

Title of the Research Group:

**Social security as a human right. The global construction and diffusion of civic minima
(FLOOR = Financial assistance, land policy, and global social rights)**

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Project ‘Social cash transfers – The global construction and diffusion of the right to a monetary minimum’

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Project Summary:

Towards global social citizenship? The research group FLOOR

The research group FLOOR aims to advance the new field of research ‘Global Social Policy’ in theoretical, empirical and methodological terms from an interdisciplinary perspective, encompassing sociology, land policy studies, and law. The group comprises three research projects:

- a project on social cash transfers, directed by Prof. Lutz Leisering PhD, Institute for World Society Studies and Faculty of Sociology, Bielefeld University;
- a project on socio-ecological land policy, directed by Prof. Dr. Benjamin Davy, School of Spatial Planning, Dortmund University of Technology; and

- a project on global social (human) rights, directed by Prof. Dr. Ulrike Davy, Institute for World Society Studies and Faculty of Law, Bielefeld University.

Additionally, FLOOR is associated with a cooperation group funded by the *Zentrum für interdisziplinäre Forschung* (ZiF) in Bielefeld (April through June 2011).

The FLOOR group starts from the assumption that social policy and, even more, 'welfare state' are concepts which originated in European nation states, expressing a formal responsibility of governments for individual welfare. Can we expect that social policy in this sense will also emerge in the global arena, even in the face of cultural diversity, economic globalisation and the absence of a world state? We enquire into the rise of global social policy: What does 'global social policy' mean? What is 'global' and what is 'social' in global social policy? For our study we choose social security as a key field of social policy, especially basic social security which is a test case because it represents the moral minimum in social welfare ('social floor'): Is there a global social minimum?

We assume that three forms of basic social security have gained importance in world politics in recent years but are under-researched and normally not analysed together: social rights in a human rights context; social cash transfers; and socio-ecological land policy which aims to secure access to vital land use by individuals. The overarching question is whether the move towards a global social floor in these three dimensions can be seen as a step towards global social citizenship. Regarding the more modest goal of fighting poverty, social cash transfers are often associated with the hope to reduce poverty in the short term, thus contributing to the Millennium Development Goal of halving global poverty till 2015. Land rights are a sensitive issue in global discourses because they involve territorial sovereignty and the distribution of wealth. Still, the Millennium Development Goal 7.11 aims at tenure security when it demands that, by 2020, a 'significant improvement in the lives of at least 100 million slum dwellers, as proposed in the "Cities without slums" initiative' be achieved. Social (human) rights are perceived as conceptual framework for combating global poverty.

For further information see: www.floorgroup.de

Project 'Social cash transfers – The global construction and diffusion of the right to a monetary minimum' (Sociology)

Social cash transfers – the unlikely rise of an idea

The idea of fighting poverty in developing countries by way of simply giving money to the poor seems to contradict the doctrine of self-help which prevails in development policy. Still,

the idea has grown since the 1990s to become consensual among global actors since the mid 2000s. Moreover, social cash transfers have spread to all areas of the globe. The research project 'Social cash transfers' aims to take stock of this recent development, analysing and explaining the global and national policies of social cash transfers. While there are numerous reports on cash transfers by practitioners, scholarly research is still in its infancy.

Social cash transfers are a test case for the notion of the rise of global social policy: Do the dual processes of a 'socialisation of global politics' and a 'globalisation of (national) social policy' postulated by Bob Deacon in his book *Global Social Policy* (1997) extend to minimum provisions? Is there a global monetary minimum, how is it institutionalised and what factors made for its emergence? To what extent and in which way are social cash transfers 'global' and 'social'? If we could not corroborate the global spread of the idea and practice of a monetary minimum, the assumption of the rise of global social policy would need considerable qualification.

Social cash transfers are ambivalent: they can be seen as a moral minimum but in political terms they are more demanding than other kinds of social policy. Politically, the rise of social cash transfers is rather unlikely. Even in developed countries cash transfers like social assistance have always been contested. Social assistance tends to be unpopular, its legitimacy is low, since it seems to clash with the basic values of a work society and the claim of the modern individual to autonomy. Liberals dread 'dependency' and the erosion of work ethics. Social democrats fear the stigma attached to receiving social assistance, preferring universal, citizenship-based benefits. The German sociologist Georg Simmel analysed the social exclusion attendant on the receipt of poor relief as early as 1908. Only T. H. Marshall, in a rarely read article (1965) which challenged the labour orthodoxy, conceived of social assistance as a variety of social rights and hence as a component of social citizenship. In global discourses the idea of basic monetary security has been most controversial until recently. Proponents of all major social ideologies, like market liberalism, social democracy and civil society thinking, have had serious reservations vis-à-vis social cash transfers.

