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**The Capability Approach:**

**A New Perspective for Labor Market and Welfare Policies?**

edited by Peter Bartelheimer, Ortrud Leßmann, and Wenzel Matiaske

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René Lehwiss-Litzmann\*

## What Does Flexicurity Have to Gain from the Capability-Approach?\*

The policy discourse termed flexicurity is on its way of becoming a concept. Yet, this political process bears the risk of departing from the very idea of flexicurity. This paper argues that this could be prevented if flexicurity were guided by a clear conception of human well-being. The paper suggests complementing flexicurity by the capability-approach. Random or adverse effects of flexicurity-policy on human freedom can be avoided if “flexibility and security” in the employment system are recognised not as ends in themselves, but as instruments at the service of people’s capabilities. In principle, it is argued, flexicurity has the potential of extending human freedoms.

Key words: **flexicurity, capability-approach** (JEL: B59, D63, H11, I38, J58)

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The present article confronts two notions, flexicurity and capabilities.<sup>1</sup> They have in common the gap between their absence in everyday language on the one hand and their considerable publicity in academic and political circles on the other: Flexicurity, as an approach to reforming European employment systems, has become vital to the European Employment Strategy (Bonvin et al., 2011, p. 17), and is thus of immediate relevance to conditions in which Europeans work and live. Capabilities, in turn, are one of the three paradigms for the measurement of the quality of life which are suggested by the prominent report on the “measurement of economic performance and social progress”, chaired by Joseph Stiglitz (2009, p. 145) and Amartya Sen as his advisor. If capabilities are considered by social reporting,<sup>2</sup> they can also affect real politics. The relevance – actual or potential – for people’s living conditions is thus also a shared feature. What flexicurity and capability further share is the suspicion of being a “buzzword” (Keune & Jepsen, 2007, p. 16), i.e. being omnipresent in politics and academia (not in everyday language) but substantially empty. This would make them prone to political instrumentalisation, a threat that shall not be left aside in the present article, which explores what flexicurity has to gain from the capability-approach.

It is suggested here that this is not an exercise done *l’art pour l’art*, but that there are indeed good reasons to revisit flexicurity from the angle of capabilities. Yet, the limits of what can be added to flexicurity from a capability-perspective will also be mentioned. The paper is organised as follows: The first section is a discussion on the question what the term flexicurity actually stands for. The second section elaborates on the proposition that a number of risks are inherent in flexicurity. Against this backdrop, the third section explains how the CA can complement and improve flexicurity. The last section summarises and concludes.

### 1. Flexicurity: idea, discourse, or concept?

Flexicurity is a term which is being used in several different ways (cp. Barbier, 2009, p. 10; Madsen 2007, p. 526 et seq.). Some of the denotations correspond to stages of an evolution of the term, taking flexicurity to ever greater levels of generality. As is widely known, the term flexicurity was created by a sociologist (Hans Adriaansens) in order to dub a specific reform of the labour market and the social security system in the Netherlands of the mid 1990s, officially entitled ‘Flexibiliteit en Zekerheid’. It included on the one hand facilitating atypical employment, while on the other hand stepping up social protection measures for the concerned workers. Duclos (2009, p. 39 et seq.) distinguishes this first phase from two following stages: In a second phase, flexicurity referred not to a specific content, but to the political process (involving the social partners) in which flexibility was negotiated against security. Finally, in a third phase, a still more general stance was taken: flexicurity came to describe the “fonctionnement d’ensemble du système d’emploi” (Duclos 2009, p. 42), the way the employment sys-

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<sup>1</sup> The article offers preliminary results from my dissertation project on the same topic. There is an augmented version in store.

<sup>2</sup> This is the case for the report on poverty and wealth by the German federal government (2008) which takes capabilities as a framework of reference.

tem works as a whole. Gautié<sup>3</sup> identifies the preliminary end point of the described evolution of flexicurity as a *social model*. We can thus think of flexicurity as a label for a society in which flexibility in the labour market and the security of workers both attain high levels. In the present article, I distinguish between the basic *idea of flexicurity* and the *flexicurity-discourse* which has emerged in the European political scene, and which corresponds to one possible way how the abstract idea of flexicurity could be translated into policy principles. I further distinguish from these notions *flexicurity as a political concept*: a concept is something more clear, concrete and thus ready to be implemented, compared to an idea or a discourse. It is argued here that flexicurity as a concept is only in its beginnings. Both the translation of the idea into discourse and of the discourse into a concept bear the risk of deviating from a well-understood interpretation of the initial idea.

To understand the driving forces of the evolution of flexicurity, it is necessary to reflect on some issues which have to do with the European Union and with the European Commission's position in this construction. The overall societal context is characterised by a number of "challenges" (European Commission, 2005, p. 2): In contrast to the 'Golden Age' period after WW2, the competitive position of European national economies in the increasingly dynamic world market, the demographic reproduction of European national societies, and last but not least the sustainability of public expenditure have deteriorated. As an answer to these problems, labour market flexibility is brought into the discussion. A more flexible organisation of the number of workers and working hours, of tasks and remuneration is supposed to allow companies to compete more successfully. At the same time, it may also help workers to create employment pathways more resilient to adverse developments in the labour market and more adapted to their private objectives. In contrast to the thoroughly liberal position, the need for security as a prerequisite for flexibility, and not just as its by-product, is acknowledged by flexicurity. This means that in the idea of flexicurity, workers' security is not considered a product of the labour market only – even if it is being given a larger role than during the Fordist period – but still also of other institutions, like the welfare state.

However, the discussion on flexicurity remains embedded in the wider horizon of European labour market and social policy of the last decades. The direction is a change of the welfare state's modus operandi: More weight is put on active measures, passive social protection measures are considered more like the last resort, if no employment is available to the worker. Long-term unemployment for workers and long-standing inactivity for parts of the population are not thought of as an option any more. In principle, everybody is eligible for employment. Clearly, the flexicurity-discourse is inspired by Third Way labour market policy, and it fits well into the framework of the Lisbon Agenda. On the level of the individual, flexicurity implies the need to become more adaptable to the ever changing needs of the labour market. People are asked to be ready to take non-standard jobs and to change jobs and even

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<sup>3</sup> "Initialement mobilisé pour désigner une réforme visant à promouvoir aussi bien la flexibilité que la sécurité au prix de certains arbitrages, le concept va bientôt être utilisé pour désigner non pas une réforme ou une politique précise mais plus globalement un modèle social" (Gautié, 2006, p. 14).

professions more often. This includes accepting lower employment protection, switching residence or commuting, and engaging in training and re-training also at higher age. In return, the worker is promised employability: it is especially the now disadvantaged groups which are supposed to benefit.

