

Deliberative Democracy and Capabilities
The Impact and Significance of Capability for Voice

Jean-Michel Bonvin, Université de Genève et Fribourg (jean-michel.bonvin@unifr.ch)
Lionel Thelen, Université de Fribourg (lionel.thelen@unifr.ch)

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Abstract

The main innovation of Sen's capability approach consists in adding to classical income or GDP variables other indicators crucial in explaining the conversion of income into capabilities. Among other dimensions to be integrated is the capability for voice, i.e. the ability to express one's opinions and to make them count in the course of public discussion. Ideally, equality in the capability for voice should result in the inclusion of all citizens in the deliberative process, which requires the neutralisation of all forms of external influence that could prevent access to the deliberative arena or undermine the effectiveness of one's voice in the public debate.

Our paper focuses on the case of job-seekers in rich countries. It emphasises the necessity to combine “individual agency” (e.g. cognitive abilities, psychological factors such as self-esteem, etc.) and “social agency” (structures and institutions such as legal provisions or social norms, etc.) in the capabilities perspective. This investigation draws on empirical research conducted in OECD countries, mainly Belgium, and illustrates the present trend of social integration policies towards focusing on “individual agency” at the expense of “social agency”. The impact of such practises on the beneficiaries' capability for voice is assessed, and alternative ways are suggested in order to promote the enhancement of their capability set.

1. From formal to real rights: the scope of capability for voice

1.1 *The ambivalence of individualised social policies and the significance of capability for voice*

The passage from formal to real rights is one of the most disputed issues in contemporary debates about social justice. Amartya Sen's capability approach, which provides an alternative framework for assessing people's well-being and agency, is a significant contribution to this ongoing discussion. It clearly demonstrates that classical approaches of poverty based on income or GDP variables are not adequate to capture all situations of poverty, and this point in turn shows the inadequacy of traditional social rights, i.e. cash benefits, in order to tackle social exclusion and to convert formal rights into real ones. Non-monetary indicators are crucial in explaining deficiencies of capabilities, i.e. real freedom to achieve the life one has reason to value (in terms of both *beings* and *doings*). In such a perspective, command over commodities is necessary but not sufficient in order to improve the capability set of a person. Indeed, factors of conversion – be they individual, social or environmental – are to be duly taken into account, and cash benefits are not appropriate in this respect (Bonvin and Farvaque, 2003a). More generally, all programmes designed for categories of people are exposed to the same risk: by providing standardised measures to all individuals ranged in the same category (cf. the classification of social risks as listed by C102 of the ILO), they simply are unable to guarantee the conversion of the financial entitlements thus conveyed to the recipients into real individual capabilities. There is no panacea to social exclusion and standardised policies are by definition unable to tackle highly individualised problems. The enhancement of capabilities is then a matter of defining the most appropriate combination between individualised policies and standardised entitlements.

However, individualisation of social policies is inherently ambivalent, since it may be used (or rather abused) as a way to discipline individuals in order to make them comply with social norms defined by experts or policy-makers (or by any other holder of authority in a given environment), without any consultation of the people concerned, i.e. the beneficiaries. Indeed, sociological studies abundantly document such a trend in which the individual is compelled to adapt to the prevailing social or cultural norms, i.e. to adjust her individual preferences to the social, political, economic, etc. environment. Such pressure exerted by the prevailing system of norms over the weakest members of the social group (via political or other means) is perverting the very objective of individualised social policies, i.e. the improvement of capabilities. Indeed, if the individual is conceived as a passive recipient and not as an active citizen, if she is called to comply to norms she has not contributed either to design, or to implement or to assess, then individualised policies are envisaged as an instrument contributing to the subordination of the individual to society. By contrast, the challenge conveyed by the capability perspective is to define individualised policies that truly promote the individuals' autonomy, and not only as an end-product of the policy but throughout the whole policy process. Amartya Sen's approach provides important clues towards the designing of capability-friendly policies of social integration, i.e. policies genuinely concerned with the enhancement of the capability set of the socially excluded and not only with discipline or compliance.

Sen's conception relies on the straight combination of two dimensions: the development of capabilities (*substance*) on one side, and the focus on social choice (*procedure*) on the other one. In our view, this implies that the improvement of capabilities requires the setting up of social choice procedures, i.e. that the participation of the socially excluded is key to the improvement of her capability set (which of course does not mean that her opinion must

always prevail). Among the main dimensions to develop in order to tackle social exclusion, there is then what we propose to label the *capability for voice*, i.e. the ability to express one's opinions and thoughts and to make them count in the course of public discussion. This capability is particularly significant in public policy and in all rule-setting processes: undoubtedly, rules or policies would be designed, implemented and assessed in very different ways if all concerned citizens were really capable to participate effectively in all stages of the policy process. Ideally, equality in the capability for voice should result in the inclusion of all citizens in the deliberative process, which requires the neutralisation of all forms of influence – such as power, social inequalities, wealth, discriminating practices, ideology, etc. – that could prevent access to the deliberative arena or undermine the effectiveness of one's voice in the public debate (Bohman, 1996). As such, politics consists in defining the targets to be attained through collective action, it has in it an irreducibly normative factor, and democracy requires that such normativity be not the prerogative of specific groups, but be equally shared by all members of society.