Research questions

The project investigates three sets of questions:

- How widespread are social cash transfers in countries of the global South, when have they been introduced, under what policies and what varieties of cash transfers can be identified?

- When have social cash transfers entered the global agenda? How are cash transfers addressed and socially constructed by global actors? What policy communities and what policies play a role? ('global macro politics')
- To what extent and in which ways can the rise of social cash transfers in countries of the Global South be traced to the influence of global processes of diffusion? ('global micro politics')

Across these sets of questions we pay special attention to the role of human rights in relevant discourses and to the relationship between social cash transfers and social land policies. The project aims to shed light on the emergence of a new instrument or even new policy area (social cash transfers) of both global social policy and development policy. The project also contributes to the study of the global evolution of the idea of social security and to the theory of world society.

Research methodology

The project relies on qualitative and quantitative methods including multivariate analyses according to the methodology of empirical world society studies developed by John W. Meyer. The analyses refer to all countries of the Global South (sometimes also including the Global North) (*large n*). In addition, exploratory case studies will be carried out in at least six countries in all world regions (*small n*). This is to prepare in-depth case studies in a follow-up research project. Data stem from document analysis, expert interviews, participant observation and an analysis of state reports under the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). Research is framed by theories stemming from social policy analysis and sociological world society theory.

What are social cash transfers?

Social cash transfers come in many shapes, mirroring different normative models of welfare and socio-economic and political conditions in a country. The terms used to denote such schemes equally vary, including strong terms like 'basic income', 'minimum income', 'basic security' and 'social assistance'. The most widely used term, 'social cash transfers', covers a broad variety of schemes, ranging from the most rudimentary and selective scheme to (few) schemes which reflect a notion of a social minimum in society as in European concepts of social assistance. Therefore, first of all, 'social cash transfers' is a term of the global political language with a rather vague meaning. 'Cash' marks the difference to transfers in kind which are familiar instruments of alleviating acute poverty. The term 'social' is less specific. Usually it implies an orientation of benefits to need (rather than achievement or merit) and redistributive financing by taxes or international funds (rather than contributions).

Using the conventional terms of Western social policy analysis, social cash transfers may be either universal/categorical or selective or a mix of both. In Western welfare states, social assistance and universal pensions are the main types of basic income support. These are the main types also in developing countries. In developing countries, however, social pensions mostly involve a means-test. All in all, social cash transfers display some characteristics of Western social assistance which may help to define an ideal type of social cash transfers: Social assistance is a last resort benefit scheme based on need, utilizing a means-test and aiming to support general subsistence (rather than addressing specific needs like health or education). The core of social assistance is cash benefits although benefits in kind, personal social services, and benefits for specific purposes may also be provided. Schemes commonly referred to as social cash transfers may deviate from the ideal type in various respects. This includes conditional cash transfers (which are not fully need-oriented), universal social pensions (which are not means-tested), and social assistance for families which may act as child benefit (rather than general subsistence).

Mapping the field of social cash transfers, we can distinguish four basic types:

- non-contributory (or 'social') pensions, which are supported by all major global actors
- social assistance for families
- social assistance without specific reference to families
- conditional cash transfers (CCT; money for work or for participation in education or health) which are especially espoused by the World Bank.

Competing models of global social policy

The global consensus on the desirability of cash transfers which emerged in the mid 2000s eclipses considerable controversies which mirror fundamental controversies over global social policy at large. In normative terms, the idea of social cash transfers is ambivalent. Social cash transfers may reflect the vision of a 'global social security floor' recently propagated by major global actors. From this point of view cash transfers would have to be seen as an element of global social citizenship. However, if poorly institutionalised and not embedded in substantial prior social security systems, social cash transfers may indicate a residual strategy of social security in developing countries, designed to reduce public welfare to a minimum. Thus, cash transfers stand both for high hopes of a 'social' globalization and for fears of neoliberal retrenchment.

In any case, social cash transfers differ markedly from earlier types of social welfare common in developing countries:

- Unlike social insurance, social cash transfers reach beyond persons in formal employment, including people in the informal sector and peasants.
- Ideally, SCT are established on a long-term basis, in contrast to humanitarian disaster relief.
- Income schemes provide cash, unlike various forms of assistance in kind, especially food aid, which are criticised as ineffective and costly.
- Social cash transfers are (again ideally) rights-based, in contrast to traditional poor relief and disaster relief.
- Social cash transfers rely on law and formal organisation, in contrast to informal support, clientelism, paternalism and private charity.
- Social cash transfers target individuals, unlike developmental projects such as sanitation that aim at improving the socio-economic situation of local communities or even the entire country.