This version of flexicurity is reflected by the European Commission (cp. also European Expert Group on Flexicurity, 2007), which has been described as the “most fervent promoter of flexicurity” (Keune & Jepsen, 2007, p. 5), and which has coined the discussion by its communication “Towards Common Principles of Flexicurity: More and better jobs through flexibility and security”. It defines flexicurity as “an integrated strategy to enhance, at the same time, flexibility and security in the labour market” (European Commission, 2007, p. 11). Four policy-fields are named: “flexible and reliable contractual arrangements”, “comprehensive lifelong learning”, “effective active labour market policies” and “modern social security systems”. It is true that this vocabulary leaves a lot of room for interpretation: terms like “reliable” and “modern” need to be spelled out.

Why does the Commission not give concrete instructions which would show what a translation of the flexicurity-discourse into real terms would look like? In fact, the field of political tension in which the Commission operates makes it necessary to present a balanced proposition, which will not be vetoed by any powerful societal stakeholder. Especially in the field of flexicurity, the collaboration of social partners is vital and often conjured. Flexicurity, as an example for the ‘union of opposites’, fits into the Commission’s toolbox,<sup>4</sup> because it bears the promise of mutual benefit. Once successfully brought into play, a proposition like flexicurity triggers a political struggle, as opposing actors are concerned who see their interests at stake, and who would not miss out on the opportunity to shape the public negotiation. As different interests are connected to flexicurity, the realm of the *discursive arena* gets enlarged. The success of flexicurity, and its generality or broadness, can thus be considered two sides of the same coin: narrowing the scope of the discussion would make it less dynamic.

Beyond the political, there are also technical reasons which the Commission has for not getting too concrete: Firstly, a proposition for a quite heterogeneous group of countries cannot follow a one-size-fits-all logic. It must rather be adapted to different institutional, economic and maybe even cultural national contexts.<sup>5</sup> Secondly, the need for a subsidiarity approach to flexicurity is reinforced by the limits of the European Commission’s competency: flexicurity encompasses not only regulatory, but also fiscal aspects, which lie in the Member States’ jurisdictions. Diverging budgetary situations of European countries are a further driver of the diversification of flexicurity models: not all countries have the same means to invest in their flexicurity-model.

The downside of the described process of generalisation is that it made flexicurity less tangible. In its evolution from a specific reform towards a European discourse,

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<sup>4</sup> It has been argued that it had already been there “avant la lettre” (Keune & Jepsen, 2007, p. 15), i.e. before flexicurity was even explicitly formulated.

<sup>5</sup> It is for this reason that flexicurity, as part of the EES, is implemented by the open method of coordination (OMC). Each Member State is held to find its own model of flexicurity.

flexicurity clearly left those behind who wish to use it as a concept (cp., for example, Eurofound, 2008, p. 23). It is not quite clear what measures flexicurity comprises and which groups are addressed. However, efforts are being made to get flexicurity on the ground. The political discussion has been accompanied by research, and some findings and suggestions have been absorbed by policy-makers. Several authors have made propositions for concrete implementations of flexicurity. It is especially the toolbox-like suggestions put forward by Ton Wilthagen which have met the approval of the European Commission. The so-called “Wilthagen-Matrix” (Wilthagen & Tros, 2004, p. 171) provides a systematic overview on alternative flexibility-security combinations and some means to reach them. Even if this matrix has been challenged (cp. Leschke et al., 2006; Gazier, 2008), it has been established as a major reference point in the discussion. The matrix does not take sides: the different cells that constitute it offer consultancy to fundamentally different positions. Some authors hold that “the matrix could serve as a building block for creating a typology of national (or sectoral) flexicurity profiles” (Viebrock & Clasen, 2009, p. 309). In the same vein, Wilthagen (2008) sketches different “flexicurity pathways” which can be chosen according to the specific deficit identified in each labour market. Works of this kind are valuable contributions to the transformation of flexicurity from a discourse into a concept. However, this transformation has not been completed yet. Flexicurity currently seems half-way between the two: not tangible enough for a concept, but already too concrete for being a mere discourse.

The lack of concreteness of flexicurity is a factor which bears uncertainty for some actors. This, however, may undermine its implementation, because actors need to choose some way to deal with this uncertainty. The more flexicurity is ambiguous, the more probable it is that actors choose to reject it (e.g. to put it down as a ‘neoliberal’ Trojan horse), especially actors who doubt about their power to shape the development of flexicurity according to their needs and interests. It thus seems that the Commission’s ‘neutral’ communication strategy, i.e. dwelling upstream of political struggles which inevitably surge up on the way to a national flexicurity-model, is an obstacle to the necessary trust and thus to implementation. The following section therefore points to a number of issues which should not be concealed<sup>6</sup>, but explicitly addressed in the discussion on flexicurity.

## 2. Pitfalls of flexicurity

In the present section, it will be argued that on its way from discourse to concept, flexicurity will have to heed three kinds of issues which are still largely neglected. I discern between axioms, conceptual aspects and events which may occur in the course of implementation. Axioms are the points of departure, the foundations of the flexicurity-discourse. If those foundations turn out to be frail, the whole construction may collapse. Conceptual aspects refer to the way the flexicurity is conceived. A concept may be more or less appropriate to fulfil the goals which are set. Implementation problems stand for the gap which may occur between a sound concept in theory and

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<sup>6</sup> Cp. for example Bonvin et al. (2011, p. 18), who accuse flexicurity of disguising its inherent contradictions.

the reality, which is determined by a number of factors of the economic and the political sphere. As has been argued, flexicurity *is* not in a certain way as a realized concept or social model, but it is *becoming* something in the course of the political process.

