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Structural inequalities, non-take up or discrimination? Multiple barriers to access to social rights in Europe

In the tradition of West-European welfare states, social policies are directed at protecting individuals against social risks such as unemployment, illness, or old age. In doing so, welfare state arrangements have an important effect on compensating for socio-economic inequalities, while simultaneously producing structural stratification (Esping-Andersen, 1998). The inequalities addressed by the welfare state are, however, always multidimensional. For instance, gender has for long been identified as a source of inequalities. Labour market regulations and social security systems have reinforced the male breadwinner model in most European countries (Lewis, 1992; Verloo, 2006), which has led to a higher degree of inequality between men and women. Welfare states may focus on one specific type of inequality, such as amongst socioeconomic groups (defined by professions, regions, income groups, etc.). The established welfare regimes ignore, however, other structures of inequality such as gender. Most of the time, they also overlook obstacles that can be traced back to specific vulnerabilities, such as migrants' problem with residence permits or discrimination against people with disabilities, that eventually generate non-take-up of social benefits.

The present issue of *Culture, Practice and Europeanization* focusses on the barriers that socio-economic inequalities, non-take up, and discrimination constitute for access to social rights and benefits, centring attention on the process of making social policy and receiving social benefits in different national and welfare-state contexts. We aim to identify the elements and configurations that create and uphold these barriers as social policy is framed, implemented, and adopted by beneficiaries (Béland, Campbell & Weaver, 2022; Rein & Schön, 1996; Streeck & Thelen, 2005).

In the various national traditions and across time, a specific framing of inequalities influences the welfare state's main orientation. It affects priorities with respect to the types of inequality that have to be addressed. The framing of different forms of inequality defines not only the nature of the inequalities that are (or are not) to be addressed but also the way they have to be dealt with and tackled. Western European traditions of the welfare state were historically related to the "social question" and evolved through changing views about the "social question" (Castel, 1995). Developed throughout the 19th and 20th century, these traditions combined the respective view about the "social question" with compensation of socio-economic inequalities (Leisering, 2013, 4). Franz-Xaver Kaufmann focussed,

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in his comparative historical analysis, on the "problem definitions" that have guided the development of the welfare state in the various nation-states' contexts. Rather than referring to how the "social question is posed", he examined precisely how a "guiding problem" has informed the historical foundation of each national welfare state regime. According to his analysis, the foundation of the welfare state in Germany was informed by the workers' question, by the fight against poverty in England, by the issue of equality in Sweden, and by regulation of the family and the population in France (Kaufmann, 2013, 10).

Following the perspective of F.X. Kaufmann, we can refer to a particularly rich body of literature about policy ideas from the mid-1980s. Especially in political science, the analytical perspective has studied how the "problem definition" of inequalities influences policy making. According to Daniel Béland, "the term 'ideas' refers to the historically constructed beliefs and perceptions of both individual and collective actors" (Béland, 2019, 4). Jal Mehta has differentiated between three types of ideas: "policy solutions, problem definitions, and public philosophies or Zeitgeist" (Mehta, 2011, 25). "Policy frame" is a particularly productive notion because it combines the analysis of normative discourses and ideas with scrutiny of institutional processes and considers both the symbolic and the practical dimensions of policies that address inequality. Martin Rein and Donald Schön have defined policy frames as the modes of actors' "selecting, organising, interpreting and making sense of a complex reality to provide guideposts for knowing, analyszing, persuading and acting" (Rein & Schön, 1996, 146). In their view, policy frames play a guiding role throughout the policy process. Institutions stabilise the normative dimension of policies objectives, but they also represent an opportunity for subsequent policy making. For Myra Marx Ferree, framing is an "*interaction in which actors with agendas meet discursive opportunities as structured in institutionally authoritative texts*" (Ferree 2012, 13, italics by the author). Authoritative texts (laws, regulations, court decisions and the like) are the results of previous policy frames that have been successfully institutionalised. As such, they "have power to include and exclude issues and choices from the realm of politics" (ibid.). This mechanism reveals the relation between ideas and institutions and it has a practical influence on subsequent policy reforms. This selection of content then creates an opportunity for appropriate social and political forces to pursue and implement the normative goals of a specific policy frame.

Analytical approaches to social policy making have been developed based on study of individual nation-states. However, a series of transformations have challenged this national focus with respect to the welfare states (Kazepov, 2010; Ferrera, 2015). International organisations such as the United Nations, the World Bank, the OECD, and some influential non-governmental organisations have disseminated ideas and values, models of welfare reforms, modalities of financing, policy instruments, etc. all around the globe. These elements have influenced the understanding of the welfare state but often also perspectives on policy actors' power positions on

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a national scale. In the case of Europe, besides the above-mentioned institutions, the European Union (EU) has developed, mostly since the end of the 1990s, a dual political agenda that has influenced the definition of inequalities in the member states.

