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## **EU integration and Basic Income – Rethinking Social Justice in Competitive Welfare States**

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### **Summary:**

International economic competition forces national welfare states to transform themselves into competitive welfare states, if they want to preserve their commitment to social welfare. EU economic integration and increasing transnational migration have increased the political and fiscal difficulties of maintaining current levels of welfare benefits. In this paper it will be discussed how EU integration leads to changing normative concepts of social justice in European welfare states. Even if there is little empirical evidence for the moral feasibility of a basic income, competitive concepts of social justice might cope well with smaller solutions such as the negative income tax or wage subsidies as an effective way of solving the poverty and unemployment problem. Smaller solutions turn out to have bigger advantages for the integration of foreigners in modern welfare states.

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### **1. EU Integration and Basic Income**

Presently in all developed welfare states of Western Europe we can observe on-going reform debates over the future of the welfare state. I suggest the key issue of these debates is the question of how to solve problems of distributive justice in times of continuous mass unemployment (Offe 1990). Historically grown arrangements between the labor market as prior income source and social benefits in addition are questioned by incessant mass unemployment. Thus, established arrangements between the labor market and social security have to be reorganized as the labor market does not provide jobs for all citizens (Pioch 1996).

Some countries, like Denmark and the Netherlands have been more successful than others in implementing an active employment policy. However, the problem of moral legitimization of the welfare state increases for all advanced welfare state as much as the process of European integration proceeds (Streeck 1998). The welfare state is based on the idea of solidarity within territorial boundaries. National borders mark who belongs to the inner circle of contributors and possible beneficiaries. They provide the institutional base for trust among citizens. (Offe 2000) Those who actual pay for financing the welfare state by taxes or social security contributions know, that the duty to pay is put upon all those who live inside of the nation' boundaries and have the financial capacity for payments. Without the nation state there is neither the infrastructure nor are there incentives to invest in common goods. Along with the process of European integration national boundaries become permeable, transnational labor markets arises, the inner circle for social democracy diffuses (Offe 1998). The formation of a European Union increases the demand to legitimize why some should pay for others, who are of different nationality.

However, as far as I can see, so far the basic income idea has been created, formulated and discussed as a reform proposal in national boundaries. Only recently it was the well known European Union specialist Philippe Schmitter who came up with a related idea, proposing a means-tested Euro-Stipendium. "An Euro-Stipendium would consist of the monthly payment of a stipulated amount of Euros to all citizens or permanent residents living within the EU whose total earnings correspond to less than one-third of the average income of everyone living within the EU." (Schmitter 2000). The basic in come debate has been quiet on the issue, who should be in the inner-circle of those who deserve a basic income beyond the nation state. Some proponents may have referred to pragmatic solutions expanding current exclusion of migrants from social assistance schemes into basic income schemes (Paul de Beer), others have been totally silent on the question of the effects of a basic income proposal as a citizen's income in times of increasing migration and spreading transnational labor markets.

This paper explores whether at all and under which conditions the basic income idea can be adopted to a situation in Europe which can be characterized by economic internationalization, national welfare policies, and transnational labor markets. The paper discusses whether in today's Europe smaller versions of the basic income idea like Negative Income Tax, wage subsidies or Schmitter's Euro-stipendium might not achieve the claimed purpose of a basic income in a sense of real freedom for all, but are much more likely to improve the living conditions of migrants, refugees and asylum seekers in European welfare states

The purpose of this paper is to reflect on the basic income proposal from an international perspective taking into account that free access to citizenship in European welfare states is even more unrealistic than the implementation of a basic income. Thus, there are good reasons for advocates of a basic income to rethink their proposal in terms of social justice beyond national borders - at least if they want to prevent unintended exclusionary effects to non-citizens: migrants, refugees and asylum seekers.

