**Constructing the needy and working welfare recipient in paternalist neoliberalism: the case of Switzerland**

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**Abstract**

Workfare logics and activation policies have emerged in social assistance in many European countries. The new paradigm is laid down in legal regulations and policy documents that have normative force or at least normative impact. However, texts and actual practice in programs and personal interaction may diverge. In order to explore this gap in more detail it is useful to analyse the construction of the needy and working welfare recipient, including the diagnostic and prognostic frames related to the non-employed welfare recipient. Activating and disciplining logics relate differently in diverse constituencies and political environments. This paper explores commonalities and variations of the image of welfare recipients. The paper is based on qualitative and quantitative text analysis of guidelines, laws, regulations and manuals on social assistance in 26 Swiss cantons. Social assistance laws and documents individualize the problem of exclusion; define work and employment as the only satisfying solution for inclusion. The recipient is addressed simultaneously as independent and responsible self and as needing expert help and external discipline. Swiss cantonal diversity is proverbial and it would need more robust data to link differences in institutionalization, agency and wording to structural and political differences.

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# 1. Introduction

Activating welfare states share, among others, an important contradiction: whereas citizens and welfare recipients are constructed as autonomous and entrepreneurial individuals (with comprehensive civil rights), they are also objects of control and activation; authorities must help and discipline recipients, what has been aptly named paternalist neoliberalism. This tension is especially visible in social welfare laws with their „demand & encourage" focus.

In this context, entitlements to basic income support and social welfare payments became increasingly subject to conditions. This includes continuous active search for employment, acceptance of less favourable terms of employment and the mandatory participation in welfare-to-work or so-called integration programmes. Thus, social welfare or unemployment benefits are more and more rewards as well as tools for disciplining the poor. They aim at conformity of the social assistance beneficiaries with a general vision of a mechanic workforce. In this context, in line with a neoliberal worldview, problems are no longer perceived as structural, but they are individualized. However, proposed solutions do generalize, barely take into account personal circumstances: The best answer to social exclusion is a job, welfare-to-work or integration programmes are necessary to enhance employability, to provide the unemployed with a much needed daily routine or to combat their alleged individual "unreliability". These images have profound consequences for the relationship between state and citizen: rights become subject to conditions and certain services rendered in return.

However, the activating and controlling logics translate differently in diverse constituencies and political environments, especially where the relationship between rights and obligations are concerned. The case of Switzerland is especially interesting, as it is not a member of the European Union and as

it has a peculiar combination of liberal and conservative welfare regime elements. Furthermore, because of its strong federalism, regulations as well as practices often widely diverge between the cantons. What are the reasons and mechanisms behind this diversity?

This paper is part of a project on "Working under the conditions of social welfare: legal framework, prevalence and regulatory gaps ». One part of the research is concerned with the possible political functions of workfare programs and practices, like legitimization, qualification, disciplining or saving the poor (Schallberger, Wyer 2010).

In this paper, **I will explore constructions of the image of the working and needy welfare recipient in cantonal regulations in Switzerland** in order to explore possible political functions of work(fare) social assistance. I analyse guidelines, legal texts and manuals for social workers or employees in social services. Rather than practice or ideas of street level bureaucrats, I do analyse programmatic text in which expectations and specific normative knowledge of the legislature and the executive branch are laid down.

In the next chapter, I will describe relevant elements of the Swiss political system and how workfare ideology came to Switzerland. I will then give more information on the legal framework and how social assistance is governed. I analyse cantonal laws, regulations, not legally binding guidelines and manuals for street level bureaucrats in 26 cantons: What are aims and means of social assistance? What does social and professional integration mean? What is the role of the recipient, what the one of authorities? Which remedies in the realm of work are seen as appropriate?

## 2. Switzerland as a liberal-conservative welfare state

### 2.1 Political framework

Switzerland with its 8 million inhabitants is a small yet very diverse country. It is characterized by natural, cultural, economic, political and religious cleavages that to a certain extent are cross cutting: differences exists, for example, between rural and metropolitan areas, between wealthier and wealthy regions or between the French-, Italian- or German-speaking parts of the country. Swiss society has developed numerous mechanisms to cope with the divisive aspects of such diversity. The country has a bicameral Parliament and has strong elements of direct democracy. Especially the referendum, which allows 50.000 citizens to demand a referendum on laws already voted by Parliament, has contributed to "consociational democracy" (Arend Lijphart) or "Konkordanz": in order not to endanger a political program, all relevant groups and organized interests that would be able to mobilize voters against a law, are included in the political decision making process, for example by preparatory expert commissions and extensive consultation procedures. Federal and cantonal governments are rarely changing all-party-authorities. Strong federalism with a great autonomy of cantons and communities as well as subsidiarity (a central authority should perform only those tasks which cannot be performed at a more local level) are further features for coping with diversity. However, this has substantial costs, namely structural conservativism, slow decision making processes and incremental change. Decision making may result in inconsistent and even contradictory policies and programs that follow diverging interests and paradigms. (Klöti 2007). There is a tendency to downplay conflicts about values and to carry them on in other areas, e.g. financing of a policy.

