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How recipients of social assistance in the Netherlands are 'activated' for the post-Fordist labour market

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Publication date

2020

Document Version

Other version

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Citation for published version (APA):

Arts, J. (2020). *Looking presentable, feeling optimistic, performing potentiality: How recipients of social assistance in the Netherlands are 'activated' for the post-Fordist labour market.*

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Chapter Four: Local Modes of Governing

Pressing, repressing and accommodating social assistance recipients in welfare-to-work programmes in the Netherlands *

Introduction

The development of many European ‘welfare’ policies (focussed on citizens’ right to income support) to ‘welfare-to-work’ (focussed on the duty to provide for oneself through paid employment) has been extensively studied and analysed (see for example, Dwyer, 2004; Schram et al, 2010; Van Berkel, 2017). This chapter relates to the studies that have examined the concrete and particular ways in which social assistance recipients have been “invited, cajoled and sometimes coerced” (Newman and Tonkens, 2011b, p. 9) to become the desired citizen that is independent from social assistance and productive in the labour market. In these welfare-to-work programmes, paternalism is considered “the legitimate role of the state” (Pykett, 2012, p. 217). More particularly, in the context of social assistance, this role has been grasped by the term ‘neoliberal paternalism’ (Schram et

* A version of this chapter has been published as: J. Arts (2020) Pressing, repressing and accommodating: Local modes of governing social assistance recipients in welfare to work programmes in the Netherlands. In: A. Eleveld, T. Kampen and J. Arts (eds) *Welfare to Work in Contemporary European Welfare States. Legal, Sociological and Philosophical Perspectives on Justice and Domination*. Bristol: Policy Press, pp. 211-235.

al, 2010, Soss et al, 2011): the state determines what is good for its citizens (earning money in the labour market) as well as what social assistance recipients ought to do to achieve that (change their aesthetics, behaviour and affect), and enforces their cooperation by means of obligatory participation in welfare-to-work programmes that “operate according to market logics” (Schram et al, 2010, p. 741), in which non-compliance is sanctioned. This policy has been and, as I argue in this chapter, continues to be legitimised on stigmatisation of the need for income support (Fraser and Gordon, 1994), that constructs recipients of social assistance as ‘revolting subjects’ (Tyler, 2013).

The Dutch welfare-to-work programmes studied here are discursively centred around increasing social assistance recipients’ autonomy (‘self-reliance’, or ‘zelfredzaamheid’ – the emic term) while its practical organisation is based on an authoritarian system that enforces compliance (compare Dean, 2002; Schram et al, 2010). According to the Dutch Participation Act, effective as of January 2015, social assistance recipients are obliged to do something in return for receiving benefits, which can range from searching for jobs and participating in group workshops to performing (un)paid labour. Moreover, they are to obtain, accept and retain “generally acceptable employment” and are not allowed to “obstruct” this “by clothing, a lack of personal grooming or behaviour” (Article 18, paragraph 4g). Recipients who do not fulfil these requirements “to the best of their abilities” (naar vermogen), risk receiving sanctions that can amount to a complete loss of social assistance benefits for up to three months. Since municipalities are responsible for the implementation of social assistance policy – in terms of content, organisation and finance (see Van Berkel, 2011) – and case managers are to judge social assistance recipients’ efforts, whether or not a social assistance recipient is sanctioned, as well as the amount and duration of the sanction, depends to a great extent on municipal by-laws and the discretion of local case managers. In addition, case managers not only evaluate social assistance recipients’ behaviour and aesthetic performances, but also teach them how to act, dress, think and feel ‘the right way’ (see Van den Berg and Arts, 2018; Arts and Van den Berg, 2019; compare Pykett, 2012; Friedli and Stearn, 2015) with the intention to ‘enable’ them to participate in the labour market and, accordingly, to become ‘self-reliant’ and ‘independent’ (from social

assistance). Obtaining and retaining access to social assistance benefits thus depends on the (perceived) productiveness of recipients' activities (compare Adkins, 2012), as well as aesthetic and behavioural standards – as interpreted by case managers.

