else, then the task is to create a framework of incentives and opportunities which leads them to act in ways which serve the common good. If, however, they are perceived to be - in Lawrence Mead’s phrase - ‘dutiful but depressed’ individuals who will not respond to financial incentives, then a more interventionist approach is required. (Such an approach could still be either punitive or therapeutic in focus).

The view which is taken of the unemployed will also determine the extent to which the imposition of work requirements upon the unemployed places reciprocal obligations upon government, employers or trades unions. An ‘incentive/opportunity’ strategy, for example, may require government or employers to provide support for child care, or some public sector trades unions to accept the transfer of some employment from their members to work experience programmes. These obligations do not arise on the second view, however, because it is assumed that jobs are accessible if the unemployed can be motivated to take them.

The two strategies will also make different use of benefit sanctions. The former will emphasise the need to increase the rewards of working, the latter will see the threat of benefit withdrawal as essential to ensure participation in any ‘welfare to work’ scheme.

The debate is not, of course, as polarised as the above discussion may seem to suggest. Not every commentator can be easily assigned to one of two
camps - and some will favour compulsion for one group of claimants but not for others. Similarly some may be prepared to require claimants to participate in a supervised job search programme, but not willing to compel them to work full-time in return for benefit. Nor is the question of sanctions a simple one. Should benefits be reduced or withdrawn completely? If the latter, what provision should be made for dependent children? Should the severity of the sanction imposed depend upon the nature of the ‘offence’ or the length of time the claimant has been unemployed - as it did in the Australian *Working Nation* scheme? (Finn, 1997). Finally, but importantly, there is the issue of reciprocity. For some commentators compulsion for the unemployed may be more acceptable if matching obligations are laid upon governments, employers and trades unions.

It is not the intention in this paper to produce a typology of possible positions regarding the use of compulsion. Rather the purpose is provide an overview of the arguments which have been advanced for and against compulsion, bearing in mind the complexities and qualifications noted above. The central point remains that compulsion is a means to an end, and so the starting point must be a brief discussion of why ‘welfare to work’ schemes have been assigned such a prominent role in strategies to reduce unemployment.

**The rise and rise of ‘welfare to work’ in the UK**

There are four main reasons for the current preoccupation with ‘welfare to work’.

The first is the way in which such strategies provide practical expression of what David Marquand has termed the ‘new moralism’ of the centre/left (1996. p.28). Central to this moralism is an emphasis upon the duties and obligations of welfare claimants rather than their rights. Two influences have been particularly important here. The first is that of the Communitarian movement and the writings of its leading advocate Amitai Etzioni. The central argument of Communitarianism is that individual rights need to be balanced with social responsibilities. Contemporary industrial societies, however, place far too great an emphasis upon individual autonomy and far too little upon the communal obligations which underpin civil society. In the case of welfare the preponderance of ‘rights talk’ has produced citizens who ‘demand ever more services and handouts while being unwilling to pay taxes and make contributions to the commons’ (1993, p. 91). The influence of Communitarian thinking is particularly evident in the ideas of the Prime Minister Tony Blair. In a speech in January 1997 he claimed that it would only be possible to construct a welfare state for the 21st century ‘on the basis of mutual duties’
society to give to those without it the opportunity to come back to society's mainstream. The recipients of help, the duty to make the best of that opportunity (1997).

In an earlier lecture he had argued that a government which was committed to the creation of a more inclusive society would be entitled to be 'much tougher and hard headed in the rules we apply and how we apply them' (1995). This 'toughness', however, is not simply a reflection of the influence of Etzioni but stems from Tony Blair's long-standing commitment to Christian Socialism. The basic tenet of Christian Socialism is profoundly egalitarian in its insistence that all should enjoy equality of respect by virtue of their common relationship to the Creator. As Halsey has emphasised, however, it also places great emphasis upon 'the doctrine of personal responsibility under virtually all social circumstances. People act under favourable and unfavourable conditions but remain responsible moral agents' (1992, p.xi). It is this emphasis upon the responsibilities as well as the rights of the individual which links Christian Socialism and Communitarianism. It also means, however, that Christian Socialists such as Tony Blair or Frank Field have fewer reservations about imposing further conditions upon those claiming unemployment benefits than do other commentators who retain the commitment to non-judgementalism which characterised most centre/left thinking on welfare in the post war period.