## **2. The Dynamics of European Integration**

The process of European Integration goes back to the 1950s and 1960s, when we saw only the six original member states: Germany, France, Italy, the Netherlands, Belgium and Luxembourg participating in the integration enterprise (Falkner/Nentwich 2001). The first doubling of participants occurred between 1973 and 1985. The United Kingdom, Ireland, Denmark, and Norway applied for membership in 1961. When the negotiations were completed in 1972, the European Economic Community (EEC) had reached its stage as a Customs Union. Supranational features had hardly come into play, though the European Court of Justice (ECJ) had meanwhile developed its doctrines of direct effect and supremacy of EC law. While the main ambitions of the first additional member states, Great Britain, Ireland, and Denmark (After a negative referendum Norway did not become a member) had been economic, the subsequent three southern applicants, Greece (1975), Spain and Portugal (1977) desired membership for more overtly political reasons.

After the end of former GDR and the Soviet Union had changed the international arena Austria was first among the group to apply officially for membership in 1989. Sweden, Finland, Switzerland, and Norway applied in 1991-2. Until the final admittance of Austria, Finland and Sweden, the Union itself had developed further. One significant development was the increased stress on correct implementation of EC law, including fines against governments

which do not follow an ECJ ruling. Thus, the new members of 1995 had to accept not only more but binding rules. The post-Maastricht Union had a strongly increased supranational character.

The Amsterdam treaty once again brought significant policy innovations. In particular, it integrated the Schengen agreement, set up a common visa policy, plus reinforced the foreign and defense policy structures and competencies. In other words: It extended the Union's area of activity beyond anything known so far in economic integration. On the basis of the Amsterdam Treaty the EU has recently developed into a much more political union than before. In the words of German chancellor Schroeder, the EU is now "a community of values".

Yet, within another ten years from today only, the EU could actually double again to include thirty member states. Membership negotiations are now under way with twelve applicants: since March 1998 with the first group of countries: Poland, Hungary, Czech Republic, Estonia, Slovenia, Cyprus, and since February 2000 with the second group consisting of Romania, Bulgaria, Lithuania, Latvia, Slovakia and Malta. According to the so-called regatta approach, some countries of the second group may catch up with the first one. This will depend on the annual country reports about the progress being made in meeting the so-called Copenhagen criteria. According to the latter membership requires: achieved stability of institutions guaranteeing democracy, a functioning market economy, the ability to take on the obligations of membership, including adherence to the aims of political, economic, and monetary Union.

Looking at the process of European Integration the internationalization of the economy is on its way, the question remains how will it effect those political institutions which until now rely on forms of legitimization organized in national borders. What will happen to democracy and the welfare state in the process of economic internationalization?

### **3. Economic Integration and National Welfare Policies**

The process of European integration is mainly a process of economic integration. Social policy remains at the national level. To analyze European integration processes it helps to distinguish between negative and positive integration (Scharpf 1999). Economic integration is mainly a process of negative integration, which means that free common markets were

created. However, even if European integration is a process of economic integration and social policy remains in the domains of national welfare states, social policy choices are severely constrained by economic integration processes.

European economy can be distinguished from the old one by intensified competition in markets not only for goods and services but also for capital and labor – both within Europe and across the European border. Thus, Any social policy in Europe will be embedded in a more competitive and more market driven economy (Streeck 1998).

Moreover, the irreversibly increased competitiveness in an integrated European economy tends to influence and change normative concepts of solidarity. Redistributive solidarity will change into competitive solidarity (Streeck 1999). The emphasis of political discourse is shifting towards investment in the ability of individuals and communities to survive in intensified competition. Social policy will change from redistribution to measures of investing in human capital and infrastructure. The goal of social policy will no longer be seen as de-commodification, but equal opportunities for commodification.

#### **4. The Political Viability of a Basic Income in Competitive Welfare States**

If the diagnosis of a shift in solidarity patterns is correct a basic income will only be political feasible if the basic income advocates succeed in showing the competitiveness of a basic income. Actually this is not impossible. It only asks for an economic rather than moral reasoning for a basic income (see: Paul de Beer, in: Pioch 2000)

Nevertheless, empirical research in Germany and the Netherlands shows that the normative possibility space for basic income proposals doesn't exist in neither one of the countries. (Pioch 1999, 2000) An investigation on the images of social justice of high-ranking politicians shows that the notion of reciprocity is so deeply rooted in the normative ideas of politicians as well as their voters, that a basic income doesn't fit in the social policy reform debate, which really takes place in Germany and the Netherlands.