## 2.2 Welfare state and welfare rights

Switzerland is a welfare state latecomer. Since the 1970s the welfare state expanded in conjunction of macro-economic developments and political decisions (cf. Moser 2008, 5). 1947 a universal pension scheme was introduced that secures only a basic income. Unemployment insurance became mandatory only in 1976 and finally everybody must have a health insurance since 1996.

The Swiss welfare regime is a peculiar combination of liberal and conservative elements (Häusermann, Zollinger 2014). As a result of strong capital and weaker labour, **liberal elements** of the welfare state are a comparative low level of regulation and workers' protection, a greater share of the market in providing social security (for example capital-funded second pillar in old age insurance that is mandatory since 1985 or private health insurance) or a strong public-private divide that promotes personal responsibility. It is this element that is responsible for the delayed introduction of a minimal paid maternity leave (14 weeks) in 2005, although a respective constitutional clause was introduced already in 1945 (Fuchs 2009). Important welfare institutions follow a **conservative regime** type. The financial requirements of the various pillars of old age social security preserve social inequalities. Together with tax systems and cash benefits for families instead of infrastructure for early education and child care the state favours a (modernized) male breadwinner model. The welfare state heavily relies on unpaid care work for children and the elderly and gives private (non-profit and for-profit) organizations a large role in delivery of social services.

Social assistance is the domain of cantons. The new Federal Constitution of 1999 states

**Art. 12** Right to assistance when in need

Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living.

This right had been recognized as an unwritten basic right since 1995 by the Federal Court (Rhinow 2000, 341f.). Additional „social objectives" like social security, health care, housing or fair working conditions (article 41 Federal Constitution) remain non-binding, as „no direct right to state benefits may be established on the basis of the social objectives" (art. 41, p. 4).

Most cantonal constitutions, if revised in the last 40 years or so, have incorporated social rights as well as social objectives. Eleven constitutions lay down the right of everyone to decent assistance and care when in need.[1] Five cantons only stipulate social objectives and two make general references to the Federal Constitution.[2] Seven cantons, mainly in German-speaking central Switzerland, do not mention social rights nor are social objectives – these basic laws sometimes young[3]. Furthermore, only half of the cantons mention social assistance as state institution in their constitutions, some at least speak of the promotion of social security. It is an open question how social rights and social assistance came into revised constitutions and which national or international influences played a role in this process.

Today, relations between citizen and state are predominantly legal and professional relationships; informal and patronizing as well as authoritarian regulations and practices have been abolished. Until 1981, Swiss authorities carried out compulsory social measures like administrative detentions and placements of children with practically non-existent procedural rights. These measures with the dis-

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[1] AG; AR; BE; BL; BS; FR; GE; SZ; TI; VD; ZH

[2] Social objectives: JU, NE, SH, SO, SZ, TG.  general reference to Federal Constitution: GR (2003) und LU (2007).

[3] AI (constitution in force since 1872), GL (1988), NW (1965), OW (1968), UR (1984), VS (1907), ZG (1894).

regard of fundamental rights had drastic consequences on the lives of the persons concerned. Switzerland still tries to come to terms with this past. The Federal Government has set up an independent expert commissions and a National Research Programme to investigate these measures in a broader context.[4] In 2013, guardianship authorities were the last social policy institutions to become fully professionalized and thus the era of the militia system in social policy ended ({Fontoulakis 2016 #10017}).

## 2.3 Social assistance

### 2.3.1 Background and prevalence

Switzerland is a country with a high employment rate (around 80% for persons aged 15-64, second in the OECD world after Iceland), has had very low unemployment rates and nowadays a rate around 4-5%. The level of inequality is comparatively low if one takes the Gini coefficient as measure (0,295 compared to an average of 0.317 in 2013) and the relative poverty rate is about 8.6% (compared to about 11% in OECD average in 2015). This measure is the percentage of households that have less than 50% of the median household income at their disposal. (OECD 2016, 103, 91, 93). After all, the Swiss welfare state is not small. Public social spending was 24.2% of GDP in 2013 (BfS Statistik Aktuell 2016, 12), compared to the OECD average of about 22% (OECD 2016, 108f.).