Preparatory publications:

Lutz Leisering (2009) Extending Social Security to the Excluded: Are Social Cash Transfers to the Poor an Appropriate way of Fighting Poverty in Developing Countries? *Global Social Policy* 9, no. 2 , S. 246-272.

Lutz Leisering (2008) Social Assistance in the Global South. *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht* 22, S. 74-103.

Lutz Leisering, Petra Buhr und Ute Traiser-Diop (2006) Soziale Grundsicherung in der Weltgesellschaft. Monetäre Mindestsicherungssysteme in den Ländern des Südens und des Nordens. *Weltweiter Survey und theoretische Verortung*. Bielefeld: transcript.

Project 'Socio-ecological land policy' (Spatial Planning & Land Policy)

Meanings of land

Land policy is about the decisions and actions of policymakers with regard to the use of land. The phrase 'uses of land' implies that land is useful. But useful how? Does land policy promote soil fertility? Or the beautiful fields and forests in springtime? Or the protection of property rights? Or generous urban public spaces? Or well-crafted real estate investment trusts? Or does land policy support land as a barrier against our neighbors? Depending on the land uses we have in mind, land is useful—and valuable—in different ways. Land has numerous meanings.

Land is not just the soil of the Earth. Land is a social construction. This construction helps stakeholders imagine land in widely different fashions. A government agency, for example, often considers land as a territory and space of power. A real estate developer may consider the same piece of land as a commodity and space of economic exchange and development. A farmer considers the land as source of her livelihood, as her home, and place of identity. Moreover, social constructions of land as environment also emphasize the moral perspectives of existence. In order to be successful, land policy has to respond to these different voices, different rationalities.

Goals and examples of land policy

Land policy is concerned with the efficient allocation of land uses: Each plot of land should be employed to its best use. However, land policy also considers the just distribution of the benefits and burdens of land uses: The profits and the cost of land uses should be distributed in a way conforming with the prevalent standard of justice.

Typical examples of land policy include

- a country's system of land cadastres and land registers;
- legislation on private and common property relations;
- regulatory control of land uses through spatial planning and environmental law;
- permit requirements with respect to building houses or siting hazardous facilities;
- land taxes;
- interventions with regard to housing, farming, and other land uses;
- collective action with regard to natural resource management;
- a land reform.

Minimal access to land

In OECD countries, particularly in Western welfare states, social security is founded upon financial assistance and public spending. Land reformers, such as Henry George or Adolf Damaschke, had to yield to the effectiveness of public spending. In these countries, social

policymakers hardly mention access to land. In non-OECD countries, however, social security is often closely related to land rights. Tenure security or communal property in pastures and forests are vital elements of the civic minimum. The difference between these two fundamentally different approaches to land use and social policy is one of the starting points for the FLOOR project on socio-ecological land policy. We examine three groups of interrelated questions:

- Global distribution: Is there a global consensus that minimal land rights are guaranteed to every natural person as a human right, presumably under Article 11 ICESCR?
- “The Social”: How does land policy contribute to social security? Which strategies are used by global stakeholders to communicate social policy goals with respect to minimal land rights? In what contexts do global discourses on pro-poor land policy put issues of private and common property in land, environmental protection, poverty reduction, or social security?
- Global diffusion: How do global actors contribute to the worldwide diffusion of social rights to minimal access to land? Are there any common goals and instruments emerging in global discourses on pro-poor land policy?

Socio-ecological land policy

Tentatively, we define socio-ecological land policy as the content of global, regional, and domestic discourses on land policy, poverty reduction, and the civic minimum. For example, the UN Commission on Sustainable Development, in its 2008 Review of implementation on land, gives a clear statement combining elements of land policy, social policy, and environmental policy:

‘Secure access to land and other natural resources is an essential part of local empowerment of marginalized individuals and groups and can be instrumental in poverty reduction. Access to land is often seen as a prerequisite to gaining access to other productive resources. Challenges that need to be addressed for sustainable and efficient land management include: providing secure land rights, strengthening capacities of communities, adapting land-use planning technologies, and improving the provisioning of data’ (E/CN.17/2008/5: 2).

