

The obligation to work as a constitutional duty: the question of its enforceability

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A number of European constitutions include the duty to work as one of the fundamental duties of individual citizens. However, no one thinks that it is an enforceable duty. At the same time, no one denies that it is an important issue to face especially when it comes to design welfare policies. Whenever the decision to lift welfare recipients from support is taken, there is always some idea of obligation to contribute underlying that decision.

The paper intends to examine the legal foundations of the duty to work given the difficulties to enforce it, but it looks also at the way that concept is used in the actual decision-making of welfare systems. What is at issue is under what circumstances individuals become employable, i.e. under what circumstances individuals cease to be entitled to receive support. If those circumstances occur the duty to work is somehow enforced: since support is terminated individuals are forced to look for a job.

What kind of duty is this and how does it connect with the right to work? What are the boundaries between the responsibility of the individual and the responsibility of the state? These are not questions just for legal scholars; they have an impact on labour market policies and welfare policies. Such policies must be based on a precise notion of: what is an appropriate work environment; when individuals become employable; what economic self-sufficiency means.