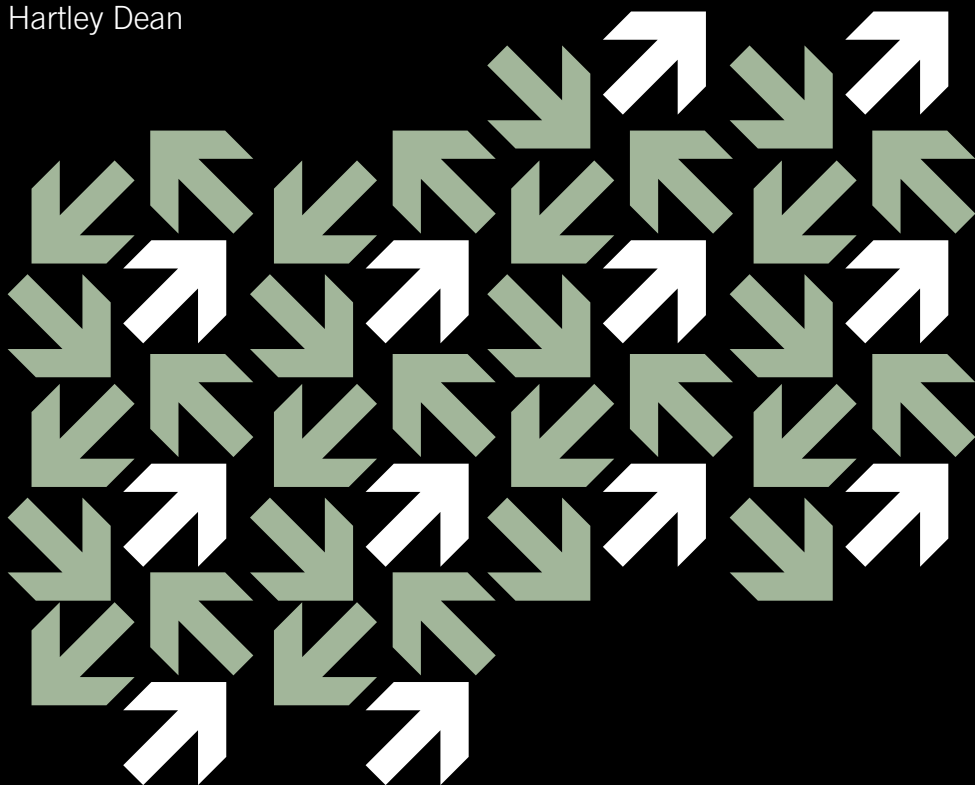


Restoring Social Citizenship in an Age of New Risks

Hartley Dean



2020 Public Services Trust
at the RSA

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Introduction to this series

The Commission on 2020 Public Services is a major inquiry into how public services should respond to the significant societal challenges of the next decade. The Commission is developing a practical but compelling vision of the priorities for public action to address the emergent challenges facing society in 2020. The Commission has three aims:

- 1** To broaden the terms of the debate about the future of public services in the UK.
- 2** To articulate a positive and long-term vision for public services.
- 3** To build a coalition for change.

This series of essays represents a working partnership between the 2020 Commission and the Economic and Social Research Council (ESRC). As part of our commitment to rigorous, evidence-based research, we jointly commissioned a series of experts to examine the key issues in public services. Two broad themes emerged: one considering future relationships between citizens, state and society; the other exploring the future delivery of public services.

Generous support from the ESRC has allowed the Commission to dig deep into a complex set of issues, and ensure its inquiry represents the best contemporary thinking on public services and society, with a strong evidence base.

Each paper can be read separately, and will also be available as a collected volume in the future. We believe that the research and analysis emerging from this partnership is a rich and significant contribution both to the ongoing national debate on public services and to the Commission's vision for the future. We hope that you enjoy the series, and we invite you to share your own reflections and analysis at www.2020pst.org.

Foreword

The risks of our globalised, post-industrial society are often framed in terms of their effect upon individuals. Unemployment, old age and obesity, for example, are deemed manageable if only individuals invest sufficient resources to skill themselves adequately, save for the future or make healthy lifestyle choices. Given sufficient information, the choices of individuals can be a powerful form of insurance against increasingly complex and diverse risks.

