

R F A S

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Multidisciplinary call for papers on:

“Recent Trends in the Universalization of Social Protection: observations and lessons”

For the October-December 2018 issue

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This call for papers is aimed at researchers in law, philosophy, political science, economics and management, sociology as well as statisticians and social protection actors.

Articles are expected before Thursday, 3 May 2018.

Notice

Many of the reforms initiated since 1975 are part of a dynamic of universalization of social rights and social protection. A priori, one might suppose that this dynamic has been deepening over recent years, but has this been verified by actual evolution? In the French case, the universalization of compensation of family expenses (effective 1 January 1978) was followed, in 1999, by the generalization of health coverage (CMU), followed by the establishment of a “universal health care protection” (PUMA) by the Social Security Finance Act for 2016. Meanwhile, “*every person, regardless of status*” was assigned a life-long right to career choice and vocational training (law of 24 November 2009) to facilitate the exercise of the opening of a “personal training account” (law of 5 March 2014) and a “personal activity account” (law of 8

August 2016). A few months later, the question of the merits and practicalities of a basic income “revenu universel” raised during the 2017 presidential campaign.¹ Today, an entitlement to unemployment insurance “*for all who are economically active*” is part of government’s future projects.² It is readily presented as being “universal” in scope.³ For centuries there have been systems outside of France that are classically considered as being based on universal entitlements granted to citizens (British system, system inspired by the Beveridgian model). Here the reference to universality has been the object of lively protests (Denmark), or of radical extensions (Great Britain).

Without being exhaustive, this list underlines the importance of the idea of universality in terms of social protection (*lato sensu*) and, even more, of the multiple uses of the word encompassing so many different ways of looking at the individual.

In a first sense, the adjective “universal” means a redistribution mechanism that ensures — or should ensure — the compensation of various expenses “*for any person*”: expenditures for the family, health care, or the costs associated with training or related to the loss of physical or mental autonomy. This coverage is part of the realization of the fundamental rights of the person. Because it is based on a person in a specific context, the universality of law does not exclude particularist policies. Thus, the personal training account of a young early school-leaver without a degree is filled to the amount of hours necessary to follow a qualifying training. As an additional (controversial) step, allocated benefits are not always uniform, such as the family allowance whose amount is now adjusted according to household income. Lastly, although article 1 of the Social Security Code states that social security “*ensures for every person [...] the compensation of expenses ...*”, it is organized to ensure only partial coverage. For example, three levels are superimposed in covering health costs: a first part under the responsibility of the social security system, a part covered by complementary insurance (which a diversity of devices which leads to a significant level of generalization), and the balance from out-the-pocket of the patient. Three sources of supply for the personal training account are also emerging: public financing, employer matching contributions, and personal financing. This is what the OECD calls the co-investment theory.

In a second sense, the same adjective “universal” is used to refer to the payment of a replacement income to “*any worker*”. Thus, for example, the project to extend unemployment insurance to all employees who have resigned and to the self-employed is presented as the consecration of a “universal right to unemployment insurance”. While social insurance was extended after the Liberation by creation and juxtaposition of schemes specific to different socio-professional

1 For a synthesis, B. Lestrade, “Le revenu universel – un substitut au minima sociaux ?” *Revue française des affaires sociales (RFAS)*, 3/2017, page 129.

2 Point 6 of “Programme de travail pour rénover notre modèle social” (Gouvernement, June 2017).

3 Seminar “Politiques de l’emploi”, *La mise en œuvre d’un droit « universel » à l’assurance chômage pour tous les actifs : modalités et contreparties*, ministère de l’Économie et du Budget et ministère du Travail, 12 October 2017, report by the Direction générale du Trésor.

groups, today as far as unemployment insurance is concerned, the idea is rather to extend the scope of application of existing compensation system to new classes of the economically active population. Silently the objective of the allowance paid was modified: from an allowance intended to compensate the loss of employment to an allowance intended to provide a safety net for those who take risks, are mobile, or have a project. The question then is how will this safety net be designed? What place will be left, on one side, to insurance allowance, the amount of which depending on recorded earnings, and, on the other side, to solidarity allowances, whose amount is dependent on the needs of the person, a role attributed to the active solidarity income (RSA)? One thing is certain: the entitlements and obligations that accompany the payment of an allowance have already been universalized. Whatever the nature of this allowance, “*all beneficiaries*” have the right to benefit from an accompaniment but also the obligation either to actively look for a job or to undertake the necessary steps for the creation of one’s own activity or re-launching another company. In short, for all, the obligation to be active.

