

# The Normative Impact of Unemployment Insurance: A European Perspective

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The debate on classification instruments for social security regimes opened by Esping-Andersen (1990) usually neglects the examination of the normative impact of the welfare state. Through setting minimum age standards to become eligible for social benefits, such as disability or unemployment benefits, social security defines a norm in that it specifies the age at which a person is supposed to be holding a job. When retirement age is defined, a normative standard is set about the age, after which a person is relieved from the obligation of participation in the job market. While some of these normative aspects have been analysed by specialists in the field (see Heinz & Marshall, 2003; Kohli, 1987; Levy, Gauthier, & Widmer, 2006), other facets remain largely unexplored. For example, few studies exist about the social impact of being exempted from employment because of receiving compensatory benefits through health-, accident- or disability insurance, or about the consequences of maternity or parental insurance on gendered roles.

Every time it describes the circle of potential recipients of a particular social benefit and whenever the conditions under which it can be obtained are specified, each branch of social security defines a normative field that extends beyond statutory requirements such as citizenship. These requirements include, e.g. demonstrating that the lack of employment is involuntary, conforming to a specific posture with regard to one's health, exhibiting an "active" participation to "integration" measures, respecting "safety measures" at work, etc. Access to social and welfare rights is subject to conditions, and social work contributes to the production of these conditions.

This article will focus on the normative dimension of social security through an analysis of systems of protection against unemployment in 11 European countries, which must be viewed as the first step of a sociological reflection on the normative dimension of social work itself.

After a description of our research methodology and its limits, we shall examine the norms arising from the main empirical body of evidence upon which we have founded our study. We will then look at unemployment benefits in the 11 countries reviewed in order to highlight their specific normative configuration on the basis of statutory conditions for access to benefits, of the value bestowed by the system to employment, of types of jobs taken into consideration and of the way in which unemployment insurance takes parental roles into account. Lastly, we will propose some ideas about the research needed in order to interpret the normative dimension of social work.

## 1. Methodology

Unemployment insurance is one of the branches of social security Esping-Andersen (1990) used for comparing social security systems. This branch is particularly interesting because it specifies what work qualifies employees for potential compensatory benefits in case of job loss, and under what conditions; it therefore defines and sets norms for a specific moment in social time – that of unemployment (Salais, Baverez, & Reynaud, 1986; Topalov, 1994; Zimmermann, 2001).<sup>3</sup>

We have limited our investigation to 11 of the European countries included in the database known as the Mutual Information System on Social Protection (MISSOC<sup>4</sup>). These countries were selected in order to look at as wide as possible of a range of disparities in the same geopolitical context (Ragin, 1987; Flyvbjerg, 2011), so that we could attempt to determine whether similar norms can be found despite the high degree of heterogeneity of systems included in the comparison. From our point of view, the similarities are more interesting than the disparities because they help us understand the present "spirit of

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<sup>4</sup> [http://ec.europa.eu/employment\\_social/missoc/db/public/compareTables.do?lang=en](http://ec.europa.eu/employment_social/missoc/db/public/compareTables.do?lang=en)

capitalism” (Boltanski & Chiapello, 1999; Weber, 1920) in the EU. The mere existence of an insurance against unemployment in all the countries under review shows that a hierarchy between poverty and unemployment is present in these countries, with the latter only being deemed insurable.

Diversity was defined on the basis of several criteria: the 11 chosen countries (cf. Table 1) were first classified into six regime types according to the comparative literature on welfare states “social-democratic” (Denmark, Sweden), “liberal” (Switzerland, United Kingdom), “conservative-corporatist” (France, Germany, Ireland) (Esping-Andersen, 1990), “Latin” type (Greece, Italy) (Ferrera, 1996), “post-communist European” type (Poland) and “developing post-communist” type (Romania) (Fenger, 2007).

The countries are also very different in terms of population size, ranging from 4.5 million to 82 million inhabitants. Finally, the rates of labour market participation differ significantly, from less than 60% to more than 70%, as well as the unemployment rate (2009), which ranges from 3.7% to 11.9%.

Thus, as we can see in Table 1, we have a highly diversified country database in terms of the type of social security system, population size, labour market participation of the adult population and unemployment rate.