1.2 Combining substantive and procedural aspects

Such focus on the capability for voice implies an active involvement of the individual in the rule-setting process, which results in a new way of conceiving the relationship between the individual and the collective norms of the society in which she lives. If all concerned individuals are actively involved in the rule-making process (at all levels, be it political decision-making, collective bargaining or any other contractual rule-setting process), then the norms set up through such deliberation are doomed to have a more positive impact on the individuals' whole life, contributing to free them from all oppressive influence emanating from the social group in which they are inserted. Such a capability approach implies a genuine and mutually benevolent reflexivity between political and/or social norms and individual freedoms. By insisting on the permanent combination of the two dimensions of freedom, i.e. process and opportunity, Sen also points to the necessity to constantly and narrowly intermingle procedural and substantial aspects. In our view too, outcomes and processes are strictly connected, and it is counterproductive to impose specific views of what is good or right to passive citizens, whose role is then confined to compliance to externally defined social norms. In other words, capability-friendly outcomes require capability-friendly processes.

In such a perspective, far from being only a tool or an instrument designed to promote individual well-being and freedom, political activity is conceived as a valuable activity *per se*, that is necessary to human development and is a constituent part of human dignity. In Sen's perspective then, political participation is both a substantive and an instrumental freedom: it is a way to be recognised as a truly human being and to efficiently defend one's rights. This view calls for the setting up of a genuinely public space, where all individuals are allowed to have their say in all stages of the rule-setting process. Hence, all phases of the policy process are to be open to public discussion and dialectical interaction.

At first, the selection of the topics to be discussed in the political arena (or in any regulatory process), i.e. the setting of the agenda, is not to be left to bureaucracies or experts. Bohman, (1996) aptly demonstrates that an appropriate indicator for assessing the equality of capability for voice is the extent to which citizens or groups of citizens are able to push their concerns on the political agenda. Indeed, monopolising the agenda-setting is a very common way to exclude some concerns from public speech (be it through the explicit bad will of powerful policy-makers, or through their deep-rooted but unconscious inability to listen to concerns voiced by the weakest in their society), and such an absence of political dialogue tends to

perpetuate situations of injustice and inequities. Being able to trigger the policy process requires the capacity to use the appropriate language, and such competence is very unequally distributed. Thus, the constitution of collective actors such as trade unions or non-profit associations is a key condition to the setting up of a genuinely public space.

This further holds for the other stages of the policy process, where concerned citizens ought to be equally involved if capability-friendly policies are to be designed. Indeed, if the designing process (or the normative stage of policy-making) is confiscated by experts or policy-makers, it implies that the people's needs will be defined beforehand, without any concern for the specificity of individual situations. Then, the recipients' needs, wishes, expectations, etc. are predetermined and imposed on the weakest. This in turn considerably restricts the autonomy of the people in charge of policy implementation and assessment: their margin for manoeuvre is strictly limited by the requirements of technical compliance to the predefined objectives. They are called to act as efficient translators of the expert or bureaucratic view in the targeted public. Hence, the capability for voice of the civil officers in charge of implementation and assessment is significantly restricted, and this prevents them from taking into account the needs, wishes, expectations, etc. expressed by the recipients. By contrast, the capability approach requires to provide the implementers and evaluators with more capability for voice in order to allow them to better integrate the concerns voiced by the beneficiaries. Thus, not only the active involvement of all concerned citizens at all stages of the policy process, but also the narrow intermingling of the three phases of policy-making is needed in order to promote the capability for voice of all actors involved, i.e. not only experts or policy-makers, but also implementers, assessors and, most important of all, the beneficiaries themselves. If capability for voice is to be taken seriously, it implies that a dialectical interaction is allowed to take place at all stages of the policy process, and that all these spaces of public dialogue may impact on the whole rule-setting process.

This issue of the relationship between the three stages of the public policy process is classically captured through the distinction between top-down and bottom-up policies. The new public management approach aims at defining highly formalised objectives (quantitative input or output, very precise directives concerning the modes of policy implementation) in order to dominate the implementing process and avoid any inopportune initiative in this field: to some extent, this amounts to a Taylorisation of public action. By contrast, reflexive law calls for the involvement of all partners, equally able to express their views and to impact on all stages of the public policy process. What is guaranteed in this second option is not precise outcomes, but the real freedom to effectively (i.e. not symbolically) participate to the public debate.

To sum up, such focus on capability for voice implies the setting up of a genuine reflexive process at a threefold level:

- between procedural and substantial aspects (i.e. process and opportunity);
- between instrumental and substantive freedoms (which implies that politics is not only a means of getting better policies, but is also a constitutive part of human dignity);
- between all stages of the normative process, in order to constantly open the content of the policy programmes to public discussion and interactive dialogue.

Capability for voice then requires to make social, political, cultural, etc. norms truly reflexive. In this perspective, valuable functionings are defined through collective deliberation including all members of the group (i.e. *process*). This implies in turn that the necessary capabilities to achieve those valuable functionings, both in terms of beings and doings, are made available to each and every member of society (i.e. *opportunity*). The combination of these two dimensions is crucial, since the emergence of reflexive law by itself does not guarantee that the individual's whole capability set will be improved. In other terms, the impact of capability for voice should not be restricted to the definition of normative objectives, but also extend to

the financial means and political programmes to be mobilised in order to reach such targets. Thus, the true scope of capability for voice and reflexive law encompasses pragmatic as well as normative dimensions.