First, in the wake of the Maastricht Treaty (1992) and with a view to what was expedient for the development of the European Monetary Union, the Amsterdam Treaty (1997) aimed to increase the coordination of social policies in the member states, mostly in the sphere of employment policies (Daly, 2017). The EU proposed mainly to shift the focus of social policy from passive indicators, such as the unemployment rate, to active ones, such as the employment rate (Salais, 2022). The bottom line of the EU agenda was to increase the labour market participation rate of most population groups. However, women, young people, and the aged labour force were specifically targeted. These reforms have been considered stepping stones in the agenda of "activation" of social policies in Europe (Handler, 2006). The fourfold components of activation policies — prioritising measures fostering employability over income support, increasing beneficiaries' control, demanding reciprocity for social provision (logic of workfare), and increasing the possibility of welfare recipients' participation (Saraceno, 2007) — have had a strong influence on how equality is framed in the various policy networks of the welfare state. In a nutshell, the activation agenda has been associated with the key phrase "work first", which has contributed to a strong delegitimisation of the welfare state's role in fostering equality. According to the activation concept, the traditional provision of income support welfare benefits was considered to induce passivity, whereas universal participation in the labour market can achieve equality.

Second, the EU initiated, at the turn of the century, a political agenda dedicated to the fight against discrimination on grounds of gender, disability, sexual orientation, religion, ethnicity, etc. (Amiraux & Guiraudon, 2010; de Witte, 2009; Kilpatrick 2018). This aspect has been mostly neglected in discussions about the Europeanization of welfare state arrangements in Europe. However, this agenda challenges fundamentally the understanding and framing of inequality through new regulations in the European context. The directives for equal treatment in employment and education (Directive 2000/78/EC, 2002/73/EC), the so-called Anti-Racism Directive (Directive 2000/43/EC), and the directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (Directive 2004/113/ EC) seek to create a framework for guaranteeing equal treatment in the EU member states. The EU institutions promote the political idea of equal access to social rights for specific categories and groups (Bell, 2002; Shaw, 2005). In this regard, European anti-discrimination policies aim at countering social inequalities and at substantiating a form of social Europe (Prechal, 2004; in a critical perspective Somek, 2011). These priorities interact directly with the prevailing tradition in Europe of primarily addressing socio-economic inequalities.

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Compensating for socio-economic inequalities, on the one hand, and the European anti-discrimination framework, on the other, are founded on different perspectives on inequalities and equality. They infer different conceptions of social policies and public policy instruments (Chevalier, 2003). Furthermore, neither of these perspectives addresses the problem of non-take up of social rights and benefits (van Oorschot, 1991; Warin, 2017). This problem, which has been largely obscured by the political scandalisation of social fraud since the end of the 1990s (Dubois, 2021), reproduces poverty. Non-take up has, however, meanwhile gained considerable attention in most countries in recent decades.

Nonetheless, a structural understanding of inequalities continues to prevail in Western European welfare states. Social policies seek to compensate inequalities through general measures, such as income taxation, minimum income schemes, definitions of criteria of deservingness and neediness, employment and education programs, etc. (Atkinson, 2016). Inequalities are measured by considering the distribution of goods, wages, property, and educational qualifications within a nationally defined population, usually in reference to the unit of the traditional family. Inequalities in access to resources remain largely ignored or are relegated to the background. Through an economic (or at least economically informed) lens, the instruments of compensation rely on the construction of categories of social groups and situations within a (nationally defined) population. These categories, which summarise specific patterns for professions, regions, income, etc., are monitored by statistical surveys. The latter allow comparisons, for example in a European perspective, and representation of inequalities as territorial scatterings, for instance within the European Union (Heidenreich, 2022). Research about structural inequalities (Sørensen, 1996; Mau et al., 2020) has shown, furthermore, how social arrangements are co-related with a more or less intense use of specific social rights (Brunovskis & Skilbrei, 2018).

However, the literature about non-take up of social rights (van Oorschot, 1991) has focused on the lack of information for addressees, the poor design of policy instruments that do not fit the needs and expectations of the public, or other political or value-related motives that account for the refusal of the public to take up specific social rights. In this regard, research on non-take up challenges the formal conception of equality as equality before the social law and tends to promote an understanding of substantive equality. This work sheds light on the shortcomings of compensating for structural inequalities as well as on the biases of social-economic or social-professional group definitions. Moreover, it reveals a non-realistic and unfair treatment of specific – mostly disadvantaged – social groups through social policy making.

