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Book reviews

Working Yet Poor: Challenges to EU Social Citizenship, edited by Luca Ratti and Paul Schoukens. London, Hart, 2023, xxvi + 288 pp. ISBN 9781509966547 (hardback).

Much ink has been spilled about the so-called “social crisis”¹ of the European Union (EU), something that in 2012 Nicola Contouris and Mark Freedland referred to as “a process of de-mutualisation of work related risks [that] is seriously undermining the hard-fought and hard-earned social *acquis* that national social law, and Social Europe itself, once aspired to provide”.² For some, however, the announcement in 2017 of the European Pillar of Social Rights, signalling a renewed drive towards better working and living conditions across the EU, was cause for cautious optimism. Despite some concerns about the EU’s likely response to the economic effects of the COVID-19 pandemic, this optimism has been reinforced by the introduction of a number of new EU labour market policies in the last few years, from a new Directive on Parental Leave,³ to a Directive on Adequate Minimum Wages,⁴ and a new Platform Workers’ Directive.⁵

Nevertheless, and notwithstanding the promises of the European Social Pillar, there are still many people throughout the EU who – owing to a combination of their contract status, their household situation and/or a range of socio-demographic factors – are at risk of, or are directly suffering from, in-work poverty. That is, there are many of what the contributions to *Working Yet Poor* refer to as “vulnerable and under-represented persons” who are unable to realize the promises implied by their formal status as EU citizens.

The contributions to this collection seek to dissect and explain – and propose a remedy for – this paradoxical situation by shedding light on the broad array of factors that give rise to risks of in-work poverty and that ultimately fragment and undermine the realization of the values and entitlements that EU citizenship embodies. This is done through the lens of the experiences and positions of four groups of

¹ Nicola Contouris and Mark Freedland, eds, *Resocialising Europe in a Time of Crisis* (Cambridge: Cambridge University Press, 2013).

² Conference announcement for Resocializing Europe and the Mutualization of Risks to Workers, 18–19 May 2012 (cited in Judy Fudge, “The Way Forward for Social Europe: How Do We Get There from Here?”, *Modern Law Review* 77, No. 5 (2014): 808–817, 809).

³ Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.

⁴ Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union.

⁵ Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work.

This book review is also available in French, in *Revue internationale du Travail* 164 (3), and Spanish, in *Revista Internacional del Trabajo* 144 (3).

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“vulnerable and under-represented” persons: low-skilled or unskilled employees; the self-employed or bogus self-employed; the flexibly employed; and casual and platform workers. These groups – long seen as the traditional outsiders, or even casualties, of domestic labour law policies – are not deemed to be distinctive solely because of their employment situation, contract type or socio-demographic characteristics. They are also deemed such by reason of the distinctive social and institutional context in which they exist; a context that the contributors to the book regard as particularly important for understanding some of the existing problems in the ways that in-work poverty is currently understood and that policies relating to it are conceived.

This emphasis on situating in-work poverty in its wider context helps underpin the connection made throughout the book between in-work poverty and broader debates about EU citizenship. Framing in-work poverty through this lens, situating it within a much broader debate about how the relationship between the social and economic is understood, allows us to reconceptualize in-work poverty as a symptom and not a diagnosis, as a “blinking indicator that the current social contract is simply not working” – and one that “simultaneously can be used to guide the substantiation of social rights” (p. 116).

This constructive, holistic and contextualized perspective on in-work poverty is harnessed in Chapters 6–11 to frame a number of policy proposals that are presented simultaneously as immediate and direct responses to in-work poverty and as elements of a broader strategy for reviving and reconstructing EU citizenship on a more social basis. In Chapter 8, for example, Ramón Peña-Casas, Dalila Ghailani and Korina Kominou advocate a mainstreaming of the issue of in-work poverty throughout EU policymaking, to ensure that when policymakers are “designing, implementing and monitoring policies at national and European levels, their impact on [in-work poverty will] be taken into consideration” (p. 196). In this way, in-work poverty is positioned both as a proxy for a broader social deficit in the EU and as an entry point through which to help bring about the more “holistic” and integrated process of institutional transformation that is necessary to remedy the deeper social malaise of which in-work poverty is but a symptom.