1.3 Capability for voice as a bridge between policy design (centre) and implementation (local)

This brief account shows the requirements that social integration policies are called to fulfil. As mentioned above, this field is characterised by the growing significance of individualised social policies and of local practices, especially captured in the domain of active labour market programmes aimed at reintegrating job-seekers in the labour market. Given the “personal heterogeneities”, the “environmental diversities”, the “variations in social climate”, the “differences in relational perspectives” and the “distribution within the family” (Sen, 1999: 70-1), standardised policies prove inadequate. However, individualised policies are to be complemented by adequate institutions struggling for the enhancement of the opportunity set. In such a “combined capabilities” perspective (Nussbaum, 2000), the improvement of individual capabilities goes side by side with the setting up of appropriate external or institutional capabilities. Activating job-seekers requires assessing their capacities, which cannot be achieved independently of the context, and requires in-situation, contextualised judgements. In order to promote the best combination between individual and institutional capabilities (which implies adaptation of both kinds of capabilities, and not only of individual competencies as the employability approach suggests – Bonvin and Farvaque, 2003b), the situated and procedural dimension of the capability approach is crucial: if individual circumstances, needs, expectations, etc. are to be duly taken into account, then the prominent role of local agencies ought not to be restricted by centrally designed policies. Capability for voice is essential in the domain of active labour market policies for two main reasons: a) in terms of procedure, it allows all concerned persons, i.e. local civil officers, trade unions, non-profit associations and the beneficiaries (themselves or via organisations representing them) to participate to the policy design, implementation and assessment; b) in terms of content, it is the very condition of the appropriateness of all individualised social interventions, i.e. of their adequacy with the recipients’ needs. What is required by the capability approach is not the abrogation of all cash entitlements or all standardised measures, but their combination with tailor-made measures able to take into account the individual circumstances and to tackle more efficiently social exclusion. As a consequence, this approach should not be confused with the present trend, observed mainly in Anglo-Saxon countries, towards targeting or selectivity aiming at transforming social insurance policies into social assistance programmes. Rather, it is close to what Skocpol labels “targeting within universalism”, which envisages individual and universal interventions as complementary (Skocpol, 1995).

By focusing on capability for voice as a necessary constituent of the capability set, the capability approach insists on the procedural aspects of what Sen calls “development as freedom”. His refusal to draw a definite list of specific valuable functionings that would hold for all human beings evidences his distrust towards substantial or absolute values. By contrast with Martha Nussbaum (e.g. Nussbaum, 2000), Sen points to the necessity to contextualise the selection of valuable functionings. Indeed, such valuational debates require public participation, “in explicit or implicit forms” (Sen, 1999:110). First, because valuational debates cannot be decided beforehand, and require public participation as a “crucial part of the exercise of democracy and responsible social choice” (Sen, *ibid.*). Second, because the ideal situation where everybody may improve their capabilities without any limitation whatsoever is not achievable, and this makes for the necessity to define trade-offs or

compromises through social choice procedures. Therefore, capabilities do not coincide with the absence of any constraint or restriction, but they do require the social and democratic, i.e. deliberative, construction of such constraints. Indeed, if they are defined at the central level (by policy-makers, bureaucrats or experts), the constraints or limitations that are inherent in all rule-setting processes, may be interpreted as factors of oppression by the beneficiaries of the programmes. Then, the policies designed at the central level act as factors of obstruction impeding the conversion by local actors of formal freedoms into real ones, i.e. capabilities. The reflexive movement between the three moments of the policy process is not allowed to take place. By contrast, genuine capability for voice provided to all actors of the policy process could contribute to a mutual reinforcement of the abstract dimensions of rules and norms – guaranteeing their equity and fairness - and their adequacy to the concrete features of local contexts (Bonvin and Farvaque, 2003b).

At the very centre of the capability approach, there are then the conditions to be respected for a genuine capability for voice to prevail. In order to make sense, this must take place at the level of local public situated action with the setting-up of a so-called situated State (Storper and Salais, 1997). This concept of “situatedness” is at the very centre of the capability approach, that cannot accommodate with a top-down or “command and control” government. As Sen repeatedly emphasises, the people concerned are to participate effectively in all normative processes. Again, that implies that the job-seeker must be an active participant in the activation process, able to voice efficiently her concerns (of course, the fact of a negative outcome is not convincing evidence that one’s point of view has not been taken into account). In Reynaud’s words (e.g. 1989), every regulation ought to be a combination of a “controlling regulation”, designed by a central body, and an autonomous regulation, i.e. the situated interpretation of the rule set by the centre. Capabilities require that both types of regulation – central and local - collaborate in order to enhance the individuals’ real freedoms.

Not all rules are capability-friendly and substantial contents may be a source of significant constraint for the individuals concerned, in that they prevent the reflexive movement between collective norms and individual freedoms. In such cases, policy-makers frame *a priori* the issues, and the definition of the needs is taken for granted, as if it were self-evident and beyond dispute (Fraser, 1988). For instance, in most OECD countries employability is imposed as an indisputable objective, resulting from the existence of a so-called epistemic community, whereas there are many possible ways to envisage the place of work in human life (Bonvin and Farvaque, 2003a). Then, local agents in charge of policy implementation are constrained to abide by this target, most often formulated in quantitative terms (cf. 70 % of employment rate in the European Employment Strategy), which considerably limits their scope for personal initiatives or for taking into account the individual circumstances of their “clients”. Such a framework based on a specific conception of active labour market policies, tends to exacerbate the inherent tendency of social work towards disciplining its beneficiaries. As a matter of fact, civil officers in charge of job-seekers’ professional reintegration adopt an individualised approach with the view to comply to the quantitative targets fixed by the central government. As a consequence, one crucial dimension is neglected, namely that the interpretation of people’s needs is not obvious or beyond dispute, on the contrary it is a political stake, and maybe the major political stake. If capability for voice is negated at the level of the definition of the needs, it will not be able to develop at the implementation level (where it is strictly framed by the priorities fixed at the designing level) and at the assessment stage (where quantity tends to prevail over concerns about the quality of work). To use Fraser’s words, what is required is a genuine *politics of needs interpretation*, which implies the setting up of devices in order to neutralise the asymmetries of power or knowledge between all the actors involved. Bohman identifies three conditions for achieving such a genuine capability for voice (Bohman, 1996):

- *equality of access* to the process: in order to prevent any abuse or discrimination, all institutional arrangements are to favour the most equal distribution of power – any advantage conceded to a specific category at the expense of all others should be abrogated. The objective here is not formal equality of participation, but real equality of access to the public debate, i.e. equal capability of expressing one’s views and of being listened to. Obviously, such a large conception entails more than a formal freedom to express oneself. It indeed requires that all factors of inequality such as power, wealth or social norms be neutralised;
- *publicity of the deliberation process* in order to avoid any discretionary use of the decision-making power;
- *freedom of speech* guaranteed to everyone involved in the deliberation (which implies the avoidance of any pressure or sanction, that could threaten anyone’s freedom of thought).