**Table 1: Employment in the 11 countries reviewed**

Source: Eurostat	Labour market participation (2009)		Average weekly working hours (2007)	Global part-time Rate (2009)	Part-time rate (Women) (2009)	Part-time rate (Men) (2009)	% of part-time jobs held by women (2009)
	Men	Women					
Denmark (type: Social-democrat)	76.3%	68.0%	40	26%	38%	15%	69%
France (type: Conservative-corporatist)	67.7%	58.5%	41	17%	30%	6%	82%
Germany (type: Conservative-corporatist)	71.5%	60.0%	42	26%	45%	10%	80%
Greece (type: Latin)	71.1%	47.8%	44	6%	10%	3%	69%
Ireland (type: Conservative-corporatist)	76.4%	58.5%	40	21%	34%	11%	74%
Italy (type: Latin)	66.4%	44.6%	41	14%	28%	5%	79%
Poland (type: Post-communist European)	66.1%	51.2%	43	8%	12%	6%	63%
Romania (type: Developing post-communist)	66.5%	51.2%	41	10%	11%	9%	49%
Sweden (type: Social-democrat)	74.1%	68.3%	41	27%	41%	14%	72%
Switzerland (type: Liberal)	81.8%	68.8%	43	35%	59%	14%	79%
United Kingdom (type: Liberal)	75.5%	62.3%	43	26%	43%	12%	76%

The data was collected between January and October 2010, and the main database we use (MISSOC) is a public, official database that includes all the countries from the UE/EFTA zone. Information is given by country, emphasizing the national character of social security systems, and is classified according to an analytical definition of social security, i.e. systems covering the social risks recognized on the basis of ILO Convention 102, which was adopted in 1952 and implemented in 1955.

This database has been cross-checked with the one provided by the International Association of Social Security (IASS), Social Security Worldwide (SSW). We also consulted national websites and, through MISSOC, contacted various officials for explanations or further information.

This process confirmed how difficult it is to obtain complete and reliable information in cross-national comparisons (Barbier & Letablier, 2008), while revealing that depending on its source, the technical information obtained is sometimes contradictory. Naturally, we disregarded data when it was contradictory or not reliable, but we cannot be sure that all the information we collected is complete, up to date and, despite our best efforts, always totally accurate. These limits must be taken into consideration, yet they do not directly affect our results because these technical issues do not produce biases in the norms we identified.

## 2. Unemployment insurance norms according to MISSOC

MISSOC distinguishes between two types of social protection against unemployment. The first concerns full-time unemployment. According to Eurostat, 91.7% of men who are employed hold a full-time job; this type of unemployment therefore fits in with the archetype of male employment. The second type concerns part-time unemployment, which is uncommon among men but more common among women, as 31.5% of employed women in the EU worked part-time in 2009 (see Table 1).

Fourteen criteria have been used by MISSOC to characterize national legislations, and are derived from the logical structure of unemployment insurance, which include statutory requirements and duration of affiliation, as well as principles governing the amount of benefit and the length of time during which it will be served (salary taken into consideration, level of benefit allocated, rate of compensation of previous salary and waiting period). In addition to these determinants, which are characteristic of insurance in general, specific variables must be viewed as being linked to the “unemployment” sector such as the involuntary character of the episode of joblessness, the requirement of actual employability, sanctions for refusing to follow prescriptions given by unemployment insurance agents or for collecting unemployment benefits while earning an income on the labour market. Data is also available about whether family composition is taken into account or not, thereby indicating that in some cases benefits are not viewed as purely individual, but instead considered as a family wage.

Part-time unemployment is defined by the same set of criteria as full-time unemployment, hence indicating that it is not viewed differently. Benefits are simply presented from the normative standpoint of the “universal masculine” (Togni, 2009). For instance, there is no such variable as “taking into account family-related tasks”, and criteria linked to both parental leave and the impossibility of holding a full-time job also do not appear. Nevertheless, descriptive factors such as these would contribute to integrating activities taking place within the family into system comparisons. Since taking in account that family-related tasks constitute the basis of any employment-related family policy (Woods, 2006), we can conclude that policies of this kind are not on the agenda.

