

**Informal work and the penalization of individual responsibility:
the Swiss case¹**

Heim Jérôme, Ischer Patrick, Curty Gael, Hainard François
Institute of sociology, University of Neuchâtel, Suisse
Jerome.Heim@unine.ch

The apparent increase of undeclared work in Switzerland has recently urged politics to provide a new law regarding informal work in aiming at a better regulation of this kind of informal economy. Justified by the respect of the workers' protection, this law aims particularly at reducing losses of tax revenue deriving from such practices. Thus, the adoption of the law is part of a general tendency to establish mechanisms to moderate the increase of the welfare expenditures in Switzerland (Perrot, 2006) and to fight against all abuses. We have not witnessed such an abundance of reforms in social and economic Swiss policies – in the name of rationalization of welfare expenditures – since the beginning of the 1990s (the review of the unemployment-insurance law, of the health-insurance law, and, more recently, the reform of the invalidity-insurance law, the introduction of inspectorship to track down frauds on welfare, etc. These recent social reforms originate from joint demands of business communities and economists for more liberalism in Swiss politics, given the globalization context (Mach, 1999).

This rationalization of the public expenditures did not lead to their considerable decrease. It has rather driven welfare state bodies in charge of non-employment to appeal to individual responsibility compelled by the notion of “employability” (Merrien, 2002). This term can be defined as the sum of personal competences that individuals can mobilize in order to get involved in professional projects (Boltanski et Chiapello, 1998: 144). Ten years' interest in this subject (Hainard, Plomb, 2000) precedes the present research, which focuses on informal work as a potential alternative to poverty. We start from the assumption that moral pressure on individual responsibility – in work environment as well as in social policy - is a type of legitimization people with economic difficulties use in order to resort to informal work.

Wishing to question the relevance of the law regarding informal work, this paper examines the possibility that the State may paradoxically fight against the individual responsibility in its very social policies. The latter became indeed more restrictive in the name of the increase or, at least, of the preservation of Switzerland's economic competitiveness at a global level. Furthermore, the law reduces informal work to the concealment of income. But this juridical categorization covers a great diversity of practices which, often, have little in common in terms of organization, motivation and remuneration. The question of undeclared work seems to be too complex to be analyzed only by the legal system. This matter can be studied indeed in macro, meso and micro perspectives and is at the crossroads of economy, law, sociology, politics and even psychology.

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Topical research aspects on informal work

Since the 1980s and the economic crisis that hit western countries, many researchers have committed to the study of informal economy. There is general agreement about an important increase of informal work in European countries (Barthélémy, 1997; Gaudin; Schiray, 1984). Certainly, Switzerland does not experience similar rates of undeclared work as its close neighbors like France and Italy. Yet, the Swiss government, the Federal Council, raised this question in a report in 1987 in the wider context of underground economy. In his *Message concernant la loi fédérale contre le travail au noir*, the Federal Council remarks that, in Switzerland, informal work seems to have increased steadily in recent decades. However, the government acknowledges the difficulty of an exact evaluation of the extent of the phenomenon. This results from the fact that the only available data are based on an indirect economic estimate of the underground economy, whose reliability must be taken cautiously. Also, “*those calculations give an account of something like 37 billion francs in 2001, (9,3% of the GDP), which puts after all Switzerland on the end of the line of OECD’s countries*” (Conseil fédéral, 2002 : 3375²). Furthermore, the definition of the phenomenon complicates the estimation of the extent of informal work. Defining undeclared work is indeed particularly complex because it depends on a cultural and legal context, which can vary in time and space. Whether informal activities take place openly and ordinarily, or remain hidden depends on the country’s tax audit in effect and surveillance institutions. As we shall see further, the Swiss law regarding informal work doesn’t define this item and, thus, cause problems.