Yet while these risks fall upon individuals they are commonly shared across many sections of society, affecting many individuals at the same time and imposing consequences upon other members of society. The ‘demographic time bomb’, for example, is expected to see the number of people over 85 years growing by 50% by 2020, putting pressure on the remainder of the workforce to meet the increased costs of pensions, health, social care and other public services.¹

It was the acknowledgement of these ‘spillover effects’ that gave rise to development of the original welfare state. Beveridge’s 1942 model for the UK formalised a universal entitlement to welfare benefits in the event of unemployment, sickness or injury in the workplace. For the first time, citizens were able to call upon the safety net of welfare paid out of general taxation and National Insurance contributions. A system in which all contributed and all were entitled to benefit was created to pool risk across society.

However, even Beveridge himself soon feared he had not emphasised sufficiently the importance of responsibility and reciprocity for a sustainable settlement (Full Employment in a Free Society, 1944). The managerial and market-based reforms since the 1980s have further helped to embed the expectation of individual entitlement without a corresponding notion of individual or shared responsibility. While legislating for ‘social rights’ via the human rights agenda, this too is grounded in a highly liberal-individualist conception of rights and entitlements; there has been a push for individual justice, not *social* justice. Whilst we have continued to pool risk

1 Volterra Consulting, ‘The Fiscal Landscape: Understanding contributions and benefits’ (2020 PST: 2010)

collectively, we have lost the sense of social responsibility and reciprocity. We have taken the 'social' out of citizenship.

How then are we to proceed? Hartley Dean proposes two ways of restoring social citizenship: the development of local social rights councils to build a bottom-up commitment for social justice; and, a campaign to advance supranational monitoring and enforcement of social rights. The time has come to pool responsibility by reasserting the fact that "citizenship *is* social".²

Charlotte Alldritt

2020 Public Services Trust, July 2010

2 Alldritt, C. '2020 Welfare: Work, Life, Locality' (2020 PST: 2010)

Restoring Social Citizenship in an Age of New Risks³

This paper:

- Argues that people have lost faith in the ideal of social citizenship because:
 - The welfare state has failed to ensure security and equality in the face of changing social risks.
 - The public service ethos has been eclipsed by marketisation and managerialism.
 - Social rights have been marginalised by increasing conditionality of social provision and the ascendancy of a highly liberal-individualist conception of rights.
- Considers whether, nevertheless, there may yet be a popular demand for social justice based on social citizenship.
- Contends it is possible to raise popular expectations, by restoring an ethos of commitment to shared provision and promoting a ‘bottom-up’ rights-based approach to public services.
- Suggests two practical strategies:
 - The development of local social rights councils.
 - A campaign to advance supranational monitoring and enforcement of social rights.

The failure of the social citizenship ideal

The new risks faced by inhabitants of the post-industrial world stem from a variety of factors. Economic globalisation has diminished the security of livelihoods founded on wage labour. Demographic transition and social change have disrupted the

³ This paper draws extensively on, but develops certain elements of, the author’s recent book: Dean, H. (2010) *Understanding Human Need*, Bristol: The Policy Press.

security of life course patterns once founded in familial and inter-generational dependencies. The 'crisis' of the capitalist welfare state has diminished the security that social citizenship, according to TH Marshall (1950), should guarantee.

In one sense the risks are not new. The security afforded to wage labourers by industrial capitalism was always tenuous. The security afforded by family and kin was always, potentially, ambiguous. The security afforded during the 'golden age' of the welfare state was never unconditional. Nevertheless we are led to believe that in today's labour market there is no such thing as a job for life (Doogan 2009; Sennett 1998); that the demands of 'postmaterialism' on our personal relationships render them increasingly unstable (Beck and Beck-Gernsheim 2001; Inglehart 1990); that universal healthcare and universal social protection may no longer be sustainable (Pierson 1996). It is our perceptions of and responses to life's risks that are changing. The coming of 'risk society' (Beck 1992) has entailed a loss of faith in social citizenship and the institutions of the welfare state.