Over the last ten years, social assistance rates vary around 3% (3.2% in 2015). The cantonal rates range from under 1% (AI) to 7% (NE). This can be explained by differing economic conditions and employment situation in the cantons. Typical risk groups are people with no or incomplete secondary education (e.g. apprenticeship), long term unemployed and elder persons (46 years and older), migrants from non-European countries and single parent households. One quarter of social assistance recipients are children under 18. 22% of single parent households in Switzerland received social assistance payments in 2015. The average duration of dependency on benefits tends to increase and is now 24 months (median), but 30% of recipients stay on the roll four years or longer. Structural unemployment became reason for prolonged dependency on social assistance benefits (Bundesamt 2016). The levels of minimum income benefits in two thirds of OECD countries do not prevent income poverty (50% of median household income, OECD 2016, 107). In contrast, Switzerland's social assistance manages quite well and lifts people near to the relative poverty level.

### 2.3.2 How social assistance is organized

Based on principles of subsidiarity and federalism, social assistance law is cantonal and the implementation varies between cantons and municipalities. Repeated efforts to establish national framework legislation have been unsuccessful. This is true also for five initiatives from members or commissions of the National Council.[5] The initiatives argued for more transparency, democratic legitimacy and harmonization of benefits as well as procedures. Government and the majority in Parliament doubted the means of federal legislation as a remedy and argued that it would create a non-

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4 National Research Programme "Welfare and Coercion — Past, Present and Future" (NRP 76). (Swiss National Science Foundation 2017 (welfare and coercion – national research programme – call for proposals, p. 5)

5 See 11.3638, 11.3714, 12.3013, 13.4010, 14.4070 in Curia Vista, https://www.parlament.ch/en/ratsbetrieb/curia-vista

desirable shift of cantonal competences to the federal level. This is a typical real world impact of strong federalism.

Today, three organization models can be distinguished: In five cantons, it is cantonal responsibility and predominantly cantons bear the costs – in Ticino the communities have to pay 25% of all costs. In ten cantons the communities are responsible; in seven cantons they bear all the costs (BL, OW, SH, SG, SO, TG, ZH). The rest of the cantons has a shared responsibility; social services here have to be professionalized (no militia system).

**Organisation of social assistance in Switzerland**

| Organisation of social assistance | Responsibility of the cantons | Predominantly responsibility of communities/municipalities | Predominantly shared responsibility of canton and communities |
|---|---|---|---|
| **Cantons** | AI, GE, GL, TI – BS | BL, OW, SH, SG, SO, TG, SH, NW, SZ, VS | UR, ZG, AG, AR, BE, FR, GR, JU, NE, LU, VD |
| **Features** | Financing predominantly by canton. Two very small rural cantons, two urban cantons, large canton | Financing predominantly by communities, yet 3 time cantonal obligations on top; 40% of cantons prescribe professional social services. Smalle and medium large cantons, mostly rural, mostly German speaking | Shared financing and professional social services. Rural and urban, German- and French speaking cantons |

Source: Own compilation

Cantons and municipalities finance social assistance. The actual division of costs mainly depends from the specific share of costs. Cantonal social assistance offices (Sozialämter) supervise social assistance and are responsible for coordination, advice and training. Diversity and small-space organization of communities lead to significant differences and fluctuation in financial burdens between municipalities. Some cantons have established complicated mechanisms for compensation payments or for the division of social assistance costs between canton and municipalities.


### 2.3.3 The Swiss Conference on Social Assistance

The central institution to cope with this diversity is the SKOS. **The SKOS** (Swiss Conference on Social Assistance) was founded in 1905. Since its inception it aims at political coordination and unification of social assistance law and practice – then and today federal framework legislation is missing. The SKOS is a private law association with all cantons, several hundred municipalities and some civil society organizations as members. Since 1963 the SKOS publishes guidelines on principles, personal help and the amount of welfare payments. These guidelines have an important coordinating function in Switzerland's "horizontal federalism" (Vatter 2014, 135-137). The guidelines are the product of typical corporatist setting. The "Guideline Commission" prepares revision and amendments, the "Law Commission" and the "Social policy Commission" supports them officially and the SKOS Board (with members from cantons, towns, municipalities and NGO's) finally adopts them (Schweizerische Konferenz für Sozialhilfe 2013, p. 3). For the latest revision, the SKOS also conducted a survey among its members to get feedback namely on controversial issues like the level of material benefits, the level of sanctions and incentives. Recently, several municipalities had declared their exit from the SKOS because, in a populist climate, they thought the benefit level too high, creating fear of a domino effect. Since 2016 the SKOS guidelines are additionally approved by the Conference of Social Ministers

in order to confer them more legitimacy. This is an indirect effect of the defeated political initiatives for a federal framework legislation mentioned earlier.

Thus an important function of the guidelines is to contain heterogeneity and prevent a "race to the bottom" (as welfare recipients could easily move to the most generous community - "social assistance tourism" is perceived as a threat). There do not seem to be alternatives to corporatist negotiation and governance. The challenge is to keep the binding character, not to increase heterogeneity and arbitrariness.