Because social assistance benefits are a measure of last resort, the livelihood of social assistance recipients depends on (local) policy and case managers' judgements and decisions. To put otherwise, recipients' costs to exit the relationship with their local case manager are high. This relationship between case managers and social assistance recipients is characterised by a high degree of power imbalance. Moreover, case managers' discretionary power is substantial, while at the same time “a strong professional basis and/or some form of institutionalised recipient participation in decision making that might guide the use of discretion are absent” (Van Berkel, 2011, p. 214). These conditions generate a potentially oppressive relationship between case managers and social assistance recipients in which the former can make arbitrary, unpredictable decisions that affect the latter significantly, while the latter might not be able to sufficiently control the former and/or hold them accountable (Molander et al, 2012).

By means of using the republican theory of non-domination, as developed by Frank Lovett (2010) and Philip Pettit (2012), this chapter will scrutinise this relationship by drawing on observational data from group workshops and individual meetings between case managers and social assistance recipients in three municipal welfare-to-work programmes in the Netherlands. It looks at case managers' uses of discretionary power (i.e. their judgements, decisions and actions) and whether these uses are “justified with reasons others can understand, assess, accept or reject” (Molander et al, 2012, p. 221). The chapter is structured as follows: the next paragraph will address the concept of arbitrary uses of power and social assistance recipients' risk of being subjected to this in welfare-to-work programmes in the Netherlands. Next, I will briefly explain the concepts of ‘neoliberal paternalism’ and ‘stigmatisation’ of social assistance (recipients), as these are needed to analyse the ways in which Dutch case managers use their discretionary power. Third, I will set out the methodology of the study. Fourth, I will discuss the findings, followed by the chapter's conclusions.

The risk of arbitrary uses of discretionary power in Dutch welfare-to-work programmes

The Participation Act and the municipal regulations that are based on this Act require much interpretation from case managers. For instance: what is generally acceptable employment and for whom? Also, when does appearance or behaviour obstruct obtaining employment? Aside from these legal requirements being open to much interpretation, case managers' room for discretion,¹ as well as the context in which they work, have been transformed due to changes in the way social assistance is organised (on a local public and/or marketised level) and governed (by means of financial incentives) since the early 2000s (see Van Berkel, 2011 for an overview). Municipalities now have ample room to determine what kind of services they provide and how to provide them. However, they also have limited financial resources because of the budget mechanism for funding. Consequently, case managers are pressured to perform in terms of (re)integrating as many social assistance recipients as possible into the labour market as quickly as possible (see Van Berkel, 2017). In addition to this, they are confronted with job and employment insecurity (see Arts and Van den Berg, 2019), as the public sector has not been exempted from trends of labour market 'flexibilisation' (Van Echteld and de Voogd-Hamelink, 2017). To complicate matters even more, decision making by case managers "is guided less and less by rules and regulations" (Van Berkel, 2011, p. 205), so that they are able to take social assistance recipients' personal circumstances into account. Simultaneously, however, a "clear and generally accepted set of professional guidelines that could serve as a common point of reference" (Van Berkel et al, 2010, p. 458) is absent.

This devolution of policy development, financial accountability and decision making has not been accompanied by intensified local debate about social assistance policy (compare Tonkens and Duyvendak, 2018). Based on their research on the decentralisation of several Dutch social policy fields (including social assistance) Evelien Tonkens and Jan Willem Duyvendak (2018) conclude that the 'move' of the welfare state from the national to several local (municipal, neighbourhood and household) levels has left a gap between policy development and implementation, as both professionals and citizens have little room to speak out and be heard (Tonkens and Duyvendak, 2018, pp. 240-245). In addition, the Dutch

ombudsman has reported that some municipalities do not adhere to legal rules with regard to distributing social assistance benefits (on time) and providing (enough and the right) information to recipients (Nationale ombudsman, 2017b). Social assistance recipients are thus quite possibly exposed to decisions of local policy makers and case managers they cannot sufficiently control, because the increased room for local policy makers and implementers to devise and deliver social assistance policy is not accompanied by strongly developed professional standards and institutionalised ways for recipients to exercise voice and choice (Van Berkel et al, 2010, p. 462; compare Molander et al, 2012).