It is thus amongst the many variations of the basic income project that we discover the forms which are the most faithful to the canons of universality. Such a design underpins thus the proposal to pay a basic allowance to any person from birth until death the amount of which would be uniform without taking into consideration either condition of resources or the family situation, the payment being made without any obligations.⁴ Everyone would be free to supplement this basic income with income from economic activity. While it is intended to release the (abstractly considered) individual from work as a “total social fact”, the payment of such an allowance would also, as everyone is well aware, challenge the functions hitherto attributed to social protection (establishment of a common fund to cover certain expenses of a person in a specific context, to protect against various risks likely to reduce or to suppress income) whereas it is precisely these functions which are the foundation and justification for the principle of national solidarity (See the first article of the Social Security Code).

Issues

In all cases, such a perspective, whether from that of the structural rules of social insurance and salary status or from that of a truly universal regime, leads to questioning the true meaning of the current reference to universality. Should we see here a matrix principle, from which everything derives, or only an instrument at the service of public policies eligible to an evaluation of its meaning and scope?

Is there a “social model” whatever the chaotic — sometimes even paradoxical — nature of the reforms? Is this dictated by economic reconfigurations or by attempts to control its effects?

⁴ Fondation Jean-Jaurès, *Le Revenu de base, de l’utopie à la réalité ?*, study coordinated by J. Héricourt, May 2016. *Le Revenu universel, entre utopie et pratique*, ENS and CEPREMAP seminar, 6 April 2017.

What are the lessons of foreign experiences? What should be expected from these new forms of universality in terms of effectiveness, or even efficiency of social protection?

To answer these various questions, four lines of thought are proposed:

- universality and social citizenship;
- universality and redistribution;
- universality of social security and reform of its financing;
- fate of Beveridgian systems

First topic: Universality and social citizenship

Both history and sociology teach that access to citizenship depends on two conditions:

- at the individual level, provision to everyone of a block of resources and entitlements that will protect from poverty and offers sufficient social independence to be in control of their choices;
- on the collective level, a mechanism of collective representation, which allows everyone to defend its own interests, so that he or she can participate in decisions that engage the collective destiny.

1) For a long time these entitlements and protections — individual as well as collective — were attached to work. More exactly, their base was socio-professional. Their universalization entails a change of attachment: from work to the person, accompanied by the growing importance of the condition of residence. However, the generalization of the personal scope of various protections does not mean either access to benefits for all or the standardization of the services provided. Hence the following question is posed: are the conditions attached to the benefits and the amount of the allowances likely to bring a “sufficient social independence” to everyone, or do they maintain a “sub-citizenship” which counteracts the ambition of universality? Analyses of legal devices as well as case studies or those dealing with strategies of the stakeholders could be relevant according to this issue.

2) Universalisation is also presented as justifying a change in the governance of the various branches of social protection in favour of the state and at the expense of *paritarisme* or co-management. A retrospective look at the virtues and limits of co-management as well as a reflection on the place and function that should be recognized by the co-management institutions in this new configuration would be particularly welcome.

Second issue: universality and redistribution

Whatever the sector concerned, the social protection system does not provide total compensation. Thus the first question is the level of compensation, a multiple question in the presence of multiple sources of funding.

1) It would be particularly useful, in connection with the movement towards universalization, to return to the ways by which the levels of support are determined. A first review of the literature shows that reasoning and calculations vary widely according to the socio-economic function attributed to the solidarity mechanism: horizontal or vertical redistribution or macroeconomic stabilization in times of crisis or economic changes. In this perspective, it is undoubtedly necessary to distinguish, according to the nature of the service:

- transfer of monetary income the disposition of which is freely decided on by the person (payment of a cash allowance);
- payment or reimbursement of expenses (in-kind).