The basis of the claim once made for social citizenship was that it ensured an equality of status 'between individuals within a population which is now treated for this purpose as though it were one class' (Marshall 1950: 33). However, the evidence has long shown that the welfare state could in some respects exacerbate rather than ameliorate class inequalities (Le Grand 1982). And the latest evidence reveals that, despite policy reforms intended to equalise opportunities, substantive economic inequalities have continued to grow (Hills 2009).

The eclipse of the public service ethos

Public service provision has been significantly remodelled, but as Taylor-Gooby has claimed, 'the new policy model damages social citizenship' (2009: iii). The concern is that social values have been eroded. The implicit consensus that allowed the nascent welfare state to emerge from the era of the Poor Laws, was imbued with a certain public service ethos, albeit one that combined paternalistic authority with beneficent expertise. The welfare professional – the doctor, the nurse, the teacher, the housing officer, the welfare administrator, the social worker – came to embody a new and ambiguous form of paternalism and of 'normative power' (Clarke and Newman 1997). The welfare state settlement effectively endorsed the authority of this new breed of professional as the guarantor of our new found social citizenship.

Early scholars of the welfare state, such as Titmuss (1971), were concerned that social rights of citizenship should serve the cause of 'creative' or 'individualised'

justice, administered by compassionate experts. Titmuss' objectives ostensibly resonate with those who now advocate 'personalised' public services, but clearly, he regarded the nature of public service provision rather differently. The public service ethos may well have invested welfare experts with too much power. Certainly, the monolithic character of the classic welfare state and the authoritarian propensities of welfare professionals have been attacked, for example, by radical communitarians such as Walzer (1983). But the failures of the welfare state cannot justly be laid at the door of an ethos that was intended to harness the skill and the care that would serve the needs of citizens and enable them through the machinery of the state to share in meeting the needs of others.

More recently, conceptions of social rights have become less associated with objective conditions of need (e.g. Cox 1998). Attempts to reform state welfare have tended to reconstitute the user of public services as a customer, not a citizen. The rise of social citizenship was associated with services such as social insurance, healthcare and education that became available, not as commercial commodities but as of right. As a consequence, labour power itself became less of a conventionally marketable commodity (Esping-Andersen 1990). Following the crisis of the welfare state during the last decades of the twentieth century (Esping-Andersen 1996) there has been a certain trend to 'recommodification' (Offe 1984). The developed economies have sought to maximise domestic labour market participation and productivity. And at the same time they have sought new ways to moderate or constrain their social spending; to reduce the *costs* of social citizenship. Not only has labour-power been recommodified (through welfare-to-work), but so have public services addressed to meeting human needs.

Recommodification has occurred through the direct privatisation of certain elements of social welfare provision (Papadakis and Taylor-Gooby 1987); by promoting a greater degree of pluralism in the provision of welfare services (Johnson 1987); and through the introduction of 'new public managerialism' or NPM (Hood 1991). NPM was an attempt to change the basis on which the services retained within the public sector should be managed. First of all there has been a drive to 'marketise' public provision for personal needs. The intention has been to make public services more 'business like', by importing the methods of business management and some of the characteristics of free markets into the administration of healthcare provision, education and social security. More recently, new approaches to governance (Rhodes 1997) have emphasised the need to

‘modernise’ (e.g. Cabinet Office 1999) and to ‘personalise’ public service provision (e.g. Prime Minister’s Strategy Unit 2007).

The essence of new governance approaches is that when needs are met by the state, the recipient’s citizenship is defined by her civil status, not her social being. The relationship between recipient and provider is contrived to be like a market transaction, governed by civil not social rights; by contractarian rather than solidaristic principles. The recipient is construed not as a potentially vulnerable subject but as an autonomous economic actor; as a consumer. Defenders of such reform argue this will be more effective than the old-style welfare state (Le Grand 2003), yet it amounts to an erosion of the social citizenship ideal. The social citizen is now cast if not as a customer, as a service ‘user’: an atomised individual, unconnected to other users, and inclined to mistrust the welfare state, rather than celebrate her status as a citizen.