In order to achieve such political equality between each and every citizen, all inequities preventing the deliberative uptake of less powerful speakers are to be tackled. This covers a very wide range, from economic inequality to more subtle mechanisms imposing cultural forms or styles of political communication. Such informal norms of communication - that accounted, for instance, for the exclusion of women or black people from the political arena -, are more difficult to contest, since they usually pass unnoticed and are thus taken for granted and indisputable in many persistent forms of asymmetrical interaction (Bohman, 1996). Gender and race are emblematic cases in this respect. As will be shown in the conclusion, other social and cultural barriers may also cause problems of communication between social benefits beneficiaries and civil servants (even though they mainly pass unnoticed).

1.4 Individual and collective capabilities

The concept of capability combines both “what the individual is able to do” (individual agency) and “what opportunities are open to him” (social agency), it involves two poles between which it necessarily acts as an *interface*. Thus, the capability approach implies the interdependence of these two factors (contrarily to e.g. the human capital approach): what the individual is able to do cannot be considered independently of the opportunity set provided by the social context. From that it follows that the responsibility to develop the capability set of individual job-seekers lies both with the individual himself and with society as a whole. Consequently, in order to enhance the capacity and freedom of deliberation of all individuals and to make them as efficient and possible, two dimensions are to be taken into account: a) the individual’s capability to express herself in an understandable and convincing way, b) her capability to be listened to, i.e. the availability of the surrounding institutions to receive this message and to treat it fairly, without distorting it (rather than imposing a pre-constructed conception of what public policies should achieve). Thus, in the case of the job-seeker, the capability to express oneself is not enough; a whole set of factors of conversion has to be taken into account in order to assess the job-seekers’ capability for voice. The role of institutions is crucial, since they may either enhance or impede the development of the capability for voice. Even if very competent in voicing their concerns, individuals facing institutions that are unable or unwilling to listen to them will not develop their capabilities. Thus the individual capability to communicate or to use rational arguments in public debate is a necessary, but not sufficient condition. These aspects connected with individual agency ought to be completed by dimensions of social agency such as a capability-friendly legislative

framework, adequate institutional infrastructures, social norms, etc. The combination of both aspects, individual and social agency, results in what Martha Nussbaum aptly calls *combined capabilities*. In this perspective, top-down approaches have two main drawbacks: first they locate the whole decision-making power exclusively in the central government; second they shape cognitively the whole policy process in imposing a particular substantive economic programme or policy model (and making it indisputable), thereby forbidding the very possibility of reflexive law. Top-down policies impose a specific informational basis of justice, and do not allow local actors to design their own public action. By the same token, they convey a naturalised approach of what people ought to be, to which individual job-seekers are then called upon to adapt themselves. In such a perspective, policy programmes become factors of obstruction impeding genuine capability for voice to develop. The alternative choice left to the job-seekers and to the civil officers in charge of policy implementation is between exit (giving up his benefits for the unemployed or quitting his job for the local agent) and loyalty (accepting the conditions as defined by the central level). Voice has no place in this model of public action, that strictly separates the designing (conception) and implementing (execution) stages of social integration policies. By contrast, in Sen's perspective, centrally designed policies ought to be conceived in such a way as to allow local actors to have their say in the policy process. The development of capabilities requires their effective mobilisation in all stages of the normative activity: therefore, as mentioned in the introduction of this paper, Sen's model of public action coincides with the intermingling of the three moments of public action, resulting from the equal distribution of capability for voice between all concerned actors.

The factors impeding such capability for voice to prevail, may be listed into three closely interconnected categories:

- A first range of potential obstacles is related to classical political science categories, addressing the formal aspects of the policy-making process (e.g. who is allowed to participate to the public policy process?, what is the degree of their involvement as determined by the legal provisions?, etc.). In order to adequately capture the effective impact of this institutional and legal framework, one has to go beyond these formal aspects and to investigate actual practices at the implementing level.
- The second category is concerned with the margin for manoeuvre left to local civil officers in charge of policy implementation: to what extent are they able to contest the normative framework designed at the central level? Are they constrained to stick to the legally defined provisions, or are they provided some room for manoeuvre in interpreting them? Most important, is their action capable to impact on the future content of these provisions (which would correspond to the requirements of "situated public action")? In other words, is the implementing intervention able to question the conventions designed by the State or the central government (and to put their very existence on the political agenda)? The conception of reflexive law requires that the rules and conventions, that inform active labour market policies, be subject to a process of collective apprenticeship (Bonvin and Bertozzi, 2001). The question to be tackled here is the extent to which local actors are allowed to integrate this reflexive process, or are kept outside it. For instance, what does the present focus on employability imply, in cognitive and normative terms, for a) the ability of local actors to define the content of individual insertion contracts; b) their capacity to impact on the whole policy process, i.e. on the formal aspects identified by political science, as well as on the normative issues (be they explicitly formalised in legislative provisions, or implicit in the social norms or conventions supporting it)? This would entail the ability to impose new objectives to social integration policies, for instance the topics of valuable work and of reconciliation between professional and family life. The issue

of demand-side policies, crucial if the gap between employability and employment is to be filled, could also be tackled in a more informed way if local actors were involved in the decision-making process.