### ***2.1 Axioms: foundations of flexicurity***

Five axioms can be distinguished which deal with the origin and effect of flexibility and security. They are assumptions about work and employment, which may hold or not, or hold in some cases and not in others. They have in common that it is hard to decide which is the case. The contention here is not that the below-mentioned axioms are in fact wrong, but that they might be wrong, and that this would constitute a serious problem for flexicurity – either for the idea as a whole, or at least for certain versions of it.

#### *“Labour market flexibility will raise European economic competitiveness”*

There is a lot of optimism in the flexicurity-discourse concerning the revitalisation of the European economies, once that flexibility will have been established in the labour markets. This assumption lacks a scientific basis, it may be mere wishful thinking, or even ignorance of counter-evidence. For example, it has been shown that a cutback on EPL standards does not reduce unemployment on average (Cazes & Nesporova, 2003), but only synchronizes it better with the business cycle. On the level of the firm, the proposition that business nowadays requires more flexibility to compete in increasingly dynamic environments is being contested. Some authors reject these claims, arguing that flexibility will be costly to the labour force without generating any net macroeconomic benefit. For example, de Nanteuil-Miribel and Nachi (2004, p. 303) argue that the “unconditional need for flexibility” frequently conveyed by the flexicurity concept is rather unsubstantiated: “this view considerably overestimates the actual needs of the corporate sector in this respect. The idea that firms require their workforces to be mobile on a general scale, both quantitatively and qualitatively, appears at odds with reality”. *If* it is true that the need for flexibility is being overestimated, a question which cannot be decided here, then it logically follows that an increase in flexibility will fail to deliver economic success.

#### *“Flexibility can be compensated by security”*

The idea of compensating more flexibility by more or different kinds of security requires that they are actually substitutable. This assumption may hold for some kinds of flexibility more than for others. As suggested by de Nanteuil-Miribel and Nachi (2004, p. 305), flexicurity “conceals the fact that flexibility can have undesirable effects – especially on the psycho-emotional or psycho-social level – whatever the degree of security on offer”. In the same vein, Walthéry and Vielle (2004, p. 275) argue that persons need to be able to make plans for themselves, which can be impeded if flexibility makes the future too opaque: “several authors [...] have suggested that it is precisely the expected prospect of a long-term relatively stable time frame that can enable an individual to develop strategies for the future” (ibid.). A simple but important factor is geographical mobility, which often goes along with changes of employer. A change of profession, in turn, may deeply affect a person’s social networks and identity. This gets

clearer the more work is not seen as an exchange good, but as a thing done and lived by human beings.

*“Everybody will benefit from flexicurity”*

Flexicurity, as a political subject, tends to be presented as a win-win deal, as a reform project of which everybody will finally benefit. Such claims deserve scrutiny. As shall be argued here, the flexicurity-discourse does not consider enough the dimension of inequality. It would be more credible to acknowledge that not only winners but also losers will most probably surface along the way. This obvious fact is currently swept under the rug by the official rhetoric (cp. Bonvin et al., 2011, p. 18). In this context, I propose distinguishing between the inequality between workers and the inequality between workers and capital owners. Flexicurity is being presented as a means to reduce inequality, particularly between labour market insiders and outsiders. New inequalities which flexicurity may itself create – as a consequence of the unequal capacity of workers to deal with flexibility – remains unnoticed. Furthermore, concerning the relationship between labour and capital owners, flexicurity has been accused for an unfavourable imbalance from the point of view of the labour force (cp. Keune & Jepsen, 2007, p. 15).

*“Life-long learning grants employability”*

The flexicurity-discourse is suggesting that employment will be available to everyone in future labour markets. With regard to persistent unemployment since the 1970s, it seems that policy-makers rely too much on life-long learning. There is reason to assume that not being in (decent) employment has been and will most probably be an inevitable fact for many people, either for recurrent spells, or incessantly. Some groups of workers will probably just lack the capacity of providing labour which would be bought by employers for decent wages, in spite of training and re-training. But even if boosting ‘human capital’ were possible for all workers, there would still be a lack of decent jobs: In order to have decent jobs, productivity needs to be high. But unless wages are also high (which is improbable as they have been lagging behind productivity for a long time already (cp. Busch & Land, 2011), there will be a demand gap on sales markets, leading to unemployment. In any case, putting a lot of emphasis on the nexus “flexibility–employment security” (Tangian, 2008, p. 7), flexicurity is rather silent about those who will not be able to compete fully at the labour market. In the old welfare state, the alternative for this group of people was de-commodification. But now that passive measures are considered rather as the last resort, is the alternative to employment a cascade of unwinnable activation measures? And if the concerned people are supposed to work, then in what kind of jobs? If there is no alternative plan, the risk is re-applying life-long learning schemes in a loop, without success and in an increasingly repressive manner. My contention is at this point that the pressing issue of exclusion from *decent* employment remains a blind spot of the flexicurity-discourse.

*“Employment is good for everybody at any time”*

A major blind spot of the flexicurity-discourse is certainly its generalised insistence on labour market participation. It is questionable whether employment participation is indispensable for leading a good life at any time. At least in the principles advocated



by the European Commission, a very pronounced 'work-ethic' is voiced. As observed by Annesley (2007, p. 1), "the Lisbon agenda presents a coherent vision of a social model which can be characterized as a Europe-wide Adult Worker Model". Employment flexibility can serve as a means for facilitating a maximum of employment participation. It seems, however, that depending on the amount of tasks outside of paid work, and depending of one's personal projects and biographical phase, the chance of not being in an employment relationship can be important, both for the individual and for society as a whole. Arguing for a life-course perspective, Klammer (2004, p. 288) points to the importance of finding "a new equilibrium between 'commodification' and 'de-commodification'", where the latter "means independence from the labour market through the right to leave the labour market in certain situations and life phases, and in particular through financial support for these phases". Klammer insists that this is not just an outdated tool belonging to an old-fashioned Welfare state, and claims that "there is a need to rethink and redefine under which circumstances and for which phases people are not expected to gain a living through work" (ibid.). What is more, the general insistence on employment does not only abstract from personal situations, but also from the features of the employment relationship and its work content. Any employment, goes the argument, is better than no employment; the underlying assumption is that bad jobs are bridges to good jobs in medium term.

## ***2.2 Conceptual deficits of the developing flexicurity-concept***

Flexicurity as currently discussed on the European level still bears issues which are not just a lack of precision, but rather profound deficits. They should be revisited in order to give a solid grounding to the concept which is beginning to consolidate.