The guidelines are not binding law – the get legal force only if officially incorporated or acknowledged in cantonal law. All cantons make explicit or implicit reference to the guidelines, and the guidelines provide de facto the frame of reference for all constituencies. Cantons with explicit reference have more or less comprehensive exceptions from different parts of the guidelines (see dissertation of Hänzi 2011), mostly to the disadvantage of the poor. The guidelines are true guiding principles, more than concrete propositions to follow.

The disadvantages of regional and local organization of social assistance are manifold: governance, control and evaluation of programs and instruments are demanding and time-consuming; smaller cantons with a small administration can afford less evaluation and program development than bigger ones. There is no overview how many programs exists, what the success /re-integration rate is (this is only available for a few individual programs). As evaluations of the net effects of integration programs in unemployment insurance did not find big or even significant effects (Aeppli, Ragni 2009), one can assume at least the necessity of similar evaluations for programs with welfare recipients as participants. Another disadvantage is that new measures and instruments are incrementally created and on a small-scale level; small cantons for example may have one-fits-all-integration-program. Furthermore, a "labyrinth of agencies" develops that is intransparent not only for welfare recipients/clients but for professionals as well. It is unknown, for example, how many recipients are actually activated and take part in which kind of programs. For example, the Basel region with a population of about 400.000 has an estimated number of "bookable" integration programs of 200. For once, the populist Swiss People's Party correctly coined the slogan of the "expanding social industry".

### 2.3.4 Swiss versions of the activating welfare state

Reforms in the 1990s in Switzerland followed the main features of the social investment state (cf. Morel et al. 2012, Dingeldey 2007): benefits are increasingly linked to behavioral expectations and a regime of incentives and sanctions was designed. Programs emphasize the human capital and the necessary adaptation of the beneficiaries to the labour market. Participation in employment and self-responsibility are promoted. The reciprocity between rights and obligations is accentuated. A first element of the activating welfare state on the federal level has been the revision of unemployment insurance in 1996. It constituted professional counselling and placement services in "regional placement centers", introduced strict control of efforts to find new employment and provides Active Labour Market measures like retraining, further education, (shorter) courses and public works/jobs in the "second labour market" (cf. Bonoli, Champion 2014 with further references).

In social assistance law the shift became evident with new guidelines of the SKOS in 1998 and 2005. For the first time in 1998, the guidelines put emphasis on the re-integration task of social assistance and linked it to the principle of reciprocity. The discretion of case managers to distribute benefits was

increased. The revision of 2005 reduced standard benefits by 10% but introduced financial incentives (minimal integration bonus, integration bonus and a certain earnings disregard, Nadai 2009).

## 3. Data and Method

In the next section, I will look at guidelines, laws, regulations and information in manuals. In line with an interpretive paradigm in social policy research (see for example Newman 2013), I assume that legal texts and their comments contain a) regulations that reflect political power relations and tentative political compromises of the time the law has been voted, b) condensed social and cultural knowledge and imaginations about the objects of the laws. Guidelines, legal texts and manuals constitute a peculiar source: they represent general ideas and rules to follow; they do not mirror reality but rather a specific framing of the reality. Existing gaps between the law and counselling practices of street level bureaucrats come as no surprise. What social workers and other street level bureaucrats do with their discretion is yet largely unknown. There is some evidence that the activation paradigm in legal texts is much stronger in theory than in practice and that counsellors predominantly follow social work logic of sustainable help (e. g. Tabin/Perriard 2016).[6]

I coded SKOS guidelines, laws, regulations and manuals (as far as existent and publicly available, for ten cantons) as of 1st July 2016. The laws are relatively new; half of the cantons drafted new social assistance laws since 2000. These newer laws tend to have more detailed regulations and more articles. This is especially true for "rights and duties". This emphasizes the importance of the rule of law in a sector of state action with a considerable amount of discretion (see also Voll/Häfeli 2008, 392). I used MAXQDA for inductive and deductive coding and a qualitative text analysis (Mayring 2012).

## 4. Analysis: Constructing the needy and working welfare recipient

### 4.1 The SKOS guidelines

Taking into account the role of the Swiss Conference on Social Assistance, it is clear that the guidelines represent a compromise and are a common denominator in Swiss social policy. The text contains general remarks on the nature of social assistance and detailed information on material benefits, integration measures, rights, duties and sanctions and some technical aid for the calculation of aid and deduction of income and assets (Schweizerische Konferenz für Sozialhilfe 2005).