Another facet of the more 'hard headed' approach towards welfare adopted by the new government is its determination to combat benefit fraud, and this is the second reason for the interest currently being shown in 'welfare to work'. Until recently fears of widespread fraud were derided by commentators on the centre left as a moral panic generated by the tabloid press and exploited by politicians who saw an opportunity to reduce the cost of benefits. Now there is a near consensus that fraud is a problem, and the new Secretary of State for Social Security has promised to not only retain the 'benefits hot line inaugurated by the previous government but also to introduce a range of new initiatives. There is a similar measure of agreement that significant numbers of claimants are caught in an 'unemployment trap' in which they are unable to find jobs which leave them and their families any better off than they are on benefit. This, of course, is despite a steady decline in the value of benefits relative to average earnings since 1980. The relevant comparison, however, is between the rates of benefit and the level of wages paid in the kinds of jobs which claimants are likely to obtain. Recent research has demonstrated that such jobs are typically temporary and very poorly paid (Gregg and Wadsworth, 1996). Here again 'welfare to work' is seen as having a crucial role to play in enhancing the earning capacity of claimants, maintaining the pressure upon them to find jobs, and supplementing their wages when they do.
For Communitarian writers such as Jonathan Sacks the expansion of ‘welfare to work’ is only part of a much broader and far more ambitious project to establish through both law and social policy, clearer connections between rights and responsibilities, effort and reward, punishment and blame, action and consequence (1997, p.233).

Indeed such arguments would provide a basis for defending the use of compulsion even if there were no demonstrable effects upon the aggregate level of unemployment. The restoration of the ‘dignity of agency and responsibility’ would itself be a sufficient justification.

The great majority of those who advocate an expansion of ‘welfare to work’ measures, however, do so on the grounds that such an approach offers the only real hope of reducing long term unemployment. Indeed the third reason why ‘welfare to work’ attracted so much support in recent years is the widespread belief that many of the remedies for unemployment which would have been advocated twenty or thirty years ago are now effectively precluded by ‘globalisation’ and the pressures of world wide competition. It has become the conventional wisdom that the growth of international markets - and especially that for capital - means that national governments can not influence the level of employment through fiscal or monetary policies. For many commentators ‘welfare to work’ is now the only show in town.

The lack of alternative policies, however, does not in itself make ‘welfare to work’ a credible option, and the fourth and perhaps most important reason for its present prominence is the development of economic ideas which appear to some economists at least to provide a powerful rationale for such schemes. The most important of these ideas is the so-called hysteresis theory. The essence of this theory is that a period of high unemployment has effects upon the labour market which remain even if the initial causes of that high unemployment are reversed. The most important of these effects is that it leaves some people trapped into long term unemployment from which they will find it very difficult to escape even if there is an increase in the general demand for labour. The causes of this duration dependency are said by White and Lakey to include; ‘the deterioration of the skills and work habits of people who have been affected by lengthy or recurrent unemployment’ and ‘the diminishing effectiveness of financial incentives to work or search for jobs as unemployment people become accustomed to a reduced standard of living’. The most important factor, however, is the ‘growing use by employers of unemployment as a recruitment filter. Once someone has been unemployed for over a year they are regarded with great suspicion by employers’ (1992, p.35-6). ‘Welfare to work’ measures seek to address this
problem by enabling the long term unemployed to acquire a work record and new skills and motivation. In so doing, their advocates claim, they effectively increase the supply of labour and thereby improve the terms of the trade off between unemployment and inflation. It will be seen below that some of those advocates also go to argue that if governments create opportunities for the long term unemployed to return, in Richard Layard’s phrase, to ‘the universe of employable people’ then it is reasonable to insist that those opportunities are taken (Employment Committee, 1994/5, p.22).