### *The idea about people's needs is too schematic*

The promotion of flexicurity is being justified by people's needs, but not much thought is spent on the question what these needs are. In a categorical and abstract manner, it is being assumed that what people need is "flexibility and security". The origin of this problem, as is argued here, lies in the lack of a concept of well-being. Flexicurity, which is set out to reform the institutions which shape people's daily lives, should possess, or at least be connected to, a notion of what participation in a modern society means. Unless this happens, it will not be possible to decide which kinds of flexibility and security are necessary and desirable in different contexts. In principle, flexicurity has the potential to promote tailored solutions to individual situations, because flexibility provides some leeway for adapting the content and intensity of work to personal needs. Yet, this cannot be said of all forms of flexibility, and the command over the use of flexibility plays a decisive role.

People's individuality, emphasised by the CA, requires the individualisation of policy. In CEREQ (2011), the contribution of flexicurity to people's professional development is judged as rather poor. In principle, training should open up new horizons to workers and allow for personal development. Apart from the fact that the offered kind of training may not necessarily be what seems valuable to the person, measures often fail to provide employment security: "Training, the main component of flexicurity, does not compensate and above all not prevent the insecurity of work-

ing trajectories, which has, by the way, considerably increased” (Méda, 2011, p. 98 et seq., my translation). The reason for this “échec” (ibid.) is detected in the standardisation of training measures, their lack of fit with the individual and its context.

*The hierarchy of ends and means is not clear.*

The failure of taking account of people’s needs is a twin of the muddled idea about what is the final aim of flexicurity. If one postulates that from the workers’ point of view flexibility is rather a means, and security is more like a goal, then it seems that means and ends are at the same level already in the term “flexicurity”. Of course, as is often argued, flexibility is in the interest of workers, too. Yet, this does not change its status as a means which would extend the probability for workers to achieve, or to secure, a certain valuable aim. From the point of view of employers, the order seems to be at the reverse: security is a means of warranting workers’ collaboration, while flexibility is the aim that employers connect with the flexicurity agenda. This begs the question for whom flexicurity is actually designed. The European Expert Group on Flexicurity (2007, p. 14) points to the shared concerns of opposing sides at the labour market: “Flexicurity could best be seen as a system of joint and mutual risk management for workers and employers”. Mutual support is presented as rational, because “contributing to the risk management of the other party contributes to managing one’s own risk” (ibid.). The quintessence of this seems to be that flexicurity will disadvantage neither actor. After all, it is the promise of a “win-win situation” (European Expert Group on Flexicurity, 2007, p. 5) which is the most attractive feature about the flexicurity concept. However, is this equal treatment as fair as it sounds, given that the parties are of completely incomparable nature? One may ask indeed whether ‘fairness’ or ‘justice’ is an appropriate notion, when referring to the sharing of gains between labour and capital. Unless the argument were that workers have an interest in the business to thrive because economic success will benefit human capabilities in the long run. But then, who are the groups that will actually benefit: society as a whole, or just parts of it?

### **2.3 Uncertainties and risks of the implementation**

As already mentioned, the incompleteness of flexicurity as a concept opens up some opportunity for political instrumentalisation, or for labeling policies as flexicurity which are far from the initial flexicurity idea. The components of flexicurity as communicated by the European Commission (“effective active labour market policies”, “modern social security systems”) allow different readings. As Tros (2004, p. 3) says, “the valuation of labour market and employment strategies and policies as flexicurity strategies is – at the end of the day – an empirical matter”. What is at stake?

*Risk of under-investment in people*

It is of particular importance whether flexicurity will be used by Member States as an excuse for savings on passive social protection, or whether it will be understood as a scheme involving serious investment in people. As all European Member States are held by the EES to develop their own flexicurity-model, budgetary or other pressures may force some of them to sell their conventional policy under a flexicurity-label. The budgetary crisis of the welfare states, which was exacerbated by the saving of banks af-

ter the financial crisis, indeed raises the question: which countries will be able to afford a flexicurity-policy which merits this name? The challenge is not just to appropriately buffer consequences of flexibility, a thing which European welfare states failed to do in the period before flexicurity was proclaimed: Following Tangian (2007), flexibility and security have taken inverse directions in European countries during the period from the 1990s to the year 2003. He shows that instead of a compensation of increasing flexibility by increasing security, a pareto-worsening happens in virtually every country. Beyond resources which allow workers to endure flexibility, further resources are needed which would enable workers to be flexible in an active manner. If, however, the means should be lacking, then it would not be correct to speak of a flexicurity model; it would then be more honest and productive to acknowledge the need for another concept.

*Risk of inappropriate use of constraining measures and poor job quality*

All the misgivings which have been articulated with respect to activating labour market policy (cp. Serrano Pascual & Magnusson, 2007; Betzelt & Bothfeld, 2011) can be repeated in the case of flexicurity. Flexicurity envisages collaboration between labour market and social policy. Depending on the implementation, a situation can exist where social policy is too much in tune with the goals of employment policy, rather than putting the aim of social protection on top. With the employment rate target of the Lisbon Agenda (70%)<sup>7</sup> in mind, which was raised to “at least 75%” in the European Commission’s communication “Europe 2020” (2010, p. 8), it is not particularly far-fetched to imagine that the “effective active labour market policies” (European Commission, 2007) can turn out constraining measures following a “work first” and “make work pay” logic. A lot of discretion for permissiveness or restrictiveness is left to policy-makers, both in respect to making people take up work, and in respect to the kind of work which would be judged appropriate for each unemployed person. The risk connected to this is not just the impact on people’s well-being, which should be crucial for the justification of flexicurity. It is also relevant in respect to the long-term macroeconomic effects. A rise of low quality jobs can be a consequence of activating labour market policy, but they neither lead to well-being nor productivity. A bad allocation of the labour force would compromise the economic effect which labour market flexibility might potentially have (if there is one) on competitive performance.