In its introductory section, the SKOS defines subsistence, promotion of self-sufficiency and guaranteeing the social and professional integration as central objectives of social assistance. The guidelines emphasize that the „social minimum of subsistence"comprises also means for participation in social and economic life. It promotes self-help and personal responsibility (chapter A.1). Every person as a human being has the right to demand subsistence from society. S/he is the subject, not the object of state action and must have a say in the support provided (chapter A.4). Human dignity, subsidiarity, individualization, subsistence, the appropriateness of help, professionalism, cost effectiveness and

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[6] However, this is not to say that other functions like disciplining or legitimation disappear.

the "demand and promote" focus are described as central principles of social assistance (chapter A.4).

**Rights and duties are two sides of a medal**

The SKOS guidelines lay down rights and duties of the recipient in one chapter (A.5). Needy persons have all procedural rights, and the due process of law must be respected by the authorities. On the other hand, the beneficiaries have the duty to give all relevant information and to reduce dependency e.g. by claiming other revenues (like alimony or social security), by searching and taking up reasonable employment, working in an accepted integration program in the second labour market or to participate in any other useful and reasonable programs.

A longer section is devoted to conditionality and sanctions (chapter A.8). Authorities may impose conditions for benefits, but must adhere to the principle of appropriateness and reasonableness. Conditionality as well as sanctions needs a basis in cantonal legislation. Sanctions must be reasonable and appropriate. Before a sanction is ordered, authorities shall check if the inappropriate behaviour legitimizes the sanction, if client knew what was expected from him/her and was well aware of the consequences and if the person can bring relevant reasons for the behaviour. Sanctions must be limited in time and level; the level has been raised to 30% in the last revision of the guidelines.

**Social and professional integration: a task of the individual**

The section on integration measures describes the general challenge of social assistance nowadays:

"The economic and social framework has changed fundamentally. For a growing group of persons of working age, in particular the long-term unemployed, there is little prospect of a rapid and lasting integration into the labor market. That's why measures of social and professional integration are necessary." (Chapter D.1)

This is why

"The classical social assistance … reaches its limits wherever structural problems such as long-term unemployment or the lack of (appropriate) professional qualifications, are the main cause of need." (Chapter D.1)

In this excerpt, structural shifts in labour markets are individualized. The need for integration has numerous causes: Society shall be interested in the fate of people being at risk of poverty and exclusion, because this may cause social fracture and high social costs like crime, psychic diseases or chronic financial dependency. The fight against social exclusion is operationalized as fight against unemployment, although a significant group will not have a realistic chance of integration in the first labour market.

The remedy proposed in the guidelines is expert help under which the recipient will regain independence; help for self-help needs professionals, e.g. social workers. The lack of employment has serious negative impacts on individual recognition and integration. Authorities have to provide suitable measures, adapted to local conditions. Means are suitable if they are adapted to age, health, personal circumstances, and abilities. They have to really foster integration and prevent social exclusion. Therefore, a broad range of professional integration measures is necessary. Such professional reintegration starts "with reliability, punctuality, engagement, willingness to learn and relationship-building

capacities" (chapter D.2). As integration measures[7] are "complex psycho-social processes", they need professional planning by professional staff and careful evaluation.

In line with the features of the activating welfare state, diagnosis and remedy are centered on employment. Reasons for unemployment are individual, not structural. Better qualification and self-bettering can lead to integration: if recipients become market-compliant, the problem will be solved. The (compulsory) participation in work or social integration programs is a suitable remedy for a fast exit from social assistance. However, this bears a basic contradiction, as Eva Nadai has aptly remarked: the problem of unemployment is generated in the labour market, which cannot employ all persons that need an income. The problem is intensifies, as the welfare state takes the mission impossible to integrate the "superfluous" despite all handicaps into the labour market while simultaneously reduce their benefits. This leads to a growing grey zone between gainful employment and (involuntary) "surrogate employment" nearer or farer from the first labour market (Nadai 2009).