- The last group of obstacles gathers all factors impeding the beneficiaries' capability for voice. Inadequate discursive competencies, or lack of self-confidence on behalf of benefit recipients are serious handicaps in a face-to-face relationship such as the one between the local civil officer and the job-seeker. Indeed, the unemployed are often envisaged as strictly passive recipients and in many cases, the most appropriate behaviour is silent compliance to the requirements determined by the civil officer (himself trying to reach the targets fixed by the central employment administration). In such cases, capability for voice may be assimilated to capability to acquiesce to the administrative expectations. The most competent unemployed are then those who best pretend to comply to these requirements (and are thus positively assessed by the civil servants) whereas those who cannot enter the game have to abide by the consequences, i.e. sanctions, benefit suspension, etc. However, if policies are adequately designed at the central level in order to leave some initiative to well-trained local civil servants, then discursively competent job-seekers may get access to genuinely capability-friendly policies. Furthermore, inadequate individual capabilities are not doomed to prevent the beneficiaries' capability for voice, since such handicap may be compensated for by resorting to non-profit associations or trade unions representing the recipients' interests. However, the intermediation of those institutions may create further obstacles, as they defend their own interests, which may not correspond to those of the benefit recipients (Wuhl, 2003). This is the well-known difficulty to combine a systemic or bureaucratic logic and a communicational one where individuals try to express their lifeworld (Habermas, 1984). The obstacles opposing a genuine representation of the beneficiaries' interests at the level of policy implementation are further aggravated when it comes to the stages policy design and assessment, in which the unemployed have no say whatsoever.

This brief account shows the close interrelation between these three categories of factors. Individual and external or institutional capabilities are narrowly connected, and it does not make any sense to put the whole burden of capability for voice on the unemployed. Indeed, a "combined capabilities" perspective is needed in order to efficiently promote capability for voice (the same critic applies to the employability approach – Bonvin and Farvaque 2003b).

The next part will draw on investigations conducted in OECD countries, mainly in Belgium, in order to empirically assess the significance and impact of capability for voice as it has been defined above.

2. Social policies in OECD countries in the light of the capability approach

Considering the necessary interdependence existing between the individual and her society – i.e. the combination between O-capabilities and S-capabilities – it is easy to conceive that every individual is closely linked to various societal subgroups and/or fields. Thus, as said before, what the individual is able to do cannot be considered independently of the opportunity set provided by the social context. One's capability to voice her concerns is continuously and narrowly depending on the entity towards which such concerns are directed. That entity – be it an administration or any other type of organisation – by means of an internal process of scrutinisation, selects *de facto* who may be authorised to interact at best with it.

Hence, for the individual, being heard depends on the convertibility of her skills and discourses into a message that fits the entity's requirements. This process of conversion passes, in most cases, unnoticed. The immense majority of the population is prepared to face its social context in all its manifestations or entities. Such a process can represent however a cruel reality for the job-seeker. It may even be more acute for the person who lives in precarious conditions, i.e. the long-term unemployed person, a person who may have abandoned any hope to be included again in (or who is left aside from) the labour market.

We will examine in detail the fine points of such situations and their consequences on the individual. In a second time we will exemplify the deficiencies of that selective process by going behind the scenes of the social assistance in Belgium. That concrete case will allow us to grasp at best how activation policies are designed for a certain public and pay no attention to a non-negligible part of their beneficiaries.

Furthermore, it will be also put into evidence that these policies – beyond the fact that they ignore a considerable minority of their beneficiaries –, if uncorrected, can even concur to the “activation” or perpetuation of social exclusion.

Finally, it will be shown that, in various situations, a big hiatus may persist between the provisions elaborated at the central level and their implementation by social services. This will be put specifically illustrated with the Belgian case.

2.1 “We cannot change Society... Let us change the precarious person rather”

What is frequently overlooked by social policies makers – be they lawyers, or parliamentarians – is that such policies have to be applied on various types of populations that have in common to be, at different degrees, vulnerable, i.e. that they suffer from a downgraded self-esteem allied with a precarious financial and an underprivileged social status. (Hubert and Delor, 2000)

Different explanations can serve to elucidate why is it so:

- The most evident is that policy planners – in their prevailing majority – have never lived and experienced the difficulties linked with the daily life of unemployed individuals. For a person who has at her disposal a strong social network as well as great opportunities to convert her formal freedom and rights into real ones – by means of diplomas, access to the best schools and/or relationships – it is not easy at all to grasp the ins and outs of situations where constraints are pervasive and life hampered in all its facets. For instance, not all policy makers are aware that living in certain neighbourhoods may exacerbate the poverty problems by affecting the life chances of people negatively (Van Kempen, 1997).

It follows that, already from the level of social policies making, the “axioms” on which these policies are developed are biased since they do not take into account the main psycho-sociological features of the beneficiaries.

The purpose of this section is not to blame policy planners but instead to give a mere “objective” account of the difficulty inherent to a job that consists of instituting norms and rules for a public utterly different from the one the policy maker is used to meet (and live with) in her everyday life.

- Another reason – which usually passes unnoticed – is that social policies that would really take into consideration such a deprived public would also cost incomparably more than the budgets generally devoted to social action allow. This is a better argument which implies that, even if policy makers do not always apprehend the complexity of the issues linked to deprived people, they have anyway to face financial constraints that oblige them to disregard various pans of such an issue.

In order to respect the narrow limits of the given budget, the policy planner as well as the people in charge of the implementation of the law, norm or rule in the social service is led to make choices and to distribute resources and services in a way that the selected options:

1. be in line with the general political line set down by the Government;
2. satisfy the majority of beneficiaries;
3. cannot endanger the career of the policy maker;
4. content the general population.