Besides helping to contextualize and problematize problems like in-work poverty, the book also takes seriously the premise, most clearly articulated in Luca Ratti’s contribution, that many of the factors that predispose particular groups to in-work poverty are the product, at least in part, of particular laws – those which purport to address such risks – as well as of specific, often deliberate, forms of state inaction (p. 252). Rather than attributing blame to specific policies or legal frameworks, Ratti recognizes in-work poverty as the product of a range of policies that operate in a wider context of profound institutional and socio-economic change and that collectively have helped create an environment conducive to the emergence and proliferation of in-work poverty, its economization and objectification and its unequal distribution throughout the EU. This premise is productively expanded in Paul Schoukens, Alexander Dockx and Eleni De Becker’s discussion of the hidden welfare state, which exposes a range of institutions and aspects of state policy that fundamentally shape the implications of EU policymaking for vulnerable groups and which questions the EU’s relative inattention to such policies.

This recognition of the complex and partly constitutive role played by law vis-à-vis in-work poverty helps to justify the holistic approach the book takes to the problem, and the emphasis placed on the need for far-reaching institutional change rather than merely tinkering on the edges of specific policies. It also implicates the law in the gender power relations that, as Marta Capesciotti and Roberta Paoletti expose in Chapter 4, in practice underpin and profoundly shape the dynamics and distribution of in-work poverty. More constructively, this perspective also enables the contributors to examine not only what is to be achieved but also the process by which it may be achieved, including detailed consideration of the role to be played by a variety of socio-political actors – the social partners and a vast range of other civil society groups – in leading a bottom-up process of institutional transformation, or, in the words of Chapter 8, “a convergence towards ‘social pacts’ built on a comprehensive, consensual and legitimate foundation” (p. 204).

Overall, the book does an excellent job of deconstructing prevailing narratives around in-work poverty, linking the latter with broader debates about the nature of the EU and about the meaning and implications of EU citizenship today. It surveys a vast field, exploring in depth a range of policies that touch on in-work poverty and also help to constitute the substance of EU citizenship. It is also refreshingly forward-looking: it recognizes that the socio-economic context in which labour market policies function today is fundamentally different from that of the past. Rather than trying to revive a lost “golden age” of Social Europe, therefore, the book seeks to construct a new framework through which to consider what a Social Europe that is fit for the realities of modern capitalism might look like, as well as pointing the way towards an institutional framework in which such considerations can be addressed.

However, one cannot help but lament the highly depoliticized framing that has been adopted. For example, Mijke Houwerzijl states in Chapter 3 that “European labour markets have developed in a direction sharply in contrast with the aspiration of upward social convergence” (p. 53), as if the processes of deindustrialization, globalization, the de-collectivization of labour relations and the resulting fragmentation of work are natural but unfortunate developments and thus independent of the neoliberal political project of which they are an expression and that they have also facilitated. It may well be, as Ratti states, that the “law of work is rooted in industrialism” (p. 251), but industrialism cannot and should not be abstracted from the logic and development of the capitalist system and from the power relations that lie at its heart.

Similarly, although Ane Aranguiz’s contribution notes that the “origins of the EU did not conceive a social dimension for the then Community” (p. 97), no attempt is made to explore the interests served by this framing of the EU, or by its subsequent reframing and refining through various eras of EU policymaking. Thus, when the contributors advocate a new, more social form of EU citizenship, they are able to sidestep the political, and not merely the legal, barriers to its realization, and the ways in which even a more social framing of citizenship might be coopted and distorted to serve particular interests.

At the end of the day, competing visions of EU citizenship are not simply the product of competing ideas and ideologies. These ideas and ideologies are themselves an expression of underlying conflicts of interests, conflicts that are deeply embedded in the structure and logic of capitalism – in the mediation and perpetuation of which the EU plays, and has always played, an integral part.

This observation is important because it has significant implications not only for *what* can be achieved by and within the framework of the EU, but also for *how* it can be achieved and the wider implications of this for emancipatory struggles more broadly. Although Ratti and others are correct to emphasize the role of law and policy in creating the conditions in which in-work poverty has emerged and proliferated, they are wrong to imply that this role is purely contingent; that it can be avoided or remedied. Law itself contributes to the abstraction of the economy that lies at the heart of the EU’s social deficit, and labour market policies always contribute in a complex way to the stabilization, legitimization and reproduction of the very system in which problems such as in-work poverty are inherent.

This does not mean that scholars should not explore how law, and the institutional framework of the EU, might be harnessed to improve conditions within that system, to create a “more social” form of EU citizenship than exists today. But it is imperative that, in doing this, scholars take seriously how the EU and EU citizenship function within, and relate to, the structure and logic of the system that any emancipatory project must confront. They must thus engage with how social actors may navigate or mitigate the not insignificant risks that their efforts may be coopted and distorted in ways that obstruct their aims and the realization of the social transformations necessary in practice to support a truly social citizenship.

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