The causes of informal work increase are seemingly related to the difficulties some population categories - especially those who are less educated - meet with when trying to enter the labor world. Underground economy develops in times of relative uncertainty (crisis, dearth of employment, clash between individual aspirations and social norms, search of recognition) and plays the role of a temporary damper (Rosanvallon, 1980). Since the beginning of the 1990s, literature converges in talking about a deep crisis of the wage-earning society: the vast majority of individuals became wage-earners and, at the same time, this status was being reconsidered (Castel, 1995 ; Schultheis, 2001 : 13). The crumbling of the function of integration performed by wage earning provoked a larger social and cultural integration crisis - poverty being just one of its many consequences. Insecure employment tends to deregulate in a wide range of forms which, if they remain in the legal area, cannot fulfill the role of social and economic integration, particularly because of insufficient earnings. Therefore, informal economy becomes a solution for getting around the selection process of neoliberal economy (Paugam, 1993).

It is well known that exclusion from the labor market can pull an individual in a process, which can lead to social exclusion (Paugam, 1993) and which the State is supposed to prevent on account of its role of a social safety net. But if the State does not fulfill its task (or does not do it anymore), individuals have to organize without it (or against it) and develop strategies enabling them to avoid (consciously or not) the rules imposed by neoliberal economy. Thus such strategies could represent a reply to the pernicious consequences of capitalism (Crétiéneau, 2007). Due to their regulation and to available resources, the various social assistance services have definitely their limits and can hardly deal with the diversity of experiences and quantities of situations of precariousness. Driven by necessity, people turn to informal economic activities like some kind of close help, as part of a larger community economy, often non-monetary (Cérézuelle, 1996) and also to informal work. According to

² All quotations were translated by the authors.

Miller (1987), austerity in social service policies generates the diversification of forms of informal economy, such as self production, social and solidarity economy. This proliferation goes hand in hand with an evaluation of domestic and associative economy and a reconsideration of market economy as the unique form of economic activities. Among these kinds of informal economy, informal work occupies a special place because it occurs outside any jurisdiction and generates incomes that avoid tax and contribution. In a context of expenditures rationalization, these evasions challenge the State and the social services.

The economic crisis that hit Western countries since the mid-1970s, has certainly contributed to the increase of informal work, but the latter has changed its meaning mostly since the 1990s. According to Florence Weber, informal work “*has moved from the establishment of a sustainable niche – i.e. the fact that steady wage-earners improve their everyday life by using forms of unofficial economy – to activities that range rather on the side of subsistence economy*” (2008 : 25). The author quotes the example of an industrial area of Bourgogne where workers developed, parallel to their employment, a great variety of unofficial economic practices, which allowed them to improve their everyday life. Although these activities were widely tolerated before the 1990s, Florence Weber assisted to control intensification related to unemployment enhancement. Therefore, a shift from a form of “moonlighting” to a “full-time” informal work involved symbolical (and practical) changes not only for people who practice it, but also for the State, who tolerates less and less such violation of economic rules. Yet, the change of perspective upon the aim of undeclared work and its repression is part of a more general tendency of alterations in social policies.

Transformation of Swiss social policies from the standpoint of individual responsibility

After World War Two and up to the 1970s, Western societies experienced of the development of relatively generous welfare-states, due to a dynamic economic and financial international context, to the democratic system and to the development of production system: “*under the auspices of the Bretton-Woods system, States were legitimately allowed to constitute productive economic and social systems that were partially escaping unpredictable market evolutions*” (Merrien, 2002: 220). This period is characterized by a strong State intervention in economy and is marked by full employment – at least for men – including less educated people. During the years of relative prosperity, from 1947 to the mid-1970s, the welfare-state has raised little criticism. But, since the middle of the 1970s, in a context of serious economic recession resulting from the oil crisis of 1973 and 1979 (decrease in production and employment), the Confederation expenditures in social policies and the deficits in public financial resources stir up indignation from economists and conservative factions.