Wherever systems of protection against unemployment include both insurance and financial assistance mechanisms, these mechanisms are ordered in similar ways, i.e. unemployment insurance first, followed by unemployment assistance. The mere fact that unemployment assistance is presented within this chapter demonstrates that this particular field of social protection has singular characteristics, e.g. this type of distinction is not made where health insurance or old age pensions are concerned. The mix between insurance-related and income-related benefits shows that the distinction between unemployment and poverty, the main “innovation” brought about by the invention of the category of unemployment (Topalov, 1994), has not been not completely realized in the EU. Some confusion may also exist between unemployment provisions and general provisions for income support. In fact, the last chapter of MISSOC does deal with benefits reserved for low-income- or poor beneficiaries, and cites specific provisions for unemployed persons.

Benefits provided to “older” unemployed persons are described through four criteria, including measures to be taken, conditions for defining the right to receive benefits, coverage rate and combination with other benefits or income. The emphasis here is on the age of the potential beneficiaries and on the combination of benefits served, and in contrast with descriptions concerning younger beneficiaries, there is no indication of possible sanctions. Consequently, this group of older unemployed persons seems partially exempted from the obligation of holding a job, either because despite marked differences between countries on access to retirement pensions (35% of people from 55 to 64 years of age are still at work in Poland in 2009, 37% in Italy, 44% in Greece and in Romania, 42% in France, 55% in Ireland, 60% the United Kingdom, 61% for Denmark and Germany, 70% for Switzerland and 74% for Sweden<sup>5</sup>), opportunities for finding employment after a certain age are viewed as slight, or because in such cases societal support is legitimated in terms similar to those used to justify old age protection. Colette Bec (1998) actually showed that assistance is founded upon the utilitarian tradition of the 18th century; it is conceived of as a debt towards the elderly, who have already contributed to society during their working life.

The financial characteristics of unemployment benefits, such as benefit increases, income tax rules (including limits for taxable income and reduced tax provisions) or whether benefits are subjected to social security contributions, are also described. All of this enables us not only to see whether unemployment benefits are built upon principles similar to wages (regular increases, taxes, social contributions), but also to understand how unemployed persons are viewed. Where unemployment benefits are taxed and subjected to social contributions, beneficiaries are not merely seen as financial burdens, as they are also participating in covering the costs of public programmes.

All criteria are taken into consideration for each country. Wherever a criterion is not applicable, some explanation is given, e.g. “no supplement”, “no waiting period”, “not applicable”, etc., thus highlighting the fact that such a provision does not exist in the country in question. This mode of presentation renders specific norms visible since it highlights the range of measures implemented in the field of protection against unemployment.

Studying the structure of the MISSOC database therefore allows us to bring to light some aspects of norms applied to the definition of employment, to gender-specific roles and to the expected organization of a person’s life course. Only paid employment is considered while, for example, domestic work is ignored, and all jobs are measured against the yardstick of the dominant male mode of employment. Unemployment benefits refer to the norm of the family wage, and an exemption from the obligation to be employed is only granted after a certain age limit is reached.

### **3. Norms identified on the basis of provisions for protection against unemployment**

In order to pursue our line of argument about the normative contours defined by provisions for unemployment protection, we will now examine various norms identified when examining unemployment benefits offered in the 11 countries reviewed. Let us begin by analysing statutory conditions set by unemployment insurance, which can be viewed as criteria for the inclusion or exclusion of populations from social citizenship.

Nonetheless, we must first briefly discuss one of the problems arising from the classification of welfare state regimes proposed by Esping-Andersen and others scholars. This type of classification is based on the notion of a “path dependency”, i.e. the idea that the set of decisions taken by elites in the past limits decisions taken in the future (Palier & Bonoli, 1999; Pierson, 2000); hence, it can be viewed as a revised theory of rational choice.

<sup>5</sup> Source: Eurostat (*lfsi\_act\_a*).

However, this concept does not sufficiently take into account the role of cultural values in the way that change takes place (Pfau-Effinger, 2004, 2008), nor is it able to explain what seems self-evident in the (welfare) state organization (Bourdieu, 2012; Bourdieu, Wacquant, & Farage, 1994).<sup>6</sup> In our perspective, the rationale of the welfare state and of welfare-to-work regimes cannot be analysed without taking into account the “space of possibles”: dominant norms at a time being produced and delimiting this space. The goal of our analysis is to document these norms.