The marginalisation of social rights

In one sense, social rights have always been marginal. In countries with developed welfare states, they have been systemically subordinate to the specific constitutional and political context within which they are framed and they have tended to a greater or lesser extent to be conditional (Dean 2002). Rights to public service provision are the creatures of legislative and administrative processes: they depend for their implementation on political initiatives and for their enforceability on legal frameworks. Even supposedly universal social rights are conditional on the legitimacy of the subject’s citizenship status. Other rights may be contingent upon the citizen’s life course stage or disability status; upon contributions paid in the course of past or present labour market participation; upon a test of the citizen’s means; or upon the willingness of the citizen to submit to the judgements of service providers.

Social rights can be conceptualised as human rights as well as citizenship rights. But there is a sense in which, paradoxically, the human rights agenda has served the cause of social rights no better than the concept of social citizenship. The 1948 Universal Declaration of Human Rights (UDHR) consolidated so called ‘first wave’ human rights (i.e. liberally conceived civil and political rights that had been named and claimed since the European Enlightenment); but it also named and claimed a ‘second wave’ of human rights (e.g. Klug 2000), namely rights to economic, social and cultural security.

Second generation rights remained more elusive than first generation rights. The terms in which they were framed reflected the unresolved global tensions of

the post-World War II era (e.g. Hunt 1996). Despite assertions as to the indivisibility and interdependence of all human rights, disagreements as to their substance, implementation and enforcement eventually led to the development of separate international covenants; one for civil and political rights, the other for economic, social and cultural rights. The latter was significantly weaker in terms of its monitoring and enforcement provisions than the former and required that social rights should be progressively realised, whereas civil liberties and democratic freedoms were asserted as a priority.

Declarations of rights of any kind may seem abstract, remote and alien from the perspective of ordinary lives and personal needs, particularly of the poorest people (e.g. Soysal 1994). The conception of human rights that is now globally ascendant is essentially a liberal-individualist conception. It neglects a very different conception that rests on 'a collectively held recognition of individual frailty' and from which the 'emotive force' of human rights stems from their capacity to provide systems of mutual protection (Turner 1993, p.507). The original framework offered by the UDHR implied not only individual and property rights, but also rights to security within a social order. Human individuals are able to recognise their own frailty and the frailty of others and to construct collective institutions for their mutual protection. Social citizenship is one such institution (Turner 2006). However, the form in which human rights discourse has been evolving too often fails to capture this.

In the British context the discourse of human rights assumed new significance through the introduction in 1998 of the Human Rights Act (HRA). The HRA incorporated into domestic law the provisions of the European Convention on Human Rights, which is concerned primarily with civil and political rights, but not the convention's sister document, the Council of Europe's Social Charter, which is concerned with social rights. Human rights and citizenship rights were brought into line with one another, but not so far as the social rights of citizenship are concerned. Though the HRA could not directly impact upon the *substance* of citizens' social rights,⁴ it was intended that it should influence the prevailing 'culture' within public service organisations. The intention and effect it might be argued was to bolster the status of the individual public service user at the expense of the administrative autonomy or professional authority of public service providers (Dean and Rogers 2004; Ellis and Rogers 2004). The public service 'culture' spawned by the HRA

4 There is potential scope for indirect effects arising, for example, from the right to life itself, to dignity, privacy, family life, etc. and the ECHR does provide a right 'not to be denied' publicly provided education.

may tend more towards defensive practices on the part of service providers than a commitment to service provision.

Most recently, in 2007 the Equality and Human Rights Commission (EHRC) was created, absorbing into a single organisation the functions of several pre-existing bodies with powers to promote sex equality, 'race' equality and equality for disabled people. The new body was additionally accorded powers in relation to the enforcement of equality legislation relating to age, religion or belief, sexual orientation and transgender status and to encourage compliance with the HRA and with international human rights obligations more generally (see essay by Vizard). Once again, the rights agenda is being harnessed to a formal, top-down, liberal-individualist understanding of rights premised on individual equality of opportunity, rather than a more expansive or solidaristic understanding of social justice founded through a substantive realisation of collective responsibilities (Apel 1980).