**Labour’s ‘New Deal’**

A central theme of the Labour Party’s campaign in the 1997 general election was its promise to introduce a new ‘welfare to work’ programme which would be targeted at the 18 to 25 age group and funded out of a one off ‘windfall tax’ on the privatised utilities. This ‘New Deal’ for the young unemployed subsequently formed the centrepiece of the new Chancellor’s first budget in July. The programme will offer young people who have been unemployed for 6 months a choice between four options: full time education, a job in the private sector subsidised by a tax rebate of £60 a week, work with a voluntary agency, and placement on an Environmental Task Force. Those employed in the private sector will be paid the normal rate for the job, but those working in voluntary or public sector will receive their benefits plus a premium of around £20 a week. An important feature of the scheme is the so-called ‘gateway’ programme; a period of intensive career advice and preparation prior to any job placement which is clearly designed to enhance the job readiness of young claimants and to make them more attractive to employers.

Those who refuse to take up one of the offers without good reason will face benefit sanctions which are far tougher than anyone would have expected from a Labour government as little as two years ago. In the case of single claimants, the penalty for a first offence will be loss of all benefits for two weeks, and each subsequent refusal will lead to disallowance for a further four weeks. Those with dependants, or who have disabilities will lose 40% of their benefits for similar periods. The arguments which have been put forward to justify this level of compulsion are examined below. In order to place those arguments in their proper context, however, it is necessary to look briefly at some of the other ‘welfare to work’ schemes which have been proposed in recent years, both compulsory and voluntary.

**Other policy options**

One option is to introduce a much more ambitious job creation programme, a good example of which is that put forward by the Institute for Public Policy
Research (IPPR, 1996). Their proposal is to create up to half a million part-time jobs in local government at an estimated cost of £1.7bn. The jobs would be offered to people who had been out of work for more than 12 months and those employed through the scheme would be paid the rate for the job but would work for only 25 hours a week. The advantage of the scheme is said to be that it would provide 'services which have a real and demonstrable public value which would not otherwise be provided'. The problem, however, is that working for 25 hours a week at the standard rate of pay does not produce a sufficiently high wage to enable many of the unemployed to give up benefit. As a result the IPPR scheme could only operate with a complex mechanism for topping-up the wages paid with social security benefits. In effect participants would have to be allowed to keep part of the benefit they were receiving when unemployed. The authors of the IPPR scheme, however, argue that to provide full time jobs would 'would eliminate the risk of long term unemployment'. This could lead the 'recently unemployed' to 'behave differently'. They may, for example, become choosier about job offers and compete less effectively in the labour market.

A long-standing criticism of job creation schemes in general is that they do not offer proper training. This means that the jobs which are created are often 'dead end' jobs, after which participants return to unemployment. It was in response to such criticisms that the previous Conservative government introduced Training For Work for people who had been out of work for more than six months. In the mid-1990s around 200,000 people a year were obtaining a National Vocational Qualification through TFW. Even so, little more than a third of those leaving the programme went into a job (Employment Committee, 1994/5, p. 4-6).

An innovative and highly-regarded attempt to integrate work experience and training is that made by the WISE Group in Glasgow. The key to the WISE Group’s approach is the idea of an intermediate labour market. They claim to have identified a range of work is that well worth doing but is not being done at the moment because it does not give a sufficient financial return to attract the private sector. Examples include the installation of security devices and energy conservation measures in public sector housing. The WISE Group is now one of the fifty largest employers in Glasgow, and, although its projects are relatively expensive, there is evidence that it is much more successful than TFW in getting people into permanent jobs (McGreggor et al, 1997).