### **3.1 Statutory conditions**

In general, the collected data indicate that unemployment insurance is an integral part of social rights derived from being salaried since it is compulsory in 10 out of 11 countries. Only Denmark has optional coverage (78% of employees were covered in 2007). Moreover, benefits are taxable in nine of the countries included (no income tax in Germany and no taxes at all in Romania), which is a further sign of the fact that beneficiaries are treated in the same manner as salaried employees. In contrast, self-employed workers are only subjected to compulsory coverage in Germany, Poland and Sweden. This difference stems from the dominant norm of individual risk-taking as being constitutive of entrepreneurship.

Yet, one may speak of the universality of unemployment coverage for salaried workers as an illusion. In fact, being a wage-worker does not suffice; one must also usually reside in the country of employment, which means having been allowed to go through all the steps necessary to become a legal resident, and having achieved this status. Exceptions to this principle are few, and they are clearly specified in national legislations (e.g. having a second home in Romania suffices). Additionally, having contributed for a certain length of time is a precondition for claiming benefits, with the contribution period being a year in two-thirds of the countries surveyed and between four and nine months in the others.<sup>7</sup> As we can see, recently hired immigrant workers and undocumented workers are not included in the so-called “universal” coverage.

Contributions must have taken place within a set period extending from 12 to 36 months. A closer examination of the range of these figures reveals that some countries require contributions to have been paid in during three-fourths of the specified time period, while others only require payments during half the period. These differences are indicators of the dominance of the male employment model, i.e. employment with no interruptions (Levy et al., 2006).

Statutory conditions therefore define a specific population entitled to unemployment compensation, including declared worker, legal resident for a set period of time and regular contributor to unemployment insurance. Only persons corresponding to these cumulative criteria may be recognized as unemployed, which is a fact that indicates that in this case, social citizenship is dependent not only on immigration law or on characteristics embedded in the definition of nation states, but also on a gendered representation of employment.

### **3.2 The value of employment**

In all the countries examined, fulfilling the statutory conditions is not sufficient for receiving benefits. Every country also requires a demonstration of fitness for employment, meaning that unemployment insurance only protects categories of the population recognized as potential participants in the job market. Persons who cannot fulfil the obligation of hiring

<sup>6</sup> An essay of classification of our results respecting the set of classification proposed by Esping-Andersen has only shown that this classification is inaccurate, as similar norms can be found despite the high degree of heterogeneity of the systems included in the comparison.

<sup>7</sup> Some exceptions do exist for particular groups such as youth having just completed their studies or training, prisoners released from jail, women having just had a baby, etc.



out their labour on the market do not have a right to unemployment benefits and are not granted unemployed status.

Furthermore, having left one's job without a proper reason<sup>8</sup> is sanctioned by losing the rights to benefits altogether in six out of the 11 countries; three other countries impose sanctions in the form of a temporary suspension of rights<sup>9</sup> (Switzerland, Germany, United Kingdom), and two more impose a waiting period<sup>10</sup> (Denmark, France). In a sociological perspective, that means that employment is considered as a rare social good that workers have a duty to maintain.

The age at which a right to benefits begins is not always specified, though it is set at around 15 in Italy and Switzerland, 16 in Greece, Ireland, Romania and the UK, 18 in Germany, Denmark and Poland and 20 in Sweden. Whatever the age limit might be, it marks a time in the life course before which employment is not encouraged.

The upper age limit varies in different countries according to the retirement age and sex of potential beneficiaries, and is set between 58.7 and 66 years. These differences provide an indication about the normal duration of lifelong employment, which lies between 45 and 50 years. However, the requirements for employment obligations do decrease after a certain age. This can be ascertained by examining the higher benefits provided to beneficiaries in seven out of the 11 countries, from age 49 in Greece, 50 in Germany and Italy, 55 in Denmark, France and Poland and four years before the retirement age in Switzerland (i.e. at 61 for men and 60 for women). These limits are clearly linked to the legal age for retirement, i.e. the age after which persons are formally exempted from holding a job. This age, which is more or less flexible depending on the country, varied between 58 and 67 years in 2010, and is set lower for women in several countries.