In such a framework, having in mind that monetary resources are scarce, social policies can at best help people to endure a limited span of time as beneficiary and to find a job as soon as possible. In a sense, even if that span of time represents – in most Western countries – frequently more than 6 months, social action has to work *in a state of emergency* by treating the job-seeker's problems in the narrow perspective of *job hunting*.

Our social systems are mainly oriented towards that aim since work is seen as social integrator by itself and also because one more person at work is a beneficiary less for social services.

Hence what happens is that the whole social system is nowadays “work oriented”, this, as said before, in a strategy of *activation*. As a consequence, the deprived people, all the individuals who are not anymore able to search for jobs because of psycho-sociological problems are merely left aside not only by the labour market but also by its “social *analogon*”, i.e. social services.

The latest has to fit to objectives fixed from above. In order to respect its objectives – reintegration of beneficiaries on the labour market – social services have to watch and control their beneficiaries and to convince them to chase for jobs. To do so, social services have questionnaires and must define inasmuch as possible the competencies of their users. These ones are convinced that the problems they encounter can be solved by means of the social services' tools, i.e. by agreeing to all demands emanating from the social workers or, in other words, to speak of themselves.

This phenomenon is well described by De Gaulejac when he states that, in various social institutions, “(...) Hanging for help, the user has to speak of her, this in order to solve her problems. In that way, she has to understand that her problems find their roots in herself”. Consequently it follows that: “(...) Poverty is not any longer a mere economic problem but a personal defect. The absence of accommodation is not anymore a political question but an individual deficiency; unemployment is not anymore caused by an employment deficit but rather by an inability or an incompetence of the worker, etc. (...) the symbolic violence is in this move and in what it generates (...) The problematic of assistance translates itself from the social to the psychological.” (Gaulejac, 1996: 116-117).

This turn from the social to the psychological is what defines at best the process of activation. Beforehand, social policies were mainly interested in groups at risks, in mass politics, in a social treatment to solve what was seen as a social question. Once it appears that the economic crisis – as well as its corollary: unemployment – switches from the conjunctural to the structural, mass policies were more and more seen as financially unaffordable (Castel, 1995). Activation, the new recipe to diminish social assistance's costs, by responsabilising the beneficiary, axes itself on a firm individualisation of social policies. It is not anymore the cohorts of unemployed people that are studied but the unemployed himself (Rantakeisu, 1997; Shortt, 1996). It is not to any further extent the society which has to find a solution for its members but these ones who have to delineate strategies to stay ‘integrated’, at all costs.

2.2 Belgium: from the right to assistance to the “right” to work

It is in that framework that it is particularly important to focus on the recent change in the Belgian minimal wage that has now, for one year, been “activated”. It does mean that the benefice of the minimal allowance is, from 2002 onwards, conditioned to the establishment of a contract between the user and the social service. This contract constrains both contracting parts to find a job to the user. From the appellation “minimex” (minimum de moyen d’existence : minimum [stipend to ensure] the means of existence) existing since 1974, it changed last year to “revenu d’intégration” (stipend of integration: SI).

The change was noticeable and gave place to various critics, the strongest coming from the Belgian League of the Human Rights. Undeniably the status of this minimal allowance, that we could qualify “of survival” suffered a deep change when it passed from a universal stipend designed to preserve any individual from being without accommodation and from starving, this in line with the Declaration of the Human Rights to a mere reward for the efforts done to find back a job. The main element of critic has to be found in the fact that this new way to conceive social assistance is a typical top-down social policy that was conceived by policy planners without any consultation of beneficiaries or, even, of the professionals coming from the social assistance sectors. No consultation means of course no voice. The Minister justified such a policy by arguing that *“the new law must offer better warranties for the integration as well as for the stipends that have to ensure to live a life that is conform to human dignity.(...) It is a contract with the Society, a right to social integration that does not limit itself to a right to a financial support”* (Lombaerts, 2001a). In parallel with that decision was decided the augmentation of that stipend of integration of 4%, that passed from 539.44 € to 572.22 € in 2002. A subsequent augmentation was scheduled in order to arrive in 2005 to a 10% increase in comparison with the minimex of 2000¹.

The legislator strongly believed that such a financial increase would largely compensate for the troubles that the new law – if applied as such – could undoubtedly cause.

Among the listed troubles, the Belgian League of the Human Rights noticed the fact that such a change was the proof that our society is enduring a profound change in the way to perceive “solidarity” that was at the foundation of our kind of society: *“under the cover of the ‘activation’ of the passive people that encumber our society (...) the applied ‘active social State’ lead to a real cortege of violations of fundamental rights. Here again, that are the right to privacy, the right to a freely chosen work and, ultimately, the right to live a life conform to human dignity that are endangered by that new social ideology”* (Ligue des Droits de l’Homme, 2001)

What was surprisingly passed under silence is that while unemployment benefits are directed towards people who are searching for jobs because they start their career on the labour market or because they have recently lost their job, it is not at all the case of the SI. It is even a completely dissimilar population who receives the SI.

The persons who are susceptible to receive the SI are in a situation of failure if not of multi-failures. To become a SI beneficiary is rather different to become an unemployed person. In a sense, it is the end of a pathway, which has seen the individual fail to find employment for one or more reasons such as lack of diplomas, inability to cope with work rules, age, skin colour, handicap, race, gender as well as the duration of unemployment (Belzil, 1995) or even, as described by Van Kempen or Wacquant, the fact to live in certain neighbourhoods (Van Kempen, 1997; Wacquant, 1992).

The person who claims her right to receive the SI is then – for various causes – placed in the impossibility to work, often for a long time and is stigmatised by such process, as any unemployed person would be in the same situation (Lazarsfeld et al., 1981; Wuhl, 1992).