As already mentioned, the European anti-discrimination framework is built on a differentiated conception of equality. First, we can distinguish, in the context of the EU acquis, the common rights and obligations that constitute the body of EU law,

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three conceptions: equality "as a value", "as a principle", and "as a right" (Zaccaroni, 2021). Second, the EU Charter of fundamental rights has developed a complex understanding of equality of treatment. Equality "of treatment" is mentioned in the articles 20 and 21, whereas articles 23–26 mention "equality of opportunities" (Facchi, Parolari & Riva, 2019). Finally, the right-based understanding of equality brings together two legal approaches, one bearing on individual human rights and focussing on the prohibition of unequal treatment (Calvès & Champeil-Desplats, 2016) and the second on the awareness of minority rights that promote equal opportunities. Studies have shown that the European anti-discrimination framework represents a compromise between these legal approaches and is accompanied by two problems (Geddes, 2004; Guiraudon, 2009). First, implementation of these concepts and procedures in the member states — including definitions of the direct, indirect, or multiple character of discrimination; measures for "positive action"; the institutionalisation of monitoring bodies; and monitoring of discrimination — is not always consistent with the existing concepts and procedures related to compensating for inequalities and fighting against unequal treatment in the member states. Second, reports in the literature have discussed limitations resulting from the model that underlies the EU anti-discrimination framework. Some examples are measures that fail to adequately counter systemic discrimination or fail to grasp the intersectionality of gender inequalities and other prohibited forms of unequal treatment (Lombardo & Rolandsen Augustín, 2012). Anti-discrimination policies depend strongly on litigation and on individual cases addressing sanctioned direct, indirect, multiple, or systemic discrimination (Mercat-Bruns, 2016). "Fighting direct discrimination on its own is unlikely to result in equal opportunities for all" (Guiraudon, 2009, 543). Several studies as well as the positions taken by various monitoring bodies have underlined that making a case for discrimination must be supported by evidence from research on structural inequalities (Chappe, 2019; Défenseur des droits, 2022).

The articles in this special issue of *Culture, Practice, Europeanization* build on observation of the historical and political developments outlined in this introduction. At the same time, the authors consider the contradictions and limits of social policy making outlined above from the perspective of one of the three problem definitions — socio-economic inequalities, non-take-up, and discrimination — or from a specific combination of these three. Together the authors show multiple barriers to access to social rights and benefits in selected Western European welfare state regimes. Laura Lüth's article, *Activating the family? Moral economy and post-industrial family policy*, provides a comparative exploration of the various normative dimensions of equality policy frames as they relate to family policy. Labour market participation, individual rights, and family rights are ways of understanding and framing equality that influence the formulation of social policy. In their paper *Who deserves to access their rights? Inequality in the action against non-take-up*, Jean-Michel Bonvin and Max Lovey demonstrate how the general normative goal

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of fighting inequalities is influenced by policy discourses about fraud or liberal interpretations of social policies. These discourses reframe practical aspects of the understanding of equality. They influence both the addressees of social policies and the street-level bureaucrats in charge of their access to social rights. Antoine Rode's article, *Non-take-up by "non-proposition": Discussion of an under-documented research perspective*, tackles a specific aspect of non-take up. Both his theoretical exploration of the mechanisms of non-take up and his empirical analysis of situations in which street-level bureaucrats do not propose access to social rights enrich our comprehension of the reframing of inequality as it happens by highlighting a practical dimension. In her article, *Non-take-up as a social experience. Towards a typology of not claiming social benefits*, Barbara Lucas provides, both via theoretical elaboration and empirical results, the analysis of several structures that frame symbolic and practical relations to inequality. The interplay of the representation of moral duties and trajectories, their variation according to gender identities, the imaginary of stigmata and structural inequalities, and various mechanisms of discrimination are revealed by Barbara Lucas' analysis. Lastly, the interview we conducted with the current head of the French institution Défenseur des droits, Claire Hédon, gives a comprehensive (political, institutional, and practical) analysis of inequality framing and discrimination in France. Hédon explains the institutional, organisational, and practical aspects of the institution she manages and represents. In doing so, she sums up the historical, normative, and legal foundations of her institution's mission. She also discusses the political challenges she faces by taking part in the public and political debate on how equality is framed in France. Implementation of the Défenseur des droits' institutional tasks and activities are directly related to this debate.

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