Popular demands for social justice

The implications of new risks in the current era have been portrayed as personal, not social. The meaning, perhaps even the possibility, of social citizenship has been obscured. Any attempt to restore faith in social citizenship, would require some measure of popular commitment to some idea of social justice. I shall briefly consider the evidence: historical, discursive and comparative.

Barrington Moore's (1978) classic historical analysis of the circumstances in which people's moral anger at social injustice can spill over into resistance suggests the different ways in which a popular sense of indignation can be fostered on the one hand or contained on the other. Moore is careful not to imply that there are universal factors that might trigger a sense of injustice, but he suggests there are widely held assumptions and taboos. So people are willing implicitly to subscribe: to meritocratic principles of equivalence between different kinds of work such that equal pay should reflect equal worth; to the 'dog in the manger taboo' by which those who amass wealth and advantage ought not wilfully to frustrate the chances of those who have not; to a guarded acceptance of class hierarchies and the compensatory principles of noblesse *oblige*; to the principles of equality through social insurance. People's experiences of injustice may be tempered when they are simply unaware of the extent to which they are relatively disadvantaged compared to others in society (Runciman 1966), but this does not mean that the seeds of moral indignation are not present.

A study led by this author (Dean 1999) explored the ways in which people in England made sense or justified the extent of the social inequality amidst which they were living. People draw in complex and often contradictory ways on a spectrum of implicit ideological interpretations. And they speak at different moments and in different ways in a variety of voices, ranging from the highly reflexive to the strictly customary. From our interview transcripts we distilled a fourfold taxonomy of the discursive ‘moral repertoires’ on which people drew. These repertoires resonated with the principles identified by Moore. We observed:

- An ‘entrepreneurial’ repertoire which supposed that social inequality reflects differences in individual economic performance. This resonates with those notions of fairness that are premised on equal reward for equal effort. If people fail because they are denied equal opportunity, that may be unjust. The public provision of human services may be justified in cases of market failure but should be efficiently and selectively delivered. As a popular discourse, this is consistent with economic liberal orthodoxies.
- The ‘survivalist’ repertoire supposes that social inequality is one of life’s natural hazards. Good people deserve to succeed. Bad people don’t. But life isn’t fair. Whether we get what we deserve depends on an unpredictable mixture of fate and moral justice. This resonates with those notions of fairness that are premised on the ‘dog in the manger taboo’, since those who are lucky should observe the same rules as anybody else. The public provision of human services should depend on the circumstances of those who seek them. As a popular discourse, this is consistent with neo-conservative/moral Right orthodoxies.
- The ‘conformist’ repertoire supposes that social inequalities are a natural feature of the social order and are inevitable. Those who are especially disadvantaged deserve compassion and support. This resonates with those notions of fairness that are premised on the principles of *noblesse oblige*. The public provision of human services to meet common needs is desirable, provided it does not usurp the normal caring functions of families and communities. As a popular discourse, this is consistent with conservative or Christian democratic orthodoxies.
- The ‘reformist’ repertoire supposes that social inequalities stem from failures of social organisation and are inherently unjust. This resonates with those notions of fairness that are premised on social insurance equality. Publicly provided

human services should be universal. As a popular discourse, this is consistent with social democratic orthodoxies.

It may be supposed that at any moment one or more repertoire may dominate, while others remain dormant. Our study suggested that in England in the 1990s the 'survivalist' repertoire had, by a slight margin, attained some degree of dominance, but all three of the other repertoires were still in evidence. Comparative research suggests that the degree to which socially excluded minorities in affluent countries feel either indignant about, or resigned to, their plight is dependent on the 'culture of expectation' created by the institutional context that applies in the country concerned (Böhnisch and Cremer-Schäfer 2003). Citizens in social democratic Scandinavian welfare regimes who suffer relative deprivation feel more aggrieved than the relatively deprived citizens of liberal welfare regimes. This may imply that higher levels of public service provision engender higher levels of popular expectation. But it may also imply that higher levels of popular expectation make higher levels of public service provision more sustainable.