Current legislation therefore considers employment as a rare good, and coverage only concerns persons fit to hold a job. The norms for employment in a given society function as boundary markers: there is a time before and a time after employment. As Kohli (1987) demonstrated, social policy contributes to the institutionalization of the life course.

### ***3.3 Accounting for alternatives to the male employment model***

Does insurance take in account alternative employment forms to the male model? Let us first re-emphasize that unemployment insurance only covers persons defined as salaried or (in some cases) independent workers; no country studied covers domestic work within one's own household. We also noted that the employment model favoured by all systems is that of full-time male employment and that the database used does not promote the collection of data concerning employment-related family policies.

Provisions for irregular employment do in fact exist in several countries. This type of employment is common to specific occupations confronted with seasonal work interruptions (construction workers, temporary workers, stage artists, etc.), whereas female occupations characterized by irregular employment such as child care, home care or cleaning jobs are never mentioned, unless for the purpose of excluding them (domestic work, Ireland). In contrast with typically male jobs (such as construction work), these occupations never give rise to a more favourable treatment by insurance, thereby proving they are not considered in the same way.

Jobs typically held by women also receive less favourable treatment because of minimum standards about weekly work hours or because of a minimum income level required to qualify for insurance coverage. These standards (e.g. 15 hours per week in Germany, 17 in

<sup>8</sup> *These reasons are not precisely listed in MISSOC.*

<sup>9</sup> A suspension means that a certain number of days are counted as unemployment days, though no benefit is served. As a result, suspension has an impact on the total number of days to which a beneficiary is entitled.

<sup>10</sup> A waiting period does not affect the total number of benefit days to which the person is entitled.

Sweden, minimum monthly wages in Switzerland, Poland, Germany, Ireland, etc.) exclude part-time jobs with very low weekly work hours that, as we know, are much more typical of female employment; these part-time female workers are thus relegated to the world of non-employment. Some countries such as Ireland set a minimum amount of weekly salaried income as a prerequisite for coverage, therefore imposing a norm of wage regularity and leaving out workers such as “on-call” extras.<sup>11</sup>

Partial unemployment, which is very frequently experienced by women workers, is provided for by eight out of 11 insurance systems (Greece, Poland and Romania exclude it). Nevertheless, rules vary, and in some cases they are primarily devised to help businesses overcome difficult times (e.g. in Italy).

Unemployment insurance mirrors an employment model that ignores domestic labour, excludes irregular employment in typically female occupations and leaves out very part-time jobs. Hence, the insurance system contributes to seeing only certain jobs as employment, the ones that correspond to the typical male employment model. As we can see now, the provisions taken for mothers only enforce gendered roles.

### **3.4 Parental roles as defined by unemployment insurance**

In reality, parental roles are primarily taken into account for mothers only. Specific provisions for pregnancy, maternity or the care of a family member exist in six out of 11 of the countries examined, resulting in possibilities for prolonging the contribution time period (Switzerland), lowering the minimum number of required work hours (Germany), allowing voluntarily resignation from a job (Italy) or increasing the number of benefit days (Sweden). Moreover, several countries define unemployment benefits as being subsidiary to maternity benefits, thus showing that for the insurance, maternity comes first and employment second during that time period.

Benefits are increased in several countries if the unemployed person has a child, although such policies may pursue different goals. In Switzerland, this provision only comes into effect if the employee's salary is low. In Germany and Ireland, child supplement is related to the income of the spouse, therefore linking the individual benefit to family income. This policy is founded upon the duty of financial solidarity within the couple, even if the spouse is not the parent of the dependent child. In Romania, the law exempts employers from contributing to unemployment insurance if they hire single parents; as has been shown by Donzelot, targeting single parents is a normative issue, because in doing so, the legislator says that parents should not divorce if they want to avoid financial problems (Donzelot, 1999).

The definition of appropriate work only includes provisions for compatibility between work and family life in five countries (Ireland, France, Germany, Poland and Switzerland).