## 4.2 Aims and purposes of social assistance laws

Social assistance provides personal and material help for those in need; amount and type of help vary according to citizenship and residence permit. All cantonal laws have an article on aims and purposes of social assistance. Yet, no concept or idea is present in all introductory articles: providing material help for subsistence is mentioned in 22 laws, prevention in 18, social and professional integration in 14, independence in 13 cantons. Whereas detailed regulations on material help and on integration follow, prevention as aim or actual activity remains vague. The following diagram illustrates the relative weight of aims and purposes (the larger the letter, the more cantons mention the issue).
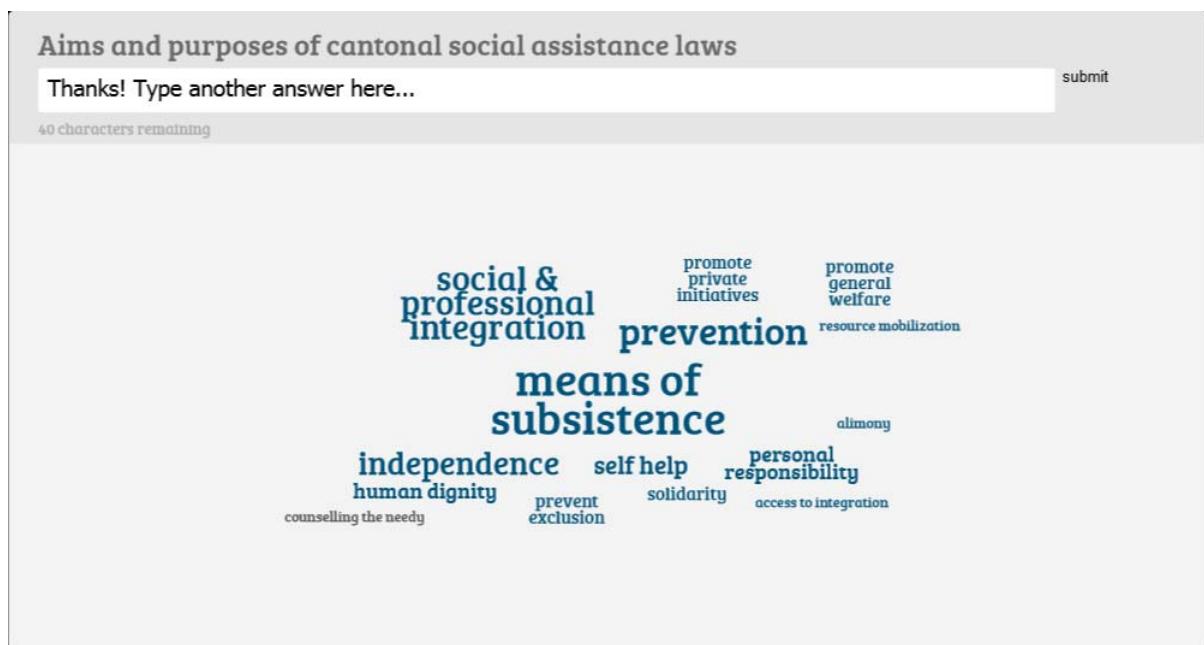


Source: Coded and calculated from database cantonal social assistance law

Social and professional (re)integration and independence are central objectives: welfare should end as fast as possible. Material help emerges as the single most important purpose of social assistance.

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[7] Participation in programs or other measures need a written contract that contains purpose, aim, duration, rights and obligations as well as the amount of financial benefits and the consequences in case of non-compliance of the client.

## 4.3 Social and professional integration

How social and professional integration is defined? The legal texts of some smaller cantons (and a geographically large one, Grisons GR) do not define integration, yet implicitly acknowledge the existence of such programs. Anecdotal evidence suggests that issues absent in law and regulation are nevertheless present, as authorities refer to the SKOS guidelines whenever something is not in the law. This proves the function of the SKOS guidelines as frame of reference for definition, interpretation and activities of welfare offices. If diagnostic and prognostic frames about integration are employed in cantonal sources, they follow the SKOS.

The most common integration measure is to take part in **work integration programs** (17 cantons), 11 cantons mention **measures for social integration** when labour market participation is not an obvious option (what this actually means is often unclear, some law speak of "rétablissment du lien social" and three of providing a schedule/structure of the day). Nine cantons have (implicitly) established the **obligation to take up reasonable work** and four cantons mention **active search for employment** as an integration duty. Eight cantons, predominantly in the French- and Italian speaking parts, explicitly mention **education and apprenticeships** as measure of professional integration, nine cantons predominantly in the German-speaking part mention **continued education.** This differentiation is important, as social assistance officially should not function as a source of scholarships; social assistance measures must not lead to a higher qualification, because that is not what the benefits are for. However, this differentiation seems outdated and not well adapted to the task of integration. Finally, three cantons (BE, SO, ZG) accept **care work in the family** as an integration effort and five cantons, including the three, **volunteer work** as well. These kinds of work come under pressure, as