¹ Knowing that the inflation costs 1% of that financial increase each year, it follows that the real augmentation of the stipend of integration does not overpass in reality 5% on 5 years, i.e. 1% per year.

The people who frequent the social assistance services are then of the utmost vulnerability, ashamed to ask for the SI, which means no less than the recognition of their failure and who are obliged to endure all the little humiliations encountered during their contacts with civil servants in charge of their file, humiliations that start with the obligation to reveal everything about themselves. “*Most administrations*” De Gaulejac says “*do not understand the violence that their mode of functioning inflicts to their users, in particular to the ones having a poor ‘cultural baggage’.* (...) *Such violence is based on two paradoxical injunctions:*

- *The beneficiary must accept his dependence vis-à-vis the system, i.e. to submit herself to its exigencies but has to claim her willingness of autonomy;*
- *She must recognise her inferiority and her deficiencies to be helped. She must prove the fact that she is deprived and must show her vulnerability to obtain assistance and protection. The beneficiary is then fragilised under the pretext to help her to reinforce herself.* (Gaulejac, 1996, 114-115).

In the same sense, Bourdieu puts into evidence the time wasted in the waiting rooms of the social assistance administration as a kind of reward that the user has to ‘pay’ in order to receive her allowance. Since these categories of people have no financial means, the idea would be that they have to pay with the only good they have at their disposal, i.e. their own time. This observation is due to studies that have proven that social assistance beneficiaries (in France the RMI) pass after other categories of beneficiaries. (Bourdieu, 1997: 265-275).

The impossibility of these beneficiaries to express their own concerns and worries due to previous experiences that revealed to be failures – this in order to fit to the questionnaires of social workers – is the very contrary of a policy that enhances their capability for voice.

The Belgian League of the Human Rights made some proposals that went directly in the sense of such a kind of policy. The League proposed – without any success – that in place of the SI, conditioned by the acceptance of any job, could be instituted a *stipend of social participation*. This one “*which can be a decent job that allows for an integral social security (what is not scheduled by the SI), a formation or any other social activity that does not interfere with public order.* This stipend is, first of all, the fruit of the willingness of the person. This choice must and will be always respected because “*social participation does not condition the allowance of the stipend of social participation*”. (Ligue des droits de l’homme, 2001) In other words, social participation allows the exit option without consequences on the given stipend.

Social workers are – for their biggest part – aware of the impossibility of a policy of activation applied to SI beneficiaries. It is a very good example of the failure of a policy at the level of its implementation. Indeed, the social assistance centres in charge of the delivery of these stipends – called in Belgium the CPAS: centre public d’aide sociale (Public Centre of Social Assistance) – have already announced that, with their current means, to pursue adequately such an activation policy is unfeasible. The unfeasibility of these policies are due to both the characteristics inherent to the target population and the restricted budgets available to CPAS that do not allow them to search actively jobs for their users. (Gilson, 2003).

The question is what will happen when the legislator will oblige the CPAS to apply activation policies to vulnerable users? One tactic already largely in use in the United States is to go beyond the individualisation of social policies, that is to switch from the psychological discourse to the medical one. The CPAS in this way could pretend that it is impossible to find a job for their beneficiaries because of health related problems. One of the best ways to explain the non-reintegration of SI users – instead of putting into evidence that there is no decent jobs in the region for example – consists of transforming these users in people who suffer from psychic problems.

Of course this strategy will not improve the capability for voice of the SI users: they will be just obliged to deal with the acceptance of a medical control of themselves, a control that

could reveal itself even more tyrannical than the current questionnaires used by social workers: “*In fact, any resistance to medicalising discourses and practices is often itself medicalised and diagnosed as misplaced attention and further evidence of pathology.*” (Lyon-Callo, 2000 : 338). It is not only in the States that there is an interest about that medicalisation of social beneficiaries, even at the level of unemployed people (Agerbo et al., 1998; Rodriguez et al., 1997)

3. Conclusion

It is obviously not in an article of few pages that it is possible to delineate a complete set of solutions to solve the questions raised by the design and, above all, the implementation of a capability for voice for the employed as well as for the unemployed people. We have shown the dangers of social policies that do not take enough into account the need to negotiate the settings and constraints linked with the condition of unemployed person. Then we have tried to put into evidence – by means of empirical examples – the wrong directions towards which may derivate activation policies if not corrected. It is now time to propose solutions that can meet the requests of most unemployed individuals as well as to ensure a better functioning of social services.

Indeed it would be difficult to judge – in our own range of qualifications – what could be done at the legislative and/or procedural level. This should be performed in a narrow collaboration with lawyers.

It could be nevertheless possible to put into evidence that legal guarantees have to be developed to ensure to the beneficiary to be heard in case of disagreement between her and the social services. It is reasonable to argue that beneficiaries must be able to appeal to an impartial judgement, by means for example of an authority of recourse. Any work conflict in a firm, between a worker and the staff for instance, ultimately goes to a work court. Why is it not the case for beneficiaries of social benefits? These legal guarantees should be ideally based on Human Rights, and more precisely on the fact that any human being has the right to be heard and to be defended.

All the same, it appears that it is at the local level that initiatives could be easily put into practice, notably by putting forward the need to develop and ensure more participation from job-seekers. Before all it is of the utmost importance to define – beyond the concept of vulnerability – the main features of jobless people, primarily when they are dived in such a situation in the long run.

Briefly said these people are confronted to a society, currently defined as “of consumption”, in which people size up others at the light of their belongings. The common point to unemployed people– in their great majority – is their permanent lack of money and, hence, their impossibility to fully participate to such a society. A consequence may appear as a side effect of unemployment (and, primarily, of *long-term* unemployment), namely the impression to be an outsider left aside from the “normal” social order.