The compensation of health costs by complementary insurance (AMC) deserves special attention. Although it is now readily presented as one of the components of universal access to health care, its implementation is complex, even paradoxical. On the one hand, there are a series of articles of the Social Security Code designed to promote and generalize this coverage (on the individual level, CMU-C, and various forms of assistance for the payment of supplementary health insurance; on the collective level, supplementary coverage of health costs for employees). On the other hand, the construction of a supplementary pension market gives primacy — over the logic of pooling a risk at the level of professional branches — to the contractual freedom of companies (freedom for any company to choose the body to which it subscribes the group contract) and European competition law (prohibition of any measure likely to hinder free competition between the various insurance organizations). Is the provision of “solidarity” insurance contracts sufficient to avoid any risk selection? Does the supply of “responsible” contracts allows to an adequate matching of compulsory and supplementary health insurances? What model should be adopted to ensure effective access to health care for all?

2) This could also be an opportunity to analyse the different levers that are used to encourage the beneficiary to behave in a preferred way: acting on the levels of care according to the care pathway chosen, on the pace of the recharging of unemployment insurance entitlements, or on the training credit hours according to the career path adopted, etc. Viewed from this angle, what is the meaning of the generalization of rights or of social protection?

3) These various issues are all the more topical as France's share of social spending, like that of the other countries of the European Union, is now subject to European rules of budgetary discipline and each year, at the opening of the "European Semester", to the procedure for the early detection of macroeconomic imbalances.⁵ During this procedure, the Commission assesses and compares the economic situation of the various states from "a control panel comprising a set of indicators" which constitute as many warning thresholds addressed to the states. Among these indicators pointed out by the Commission, several are intended to measure the efficiency of national social protection systems in view of the stability and growth requirements of the euro area.⁶ Is there a relationship between the promotion of universalization and the development of this governance by numbers? Decrypting these indicators, and more broadly this annual procedure, will make it possible to understand exactly what is happening. Does the European coordination of national policies feed the new figures of universality in social protection or is it the opposite?

Clarifications

Contributions citing foreign experiences will be particularly welcome.

Moreover, if two topics have been marked as revealing the diversity of the questions, the contributions can of course combine them to highlight their interactions. In the same way, they may be transversal or rather focused on one of the branches of social protection. Finally, it must be remembered that this call for contributions is multidisciplinary and is aimed at both researchers and social protection actors. Cross-discipline analysis as well as controversies between disciplines have their place here.

Third topic: Universality of social security and reform of its financing

In countries, including France, whose social protection systems were originally built on the basis of social insurance rooted in the professional world, the extension of social entitlements to groups other than "workers and their families" has been accompanied by a shift in the structure of financing, placing greater emphasis on taxes with a basis of funding broader than social security contributions, the latter declining in the overall revenue of social protection schemes.

⁵ This procedure opens the annual cycle of multilateral surveillance by the European institutions on the economic and social policies of the euro area Member States, a cycle more commonly known as the "European Semester".

For a description of the European Semester, European Union Regulation 1175/2011 of 16 November 2011 on the strengthening of the surveillance of budgetary positions and the monitoring and coordination of economic policies, *JOUE*, 23 November 2011. On the early detection procedure, European Union Regulation 1176/2011 of 16 November 2011; on the prevention and correction of macroeconomic imbalances, *JOUE*, 23 November 2011.

⁶ Communication of the Commission addressed to other European institutions: assessment of progress on structural reforms, COM(2016)95 of 7 April 2016 and Recommendations by country, COM(2016)321 of 18 May 2016.