## Definition of social and professional integration
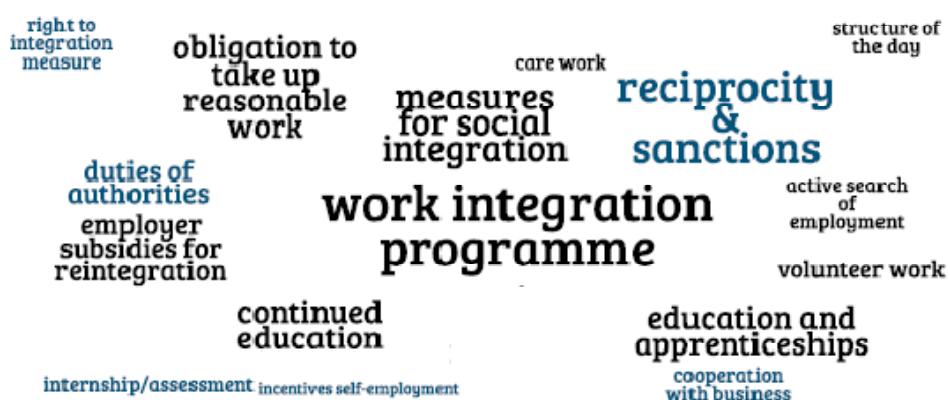


Source: Coded and calculated from database cantonal social assistance law

In seven cantons, employers can receive integration subsidies for a limited period of time (AG, BL, GE, SG, TI, ZG, ZH) and three mention in their manuals the importance of networks with employers

for integration. Only three cantons stipulate a right of the recipient to a integration measure (albeit not a specific one), but 14 cantons mention, more or less comprehensively, the **principle of reciprocity** and state possible **sanctions** in case of non-compliance of the welfare recipient. At least ten cantons conclude integration contracts with the welfare recipients; some cantons make "agreements" that may have a similar psychological impact.

Gainful employment as the main or exclusive mean to social integration becomes more and more the only game in town. The revised SKOS guidelines in force since 1$^{st}$ January 2017 shortened the time period for legitimate absence from the labour market for mothers from three years to twelve months. This is congruent with a newer political discourse in Swiss public on getting more (educated) women into the labour market to relieve shortage of skilled labour and on enhanced individual independence. However, the shortened period to legitimate child care only is in contradiction to case law in divorce and alimony rulings. In reality, so far as we know, activation of young and/or single mothers is often unrealistic, as affordable child care during working hours is just not available (Nadai et al., Nadai 2014, Tabin/Perriard 2016).

## 4.4 Agency of authorities and recipients

About half of the cantons have implicit and explicit statements in their texts about roles and agency of authorities and recipients regarding their social and professional integration. People applying for welfare benefits have a whole array of duties: give comprehensive and true information on the personal and financial situation; actively search for reasonable employment and participate in programs and help plans. On the other hand, authorities are not obliged to provide recipients with a (given) integration measure. Such programs or instrument can be organized by the state, but also by private companies or associations of the nonprofit sector.

In Switzerland, **reciprocity** (the rhetoric of services rendered and services received) has always been prominent. Still most cantonal laws prescribe social payments as **refundable**; i. e. the recipient has to pay them back if his/her economic situation has considerably improved. In the context of social and professional integration, reciprocity is the duty is to actively participate in efforts for reintegration into the labour market. In general, most regulations state that the recipient hast to accept "integration contracts" or "agreements" if it is well coordinated with his or her abilities and possibilities, otherwise there is a realistic danger of sanctions. However, if integration contracts cannot be fulfilled, in some cantons the authority may put an end to the contract – a hint that the personal situation of many recipients is relatively complicated and not accessible just via integration measures. Integration programs, be it for social or professional integration, shall improve quality of life, give an ordered structure of the day and evoke "socially desirable conduct" of the participant. This means that without work, people will "socially decompose" and they are hardly able to structure their days by themselves.

Eleven cantons describe in more detail what recipient shall do in order to foster their integration. These descriptions and images of the recipient fall into three groups: authoritarian, expert and collaborative:

**The authoritarian case is the canton of Valais (VS):** Here, the recipient has no say and no agency. He (as the regulation speaks only of male persons) is the object of measures set up by the authorities and is subjugated, even to work for no wage at all, and eventually he may give a comment on the integration plan.

**Art. 11, social and professional integration contract**

3 For the purposes of the assessment procedure, the beneficiary is subject to :
(A) the verification of his ability to work in the form of an internship or temporary employment;
(B) drawing up a balance sheet of his professional abilities;
C) if necessary, the medical assessment by the treating physician or by the cantonal IV body.
4 Within three months of the start of social assistance, an assessment and a review of the employability of the beneficiary shall be carried out by an organization approved by the Department. (…)

5 Based on this assessment, the municipality and the person seeking help complete a social or professional integration contract with the support of the responsible department. (…).
6 This contract obliges the person seeking assistance to participate in a charitable activity or to take the step towards training or professional integration. (…) (Art. 11, Social assistance regulation VS)

A second group is the **expert group** and consists of the cantons Lucerne, Obwalden, Saint Gall and Schwyz (except Saint Gall these are neighbouring cantons). Their regulations emphasize the role of the expert. Experts like social workers in the social assistance offices will set up a balance sheet of competences, needs and possibilities of the recipients. They will then suggest measures for re-integration. Afterwards they inform and motivate the recipient who should implement this.