Moreover, the investigation could confirm the hypothesis of increasing competitive social policy ideas, in a way that today in deed social policy discourse are dominated by productivist arguments rather than moral arguments (Pioch 1999, 2000). Thus, empirical evidence for political viability of a basic income is very low.

In this paper, I don't want to go deeper into this debate (Pioch 1996, 1998, 1999, 2000). However, I would like to discuss, whether in times of economic integration, moving labor and transnational labourmarkets, a basic income is still an adequate social policy proposal, which integrates not only those who have citizens rights in one society, but also includes those who live as foreigners in modern European welfare states.

## **5. Migration, Citizenship and Basic Income**

The Central Register of Foreigners reported 7. 320.000 migrants in Germany at the end of 1998, accounting for about 9 % of the total population. This figure falls in the upper middle range for a European country. One in four migrants was from a member state of the European Union. For them a Euro-stipendium as proposed by Philippe C. Schmitter would be accessible, while three fourth of the foreigners living in Germany would not be eligible for it, as long as it is linked to European citizenship.

### **5.1 Length of stay and residence status of migrant workers in Germany**

The foreign resident population forms an integral part of the population in Germany also because of the length of time most migrants remain here. Thus, at the end of 1997, 30% of the total migrant population, both male and female, had lived in Germany for twenty years or longer, 40% for more than 15 years, and 50% for more than 10 years. The average length of stay of foreign workers and their families from the former recruitment countries is even longer. Almost two thirds of all Turks and Greeks, 71% of Italians and 80% of Spaniards have lived here for ten years or more. With regard to the relevant statistics, note that the average length of stay is reduced on account of the influx of relatively large numbers of asylum seekers and refugees over the last decade and the naturally short "length of stay" of the relatively large numbers of migrant children born here (The Federal Government's Commissioner for Foreigners Issues 1999).

Considering the fact that migrants – and especially foreign workers and their families – have lived here for many years and that for most of them, Germany has become the focus of their life, the residence status of many migrants still leaves much to be desired<sup>1</sup>. Of a total of

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<sup>1</sup> The Aliens Act provides for different types of residence status according to the purpose of the stay:

– *A residence title for specific purposes* makes a person's stay conditional upon the reason for which it is issued. The holder must always leave Germany when the reason for his or her stay expires. For example,

2.11 million Turks at the end of 1998, for example, 765 000 had a limited residence permit, 610 000 an unlimited residence permit, and only 500 000 had a right of unlimited residence (23.7%), the most secure residence status. The numbers with a right of unlimited residence were even lower among Tunisians, Moroccans and nationals of former Yugoslavia – again, workers from the former recruitment states. Since secure residence status is essential for successful integration, there is still a deficit here.

This deficit has significant implications for the proposal of a basic income. It implies that even migrant workers, some of them living in Germany for many years, do not have full residence status, not to speak of the right of citizenship. Thus, they wouldn't be eligible to a basic income designed as an guaranteed citizen' income, because they do not have the necessary citizenship status. The differentiation in residence status in German law would not even give access to a basic income to all of them, if the basic income or Euro-stipendium would be connected to residence status. However, the proposal of a basic income as a citizens' income gets even more exclusive, if one considers the situation of those foreigners in Germany, who didn't come as migrant workers but as refugees or asylum seekers.

## 5.2 The status of refugees and asylum seekers in Germany

While the migrant workers, who came to Germany in the sixties and seventies were explicitly asked to come and work in Germany, foreigners who came to Germany in the nineties are mostly denied a work permit in Germany. German asylum law categorizes them in eight

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foreign students allowed to study in Germany under development aid schemes can apply for a residence title for their studies and, if granted one, may not remain in Germany for any other purpose.