However, while in the 1980s all European and OECD countries were experiencing a significant liberal reorientation of their economic and social policies, Switzerland was more or less preserved of this trend. A low rate of unemployment compared with its neighbors explains partly the lack of great economic and social reforms in our country. The stakes of public policy alteration have become more apparent starting with the 1990s; the following factors marked the above-mentioned alterations: accelerated liberalization of economic exchanges at world scale; economic stagnation and strong increase of unemployment; the fast decline of public finances (which hinders maintenance of public expenditures, particularly in social services). The raise of social needs combined with the reduction of tax incomes in a period of recession affect indeed immediately the situation of public finances. The

accumulated deficits of communities and social insurances reach 13 billion Swiss francs in 1993, that is 3,7% of the Swiss GDP.

The combination of these phenomena emphasized *“the atmosphere of uncertainty and crisis about a return to full employment, both among the population and among Swiss political and economic elites”* (Mach, 1999: 33). During this period marked by a potential association to the EEA (European Economic Area), the business community, supported by economists gave a boost to claims for more liberalism in Swiss politics. The full participation to the new global economic order limits States in their political choices in economic concerns. In this context of globalization, we can indeed notice a weakening of sovereignties, which is *“inseparable of a collective awareness of the shrinking of regulation capacities, even though markets are more and more taking hold of the functioning of our societies.”* (Abélès, 2008: 108). In other words, national governments experience a reduction of their leeway: *“The State suffers from a weakening of its authority, because the expansion of transnational forces reduces the control individual governments can have on citizens’ activities and on other nations. The growing mobility of capitals induced by the development of global financial markets transforms the power stability between State and market and generates pressure on the State to develop favorable market policies, by restricting public deficits and social expenditures, tax reduction, privatization and labor market deregulation”* (Abélès, 2008: 109). In Switzerland, these neoliberal pressures stem from the business community since the beginning of the 1990s. It claims for *“a softening of regulations of labor market, a taxation and social expenses decrease, an internal market liberalization and State withdrawal, notably the privatization of the main public companies”* (Mach, 1999: 40). The costs of social assistance and the regulations of the labor market are clearly denounced as a barrier to the improvement of competitiveness of the Swiss economy, which became the major goal of political and economic elites.

Nevertheless, in the facts there was no reduction but rather a growth of social expenditures: their rate has grown massively during the last decades, going up from 11.4% of the GDP in 1970 to 19.5% in 1990 and reaching 29.2% in 2005, which represents a total of 135'495 million francs (OFS, 2008). Moreover, radical reforms, of pension systems in particular, are eventually quite rare because they meet strong opposition from their payees. But this does not mean that no change happened in social policies. At the end of the 1990s, a return to full employment appeared like a pale prospect: *“decisions regarding economic and social policies seem more and more inspired by liberal recipes and by a logic of liberalisation of the Swiss economy. In the field of social policies, the financial difficulties of communities do not augur any broadening of social assistance, and this in spite of growing social needs”* (Mach, 1999 : 47). In many sectors, social benefits are thus put into question: *“(…), classical notions of social benefits, of insitutional re-allocation and of the universality of rights are gradually replaced by notions such as individual responsibility, targeting of social protection, controlled and individual consideration of needs”* (Merrien, 2002 : 232). It is particularly the case for the right to welfare, unemployment and housing assistance.

This appeal to individual responsibility has its roots in the reconsideration of wage-earning and the liberal glorification of employability, “the magic-word of this new economic and social philosophy according to which the individual has to become a kind of manager of himself, of his own human capital, and offer his skills on the market in open competition with his fellow human beings” (Schultheis, 2001: 15). Employability “means the skills individuals must possess in order to be engaged into on projects. It is the personal capital that everyone has to manage, and which is constituted by the sum of his available skills” (Boltanski;

Chiapello, 1998: 144). In the field of social protection, there is now some talk of giving a sense of responsibility to the payees by taking measures that would incite them to work, such as temporary jobs for the unemployed in order to raise their employability. It follows that the assistance programs become more and more discretionary and imply compensations from the payees. An ethnographical study (Hertz, Martin, Valli, 2004) by a Local Employment Office has shown that the involvement a counsellor takes in the relation with an unemployed person depends highly on the latter's attitude, which will determine the label of "active" or "passive" he/she will be attributed. Thus, the unemployed individual must know how to assume personal responsibility towards his situation, showing at the same time a will to "get through it". On the contrary, a "passive" unemployed person is suspected of taking advantage of the unemployment assistance, or even of being responsible for his situation and is satisfied with it.