According to Frank Lovett (2010), uses of discretionary power can be considered arbitrary when they are not externally constrained by “effective social conventions (social norms, coordination conventions, laws, etc)” (Lovett, 2010, p. 111). In this light, the earlier mentioned absence of professional guidelines is highly problematic as social assistance recipients are at risk of being treated differently by different case managers. Moreover, as Philip Pettit (2012) argues, even if “effective social conventions” are present, people in vulnerable positions might not be inclined to invoke them, because they lack the knowledge or means (e.g. language skills, time and energy, help from others) to invoke them, or out of fear that it will backfire. Effective social conventions are, therefore, not enough to protect vulnerable citizens against arbitrary uses of power by others. Indeed, as Pettit states: “It is only in the presence of concerted, sustained oversight of government activity (...) that we can have any assurance that government will be forced to remain responsive to popular inputs” (Pettit, 2012, p. 226). Oversight of government activity can be accomplished through official complaint procedures and formal bodies such as the ombudsman and client councils. While social assistance recipients in the Netherlands have access to official complaints procedures and the right to appeal, they rarely use these instruments out of fear of the consequences or lack of knowledge about the procedures (Tonkens et al, 2013; Gemeentelijke ombudsman Rotterdam, 2015; Nationale ombudsman, 2017a). Also, “institutionalized client participation in decision making” is absent (Van Berkel, 2011, p. 214). Thus, the instruments that recipients of social assistance have at their disposal to exercise voice and choice are either lacking or not functioning properly. Consequently, they are largely

dependent on whether or not local policy makers and case managers decide to “take the needs, wishes and ambitions of social assistance recipients seriously” (Van Berkel, 2011, p. 213).

The following paragraph will briefly elaborate on the concepts of ‘neoliberal paternalism’ and ‘stigmatisation’ of social assistance (recipients) as the legitimisation of the particular ways in which social assistance recipients are governed, since this helps to make sense of the different ways in which case managers in the Netherlands use their discretionary power.

‘Neoliberal paternalism’ and ‘revolting’ social assistance recipients

Welfare-to-work programmes are an example of paternalistic state interventions which can be defined as “forms of intervention that are aimed at guiding behaviours of citizens in return for support” (Van den Berg, 2016, p. 458). The ‘new paternalism’ of Lawrence Mead (1997) has been an influential, although highly controversial, theory shaping welfare-to-work policies in many countries since the late 1990s (Dwyer, 2004; Whitworth and Carter, 2014). It stands in a long tradition of paternalist intervention in the lives of the poor (for the case of the Netherlands, see De Regt, 1984; Michielse, 1989; Tonkens and Duyvendak, 2003; Engbersen, 2006; Noordhoff, 2008; Van Houdt, 2014). However, its renewed emphasis on enforcing behavioural change – through individual counselling, group workshops and welfare-to-work volunteering (‘soft paternalism’), backed up by conditionality criteria, strict supervision and sanctions (‘hard paternalism’) – is central to present-day Dutch welfare-to-work programmes (see Kampen 2014; Arts and Van den Berg, 2019; De Winter, 2018; Van den Berg and Arts, 2018).

These programmes are premised on the ideal of ‘economic independence’, which has come to be the norm for an increasing number of societal groups. Moreover, it has come to be equated with earning money in the (labour) market, while being in need of social assistance is understood as ‘economic dependency’, which is stigmatised and seen to be the result of individual failure (Fraser and Gordon, 1994). Consequently, with this ideal, welfare-to-work policies “have reinforced

the distinction between ‘deserving’ and ‘undeserving’ benefit recipients” by means of stigmatising discourses concerning the latter (Betzelt and Bothfeld, 2011b, p. 255). Indeed, Imogen Tyler (2013) argues that the way some people are “imagined to be a parasitical drain and threat to scarce national resources” (Tyler, 2013, p. 9), functions to legitimate existing and increasing inequalities, as well as “the shift from protective liberal forms of social assistance to disciplinary welfare-to-work regimes” (Ibid, p. 26). When studying the contemporary government of poverty, she argues, we should consider stigmatisation to be a ‘regulatory norm’, because this helps us to understand the ways in which conceptions of social assistance recipients as being ‘revolting’ – in the sense of being both ‘disgusting’ and ‘rebellious’ (see Tyler, 2013, p. 3) – are “invoked or employed in the service of other norms and ideals” (Ibid, p. 36), such as the ideal of economic independence through labour market participation and the norm of subjecting those who do not (yet or anymore) adhere to this ideal of paternalist state intervention.