- A *limited residence permit* establishes a basis for permanent residence. The holder's residence status becomes more secure the longer he or she stays.
- An *unlimited residence permit* is the first step towards secure residence status. Holders of a limited residence permit can apply for an unlimited one after five years provided that they satisfy certain other criteria.
- A *right of unlimited residence* is the best and most secure residence status under the Aliens Act. Holders of a residence permit can apply for a right of unlimited residence after eight years provided that they satisfy certain other criteria.
- A *residence title for exceptional purposes* is usually granted on humanitarian grounds. In practice it is mostly granted to civil war refugees. It can only be renewed if the humanitarian grounds for its issue still obtain, though holders may apply for a right of unlimited residence after eight years.
- A *temporary suspension of deportation* is not a residence permit. It merely means that the state has abstained from deporting the person concerned. It may be granted on application when a foreigner is legally obliged to leave the country but there are legal or factual reasons against deportation (for example, the person's own country refuses entry or the person faces the death sentence there).
- Permission to reside is separate from the various types of residence status provided for in the Aliens Act. It is the status accorded to an asylum seeker whose application is being processed. Asylum seekers who are granted asylum under the Basic Law receive an unlimited residence permit; those granted asylum

different groups listed in Table 1. There are special regulations on residence status and work permits for each group.

**Table 1: Germany: Evolving Numbers of Foreign Refugees 1992-1997**  
(BRD: Entwicklung der Zahl ausländischer Flüchtlinge 1992-1997)

Year	1992	1993	1994	1995	1996	1997
<b>Persons Granted Asylum</b> (Asylberechtigte)	100.000	108.500	136.800	158.600	170.000	177.000
<b>Dependants of Persons Granted Asylum</b> (Familienangehörige von Asylberechtigten)	130.000	130.000	130.000	130.000	130.000	130.000
<b>Convention Refugees</b> (Konventionsflüchtlinge)					16.000	25.500
<b>Quota Refugees and Jewish Emigrants</b> (Kontingentflüchtlinge und jüdische Emigranten)	38.000	52.000	67.000	88.000	103.000	95.000
<b>Asylum Seekers</b> (Asylbewerber/innen)	610.000	530.000	390.000	45.000	330.000	342.500
<b>De Facto Refugees</b> (De-facto-Flüchtlinge)	640.000	755.000	650.000	50.000	500.000	360.000
<b>Refugees from Civil War from former Yugoslavia</b> (Bürgerkriegsflüchtlinge ehem. Jugoslawien)	300.000	350.000	350.000	320.000	330.000	254.000
<b>Stateless Aliens</b> (Staatenlose Ausländer)	28.000	22.000	20.600	18.800	17.000	16.000

Source: Ministry for the Interior; own translation

In Germany foreigners' access to the labor market is strictly regulated. The work permission depends on the residence status of the foreigner. Only EU-citizens, including Norwegians and Suisse, their family members and foreigners from non EU-countries who received the full residence status do have full access to employment. All others have to ask for work permissions. The application for a work permission often requests a year of waiting time, in which the foreigner is not allowed to participate in the labor market. Moreover the work permission is given as a subordinated permission, which means the foreigner is only allowed to be employed unless there is no German worker available to do the job.

Today, persons granted asylum, convention refugees, those who received asylum according to the Geneva refugee convention, and quota refugees, they belong to the defined group of people in Eastern Europe with German heritage, receive unlimited residence status. Therefore these groups receive an equal work permission. However, family members of a person granted asylum, who arrived in Germany after the person got asylum, have to wait for four years until they can apply for a work permission.



Contrary to the persons granted asylum, asylum seekers have to wait for twelve months until they can ask for a work permission. The work permissions, they can get, are restricted to a specific job and a specific employer. The work permission for asylum seekers as well as for de-facto refugees, those who are considered as not eligible for asylum, but can't be sent home, and civil war refugees are permissions of lower priority requesting no German worker is available for the job.

In the past, due to a regulation from the Ministry of Employment in 1997 (Clever-Erlaß), saying high unemployment figures imply there always is a German person available, practically for all asylum seekers, de-facto refugees and civil war refugees access to the labor market was practically denied. Thus, all foreigners with precarious residence status, asylum seekers, De-facto refugees and refugees from Civil War from former Yugoslavia were excluded from any legal employment or further qualification (Arbeitserlaubnis- bzw. Arbeitsgenehmigungsrecht, § 19 AFG (until 31. 7. 1997), Arbeitserlaubnisverordnung; §§ 284-86 SGB III (since 1.1. 1998) plus Arbeitsgenehmigungsverordnung (ArGV).