*Democratic legitimacy risk*

The European Commission recurrently emphasises the importance of social dialogue for flexicurity, and it has even been added to the four ‘principles of flexicurity’ (Bekker et al. 2008, p. 70). Involving the social partners is an attempt of creating trust in and legitimacy of the institutional reforms connected to flexicurity. Yet, does deliberation really take place (critically: Salais & Villeneuve 2004, p. 14), and what is the menu from which societal actors are actually allowed to choose? Does it contain the full scope of alternatives, or is it artificially reduced, assuming a lack of alternatives right from the start? Flexibility is often presented as incontrovertible, but this may not be the case, as

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<sup>7</sup> Overall rate, with women attaining 60 and elderly workers attaining 50 percent.

argued above. I suggest that democratic legitimacy is not warranted if democratic discussion does not take all the options into account, both on the macro-political level and in concrete contexts of everyday life.

On the level of the firm, de Nanteuil-Miribel and Nachi propose giving workers “a say in the production of the collective rules that would set limits on a process too frequently perceived as inevitable” (2004, p. 309). Apart from the scope of choice, the timing of choice is also an issue. Bonvin and Vielle (2009, p. 26 et seq.) discern between conception and implementation of policy. With regard to the general Lisbon process, they suggest that the instruments of the process would have been more successful if actors had been consulted already in their elaboration, and not just in their implementation. Beyond this, the authors point to the fact that it may not be sufficient to leave the discussion in the classical structures of negotiation at the level of the sector, branch or firm, but that new geometries are necessary, with special regard to Europe, but also the sub-national level. Ignoring the question what it really takes to achieve legitimacy of policy reforms is certainly a risk of the implementation of flexicurity on different levels of policy making.

### 3. Sensitising flexicurity with the capability-approach

The capability-approach is a paradigm which has been created in the late 1970s as a challenge to conventional ways of measuring human well-being. It consists of a number of distinct but interrelated concepts, the core concept being capabilities.<sup>8</sup> Not resources at the disposition of persons and neither their perceived utility shall be the basis of comparison between the well-being of different persons, but their freedom to be or do things which they hold valuable and which are considered valuable in their society, and the way this freedom is actually used.<sup>9</sup>

Today, the CA is not a homogeneous entity (cp. Robeyns, 2011). Many scholars from different backgrounds have engaged in the rather lively debate, and it is not surprising that this has not only lead to a more detailed articulation and broad usage, but also to some discord about how we should think about the nature of the approach. While everybody agrees on putting freedom at the centre of the approach, the discord is basically about how the CA can be most adequately formulated to this end. There are two main strands which have become famous in the capability-literature, and they are respectively associated with Amartya Sen and Martha Nussbaum. These two strands reflect the twofold roots of the CA in economic theory and moral philosophy.

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<sup>8</sup> The CA shall not be presented in detail here for reasons of space limitation. Please refer to the introductory contribution of this publication.

<sup>9</sup> Not just capabilities, but also functionings are part of the basis of evaluation. There are two major reasons: Firstly, it would just not be realistic to measure freedom without looking at real outcomes: “If people never functioned at all, in any way, it would seem odd to say that the society was a good one because it had given them lots of capabilities” (Nussbaum, 2011b, p. 25). Secondly, there is the question of individual responsibility: Only if a person’s accountability were absolute, it could be just to base evaluation to one hundred percent on capabilities. For several reasons, it never is, and therefore it must also be taken into account what actually becomes of the possibilities they have (cp. Schokkaert, 2008, p. 12; Sen, 2002, p. 159).

The first strand – also in a chronological sense – seeks to position the CA as a new ‘evaluation paradigm’. The other strand chooses to consider the CA a “political doctrine” (Nussbaum, 2011a, p. 35). While it is the methodological innovation which is at the centre of the first line of research, the second one puts the political dimension to the fore. However, this distinction is not a strict one. The Sen’ian approach may be stronger in the field of concepts and method, but it has always been addressing philosophical and political questions. Nussbaum’s approach delves more in the question of what exactly constitutes the good life, but it has to confront methodological issues as well. Going beyond the polarised presentation of the CA, it must be mentioned that there are not only two strands of the CA, associated with two prominent figures. As stressed by Robeyns (2011), the capability-approach can also be “the basis for (or part of) social criticism, ethnographic studies, policy design in the area of family policies in welfare states, or even –potentially– [as] part of the design of a revolutionary blueprint of a post-capitalist economic system”. All these possible directions are part of an overarching “capabilitarianism”, as Robeyns (*ibid.*) formulates. The present article sticks to a Sen’ian understanding of the CA.

One purpose of this distinction is to prepare a reflection on what the CA can do for flexicurity and what is beyond its reach. It should have become clear that it is not a theory specialised on questions of the labour market or of social protection. The CA is rather general, and it is not a theory. This means that flexicurity will not receive any detailed policy advice from the CA, nor a detailed description of the ideal employment system.

With regard to recent publications, it seems that the issue of normativity is a matter of contention. Evidently, when confronting flexicurity with the CA, the question whether or not flexicurity is capability-friendly is immediate. When working with Sen’s CA, this question should not be decided by verifying whether a certain functioning is or is not promoted by flexicurity. An inventory of necessary flexibilities and securities cannot be derived from Sen’s CA, as it is “not a theory of justice [...], and therefore doesn’t define the key components of the good life on a societal level” (Goerne, 2010, p. 11).<sup>10</sup> Although in a general sense the CA does claim an extension of capabilities, it is not straightforward to base claims for more or different capabilities on the CA when it comes to a concrete political question. The CA does not specify what should be done in the face of concrete questions of economic policy, or how society should decide in situations characterised by trade-offs. As preferences are at the basis of such decisions, they cannot be derived from Sen’s writings, but only from public deliberation. What this paper does is therefore to confront flexicurity with the CA, and not with normative positions external to CA.

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<sup>10</sup> In a certain sense, this holds even for Nussbaum’s version of the CA: Firstly, I suggest that her version is not a theory because it does not establish laws which explain how the world is, but it rather conveys a norm for the society. Secondly, in a strict sense, the normative edge of Nussbaum’s CA, the list of ten capabilities, is not an expression of the CA itself, but of the reflected views expressed in terms of the CA. It is thus of an origin external to the CA. Yet, it has become customary to speak of Nussbaum’s CA first and foremost in connection to the list.