It appears then that the law regarding informal work is part of a general tendency towards a reorganization of public policies, motivated by a concern about closing the State budget and about fighting abuses. This law is characterized by the will to recover the shortfall deriving from undeclared activities by inciting informal workers to declare any type of income.

The new Swiss law regarding informal work

As soon as 1987, the Swiss government ordered a report on underground economy in order to evaluate the phenomenon and its situation. After a few years of relative calm, the issue of informal work has become more and more important on the political scene starting with the second half of the 1990s. Parliamentary interventions led to the creation of a federal "Fight Against Informal Work" working team. This team presented a report and proposed some measures that were the first steps towards the government bill of 2002. In its *Message concernant la loi fédérale contre le travail au noir*, the Federal Council (2002) considers several problems created by informal work. First, it generates losses for the fiscal administration and the social assistance. In this respect, informal work represents a "tax on honesty, because fiscal receipts have to be financed by a more and more reduced part of the population, and consequently those who respect fiscal and social rules pay for those who cheat" (Conseil fédéral, 2002:3375). Then, informal work engenders a distortion of the conditions of competition for the companies and could be considered as disloyal competition. Informal work would also represent a threat for the protection of workers, by avoiding social assistance and contingency occupational benefits. Finally, the Federal Council considers that informal work is "an element of disorganization that can affect the credibility of public authorities in the eyes of the taxpayers, and feed the general mistrust for public institutions and the legal frame of formal economy" (Conseil fédéral, 2002: 3375).

The new law regarding informal work became effective on the 1st of January 2008, after having been accepted by the nation in 2005. Its purpose is to improve the application of the norms concerning informal work, with the introduction of four particular measures:

1. an administrative simplification with respect to social assistance and taxes, by means of introducing a simplified deduction procedure for minor dependent activities (less than 20'000.- a year), temporary or short-term ones;
2. the obligation for the cantons to designate a cantonal control body endowed with reinforced control abilities;
3. the obligation for the concerned bodies and authorities to communicate to each other the results of the controls made with employers;

4. the introduction of reinforced sanctions (exclusion from public markets and suppression of public financial help).

While the "informal work" category belongs to the legal field, the paradox is that the law does not provide any definition of informal work because *"to this day, there is no univocal juridical definition of informal work. What is generally understood by informal work is a dependent or independent activity practised in violation of legal prescriptions"* (Conseil fédéral, 2002: 3374). This lack of definition of informal work is problematic because we do not know *a priori* its limits as a form of informal economy. According to Florence Weber "the term *informal economy* designates activities and exchanges that are neither measured nor declared and that are characterized by an absence of juridical backing" (Weber, 2007: 41). Such a definition regroups a diversity of activities ranging from undeclared baby-sitting or gardening to the employment of illegal immigrants, drug traffic or the hiring of a hitman. It is precisely this difficulty of giving a synthetic definition of underground economy and informal work that led, in the *Message concernant la loi fédérale contre le travail au noir*, to an enumeration of some of its most obvious manifestations:

- *"illegal employment of foreign workers, in violation of the foreign right;*
- *employment of workers who are not covered by compulsory social insurances;*
- *the undeclared activity of a worker who receives allowances from the unemployment- insurance or any other social or private assistance;*
- *jobs done by workers, especially during their free time, in violation of a collective convention;*
- *jobs done in the context of a work relationship that has been given a false denomination in order to elude the relevant legal dispositions (false independents);*
- *employment of workers who have not been declared to the tax authorities, in violation of a legal disposition involving such a declaration;*
- *jobs done by workers who do not declare the respective salary to the tax authorities;*
- *jobs done for a remuneration which does not appear in the books and which is not declared as it should be according to the relevant legislation"* (Conseil fédéral, 2002: 3374-3375).