Raising expectations?

If the object were to promote a more effective citizenship ideal, this would entail a shift in the patterns of dominance or dormancy to be found among the moral repertoires within popular discourse. It would mean raising expectations. Michael Sandel in his call for *A New Citizenship* has recently argued that such moral sentiments as 'altruism, civic spirit, benevolence, fellow feeling' are 'less like scarce resources that are drawn down with use than like muscles that are increased and strengthened with exercise' (Sandel 2009, pp.16-17). The moral sentiments Sandel identifies are to be found – albeit subject to different inflections – within both the 'conformist' and the 'reformist' moral repertoires that I have defined above⁵. One might argue, with Sandel, that exercising these more solidaristic forms of moral repertoire could strengthen popular understanding of social citizenship and so help to sustain the public provision of human services.

How therefore might we set about exercising a different set of moral muscles? At the level of principle, I would argue, it would mean on the one hand

⁵ Sandel is variously described as a 'radical democrat' and a 'left-communitarian' though his particular brand of communitarianism (which is very different from that of Etzioni or Putnam) has much in common with the republicanism of Rousseau and Montesquieu and embodies certain tendencies to social conservatism as well as to social democracy.

restoring an ethos of commitment to shared provision while, on the other, promoting a 'bottom-up' rights-based approach to public service provision.

A new ethos of collective caring

I would suggest that the principles that might inform a new ethos can be drawn from two sources.

The first of these stems from the feminist ethic of care debate which began with the claim that feminine moral codes of care are consistently subordinated to masculine codes of moral reasoning (Ellis 2004; Gilligan 1982). Individuals can only exist through and with others within networks of care (Sevenhuijsen 1998; Tronto 1994). Mutual recognition through social solidarity is necessary to what Honneth (1995) defines as an 'ethical life', because the meeting of human needs depends not only upon how societies organise their economies, but also how their members care for and about each other (Kittay, Jennings, and Wasunna 2005). The ways in which we care for and about each other are, as often as not, socially negotiated within everyday relationships, across the generations and over time (e.g. Finch and Mason 1993). Substantive relations of care must be negotiated on the basis of mutual recognition between needy subjects with shared vulnerabilities. Public service provision should be understood as a dynamic element within such a social nexus of care.

The other component within this first set of moral muscles is to be found in the work of thinkers, such as Freire (1972) and especially Illich (1977), whose writings once informed critical social ecological thinking. Illich's approach grew out of an account of 'the history of needs'. Illich railed on the one hand against the way in which advanced industrial societies – both capitalist and communist – either manufactured or imputed the needs of their citizens; on the other against the way in which modern professionals dictate and disable their clients' understanding of needs.

The need for housing, employment, healthcare and education is fashioned by market forces, state planning and/or the ministrations of professionals. The way forward, according to Illich, is to revert to a form of 'convivial austerity', the object of which would be 'to protect personal use value against disabling enrichment' (1977, p.16). A public services approach based on what Illich calls conviviality would require new tools by which to reclaim the practical knowledge that would empower ordinary people to name and claim their own needs (Illich 1971; Illich 1973). Illich's

is perhaps a romantic quest. Elements of his analysis, however, are consonant with an ethic of care approach, since the emphasis is on valorising the quotidian foundations of our human interdependency. The call to convivial austerity might be better expressed as a call to 'sustainable conviviality' and a solidaristic moral code applicable in a twenty-first century context. Public services informed by an ethos of sustainable conviviality would retain the altruism, civic spirit, benevolence and fellow feeling that Sandel seeks, but without the paternalism, inflexibility and remoteness associated with monolithic state apparatuses.

A new politics of human needs

Any attempt to construct a new rights-based approach would have to somehow reconnect the concepts of social rights and social citizenship with an understanding of human need and the giving and receiving of care. The principles at stake can be traced back, in part at least, to some of the earlier philosophical writings of Karl Marx.