Finally, regulations in six cantons emphasize **collaboration**. They stipulate that the social worker or social assistance bureaucrat and the recipient together shall develop and implement integration projects. – be it that the recipient shall be actively involved in project definition (VD) or that "elaborate together the help plan" (ZH).

Although individual responsibility of the recipients is acknowledged in all sources, neediness and necessary sanctions are more pronounced than individual agency. Also the "collaborative" cantons do not define the recipient as a planning and competent individual who knows what will be good for him or her.

At first sight, no obvious reasons for differences in the role definition, organization of social assistance or agency can be found. Smaller cantons with fewer resources tend to have less regulations and rely more on the SKOS guidelines (instead of drafting own texts and manuals). The one and only "authoritarian" canton Valais is a catholic canton, whereas "collaborative" cantons are predominantly protestant. Since only 15 cantons have sources that mention agency it is yet no possible to link confession to agency.

## 5. Conclusion and further steps in analysis

A few tentative conclusions can be drawn from the source material: Firstly, gainful employment is seen as the optimal main solution to welfare dependency; second best is somewhat social integration measures. The lack of gainful employment constitutes an enormous economic, psycho-social and political problem. No employment – no societal integration. Social workers and authorities must help and discipline the needy recipient – s/he is not able to do that on his or her own. An accepted problem, however, is the fact that the labour market does not provide jobs for all recipients, so "surrogate employment" may come in as the solution.

Secondly, the reciprocal task for the recipient of benefits in the source material is to actively improve the Self (Self-bettering discourse). Work on the Self will improve the chances that the recipient gets off the welfare roll and does not cause costs to the public. To sum up, the reification of gainful em-

ployment, disciplining and the work on the Self is permeated with neoliberal workfare logic as well as the "protestant ethics of capitalism" (Max Weber).

The texts analysed emphasize qualification, labour market adaptation and sanctions. This would suggest that the main political functions of work integration are disciplining and qualification. However this conclusion would be premature, as the possible legitimizing function can be evaluated only in a comprehensive analysis that also takes practices into account.

This paper has looked into "law in the books" and found many workfare elements. However, it is debatable if we can speak about workfare in Switzerland. Actual practices in Switzerland diverge significantly from workfare in the US, for instance. Jörg Dostal (Dostal 2008) has suggested differentiating between workfare as a discursive policy paradigm and specific measures and instruments. A shift in paradigm may be more sustainable than specific, incremental and cautionary change of policy instruments.

Swiss cantonal diversity is proverbial, and the search for the reason of these differences is complex. Possible factors for the differences may be differing political majorities in legislature and government;[8] structural-spatial differences (cities, agglomerations and rural areas) and cantonal welfare regimes (cf. Armingeon et al. 2004). Explorative methods may be used to establish reasons for differences, provided that correct and exhaustive measures can be used that operationalize the above mentioned factors. A survey on the actual prevalence of work integration programs, including the legal relationships between recipient/participant, program and social assistance authorities is underway – results coming in as our conferences proceeds. This will give some empirical evidence on the prevalence of programs and types of measures – how workfare plays out in practice. Very few evaluations about impact and outcome exist, and most of them seem not to be published. Contrary, for example, to Germany, where activation and integration is regulated on the federal level and where huge databases with several million cases exists that can be used for advanced statistical analyses on success or failure of different measures, programs, regulations and evaluations in Switzerland are small-scale. In particular it is hardly possible to compare recipients with identical features/background that participate or do not participate in a given program – what would be the ideal solution to investigate impact.

## Abbreviations of the cantons

AG Aargau, Argovia

AI Appenzell Innerrhoden; Appenzell Inner-Rhodes

AR Appenzell Ausserrhoden; Appenzell Outer-Rhodes

BE Basel-Stadt; Basle-City

BL Basel-Landschaft; Basle-Country

BS Bern; Berne

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[8] See https://www.bfs.admin.ch/bfs/de/home/statistiken/politik/wahlen/kantonale-regierungswahlen.html, visited 1st June 2017,

FR [Fribourg](); Freiburg]

GE [Geneva]()

GL [Glarus](); Glaris]

GR [Graubünden](); Grisons

JU [Jura]()

LU [Lucerne]()

NE [Neuchâtel]()

NW [Nidwalden](); Nidwald[citation needed]

OW [Obwalden](); Obwald[citation needed]

SG [Schaffhausen](); Schaffhouse

SH [Schwyz]()

SO [Solothurn](); Soleure

SZ [St. Gallen](); St. Gall

TG [Thurgau](); Thurgovia

TI [Ticino](); Tessin

UR [Uri]()

VD [Valais](); Wallis

VS [Vaud]()

ZG [Zug]()

ZH [Zürich](); Zurich

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