It's on the sole basis of this enumeration that the Government proposed to "define" informal work in the law. However, the members of Parliament dismissed this definition because they considered it useless (Mahon, 2007).

Yet the law rests on a distinction between activities that are clearly illegal, being sanctioned by penal law, and activities that are perfectly legal but simply undeclared. But according to Mahon, this distinction is unclear because the belonging of a given activity to one or the other of these categories can vary in time and space. But it is above all misleading, since all the activities of remunerated underground economy, independently of the category to which they belong, are illegal: *" (...) even if the degree of their illegality (and thus the sanction that can be applied to them) is not the same, it doesn't alter the fact that legal activities that are not declared are, from a strictly juridical point of view, as illegal as criminal activities"* (Mahon, 2007: 97).

The focus of the law on activities that are in themselves legal, but are not declared, comes then from the Government's will *"not to repress the activity in itself, as it is not necessarily harmful – and can even be socially and economically useful – but to "make it legal". In this*

perspective, the first thing to do is to rid this activity of its occult, undeclared character, and thus to insure its subjection to the proper legislation (social, fiscal, etc.)" (Mahon, 2007: 98). The procedure of administrative simplification planned by the law must precisely incite employers to declare their workers, even if their occupation is only partial or temporary and the remuneration is of a small importance. To sum it up, the aim of the law is on the one hand to provide a better tool for fighting against those who transgress laws related to economical activities, and on the other hand to give a sense of responsibility to employers and workers by inciting them to regularize informal economical activities, such as housecleaning or gardening. However, beyond the question whether the State is able or not to regularize the phenomenon, it is precisely inciting informal workers to develop a sense of responsibility that is problematic.

Ambiguity of the repression of informal economic activities in a context of generalized appeal to individual responsibility

The law regarding informal work questions the ability of law to regularize the phenomenon by using repressive tools. Indeed, how do activities that precisely try to escape such a legislation get regularized? *"The question is particularly delicate because there exists the risk that "regulation" would create a new form of "rigidity" that will be met by new forms of escape" by new forms of informality (Mahon, 2007: 99). Law is an operative tool made to establish the rules of a public policy, the matter being to know which one is the most suitable with regard to informal work. During discussions about the new law (Mahon, 2007) members of Parliament expressed the fear that by putting the stress on repression, the people who will suffer the most from the consequences are the ones who already are in precarious situations: "It's very good to want to fight that which some call "a grave and detrimental problem that represents a threat for the protection of workers". There seems to be a nice unanimity here, which conceals a fundamental fact: in any fight against informal work, it is the weaker side who suffers the consequences in the first place, and that is the informal worker (...). There can be no good law against informal work without any way out from precariousness and from the black or grey zone of all the workers who are employed irrespectively of the social laws, which are already so light in this country. Otherwise it's all for the show. It's just easing one's conscience and pretending" (Recordon cited by Mahon, 2007, 109). Mahon wonders then whether we are not focusing on the wrong target when sanctioning so heavily certain forms of undeclared work in stead of concentrating rather on great crime! The General Inspector for the French Social Affairs, Thomas Wanneck reports in what way certain French elected representatives are led to a relative tolerance towards informal work. They do not denounce informal workers, in regions where the unemployment rate is high, because they have nothing else to offer them. They consider it justified not to prosecute these workers, in the name of the preservation of "social peace".*