This does not suggest that no normativity was involved in this exercise. Any version of the CA has some implicit normativity, at least the normativity which is expressed in the choice of capabilities as the informational base (cp. Bonvin & Farvaque, 2006) of evaluation. This choice has some consequences for flexicurity, which will be discussed in the following sections: What are the norms and suggestions for flexicurity as a policy strategy/social model that follow from placing human freedom at the centre?

### **3.1 A change of perspective**

The most substantial contribution of the CA to flexicurity is a change of perspective: human freedom is given a central place in policy-making. Human freedom – both in terms of choosing between valuable ways of living, and in the chance of influencing societal processes – becomes the yardstick of societal development. This helps to reformulate the mission statement of flexicurity: the aim is not promoting flexibility and security, but promoting human freedom by means of flexibility and security. This means that whatever changes are implemented in the employment system, making work more flexible and secure, these changes are exclusively justified by their (potential) contribution to human freedom, the scope of things that people can do or be. This spirit is well captured in a statement by Bonvin et al. (2011, p. 28, my translation): “from the capability-perspective, the question is not whether workers are more flexible and adaptable. What is of interest is rather whether the conditions are effectively met which give wage earners real freedom to work and to develop professionally”. The hierarchy of ends and means is thus made clear: Not flexible employment, but freedom is target. Policy emanates from what people value and have reason to value, and from what they need in order to lead a life they value. In this perspective, one can see that flexicurity is not *per se* friendly or hostile to capabilities. Rather, it has not yet been connected to them. Only when this is done, it will not be a question of hazard whether flexicurity-policy will boost or degrade people’s freedom. From the CA’s point of view, flexicurity should be conceived as a strategy for the extension of capabilities. Ideally, it increases the scope of choice which individuals have to choose between modes of employment participation<sup>11</sup> and work content.

### **3.2 A check up on democratic legitimacy**

The reason why Sen includes not only functionings, but also capabilities in his basis of evaluation of human well-being lies in the importance of the process-aspect of freedom. Against “consequentialism” (Sen, 1999, p. 17), he argues that the way that leads to a certain outcome is also important: “A properly described social state need not be seen merely in terms of who did what, but can also be seen as telling us what options each person had. [...] The rejection of alternatives that were available but not chosen is part of “what happened” and is thus a part of the appropriately described social state” (Sen, 2002, p. 593). This holds for the evaluation of personal well-being, but it also holds for the democratic process which will lead or not lead to establishing a flexicurity-like employment system. From this point of view, flexicurity needs not only to be judged according to the capabilities which it provides to workers, but also according to the degree to which the requirement of ‘public deliberation’ was fulfilled in

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<sup>11</sup> Respectively the variety of earner models available to households, see below.

the process leading to a flexicurity-model: Did all the actors which are concerned by flexicurity have the chance to make their voices heard?

The capability for voice signifies that “the people concerned are to participate effectively in all normative and rule-setting processes” (Bonvin & Farvaque, 2006, p. 136). Unfortunately, even though putting emphasis on the democratic procedure, the CA does not give much guidance on how legitimate public deliberation should be structured (cp. Robeyns, 2005, p. 110). It is thus a research question for political science how the political process leading to flexicurity-policy should be organised in the European Union and its different Member States. Is the dialogue between social partners sufficient? As was already suggested, flexicurity cannot be legitimate if it is the result of a political process which discusses an artificially reduced set of alternatives. The existence of an exit option, i.e. the possibility *not* to opt for flexicurity is at the very basis of the political legitimacy of flexicurity.

Walthéry and Vielle (2004, p. 265) criticise that reform proposals of the welfare state usually concentrate on the means, but do not make the ends a topic. The authors propose recurring to the CA and “identifying all the functionings that would then constitute the objectives to be fulfilled by welfare states” (ibid., p. 277). As mentioned above, the answer of what these functionings are does not follow from the CA itself. However, the CA can be used to articulate claims in the debate. Based on the informational base of capabilities, actors can discuss about the flexicurity-model which they think would be the most suitable in order to contribute to the beings and doings which they deem valuable. The CA itself can therefore play a role in the discursive arena of flexicurity.<sup>12</sup>

Negotiation on flexicurity is not reserved to the level of big politics. Also at firm level, it touches security provisions and above all the command over flexibility by the ones concerned at their workplace. De Nanteuil-Miribel and Nachi (2004) claim that flexicurity should strengthen the say of employees in the organization of the work process, in order to prevent damage caused by inappropriate utilization of flexibility. The authors do not generally judge flexibility as either negative or positive, but they insist on its “extreme variety of its forms and expressions” (2004, p. 315), which can be either harmful or beneficial to workers, depending on the context. Instead of repairing the damage done, participation in decisions could help to prevent damage in the first place. The authors suggest a conception of flexicurity which includes elements of economic democracy, “enabling those parts of the labour force that are shunted back and forth by ill-assorted and unpredictable forms of flexibility to reclaim their own destinies, to be given a say in the production of the collective rules that would set limits on a process too frequently perceived as inevitable” (2004, p. 309).

### ***3.3 Sensitivity for inequality and individuality***

Sen’s CA is an evaluative paradigm of human well-being, motivated by the neglect of crucial sources of human inequality by conventional measures. Examining flexicurity

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<sup>12</sup> Evidently, it is possible to argue for the need for freedom without recourse to the capability-approach and its terminology. The benefit of doing it anyway lies in the fact that the CA is an established reference system in the discourse, and a developed body of thought.

from its point of view brings the issue of inequality into the focus, and forces flexicurity to think beyond its win-win-rhetoric. A methodological inspiration which flexicurity can take from the CA has to do with the distinction between resources and conversion conditions. The core of this distinction is not the correct classification of aspects into one of the two categories: even if this were possible, the practical value of this exercise would not be evident. The importance rather lies in the distinction as such, and thus in the acknowledgement of individuality, which makes that different persons will be differently affected by changes in resources and rights.

There are basically two kinds of individuality which play a role in respect to flexibility and security in the employment system: the individual preferences and the individual situation. As for preferences, there are multiple benefits that persons may draw from work and employment; they may include a feeling of usefulness, personal contacts, income and social upward mobility (cp. Sen, 1999, p. 94). Depending on the capabilities desired by an individual, work and employment may have a purely instrumental status for capabilities, but they may also be desired capabilities themselves. For some, the exercise of a specific profession may be crucial, while others just seek to be active or generate income for other purposes. Occupational flexibility will thus be judged very differently by these workers. Apart from intrinsic preferences, the way a person judges a specific job also crucially depends on his or her situation: how much time and energy can a person spare for the labour market? How important are the monetary and psychological rewards of employment, given the individual career prospects and circumstances of the person?