As a way of adaptation to such an “outcast society” (improperly called “underclass”, Wacquant 1996), unemployed persons have to find substitutes to the informal means of exchange “par excellence”, i.e. money. This substitute consists quite often in a privatization of any kind of relationships: what cannot be obtained by means of money has to be gained by means of discussion, establishment of personal relationships or, in short, a focus on the individual (Bourdieu 1997; Thelen, 2002). On the contrary, money allows to neglect or pass over these steps and to go directly to the point: the buying of the desired object.

While the society of consumption permits to live without giving too much importance to personal relationships since money acts as unique intermediary between seller and buyer, the

sub world of unemployment is characterised by the need to find another kind of intermediary between individuals: personal relationships.

This importance given to personal contacts – around which the whole life of the unemployed is little by little directed – forces any jobless individual to perform adaptations in her way to rely on the other. Everything that has to be obtained is subject to negotiation and is obtained by means of an unending work of linking personal binds with others. This is true for the unemployed (Lazarsfeld et al., 1981) but not only. This phenomenon is even pushed to its asymptotes with homeless persons (Thelen, 2002).

This digression about the privatization of any kind of relationships in a society suffering from a permanent lack of money will help us to grasp why unemployed people meet so much difficulties in their relationship with administrations that have to take care and to “discipline” them in the same time. As said before standardised policies are unable to tackle any highly individualised problems. The jobless person must therefore face a fourfold difficulty:

- in her way to approach the civil servant she suffers quickly from delusion due to the incomprehension shown by the civil servant vis-à-vis her need for personal contacts;
- the content of the social programme does not meet the requirements of the user not only because it is not enough individualised (which is widely admitted among social workers) but above all because of the vision the user has of her own universe, i.e. a society made of rapports that are uniquely focused on individualisation;
- the fact that the most competent unemployed are those who comply at best to the administration requirements obliged these “good subjects” to somewhat distort their own vision of themselves in order to fit to the questionnaire of the social worker. This “distortion” is not easy to perform and goes against a certain idea of what honour can signify (Rantakeisu, 1997; Gaulejac, 1996). To submit oneself to the demands of the civil servants can thus provoke humiliation and shame that lead to a decrease of the self-esteem of the job-seeker and so plays as an obstruction factor.
- The fact that the giver – the civil servant - is also the watchdog of the beneficiary obliges the latest to distrust the person who is said to be in charge of her reintegration in the labour market. Moreover, that distrust impeaches any attempt to establish firm personal links between beneficiary and social worker. Personal links requires trust and mutual respect from both parts.

As an alternative to such a system, it is possible to put ahead the importance of actors like NGOs or trade unions who act as go-between between job-seekers and the social administration. It is definitely easy to show the importance of intermediaries between beneficiaries and social services, knowing what was above-mentioned about all factors of obstruction that impede an ideal collaboration between both parts. The go-between knows quite well the social norms of the outsider, the jobless person, as well as the ones of the civil servant. She acts as a translator-interpreter that connects two worlds that do not understand each other (Thelen, 2004).

Nevertheless as previously said, these NGOs and trade unions follow quite often their own goals that do not always fit to the jobless ones. Concerning precisely the trade unions, it is interesting to notice that these actors pay more attention to workers than to jobless people. From this it follows that (primarily about long term jobless people) trade unions – if they can help job-seekers and (as it is the case in Belgium) are even sometimes habilitated to distribute social benefits – do not represent the best intermediaries between social services and their beneficiaries (Gilson, 2003). On the contrary NGOs working with jobless people are (said to be) totally devoted to them.

Anyway having in mind the need for the beneficiaries to establish personal relationships based on mutual esteem, it is obvious that such relationships do not install themselves easily and take some time to build up. It is for that very reason that a given beneficiary must –

ideally speaking – meet always the same social worker. Knowing that NGOs have rather often precarious financial resources, these actors are undeniably full of good will but their existence is – on the long run – never ensured.

It follows from that situation that NGOs flourish and die, are recreated, disappear and start again with new personnel, this in an unceasing way. What happens to a jobless person when she has to search for a new helper because the new one has been forced to dissolve the NGO? She has to create from the start a relationship. This process is costly both in terms of time and of results.

In order to palliate to such a deficiency two solutions could be envisaged. Both of these base their permanency on the deliverance by the State of a functioning budget. In both cases the necessary evaluation of the action of the go-between has to be left to professionals of the sector as well as to the beneficiaries themselves. This could represent a good way to give voice to their demands and wishes and allow them to have a certain control on the entity that is there only to help them :

- In the first case, it is the NGO itself, which would be, with such a remuneration, able to ensure its action on the long run without any financial preoccupation/constraint. The hiatus to that solution consists of the fact that NGOs are quite jealous of their independence and that any control, even minimalist, could be misinterpreted and hence create problems that will frighten the durability of the association, at the expense of the user.
- In the second case, it is the development of a completely new collective actor which is advocated: an entity that would depend nominally from the State but which would be evaluated independently from any social service. Its existence would be ensured on the long run and social workers would have “only” to be ready to serve and help social benefits beneficiaries in their relations with social services. They should work for the profit of their beneficiaries and, above all, without exerting any control on the latest. On the contrary, as the student estimates the quality of the courses she follows, the beneficiary should be able to evaluate the quality of the relationship between her and “her” social worker. This assessment would go hand in and with another evaluation, led by professionals on the quality of the service.

Both solutions can be driven in the same time and do not exclude each other. Their aim is to give voice to the way beneficiaries develop their needs and demands and to frame this discourse to be receivable by social services. Legal guarantees provided by impartial courts could be very helpful in this perspective. Such proposals of course are not a panacea but first steps towards a better comprehension between two worlds that, too often, look at each other as enemies.

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