Florence Weber estimates that policies which tend to moralize or criminalize informal work have their limits: *"First because they always leave the same people on the side of the road, but also because they did not consider thoroughly the links between work and social allowances, or even the question of solidarities" (2008 : 40). For Weber, informal work shows the limitations of a social system that, in the French case, has been based on two pillars that have been quite weakened, great industry and domestic stability (2008 : 41). Thus, systems of social security are built upon social rights that were conquered by the workers' movement and that, once systematized by social assistances, have left aside the fact that there are poor with no social rights, the ones who are assisted. Paugam, following Simmel, considers that it is the*

help received from the community that determines the status of poor : *"Being assisted means receiving from the others without being able, at least in the short-term, to enter into a relationship of complementarity and reciprocity with them. The poor must live with this negative self-image the society reflects on him. He finally internalises the idea of being useless, of belonging to the sometimes called "unwanted"* (Paugam, 2005: 7). Social rights are precisely built to break with the humiliating charity described by Mauss in his *Essai sur le don* (Mauss, 1999 [1924]). Nevertheless, *"for thirty years, the proliferation of poor with no social rights has transformed the balance of our system, which is more and more oriented towards phenomena of assistance, that is to say, things that are given, but not rights"*. (Weber, 2008: 42). Even the unemployment assistance does not escape this tendency.

The shame associated with benefiting from general welfare assistance makes people prefer resorting to informal economy: *"if some households deprived of regular income are highly dependant on the general welfare assistance, some others manage to rely on other resources, more informal, more diffuse, but allowing them to avoid being on social security"* (Cérézuelle, 1996: 147). As inactive people and recipients of social assistance are socially labelled as lazy, informal work can be a means of keeping away from this stigma. As this young man says:

*"- Honestly, I felt too bad when I had the unemployment assistance. It was horrible.
- Nothing to-do?
- Yeah. If you have no work, people who work in the unemployment assistance take you for shits, I think [...]
- So you were happy to say to yourself that you didn't need them?
- Yeah, I guess it's better to manage on one's own"* (informal worker on a private building site, 24).

Moreover, the simple fact of "doing something" is sometimes more important than improving a precarious economic situation. One of our respondents, recipient of social security but who does small jobs (gardening, clearing snow) for private individuals, points this out when he talks about inactivity:

"It's psychologically good to do something. At the end of the day, I do that more for my psyche than for the money. I don't earn a lot. It's good for myself, morally and all. Physically too. Because if you never do anything and you lie in bed for days, that doesn't go. I wake up every morning at 5" (Utility man, 58)

Several persons we interviewed during our research fieldwork justified their informal work by mentioning the bad reception they met with at the regional employment office, which deals with professional integration. The relationship between the recipient of unemployment assistance and his counsellor can play a considerable role in causing the former to resort to informal work. Yet, according to the above-mentioned research on a Local Employment Office (Hertz, Martin, Valli, 2004), this relationship depends both on the personal judgement of the counsellor and the legal frame defining unemployment assistance. Generally speaking, counsellors are influenced by the media and the stereotypes about the unemployed. The latter are often suspected of taking advantage of the unemployment assistance, are blamed to be responsible for their situation and to be satisfied with it. These stereotypes derive from the classification between the "good" and the "bad" poor people, according to their "placement suitability". We can interpret this social phenomenon through *"logics of classification that distinguish between unemployed "with the sense of responsibility" and unemployed who either*

take advantage of the welfare state, or are affected by “problems” (notably psychological) that prevent them from “getting a grip on their own life”. The idea underlying these stereotypes is that the work exists, but unemployed do not do enough to find a job” (Hertz, Martin, Valli, 2004 : 14). Sometimes, the unemployed can feel humiliated in the relationship with his/her personal counsellor, like it is the case, for instance, of the young man mentioned before: “before me, he would see chicks; and the guy would make them all snivel. I swear to you, there were some poor Portuguese, they were crying when they came out of his office. And he was there, behind his desk, like the Big Bad Wolf!” (informal worker on a private building site, 24). When the civil servant’s personal opinion about the unemployed’s behaviour influences the former’s involvement, allowances are based on the personalisation of the relationship. Nevertheless, this attitude goes against the universality of the law, because it is a law based on moral and normalized references. According to Moulière, “this is what makes an administrative problem a moral one and a social problem an individual one” (2001: 192).