The success of the WISE Group may well be one reason why Labour’s ‘New Deal’ includes an Environmental Task Force which will ‘help to meet the Governments target for heat conservation and efficiency’. If so, then two points are worthy of emphasis. The first is the Group’s insistence that training must be combined with work experience if it is to be of value. The Chief
Executive, Alan Sinclair, told the Commons Employment Committee that training is 'the orthodoxy of the age and I think it is just nonsense'.

People who are really long term unemployed have normally had a bad experience of education. Therefore if they are going to be taken straight back into an educational mould it is mixing oil with water: they rebel against it in many instances. That is one reason against it. The second one is that unemployed people vary a lot and the vast majority of them are by no means stupid. They realise that training is often put forward as a substitute for work rather than as a means to work (Employment Committee, 1994/5, p.100/101).

The second point to note is that the WISE Group works only with volunteers, and it will be seen below that Alan Sinclair remains an implacable opponent of the use of compulsion in the ‘New Deal’.

A further option which has been widely debated in recent years is the use of subsidies to persuade employers in the private sector to take on people who have been out of work for long periods. This is, of course, the basis both of the private employer option within the ‘New Deal’ and of the Welfare to Work scheme for the long term which was also announced in the Budget.

One such wage subsidy scheme was Workstart, which was first piloted and then extended by the previous government. Under Workstart an employer who recruits someone who has been unemployed for at least two years receives £60 a week for the first six months they are employed and then £30 a week for the next six months. From June 1998 the figure will be £75 a week for six months only.

The best-known advocates of employment subsidies are Professors Richard Layard and Dennis Snower, who have argued in the past that they could be implemented on a sufficiently large scale to all but eliminate long term unemployment at little net cost to the taxpayer. Professor Snower’s proposals were also incorporated in a hugely ambitious ‘Right to Work Bill’ jointly put forward by then Conservative MP Ralph Howell and Frank Field. There were two parts to the Howell/Field scheme. The first was the introduction of employment subsidies broadly along the lines outlined above. The second would have required the unemployed to register at a ‘work centre’ where they would have been offered a ‘choice of work of a caring, environmental, or minor infrastructure nature’. Those undertaking this work would be paid at a standard rate, but anyone who declined the offer would lose their benefits and become eligible instead for ‘non-worker’s subsistence allowance’. The value of this allowance would be one quarter of the wage paid to those employed through the ‘work centre’ and the Commons Employment
Committee described the Howell/Field scheme as ‘perhaps the purest workfare scheme of which we have heard’ (Employment Committee 1995/6 p.xliv). This was, of course, before Labour finalised its ‘New Deal’.

THE CASE FOR COMPULSION

The arguments which have been advanced to support compulsion can be considered most conveniently under three headings; the authoritarian argument, the contractarian argument and the pragmatic argument.

The ‘authoritarian’ argument

The essence of the authoritarian case is that without compulsion employment measures will not reach those who most need help if they are to re-establish themselves in the labour market. Most of the unemployed are anxious to work but their confidence and self esteem has been so eroded by the experience of unemployment that they will not volunteer for work experience or training. Benefit sanctions may be hard in some cases, but it is reasonable to demand that people take steps which are in their long term interests.

The best known and by far the most trenchant advocate of an authoritarian approach is the American political scientist Lawrence Mead whose work has been enormously influential in the United States. Mead argues that voluntary schemes fail because they assume that even those who have been out of work for long periods are nevertheless competent individuals who can be relied upon to act rationally in the pursuit of their self interest. This Mead, claims is not the case. In fact they are often ‘dutiful but depressed’, and do not respond to incentives in the same manner as everyone else.

The people who respond to incentives are mainly those who are already functional, already within the economy. No incentive has shown a power to pull many people across the line from nonwork to work. For that stronger medicine is required. Incentives assume competence; the need is to create it (1992, p.162).

Competence, he argues, can be created, but only by compelling people to participate and by not allowing them to withdraw from the world of work.

The major challenge of workfare administration is to...get people involved, and overcome their pessimism. After that they typically discover that they can profit, and they become
less depressed. They participate more for reasons of their own, and enforcement is less necessary (1992, p.172).