Since the introduction of this new paternalist intervention, social assistance policies in many European countries (and beyond) have developed into what Sanford Schram, Joe Soss and others have termed ‘neoliberal paternalism’ (Schram et al, 2010, Soss et al 2011), highlighting the primacy of market institutions (next to, or instead of, state institutions) and market roles for citizens “as equivalent to – and necessary for – caregiving obligations and civic responsibilities” (Schram et al, 2010, p. 740; compare Ben-Ishai, 2012). This type of state intervention is legitimised based on the idea that those who are not (yet) autonomous need to be made autonomous in order to be able to participate as fully recognised, worthy citizens (Dean, 2002; Schinkel, 2010; Tyler, 2013; Van Houdt, 2014). Here, autonomy is equivalent to ‘self-responsibility’ and ‘economic independence’ (compare Fraser and Gordon, 1994; Betzelt and Bothfeld, 2011a). Paternalist state intervention in the lives of social assistance recipients is considered to enable their individual freedom (from state intervention) by means of using methods that shape and utilise the freedom of social assistance recipients (Rose, 2006, p. 155; compare Pykett, 2012) as well as those that are “more coercive, binding or obligatory” (Dean, 2002, p. 38).

To summarise, neoliberal paternalist welfare-to-work programmes in

the Netherlands are characterised by 1) decentralisation and marketisation, with increased discretionary power for case managers; 2) a central focus on citizens' labour market participation; 3) 'hard paternalist' elements of conditionality and coercion; and 4) 'soft paternalist' elements aimed at changing the thoughts, feelings and actions of social assistance recipients in order to make them 'job ready'. Given the conditions in which social assistance policy is implemented (which may result in a potentially oppressive relationship between case managers and social assistance recipients) in combination with the strong paternalist focus of the policy, it is important to scrutinise daily interactions between case managers and social assistance recipients in different settings. This helps us to uncover the ways in which those on the receiving end of today's welfare-to-work policies are treated, according to what standards and whether this is desirable. To that purpose, this chapter asks: 1) In what ways are social assistance recipients locally governed to become independent from social assistance? 2) Based on what images of social assistance recipients are these ways justified in practice? and 3) Are these ways sufficiently controlled by effective social conventions as well as democratic oversight? While this chapter focusses on (potential) relations of domination, this must be understood as an element of much more complex and subtle citizen-state power relations (Dean, 2002; Rose, 2006).

Modes of governing social assistance recipients

Although the practices in all three social assistance offices were similar in terms of content: steering social assistance recipients towards the labour market by means of teaching them how to present and improve themselves, and cultivating optimism (see Van den Berg and Arts, 2018; Arts and Van den Berg, 2019), there were observable differences in the modes in which case managers governed social assistance recipients: namely a pressing, repressing and accommodating mode. These differences were observable *between* and, to a lesser extent, *within* the municipalities. Thus, they reflect differences in local policies as well as differences in the way individual case managers did their work (compare Zacka, 2017). The modes are conceptualised iteratively, based on the mentioned literatures and observations at the social assistance offices. They differ in terms of

the degree and type of pressure that is put on social assistance recipients to perform in certain required ways, the relationship between the case manager and social assistance recipient that is constructed, the prevailing assumption about social assistance recipients that underlies the practices, the primary technique that is used and the (short-term) aim that case managers focus on (see table 2).

In local offices 1 and 3 the work of case managers consisted predominantly of elements from the repressing and pressing modes of governing, respectively. However, this is not to say that elements from other modes were absent. At local office 2 characteristics from all modes of governing were more or less equally present. The next paragraph will show in greater detail the different ways in which case managers governed social assistance recipients.