Thus, sometimes, restrictive rules that govern unemployment assistance allowance and which concern the unemployed people’s “placement suitability” can be considered as absurd by some recipients. This often makes them resort to informal work. For example, an unemployed schoolteacher found out, to his great surprise, that he had to take on any job proposed by the employer to whom he had previously submitted an application, even though he was hired temporarily (for one month and a half) as a substitute teacher in a school. Considering that breaking the confidence with a potential employer two months before the annual and official postulations was counterproductive, this person refused these conditions. By doing so, he was dismissed of the unemployment assistance and embarked on informal work.

“I said to myself that I would succeed in finding a job afterwards, in a different way. But at that time, I had the feeling that the unemployment assistance didn’t run on my way. It seems to me that the counsellor explained to me that the goal was to find a long term job. It’s the only company where they are happy if you leave. For myself, it seemed to me that telling me that just two months before the postulations ran exactly in the opposite way. I had the feeling that this could push me out of the teaching system” (teacher, 33, having worked on a building site for three years and a half).

We consider that these examples reveal the ambiguity of the law regarding informal work on the subject of the generalized appealing to individual responsibility. According to many people we have interviewed, informal work is justified as a wish to avoid dependence on the welfare assistance. Following this logic, a person refused to benefit from the invalidity insurance and preferred to work illegally for five years in order to offer himself new education. But is it not paradoxical to set up measures in order to stimulate employability among unemployed people and to increase their sense of responsibility on one hand and to suppress informal work on the other hand? Can we then say that the informal worker who sells his labour force without any employment contract because he has no choice to act differently appears as the figure of the self-made man promoted by the neo-liberalism ideology?

Informal work as a strategy of illegitimate individual responsibility

In some situations and if the person takes a grip on his/her own economic subsistence, informal work can be viewed as a self-subsistence practice that opens the possibility of struggling against poverty. In addition, this phenomenon “does not restrict to extreme situations as a

response to the necessity and the emergency of the subsistence, and also indicates strategies to cope with an uncertain tomorrow. This translates a choice the person makes for life or for a better living” (Crétiéneau, 2007: 163). Crétiéneau uses the concept of self-reliance (developed by Galtung, O’Brien and Preiswerk (1980)) in order to indicate “*a way to regenerate oneself by one’s own effort and, struggle against domination by leaning on oneself (as an individual or as community)”* (2007: 164). Self-reliance is a movement that gets away from the periphery (individual, local, regional). It is ground on the economic principle that consists of using the local and available resources and producing in order to satisfy the needs (material and immaterial) of this periphery. Therefore, in certain situations of precarity, informal work means a true act of autonomy from the general welfare assistance and prevents from stigmatisation inherent to the status of assisted person.

Such subsistence practices can be apprehended as a general way to consider public action against precariousness and exclusion. According to Crétiéneau, the concept of self-reliance brings about another model of self accomplishment or of human development. The general welfare assistance is indeed a source of shame for a person, even though he/she is entitled to require some dignity. On the contrary, if mutual aid is based on the reciprocity, it assigns to the recipient the status of a social actor and of a citizen: “*relief work favours assistance, whereas humanism supposes that individuals are actors of their own existence. [The freedom to undertake, which] favours directly the operation of the principle of autonomy, is fundamental for allowing the person to get a grip on his/her own life, to create his/her own job, to survive or even to find fulfilment in a diversity of activities”* (Crétiéneau, 2007, 182-189-191). Consequently, the struggle against informal work may prove counterproductive. Indeed, the major argument in favour of the law is that it struggles to cover the shortfall deriving from declared work, in order to improve the financial situation of the general welfare assistance. The paradox is that, by doing so, people who had an informal work might have to resort to general welfare assistance, which they didn’t need thanks to their undeclared earnings. As this utility man comments: “*Such a system does not do anything else than annoying people, and so, the ones who still want to work may feel like shooting themselves a bullet in the head and so there will remain only the hobos”* (Utility man, 58).