It was noted earlier that this argument assumes that work is available if the unemployed can be motivated to take it. If follows that governments are entitled to impose work requirements upon claimants without incurring any reciprocal obligations in return. This is the essential difference between authoritarian and contractarian arguments.

The contractarian argument

This is the most familiar argument and long-standing argument in support of compulsion. Writing of the United States in 1988, for example, David Ellwood noted that the 'notion of mutual obligations is not controversial anymore'. He suggested that in both

the liberal and conservative policy making communities, there is widespread acceptance of the notion that it is legitimate to ask people to fulfil some obligations and that, in exchange, the government must provide some training, jobs, or other programs' (1988, p.226).

Similarly Richard Layard and John Philpott's pioneering proposal for a 'job guarantee' in Britain was based explicitly on the principle of reciprocal obligations. ‘The state should ensure that the individual has a set of real opportunities for work or training. And the individual should use these opportunities (or forgo benefits)’ (1991, p.6).

The principle of reciprocity continues to underpin Richard Layard's support for compulsion. He argued to the Commons Employment Committee that there is a clear link between levels of long term unemployment and the duration of benefits. Countries such as the United States which impose a strict limit upon the length of time for which benefit can be drawn have far fewer long term jobless than countries such as Britain which pay benefit indefinitely. The answer is to stop benefit after six months, but this would have an unacceptable impact upon wage rates unless the government provides temporary work for those affected. If the government does accept this responsibility, however, claimants should have no choice but to take the jobs provided (Employment Committee, 1994/5, p20).

It is, of course, this contractarian argument which is advanced by the new Labour ministers to justify the degree of compulsion in the 'New Deal'. It was also put with some force in opposition. In their book The Blair Revolution, for example, Peter Mandelson and Roger Liddle claimed that
‘where new opportunity is being offered and refused, there should be no absolute entitlement to continued receipt of full social security benefits’ (1995, p.102).

It is likely, however, that the prominence given to the compulsory nature of the ‘New Deal’ owed much to more pragmatic considerations.
The pragmatic argument

This argument starts from the premise that ‘welfare to work’ is costly and may require higher taxation upon those already in jobs. It is naive to expect them to pay this taxation without offering them something in return. That something could be a guarantee that the unemployed would be required to ‘do their bit’ and that money would not be paid to people unless they were making every effort to become self reliant. The only way to offer the taxpayers or voters such a guarantee is to compel those most likely to have ‘settled down on benefit’ to accept work experience or training. Similar arguments could be made in respect of the business community whose support and co-operation is essential to the success of the ‘New Deal’.

THE CASE AGAINST COMPULSION

Two central arguments have been advanced against the use of compulsion: that it is wrong in principle, and that it would be impossible to enforce it in practice

The objection in principle

The most fundamental objection is that compulsory schemes must rest upon the assumption that an individual’s unemployment is due at least in part to his or her own shortcomings. There is no need to threaten to sanction someone who is already doing all he or she can to find a job, and so compulsion must imply that the purpose of the scheme is to discipline as well as to help the unemployed. As the report for the Council of Churches put it, a compulsory scheme will be seen as one ‘to teach the unemployed a lesson rather than as a means of giving them real assistance' (CCBI, 1997, p.127).

Such a disciplinary approach, it is argued, is both unjust and futile. It is unjust because unemployment is overwhelmingly caused by structural factors beyond the control of any one individual. Imposing benefit sanctions is thus to punish people for something they cannot avoid, truly to ‘blame the victim’. The approach is futile because by focusing upon the behaviour of the unemployed themselves it is doing nothing to remedy the real causes of unemployment. The classic statement of this argument is still that made by the Supplementary Benefits Commission in its Annual Report for 1979, albeit at time of rising unemployment.

To increase incentives while unemployment accelerates upwards is like trying to encourage somebody to jump into a
swimming pool while the water is being drained out (1980, p.41).