Table 2 indicates the consequences of the restrictive regulations of work permissions for asylum seekers. Numbers of work permissions decreased rapidly.

**Table 2: Germany: Work Permissions (first-time employment) for Asylum Seekers**  
(BRD: Arbeitserlaubnisse für eine erstmalige Beschäftigung von Asylbewerbern)

1991	1992	1993	1994	1995	1996
64.721	84.252	64.538	44.073	40.290	31.162

Source: Bericht der Beauftragten der Bundesregierung, Dez. 1997, S. 48

Just recently the Ministry of Employment gave up this exclusionary regulation. Today these groups can work, if there is no German person available for the job. Civil war refugees do not have to obey a waiting time before application. De-facto-refugees are distinguished in two groups: Those, who can't be sent home, because the home country refuses entry, and those who can't go home because of the political situation, p. E. Afghanistan. The former have to wait for twelve months for work permission the latter don't. Finally, stateless aliens have equal labor market access as Germans.

All in all: In Germany the restrictive policy regarding citizenship, restrictive asylum policy and the exclusionary policies regarding work permissions do not give any reason to speak of a liberal migration policy as conceivable in the near future in Germany – not under the former conservative government, and not any different under the coalition of social

democratic/ green government. In Germany the discrimination between citizens and foreigners is extended also in the quantitative dimension of welfare assistance. As table 3 indicates, asylum seekers receive lower assistance than German citizens.

**Table 3: Germany: Comparison of Payments according to AsylbLG and BSHG respectively**  
(BRD: Leistungen gem. AsylbLG und gem. BSHG im Vergleich)

	Asylum Assistance AsylbLG	Social Assistance (Regular Rates) [Sozialhilfe-Regelsätze] (NRW)	
	1993-1998 (unchanged)	1993	1998
<b>Head of Household and Singles</b>	360,- DM + 80,- DM (pocket money)	519,- DM + clothing	540,- DM + clothing
<b>Member of Household (18 years and older)</b> [Haushaltsangehörige]	310,- DM + 80,- DM (pocket money)	415,- DM + clothing	432,- DM + clothing
<b>Member of Household (14 to 17 years)</b> [Haushaltsangehörige]	310,- DM + 80,- DM (pocket money)	467,- DM + clothing	486,- DM + clothing
<b>Member of Household (7 to 13 years)</b> [Haushaltsangehörige]	310,- DM + 80,- DM (pocket money)	337,- DM + clothing	351,- DM + clothing
<b>Member of Household (0 to 6 years)</b> [Haushaltsangehörige]	220,- DM + 40,- DM (pocket money)	260,- DM + clothing	270,- DM + clothing

Source: Kühne/Rüßler 2000

The tendencies described here for Germany can similarly be found in the Netherlands. In June 2000 the Dutch parliament passed a new legislation (Vreemdelingenwet). Following the new legislation all asylum seekers can only get a limited residence status up to three or four years. This means no one can get full residence status at first decision. However, all asylum seekers get a work permission for three years. After one year of work performance they get access to the national basic security scheme (Volksverzekeringen). The Dutch legislation can be interpreted as follows: In the Netherlands there is no political move to expand citizens right to foreigners. However, it is on the agenda to expand the employment strategy of the Socialdemocrats/Liberals coalition to foreigners.

I suggest, the basic income debate can not count on liberal citizenship regime or liberal residence policy in any European country. Basic income proposals have to take into account that in modern welfare states in Europe class conflicts might have diminished, but societies consist out of two groups: citizens and non-citizens. Thus, the basic income advocates can no longer avoid to take a stand on who is meant to be in the inner-circle of the basic income recipients. As long as the basic income idea is linked to citizenship it only covers those who

have citizens rights – in Germany it would exclude more than 9 % of the people, in some German cities up to 25% of the population. To open up the debate in the final section I will discuss the implications of some of the various basic income schemes on the integration or exclusion of foreigners in European welfare states.