Nevertheless, the law’s tendency to regularize specific undeclared activities by promoting them, gives rise to ambiguity: certain initiatives (such as the employment vouchers) aim to guarantee workers access to various welfare allowances, deducting at the same time the contributions legally owed to the State; but the same initiatives also institute some precarious forms of employment previously performed in an undeclared way: housework, gardening, etc. Yet, according to the manager of *Travail au clair*, institution that administers the employment vouchers in the Neuchâtel region, the best thing would be to extend this contractual system to other economic sectors, such as the building trade or the hotel and catering business! But, according to Florence Weber: “*the more one legalizes these forms of informal work – as it is either a question of unpaid work (as voluntary work or housework), or of low paid work (as some forms of informal work) –, the higher the risk to drag the wage system along a descendant whorl: why choosing a wage earner who expects a regular pay, when it is possible to hire a wage earner or a volunteer who involves a lower cost?”* (Weber, 2008: 56). We can legitimately wonder if the law regarding informal work does not penalize some strategies of illegitimate individual responsibility on one hand, and incite to the declaration and the institutionalization of some forms of precarious work on the other hand?

Conclusion

The law regarding informal work relates to the transformations of the public policies, which are partially the result of the business community's claims for more liberalism in Switzerland. These claims involve, among others, a rationalization of the welfare-state expenses, this leading to an increased insistence on the individual responsibility of the respective recipients of social allowances. This law aims precisely to recuperate the fiscal benefits that escape the state's control by inciting people to declare any lucrative activity, even the most insignificant one, and by repressing more severely those who would not conform. In other words, the aim is not to forbid these particular economic activities, but to regulate them. But would this « legalization » not result into acknowledging as “employment” even those activities generally performed without the social security associated to the status of a regular employment? In a way, this law participates to the liberal questioning of stable wages in favour of a greater flexibility of labour organization. This brings into light the paradox of liberalism underlined by Polanyi (1983 [1944]): if liberalism demands from the State *laissez-faire* in economic matters, this position requires legal intervention by means of introducing new laws. Thus, economic liberalism - and in a broader sense neoliberalism - cannot be defined as *laissez-faire*.

The struggle against informal work questions rather the means put in place, namely the use of a law that penalizes undeclared activities. Although reduced by the law to their illegal characteristics, these activities actually emanate from a large heterogeneity of organizations, motivations and purposes. Fraud does not appear as the main reason prevailing upon the other explanations: helping out friends, activities which do not bring economic gain, solutions to avoid the threshold effects in welfare assistance allocation, legal costs payment, need for occupation or refusal of welfare services. In certain cases, informal work plays the role of a default alternative to dearth of economic integration. An undeclared activity in addition to a regular job represents a means of professional insertion even if it does not guarantee any contractual security. By neglecting to define informal work, the law betrays its own lack of interest in what causes this phenomenon, taking into account only ways of punishing its manifestations. According to Wacquant, “*in this case, penalization serves to obscure social « problems » that the State, as a bureaucratic representative of the collective will, does not wish to or cannot solve (...)*” (Wacquant, 2004 :18). But this simultaneous double action of rationalizing social expenses on one hand and of extending the penal state on the other hand could constitute a bureaucratic answer to regular employment erosion. The state would become more and more neo-darwinist in the sense that it “*establishes competition as fetish and celebrates « individual responsibility » whose consequences lead to a collective – and therefore political – irresponsibility*” (Wacquant, 2004: 26).

According to Castel (2003), there is a need for « social re-mobilization » as our welfare state faces more and more difficulties in guaranteeing individual and collective security, as well as in reducing the gaps and fragilities inherent to that. These insecurities increase with an institutionalized administrative control that puts a negative label or even incriminates those who try to find solutions on their own. These structures and an atmosphere generously nourished by an obsessive fear of abuse, may be the signs of the beginning of a social insecurity institutionalization; we can then ask together with Bourdieu (2001), whether this insecurity may not actually represent a new type of domination based on making individuals feel guilty.

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