In the discourses on land policy for developing and transition countries, at least three different rationalities seem to be present:

- *Land policy and control.* In the wake of the 1992 Conference on Environment and Development in Rio de Janeiro and the 1996 HABITAT II conference in Istanbul, individual access to land was adopted as essential element of sustainable development and as part of the good governance of environmental, economic and social needs and activities. This kind of discourse emphasizes 'land-use planning technologies' and 'improving the provisioning of data' or state responsibilities to provide 'secure land rights for all' (see UN Habitat & GLTN 2008).
- *Land policy and liberty.* Hernando de Soto, by suggesting that the land rights of the poor should be formalized in order to make capital investments more likely, triggered a controversy on poverty and property. De Soto's approach mirrors market-based property theories which accentuate the liberating effect of private property. The World Bank also emphasizes the relevance of tenure security for poverty reduction, and so does the Commission on Legal Empowerment of the Poor, co-chaired by Madeleine K. Albright and Hernando de Soto.
- *Land policy and community.* Several sources consider common property and traditional communal land rights the best choice for spatial inclusion. Considering land as a common pool resource, they suggest that access to land be facilitated best by local communities and the accumulation of social capital. A good example is the Federation of Ecological Security in India.

FLOOR will consider polyrational approaches to land policy and social policy.

Publications:

Benjamin Davy (2009) Centenary Paper: The poor and the land: poverty, property, planning. *Town Planning Review* 80 (3) 227–265.

Project 'Social rights – Towards a global human right to a civic minimum' (Law)

Social rights are part of the global human rights system which has been instituted by the United Nations Organization in the aftermath of World War II. One of the core freedoms Franklin D. Roosevelt sought to secure through the newly established UN was 'freedom from want'. The Universal Declaration of Human Rights, agreed upon by the member states of the UN in December 1948, promises not only the recognition and protection of (traditional) civil and political rights, but also includes economic, social and cultural rights. These newly proclaimed rights were further elaborated in the 1966 International Covenant on Economic,

Social and Cultural Rights (ICESCR), a binding treaty prepared under the aegis of the UN. Social rights, in the ICESCR for the first time specified on a global level, encompass two main rights, the right to social security (Article 9) on the one hand, and the right to an adequate standard of living (Article 11) on the other. Both rights were meant to give shape to 'freedom from want'.

Contested and neglected ground

Although social rights made their way into a full-fledged international human rights treaty currently binding upon 166 member states (ICESCR), social rights were contested when they were created, and they are contested today, nationally as well as internationally. Many state representatives and academics held and hold that social rights significantly differ from the traditional civil and political rights: Their realization, so critics claim, depends on the resources available to states. According to another allegation, the meaning of social rights is necessarily vague, leaving (too) much leeway to states. Hence, the content of social rights is deemed somehow defective. For decades, social rights received little attention by legal experts working in the fields of politics, science, or jurisprudence. Things changed when, at the turn of the last millennium, human rights communities (Commission on Human Rights, Human Rights Council, human rights treaty bodies, OHCHR, human rights lawyers, NGOs) and development communities (UNDP, UNESCO, World Bank, ILO, NGOs) joined ranks to propagate a human rights approach to fight extreme poverty, especially in the global South.

Research questions

Under the umbrella of the interdisciplinary FLOOR research program, the research project investigating global social rights is guided by three questions.

- Does the globally institutionalized human rights system – specifically the ICESCR – guarantee a right to a social minimum and what forms may social minima take (cash transfers, minimal land rights)?
- If such a right is to be derived from one of the pertinent articles of ICESCR, is the right universally accepted?
- Does the control mechanism established by the ICESCR contribute to the diffusion of the global right to a social minimum?

We will explore the history of the pertinent human rights guarantees, evaluate state party reports and other relevant communications under ICESCR, and compare national human rights guarantees (constitutions) world wide. We expect to reveal the contribution of human

rights to the emergence of a 'global social', their implications for state responsibilities, and their relevance for the theoretical model of an emerging global 'social citizenship' complementing and enlarging national citizen statuses.

Preparatory publications:

Ulrike Davy (2010) European social citizenship: ein Zwischenstand. Überlegungen aus Anlass des Urteils des EuGH vom 1. Oktober 2009 in der Rechtssache C-103/08, Gottwald gegen Bezirkshauptmannschaft Bregenz, Zeitschrift für europäisches Sozial- und Arbeitsrecht: 307–313.

Ulrike Davy (2009) Soziale Gleichheit: Voraussetzung oder Aufgabe der Verfassung? Veröffentlicht in Band 68 der Veröffentlichungen der Vereinigung der Deutschen Staatsrechtslehrer: 122–174.