At the heart of Marxist theory lies the distinction between use value and exchange value. Marx's celebrated aphorism – 'from each according to his ability, to each according to his need' (see Soper 1981, p.188) – was an attempt to imagine a society without commodities; in which need would replace value as the measure of things. If human society were organised with a view to satisfying universal need, we would have no need of rights; at least not the kind of citizenship based rights associated with capitalist liberal democracies. However, Kate Soper (1981) has attempted to address what a reformist (rather than a revolutionary) 'politics of need' might consist of.

Marx never envisaged the possibility that existing liberal-democratic forms of citizenship might be reconceptualised, as they are in contemporary debates about 'deep' citizenship (Clarke 1996) or cosmopolitan citizenship (Held 1995); forms of citizenship in which social rights and human needs could become increasingly synonymous. And even within liberal democracies rights provide a necessary discursive resource in a struggle to achieve a transition to a form of society which prioritises the servicing of human needs. Such a transition, according to Soper, requires a politics that plans for the meeting of needs. Soper argues that a society that reads its needs from what it consumes is evading the question of needs (1981, pp.215-216). The implication here is that existing forms of welfare state do not go far enough in addressing human need. A politics of needs entails decisions about

what is needed and this requires information upon which to base such decisions and mechanisms for social participation in the making of those decisions (1981, pp.210-211).

Nancy Fraser's concept of a 'politics of need interpretation' (1989, Ch 8) provides a glimpse of how Soper's 'politics of need' might be combined with and realised through feminised and 'convivial' forms of participation in order to provide an effective foundation for public service reform. Fraser identifies three culturally constructed spheres of life or 'enclaves': the political, the economic and the domestic. She argues that for needs talk or discourse to enter the political sphere, it must be 'publicised'; projected from the private sphere of commodities and market relations on the one hand and family and personal relations on the other into the public forum of political debate. Everyday livelihoods and personal needs are political, but private: a politics of needs interpretation might serve to democratise them.

Theorists such as Esping-Andersen (1999) have discussed the extent to which capitalist welfare states may both 'decommodify' and 'defamilialise' (or may subsequently 'recommodify' and 'refamilialise') their citizens and/or the means by which the needs of citizens are met. Fraser discusses converse processes by which certain kinds of needs and needs discourse can remain systemically depoliticised and confined to the economic or domestic spheres.

But she also points to the circumstances in which the 'runaway needs' of, for example, exploited migrant workers or physically abused women can on occasions leak out of their enclaves and become politicised through 'oppositional' forms of discourse. In addition to oppositional and reprivatisation discourses, Fraser identifies a third kind of needs discourse; 'expert' discourses. These are the discourses of the professional problem solvers who, as 'the politics of needs interpretation devolves into the administration of needs satisfaction' (1989, p.177), seek to colonise the definition of needs. Fraser's argument here is strikingly similar to that of Illich. The implication is that a more effective and enduring politics of needs interpretation might require, as Illich and Soper each suggest, some means for the democratisation of information and of expert knowledge.

Fraser aligns herself 'with those who favour translating justified needs into social rights' (1989, p.183). By translating needs into rights a politics of human need would establish a form of social citizenship to which non-commodified public services would be central, but in which the citizen would become a critically

autonomous, rather than an individually autonomous actor.⁶ The citizen would be an inter-dependent and inter-active human being rather than an abstract juridical entity or a calculating service user.

Practical strategies

A new ethos of collective caring and a new politics of human need would require a new language by which to achieve a shift in the discursive moral repertoires through which people understand the nature of their social citizenship. And, practically speaking, they would require access to new kinds of forum through which people might name and claim their social rights.

Proposals have in the past been made for the introduction of a British Social Rights Charter or alternatively for the incorporation of the European Social Charter into domestic legislation (Coote 1992; Van Buerren 2002). At the time of writing the UK government has issued a Green Paper (Ministry of Justice 2009), containing consultative proposals for a Bill of Rights and Responsibilities. Though the government concedes that economic, social and cultural rights might have a place in such a Bill, it is at pains to emphasise that a model based on directly legally enforceable rights 'may not be the best mechanism' (2009, p.9) in the case of such rights.⁷ Whether more substantive proposals will ever emerge remains to be seen. In the event that they do, I would argue that a case be made for instituting some form of local Social Rights Councils (Dean 2010, pp.169-172). But whether or not substantive proposals emerge, I would argue that the UK government be pressed to sign and fully to ratify the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the 1996 revisions to the European Social Charter.