## **6. The Moral and Economic Desirability of Basic Income Schemes in Europe - Three Scenarios**

The present situation: As the paper outlined for Germany and the Netherlands in modern welfare states the situation foreigners are faced with can be best described, that if at all, employment strategies are expanded to foreign workers, while they are facing a more or less restrictive residence and citizenship policy. Citizens in advanced welfare states, as Germany and the Netherlands, are eligible to social assistance, which is at least in the German case higher than the financial support for asylum seekers. If the notion of the poverty trap due to the non-combination of work and social income has any empirical relevance, we contest a situation, in which German citizens, who receive social assistance are trapped in a deeper poverty trap than asylum seekers. For German citizens there is only an incentive to work if the income they earn in the labor market is significant higher than the level of social assistance. As long as the financial support for asylum seekers is lower than social assistance, there is a stronger incentive for asylum seekers to take a low wage job in the labor market than for social assistance recipients. Only they need to be permitted to be employed in the labor market. If the argument of the advocates of a low wage sector is correct, that once people succeeded in finding access to the labor market, they have far better chances to be promoted in their working careers, then, in respect to labor market participation foreigners might gain in a situation, where work permissions are granted to foreigners and social assistance is higher for citizens. One can easily argue to lower social assistance to the level of the financial support for foreigners, as some conservatives might do. However, empirical research shows that there is no political support for such a solution neither in Germany and not at all in the Netherlands (Pioch 2000).

*Scenario I – Introduction of low wage subsidies:* The proposal of low wage subsidies has not much, but one purpose in common with a basic income. It is the purpose of finding a solution to the twin problem of poverty and unemployment in modern welfare states (Scharpf 1995, 1997). Low wage subsidies aim on expanding the low wage sector. In deed, a

subsidized low wage sector would increase the employment chances for foreigners as well as it contributes to solve the poverty trap for social assistance recipients. In addition, empirical research shows that this proposal – even if it does not meet the leisure promises of a basic income – is compatible with the normative possibility space in modern competitive welfare states as Germany and the Netherlands (Pioch 2000). In respect to a basic income however it has the advantage, that it is a proposal which doesn't need a linkage to citizenship or residence status. Under the pre-condition of work permissions for foreigners it would equally improve employment chances for citizens and non-citizens.

The same employment argument can be made for the Negative Income Tax. A Negative Income Tax serves the same purpose of overcoming the poverty trap by expanding the low wage sector (Mitschke 1985, 1995). Compared to low wage subsidies two disadvantages are connected to this proposal: It is much harder to implement in the narrow possibility space of welfare reform policies (Pioch 2000). And secondly, it needs some kind of reference unit – tax payers or citizen status – which could easily disadvantage foreigners as long as they are still looking for a job.

*Scenario II – Introduction of a means tested Euro-Stipendium:* A means-tested Euro-Stipendium as proposed by Philippe C. Schmitter broadens the view of those basic income schemes, who are defined nationally. A Euro-Stipendium would establish a Europe-wide social minimum. For the countries that already have relatively generous schemes of social assistance, such harmonization would run into difficulty because of structural and institutional differences. These difficulty might be overcome by agreements purely defined in relation to a country's average income position. For the Southern countries and even more so for the future member states in Central and Eastern Europe the implementation of a Euro-Stipendium would only be feasible with substantial support from the Union. If such support were forthcoming a Euro-Stipendium would indeed broaden the present national perspective of social assistance schemes towards a European. It depends on the requirements en detail whether it is appropriate to overcome the disincentives of existing social assistance schemes. It remains a proposal which is linked to citizenship or residence status.

*Scenario III – Introduction of an unconditional Basic Income:* A basic income in most proposals is linked to citizenship or residence status. According to empirical research conducted in Germany and the Netherlands the political feasibility of an introduction of a basic income is not in the scope of the present normative possibility space of welfare policies – neither in Germany, where the dominance of the idea of reciprocity frames the political

discourse, nor in the Netherlands where successful employment strategies seem to dominate the discourses claiming necessity of a basic income. Moreover, if already a basic income given to each individual citizen, it occurs even more unrealistic, that this proposal would be of any political feasibility if it includes foreigners regardless their citizenship. Thus, due to European integration and transnational labor markets the basic income debate is challenged to broaden up its national perspective at least if it wants to contribute to a society which integrate their foreigners.

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