Present day critics of compulsion do recognise that unemployment leads to demoralisation and damages self confidence. They also accept that there is a need for a range of measures to create new opportunities and to help the long term unemployed to respond to them. Once those measures are in place, however, they claim that there will be no need to compel the unemployed to accept worthwhile training or reasonable jobs. The Council of Churches report again,

It is unrealistic to imagine that people could devote themselves full-time to looking for work after years of failing to find it. It does not at all mean that they would reject offers of good work if they were made to them (CCBI, 1997, p.124).

The objection in practice

A second argument against compulsion is that it is simply impractical. The IPPR report claimed, for example, that the administration of a compulsory scheme would raise 'enormous problems' since the 'supervision of workers who are there involuntarily presents quite different difficulties' from those which personnel managers are equipped to deal with (IPPR, 1996, p.18). In some senses, then, this argument represents the pragmatic case against compulsion, namely that it will be much easier to enlist the support of employers if they are being asked to take on volunteers than if they are being sent reluctant conscripts. This point was made with some force by Alan Sinclair of the WISE Group in evidence to the Commons Employment Committee,

It is very hard to work with conscripts. It is much easier to work with people who actually think that they are going to benefit...The idea that we would have to take a lot of people, almost in leg irons, onto some of our sites and have them working Stihl saws horrifies me (Employment Committee, 1994/5, p.100).

These two arguments against compulsion are often presented as two sides of the same coin: it is unnecessary because the unemployed would be happy to take work or training placements if they were persuaded that they were useful and it is impracticable because they can not be made to go if they are not so persuaded. Both arguments rest firmly upon what Mead calls the competence assumption. This is neatly illustrated in the
following comment on Labour’s ‘New Deal’ by Gerry Holtham, one of the authors of the IPPR report.

Compulsion has at best a very limited role in getting people off the dole. If they are better off in work you don’t need it: if they are worse off it will be ineffective (New Statesman 4.7.97).
CONCLUSION

There are in effect two debates about the use of compulsion in welfare to work programmes which are being conducted in parallel: whether it is right in principle, and whether it is feasible in practice. It is possible, to regard compulsion as entirely reasonable but unworkable, or as the intensely regrettable price that has to be paid in order to secure electoral support for higher public spending on employment measures. Both debates, moreover, need to be seen in the context of the broader issues of the delivery of benefits and the regulations which govern entitlement to them.

These are also debates in which the extreme positions attract little support. It is difficult, for example, to argue that Mead’s critique of the competence assumption has no validity whatsoever, but absurd to suggest that a position developed in respect of a specific group of long-term welfare recipients in the United States can be applied indiscriminately to unemployed people in Britain. The question is how many of the long term or young unemployed can be categorised as ‘dutiful but depressed’ in his terms and why. It is not clear in Mead’s own writings, for example, whether he sees such demoralisation as a cause or an effect of prolonged welfare dependency. What can be said is that the argument that prolonged unemployment has deleterious effects upon those who experience it and that in a minority of cases this makes those affected very hard to help through voluntary programmes appear to have been confirmed by the experience of the Working Nation programme in Australia (1997, p.80).

The most powerful argument for compulsion in the British context is the contractarian one. If governments, employers and trades unions do create worthwhile opportunities for work experience or training, then it is not unreasonable to question the entitlement to benefit of someone who has been out of work for a long period but nevertheless refuses to take advantage of those opportunities. The critical issue, however, is the quality of what is on offer. How good, for example, do the four options provided by Labour’s New Deal have to be to justify the element of compulsion in the programme? What reciprocal obligations fall on employers? Can a programme be compulsory for the unemployed but voluntary for employers? Dan Finn’s study of the Working Nation programme in Australia throws into question the effectiveness of wage subsidies as a means of encouraging employers to take on the long term unemployed (1997, pp.61-63). If this is also the case in the ‘New Deal’, and if this means that the programme proves to be less successful than
hoped, should there be a corresponding reduction in the pressure upon young people to take part?