Local Social Rights Councils

A bottom-up rights-based approach would require, not centrally organised consultative bodies but locally constituted democratic forums with a direct say in the delivery of public services. My thinking here is influenced in part by elements of a proposal for a Canadian Social Charter first proposed by the National Anti-Poverty Organization (now called Canada Without Poverty) (Bakan and Schneiderman 1992). This proposal envisaged the creation of a supervisory Social Rights Council

⁶ This is a distinction made, for example, by Doyal and Gough (1981)

⁷ This attitude to social rights is consistent with the UK's insistence (with Poland) upon an effective opt-out from the social rights provisions of the 2009 Lisbon Treaty of the European Union.

as a forum with educative and monitoring functions. Nedelsky and Scott attempt to ground the potential role of a Social Rights Council in everyday life by conceiving of 'rights as relationships', reflecting the ways in which rights structure relationships of interdependency (1992, p.69). With this in mind it is difficult to imagine that a *national* Social Rights Council could ever provide an intimate enough forum for meaningful and inclusive dialogue. However, what scope might there be for networks of *local* Social Rights Councils?

Local Social Rights Councils could provide a standing forum in which anybody might participate. There are many precedents for strictly localised kinds of standing forum. In England, for example, the chequered history of Parish Councils can be traced back 1000 years or more. They are now democratically elected, but virtually powerless. In more recent memory, there were experiments in the 1970s with non-statutory urban Neighbourhood Councils (Cockburn 1977); with local Community Relations Councils (created under Race Relations Act 1968, but discontinued after 1976) and Community Health Councils (statutorily created in 1974, but eventually abolished – except in Wales – in 2003). The nearest thing to a living example of Local Social Rights Councils is to be found in Brazil. The 1988 Brazilian Constitution made specific provision for social rights and sought to embed principles of citizen participation. This has led to the creation of an extensive federal and local network of social policy management councils, with responsibility for formulating and managing policy in areas such as education, health and welfare, with parity of representation from community representatives (50%) on the one hand and representatives of government (25%) and service providers (25%) on the other (Coelho 2004). Admittedly, the ability of such councils at local level effectively to mobilise people is extremely variable. However, a much hailed example of such a process has been the participatory budget making process in Porto Alegre (Wainwright 2003).

Local forums of this nature can co-opt as much as empower local people and they are not necessarily socially inclusive, but they have the potential to attract significant participation and provide a site for political debate relating specifically and immediately to the needs of local people. Some form of Local Social Rights Councils could serve as a forum in which vernacular discourses of need could be promoted and claims and grievances framed. Even if they were not to be entrusted with direct executive powers, they might be empowered to have some measure of influence over local human service providers and have a voice in national policy making processes.

Supranational complaints mechanisms

As a bare minimum, I would suggest, the British government should be pressed to sign and to ratify the Optional Protocol to the ICESCR adopted by the UN in 2008. The Protocol would allow those citizens of signatory states who claim their social rights have been violated to complain to the UN Committee for Economic Social and Cultural Rights.⁸ Additionally and in any event the government should be pressed fully to ratify the 1996 revisions to the European Social Charter and so allow the European Committee on Social Rights to receive representations or complaints from British-based trade unions and NGOs.

In these ways contests over social rights claims and the nature of public service provision could be brought at least marginally closer to the realities of people's every day lives. It would be a way to promote awareness of social rights and renew commitment to social citizenship as a basis upon which to combat new risks, not through the exercise of individual sovereignty, but through the assertion of shared responsibility.

⁸ The Commission on 2020 Public Services might consider joining the coalition of NGOs currently campaigning for ratification: see http://www.escr-net.org/actions/actions_show.htm?doc_id=940624&attrib_id=13453

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