The distance, or travel time to and from work, is sometimes specified within the definition of appropriate work, though this travel time to work is unpaid time taken away from family time, free time or sleep. It is defined in seven countries, and ranges from 10 to 20 hours a week, or is set in kilometres per day (100 km to work and back). Three countries have no set norms and rule on a case-by-case basis, and travel time must be added to the average weekly work time in the countries considered (see Table 1); this enables us to acquire an idea of the number of hours per day that unemployment insurance – and society – views as normally attributable to work-related activities.

Travel time also affects the ability of taking care of one's family and household duties. In rare countries such as France and Poland, however, the maximum travel time required must be weighed against the family situation of the beneficiary. Case-by-case decisions enable insurance authorities to take into account family constraints, which is not possible where the law contains a set definition for maximum travel time.

<sup>11</sup> Our data does not provide information about semi-formal jobs.



Lastly, we must point out that some of the countries analysed have included specific provisions for helping persons raising children to return to work (e.g. Germany), and that where other social benefits complementary to unemployment insurance exist (targeted by income level), supplements are often found in cases of pregnancy, maternity or the care of dependent children.

Social policies toward parents in the field of unemployment may be seen to be ambiguous, and although some countries do take family circumstances into account, this norm is not as widely accepted as others. Ways in which employment models are viewed in the countries we examined, as well as the way society takes female employment into account (“extra” salary or necessary salary), do vary. If social security is founded upon the male breadwinner model, the wife’s wages are considered as “extra”, whereas systems founded upon a dual breadwinner model view the salaries of both parents as being necessary.

#### 4. Conclusion

As we have shown, unemployment insurance reflects a normative representation of the world and produces it at the same time (Fraser, 1989).

From the point of view of national citizens’ rights, these norms only recognize legal, authorized and declared salaried employees who have resided in the country for a set period of time. They confirm the close link between social policy and nationality, with some foreign workers being excluded from the circle of beneficiaries because of these norms.

Insurance only takes employment into account. Jobs are rare social goods - workers are expected to hold on to them - but they are declined differently along a person’s life course. There is a before- and an after employment. The dominance of the male employment norm and the complete lack of consideration given to domestic labour contribute to structuring gendered roles as separate and hierarchically organized; these characteristics are emphasized by the fact that salary is also treated as a family wage. Ambiguous unemployment policies toward parental status do not challenge the prevailing social order, as they do not promote a recognition of the direct social necessity of care work (by attributing social rights derived from care activities); they merely allow for a “conciliation” between domestic work and employment, thereby not questioning the gendered division of labour. Disparities between countries, whether related to contextual differences or to the history of the local welfare state, do not weaken these arguments since they are not founded upon fundamentally different conceptions of unemployment.

These norms are part of the present “spirit of capitalism”: they define the outlines of the “space of possibles”, not only in terms of the development of welfare states, but also of the debates about it. In order to understand and discuss current developments in European welfare states and the lack of criticism from political parties and elites about welfare-to-work policies, we have to bring back into view the possibility that things could be different. The norms we identified are not at the core of debates between scholars working on welfare state regimes today; yet they do limit the range of conceptualization and discussion about the (welfare) state. “Through the framing it imposes upon practices, the state establishes and inculcates common forms and categories of perception and appreciation, social frameworks of perceptions, of understanding or of memory, in short *state forms of classification*. It thereby creates the conditions for a kind of immediate orchestration of habituses, which is itself the foundation of a consensus over this set of shared evidences constitutive of (national) common sense.” (Bourdieu et al., 1994, p. 13)

Social work is intimately concerned by the normative dimension of unemployment insurance because it influences the day-to-day practice with unemployed people. In order to further our analysis, we need to collect data (in-depth interviews, ethnological observations...) on how social workers integrate social policy norms (e.g. activation, norms about gender, citizenship, etc.), in addition to acquiring a better understanding of their interpretation of

these in different national contexts. As Lipsky (2010), Dubois (1999) and Hertz, Valli and Martin (2004) demonstrated, welfare agents (among them social workers) are continuously carrying out interpretations of legal norms, while analyses of how they perform this task could be very useful in order to understand why they encourage - or refrain from encouraging - jobless clients to look for employment. A range of studies initiated in 2011 in Switzerland within the research programme, LIVES, Overcoming vulnerabilities<sup>12</sup> is focused on this issue, and we hope this type of research will be also be carried out in other countries.

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