It is here that the lack of institutional expertise and experience of compulsory schemes in the UK becomes critical. It is true that a new essay by Lawrence Mead has argued powerfully that work enforcement has proved highly effective in some states, notably Wisconsin. Mead himself has emphasised, however, that Wisconsin’s success derives in large part from its ‘superlative bureaucracy’. It is, he writes, ‘unusual in its capacity to execute, to deliver change ‘on the ground’ (1997, p.46). The importance of such institutional factors was acknowledged by Frank Field in his response to Mead’s essay (1997, p.63). The crucial point, of course, is that relatively little of the infrastructure to deliver the four options envisaged under Labour’s New Deal is yet up and running, let alone tried and tested. Moreover a recent study of 42 existing ‘welfare to work’ schemes concluded that there was not sufficient data on which to assess their effectiveness, and that a coherent and informed welfare to work policy would require detailed evidence on the value for money provided by existing schemes. In particular the author emphasised the need to monitor and evaluate all the components of the New Deal (Gardiner, 1997).

One obvious course would be to introduce the scheme on a voluntary basis, and only introduce compulsion after it has become clear that valuable opportunities are being provided and that significant numbers of young people are refusing to accept them. That this has not been done probably owes much to Ministerial fears of abuse and concerns about the presentation of the ‘New Deal’. This is worrying because the tenor of the administration of the programme will be crucial. There is a fine line between measures which seek to do something for the unemployed and those which seek to do something to the unemployed.

The compulsion debate is both complex and sensitive. It raises very difficult questions about what can be expected of the unemployed, about the kinds of jobs they should be prepared to take, and about the kinds of support they are entitled to expect from governments. Above all, however, the debate is about whether to demand more of the unemployed is to respect them and to better integrate them within the labour market and the wider society, or whether it is to stigmatise them as failures and deepen their isolation. In the UK at least that question is still an open one, and Labour’s New Deal represents a giant and far reaching leap in the dark.
NOTE

1. This paper is a revised version of a report written for the Employment Policy Institute, London. A Deacon ‘Benefit Sanctions for the Jobless: Tough Love or Rough Treatment’ Employment Policy Institute Economic Report Vol 10. No. 7 July 1997. The author is grateful to the Director of the Employment Policy Institute Dr John Philpott for his advice and assistance with the original report. The views expressed are, of course, those of the author.

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And "are public welfare programs the most effective way to address problems of economic or social inequality?" The debate over affluence, economic policies, public welfare, individual initiative and what might be done to solve the problem of poverty seems destined to continue for quite some time. A part of any discussion of the public welfare system in the United States must be a mention of how those Americans who do not receive aid from this program, e.g., those who are not poor, aged or disabled, manage to provide for themselves in a society in which few services are subsidized by the government. Life insurance guarantees a sum of money to survivors of the person in case of death. Medical and hospital insurance guarantees payment of large medical and hospital bills. In general, the welfare of children is the biggest concern of family law. In most countries legal systems treat children differently from adults. In economically developed countries, there are limits on the type and amount of work a child is allowed to do. There are age limits on the rights and duties of 42 citizens. Work done in the home, time spent caring for the family, even emotional support, are all considered as giving some rights to property. Task 2. Answer the following questions: 1. What is the biggest concern of family law? Law is also frequently classified into areas of public and private law. Public law includes those bodies of law that affect the public generally; private law includes the areas of the law that are concerned with the relationship between individuals. Social welfare program, any of a variety of governmental programs designed to protect citizens from the economic risks and insecurities of life. The most common types of programs provide benefits to the elderly or retired, the sick or invalid, dependent survivors, mothers, the unemployed, the work-injured, and families. Methods of financing and administration and the scope of coverage and benefits vary widely among countries. A brief treatment of welfare and security programs follows. For full treatment, see social service. Work-injury compensation. This is the oldest and most widespread social welfare program. Such programs usually cover all employees of firms above a specified size and are financed by employer contributions to some form of insurance plan.