Two important intermediaries between employment and capabilities are the welfare state and the household. Both can reduce a person's need to earn income from employment, and both co-determine the person's freedom to engage in paid work. Households ideally, though not necessarily (Sen, 1993, p. 463), form a solidary community with structures of mutual support and mutual claims. The household is the central economic unit which combines resources to a specific welfare mix (cp. Glatzer, 1994, p. 243). This mix does not only consist of market goods, but also of unpriced domestic products. A person offers his or her labour force at the market as part of a comprehensive strategy of reproduction pursued by the household. Consequently, employment participation can have completely different meanings according to the household context, even if this difference does not become visible in the employment contract. The contribution of a job to subsistence is not the same in different households, and is not meant to be the same by the persons involved.

In the course of time, the goals which workers connect with employment have become more diverse. Since the 1970s, a growing variety of earner models has been realised, some of them requiring flexible work. The destination of flexicurity in the described scenario is to open up contractual possibilities for dealing with the different labour market situations faced by different households, and to make the variety of emerging patterns secure. The effect of household's features on its member's real capability for flexible employment – understood as the chance to work flexibly without exposing oneself to poverty – depends on the collective conversion factors put in place. For example, the degree to which children or elderly household members demand unpaid care work depends on public facilities. Looking at things in this way,



flexicurity becomes a concept addressing the person in the context of his or her household.

The individuality of persons and their context suggests the individualisation of measures, in order for them to be effective. The inspiration which the CA has taken in Aristotle's writings is particularly evident in its claim to treat differently what is different (Heinrichs, 2006, p. 208). This is an implicit norm of the CA, inscribed into its architecture by the emphasis on conversion conditions. Méda (2011, p. 99) holds that the individualisation of measures is in fact the main message of the CA in the context of policy-making. Most categorically, this argument has been expressed by Goerne (2010, p. 12): "the CA, by upholding the stress on human diversity, directs the attention to analysing policies *in terms of individualization*". From the construction of the CA, the "implicit normative position that more individualisation and less standardisation is always better from the perspective of the CA" in the field of labour market policy follows for Goerne (2010, p. 13). Sensitising flexicurity for different individual needs and contexts would allow to target people's real needs more effectively. Heinrichs (2006, p. 184) emphasises that this does not mean that all administrative decisions have to be made separately for each person and each case: this would rather be utopian than effective. He suggests that it is rather the scope of criteria, deciding on the distribution of resources, which needs to be enlarged. This, however, comes at the price of a considerably higher effort to be made by administrative action, which is, in principle, assumed by flexicurity.

### **3.4 The freedom not to be in employment**

As has been argued, the individual freedom of not being constrained to take part in employment is a prerequisite for the household's freedom to choose an optimal activity pattern. If the means, employment participation, is confused with the aim, capabilities, then the leeway for finding alternative solutions is artificially narrowed. Enforcing labour market participation of each household member is not reasonable with regard to the quality of employment, the quality of life, and reproduction. Some doubts about the employment ideology inherent in the EES have already been articulated above. Indeed, from the perspective of capabilities, one can ask if what the EES has in mind with employment is really something that a person *can* do or be, or rather something that a person simply *has* to do or be. Do the "effective active labour market policies" and the "modern social security systems" (European Commission 2007) in fact leave any space for what Bonvin and Farvaque (2006, p. 126) call with Robert Salais the "capability for work", a capability which explicitly includes the "capability not to work" under certain circumstances?

It can be shown that the freedom of not being employed is crucial for workers' security in several respects. Beyond reproduction or training, which are activities of building up marketable 'human capital' and should thus, from the business' viewpoint, be accepted as a 'necessary evil', the exit option can boost the workers' bargaining power. As pointed out by Bonvin and Farvaque (2006, p. 126), "the existence of a valuable exit option, like decent unemployment benefits, is the very foundation of the capacity to negotiate the constraints connected to work, rather than accept any conditions imposed by the employer". It would be mistaken to think that a capability-

approach to policy-making *per se* precludes elements of constraint. Such a stance would not only condemn it to political irrelevance, but it would also be out of tune with the democratic principles of the CA. In the present example, the CA does not imply that people should not be obliged to work in general. On the contrary, it belongs to the freedom of any given society to impose rules on themselves, which can include strong incentives to look for employment. But, as Bonvin and Farvaque (2006, p. 126) formulate, there must be a “fair and negotiated construction” of the constraints put in place. Reasoned public discussion may find it useful to leave some discretion to people in respect to employment, and define circumstances which perfectly justify the take-up of transfers. It may, for example, set up standards below which someone is not supposed to work. The compatibility of the CA with claims for decent employment is obvious here: work counts among the subjectively valuable ‘doings’ for a great number of persons, and it opens up further valuable rewards. Public discussion may come to the conclusion that this is a legitimate expectation which work should fulfil for everybody, in default of which non-participation is acceptable.

### **3.5 Conceiving sustainable flexicurity with the CA?**

The idea of flexicurity gives a central place to people’s security. It is about sheltering people from the new threats of a flexible labour market, a labour market which is seen as a prerequisite of economic growth. Taking one step back from there, we can look at the relationship between economic growth and security in a more global sense. Putting up the hypothesis that economic growth can, in the long run, undermine security, one can ask about flexicurity’s role in securing the most essential human capabilities.

The said hypothesis draws on a growing discussion on the limits to economic growth on a finite planet (Jackson, 2011). First prominently argued in the publication entitled “The limits to growth” by the Club of Rome in 1972, it has become an incontrovertible fact that the growing material well-being in industrialized countries has negative side effects which are equally getting more important. In the face of finite (non-renewable) resources, and of self-made risks (cp. Beck, 1986) threatening human health and human existence, economic growth has been heavily criticised. If it were not for the systemic need for growth (debt, unemployment,...), a slowdown of economic growth in Europe could be welcomed, rather than be perceived as a problem. Therefore, if flexicurity is meant as a program to stimulate economic growth,<sup>13</sup> at the same time as taking care of people’s security, it runs the risk of contradicting itself.