Consistency between the scope of the population covered and the social protection funding base is often argued to account for this financial evolution. Researchers in the legal, political, and economic sciences are invited to take a critical look at this, and to propose competing explanatory models capable of accounting for the coincidence over time of the developments that have affected the nature of social rights and the enlargement of the social security funding base, recognizing that other motivations for increased social protection financing through taxation may have interacted: promotion of employment through labour cost reduction, introduction of a behavioural taxation, etc. The trends observed in the countries of “Beveridgian” tradition or which were “universalist” from the outset, where *a contrario* social contributions were able to gain in importance in the 2000s, can usefully be mobilized in these reflections.

The extension to the entire resident population of some social entitlements and the use of taxes to finance them have both led to a strengthening of Parliament’s role in setting targets for social protection and social security schemes and adoption of the legal, organizational and financial provisions necessary for their intervention. In the French legal framework, this extension of the prerogatives of Parliament is a result of the division of powers that the Constitution organizes between the law and regulation, the first defining “the base, the rate and the method of collection of taxes of all nature”, whereas in the social security field its intervention is limited to “fundamental principles”. However, the evolution of the governance of social protection went well beyond this “mechanical” extension of the field of law following the increased weight of taxes in resources: the creation of the laws of financing social security had the effect of significantly extending the powers of Parliament in the areas of expenditure and revenue of the regimes, but preserving relative autonomy, in relation to the state budget process, from their financial management. It may be argued that the existence of two parallel “budgetary” processes for the state and social security is a unique experience in developed countries, of which an analysis in the light of the achievements of political science and of public finance economy would be useful. By contrast, a look at the prerogatives left to social partners in the field of social security could also prove fruitful: in this respect, the current role of the consultation bodies in the various fields of social protection — pensions, health insurance, family, funding — deserves to be examined.

The generalized social contribution (CSG) has been a decisive instrument for deploying the tax recourse strategy to finance social protection. Its classification as a “tax of any kind” by constitutional case-law remains, however, a subject of debate between lawyers, in view of its strong relationship to social contributions — in particular from the point of view of being proportional to income on which these two categories of levies are based. The terms of these controversies could usefully be found in the proposed contributions. Divergences of interpretation between French and Community law — concerning the taxation of income from foreign sources to the CSG — or questions concerning the adequacy of recent constitutional case law on social security contributions (which “generate entitlements”) to the contemporary evolution of social security, could also be part of these contributions.

The increased use of taxes has finally brought to the forefront of the political scene the hypothesis of a reinforcing the progressive character of social protection financing. While attempts in the last five-year presidential office at making first CSG on active income, and then social contributions paid by employers and employees, more progressive, met with constitutional obstacles, they revealed strong political expectations. A look by social science researchers on these debates would be fruitful, and could be based on empirical studies, on French data as well as on comparative international analysis. In the latter area, recent work suggests that no European country succeeded in reconciling high levels of social spending with a high degree of progressivity in the levies that finance them directly or indirectly.⁷

Fourth topic : Fate of Beveridgian systems

In their classic version based on the original classification proposed in 1990 by Gøsta Esping Andersen, “welfare regimes” included a social-democratic or universalist regime. This was based on the theorization of the superiority of the Scandinavian approach to social protection related to the reformist history of the labour movements in these countries, and firmly established by the class compromises of the 1930s in Sweden and Denmark. In Denmark this was supported by the pre-eminence of the employers’ power in the enterprise (compromise of September 1899). However, the evolution of social protection in the Scandinavian countries has given rise to debates which show that universalisation, far from progressing, has decreased in these countries (Jensen, 2016). In the other “regime” directly concerned with the universal nature of social protection, namely the British system, considered by Esping-Andersen as “residual” in the same way as the United States system, a different evolution has been observed, namely a reactivation of the secular trends of the British social protection in its targeting of the poor. This is why the great British reform of the last ten years, initiated in line with the reforms of Labour was the implementation of a Universal Credit which, at least so far, has been unlimited in time and is supposed to merge all basic social benefits (Barbier, 2017). More broadly, the challenge of the analysis is to revisit, once again from well-documented empirical cases, the ways in which we can classify the distinctive features of social protection systems in Europe and the United States. Have they, as we often read, all become “hybrids”? Have “universalists” continued to exist or have they disappeared, while the so-called “hybridizations” have spread uniformity everywhere?

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