I shall argue that the CA can show a way out of this dead-end by highlighting that what people need are capabilities, no matter how these are generated.<sup>14</sup> The CA considers material resources and human capabilities as two separate things, connected by complex procedures of conversion. The CA thus leads the way to, or is at least perfectly compatible with, economic and social models which are less based on the consumption of non-renewables. The mission statement of flexicurity could be reformu-

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<sup>13</sup> It is assumed here that the belief in the possibility of decoupling economic growth from resource consumption and pollution is wrong. Arguments can be found in Paech (2010b).

<sup>14</sup> “Der Wert des Lebensstandards liegt in einer bestimmten Art zu leben und nicht im Besitz von Gütern, die eine abgeleitete und variierende Relevanz haben” (Sen, 2000, p. 49).

lated in line with sustainability: in order to preserve capability durably, flexible work could be introduced not for growth, but without, and even against growth. Industrial production, which needs to be organised via paid employment, can co-exist with substantial subsistence work, occupied with domestic production of goods or with repair of used industrial goods (Paech, 2010a, p. 17). Flexicurity could become a concept which coordinates interdependent work in different economic spheres (monetarised and non-monetarised), but not in the way it already does: the challenge would no longer be to maximise the part of the labour force which is dedicated to paid employment, but to minimise it. While flexicurity currently seeks to allow as many persons as possible to participate one way or the other in paid employment, it could in the future help the household to better combine different sources of capabilities and become less dependent on standard employment.

For not being misunderstood, I stress that I do not consider that paid employment should or will vanish. It will most probably stay important, because many things which people nowadays consider essential for the desired standard of living can only be produced with a pronounced division of labour, which requires paid employment instead of own production and barter transactions. In addition, not all the production which is organised by paid employment is a priori harmful to ecological or social sustainability. Yet, paid employment will probably have a lesser role in a sustainable society, and there will be a new division of labour between the spheres of paid and unpaid work.

The things proposed in this subsection may still look far-fetched, but with regard to many countries in the world they are not, and have never been. Besides, even in Europe, paid work relies on unpaid work even now. There is no reason why this should cease to be the case, or why the spheres of paid and unpaid work should not continue to change in relative size, content and composition. Probably, coming changes in the productive sector will imply a decrease in the output of goods (in fact, they have to under the condition of ecological sustainability). At the same time, this does not imply a decline of valuable human capabilities. Economic competitiveness and growth have been instrumental to human capabilities, and it may be high time to use different instruments.

#### **4. Conclusion: the way towards a more capability-friendly flexicurity**

By way of investigating how flexicurity could become more capability-friendly, this paper has first clarified some issues concerning the nature of the two notions. The term flexicurity was presented as plurivalent, referring among other things to a vague idea about how an employment system could be organised, to a discourse which has emerged under specific political preconditions, and to a concept which is visible in some contours, but which is far from accomplished. In spite of the criticism which has been raised in connection to flexicurity, I have decided to take seriously the promise of a future which holds more flexibility and more security for workers and firms. At the same time, I have tried to highlight some pitfalls which are threatening the realisation of this vision. It was firstly argued that flexicurity, as it is currently discussed, builds on a number of assumptions which may be flawed, e.g. the firm conviction of policy makers that more flexibility will actually make European economies more competitive. Secondly, it was pointed to conceptual deficits. Though being justified with

alleged needs of workers, flexicurity has no concept of what participation in modern societies actually means and requires. Thirdly, some concern was expressed about the direction that flexicurity may take on its way to implementation. Given the political and economic circumstances, which seem to become more awkward recently in several if not all European Member States, will flexicurity be undermined by the need to ease the burden on public households, and will it be imposed on workers?

What is the place of the capability-approach in this picture? It is not a theory on the labour market and on social protection systems, thus no details about their optimal regulation can be asked from the CA. I have also insisted that I would not like to use the CA for judging whether a specific formulation of flexicurity is acceptable or not. At least the Sen'ian CA, which was referred to here, is not a fully-fledged theory of justice but rather a framework of thought. As a sensitising concept, it highlights new criteria, in view of which people may decide on flexicurity in a democratic manner. The norms by which decisions are finally made are mostly external to the CA. The criteria provided by the CA refer to the information which should count in deliberation, and to the fact that public deliberation should take place. These implicit norms of the CA derive mainly from the normative individualism to which the CA subscribes and from the importance that is given to freedom. Together, they cause a change of perspective: if the informational base of evaluation consists in the things which people can do or be (plus the things they realise out of this menu), then flexicurity needs to be conceived and evaluated in their light. The economy and the employment system are instrumental to human freedom, and their features, like flexibility and security, derive their value exclusively from their contribution to human freedom.

Building on the implicit norms of the CA, some basic requirements of flexicurity were discussed. It has been argued that policy should be conceived with regard to their effect on capabilities. It should not be a question of hazard whether flexicurity-policy will boost or degrade people's freedom. The issue of sustainability has been raised as a necessary condition for the maintenance of capabilities in the long run. It has also been highlighted the need to check whether the conditions for public deliberation are met in the matter of flexicurity. With respect to employment, it has been argued that the capability not to be in employment under certain circumstances is a necessary condition for human freedom: freedom is not freedom if it is reserved to complying with the employment rate targets of the EES. With respect to work, the issue of work quality has been addressed: if work is considered not as an exchange good on a market, but a thing people do and which is valuable to them, then the work process and content are relevant for human well-being. A further implication of the CA is heeding the individuality of people's needs and situations. Thus, in order for a policy to be effective, it should grant individualised treatment where possible. This treatment needs to be of an enabling type for allowing workers to develop their full potential. Last but not least, it was pointed to the necessity to reflect on inequalities which flexicurity may create, namely the inequality between groups of workers who may have unequal chances of dealing with employment flexibility.

In a general sense, the idea of flexicurity bears potential for capabilities, maybe more than the European discourse or the outlines of flexicurity as a concept would suggest. With recourse to the CA, flexicurity could develop in a way which is mindful

of human freedoms. After the crisis following the year 2008, the European Commission is currently trying to “re-think flexicurity” (Andor, 2011), and I would like to propose capabilities as a guideline for this.

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