Pressing mode of governing

The pressing mode of governing was the most salient overall, but particularly in local office 3. Here, most interactions were characterised by case managers trying to convince social assistance recipients that what they were obliged to do – i.e. participating in group workshops, performing unpaid labour, accepting any job available, improving and marketing their personal selves – was actually in the interest of their ‘personal independence’ and ‘self-development’, thereby concealing the fact that, in the end, the case managers could decide what the social assistance recipients had to do and what kind of job was deemed suitable for them. In addition, case managers were working hard to persuade social assistance recipients to accept an image of themselves as lacking the personal characteristics needed in order to succeed in the labour market and, consequently, the need for personal development. They focussed on teaching social assistance recipients to reconcile themselves with what was demanded in the labour market and conveying the idea that participating in this labour market would improve their personal circumstances (in terms of finance, social contacts, self-confidence and the development of knowledge and skills). Case managers used all kinds of exercises in order to ‘improve’ social assistance recipients’ (self-)knowledge and abilities to ‘fit’ the labour market (again). Importantly, while case managers often

Mode of governing	Degree and type of pressure	Relationship	Assumption about social assistance recipient	Primary technique	Aim
Pressing	High psychological, economic, moral	Pedagogical/ Reciprocal	Unable/ un(der)-developed	Persuasion teaching and improvement	Self-improvement independence from social assistance
Repressing	High legal, economic, moral	Reciprocal/ Pedagogical	Unwilling /resistant	Coercion conditionality and sanctions	Self-responsibility independence from social assistance
Accommodating	Low	Caring/ Pedagogical	Vulnerable	Care practical and emotional support	Empowerment self-esteem, (self-)help

Table 2: Overview characteristics of modes of governing

(implicitly) referred to the rules as stated in the Participation Act or municipal rules, this was not followed by (direct threats of) sanctioning.

This mode of governing will be illustrated with an example that represents the pressing mode well: during one of the workshop meetings, a social assistance recipient said she had been approached by a job agency for a cleaning job but had not accepted it, because she had to be available right away and this was not possible because of her volunteer work obligations. When the case manager told her that she should quit her volunteer work in that case, the social assistance recipient replied she did not want to, because she was afraid to “end up on the couch at home, isolated”. The case manager asked her: “Do you really want to find a job or do you think you really want that? Because if you really want it, you could have a job next week”. Another social assistance recipient joined the conversation by saying her caring obligations (for her family) did not leave her much time for a paid job either. From the field notes:

CM: “Continuing this way, is staying in your comfort zone.”

R (visibly affected by this remark): “I am really not in my comfort zone in this situation.”

CM: “Perhaps you misunderstood, it is about staying in a certain situation because it is familiar, even if the situation is not pleasant at all.” The case manager gives an example of a person who is being abused. “You know what you can expect and not what will happen if things change, that is why people stay in such a situation.”

The social assistance recipient (visibly and audibly angry now) says that she feels like she is being treated like a child.

CM: “You are emotional and this is not the way we interact with each other.”

When the social assistance recipient wants to continue speaking, she is interrupted by the case manager. Once she has calmed down and is allowed to speak, she says that case managers have the power to prohibit social assistance recipients from talking and to belittle them. As a social assistance recipient, she cannot do the same, which makes her angry, she says. And she adds: “We are equal, you cannot talk to me like that.”

This example shows how the case manager is trying to convince social assistance recipients to give up their unpaid activities, in order to be directly and completely available for paid work. She understands their unemployment in psychological terms, ‘being afraid to get out of their comfort zone’ and, hence, by means of ‘soft paternalism’ (Pykett, 2012), as opposed to authoritative and coercive methods (Dean, 2002), encourages them to change their ideas and behaviour. When the social assistance recipient resists this logic, the case manager does not allow her to voice her concerns and only lets her speak when she is ‘not emotional’, again focussing on the psychology of the social assistance recipient. When the social assistance recipient refers to the unequal power relation between them, the case manager does not respond to this. As the meeting continued, another social assistance recipient asked what the case manager considered to be a job. The case manager explained that a job is “an activity for which you receive money”. From the field notes:

R: “But it has to be feasible, you have to be able to sustain yourself.”

The recipient explains that he is afraid he will not manage to do that with a low-paid job that offers him less money than the income support he currently receives [social assistance benefits and subsidies for healthcare and rent].

CM: “That is an odd way of looking at it.” The case manager explains that everyone here should “get out of their comfort zone”.

R: “We all want a job, but it has to offer a means of subsistence. All jobs are temporary, you cannot count on it. After a few months you could be without a job again (*weer op straat staan*).”

CM: “That is exactly what keeps you in your comfort zone. I completely understand that it is easy for me to talk, because I have a permanent contract, but any job is always better than being on social assistance.”

When the social assistance recipient responded to this that there were currently only jobs available in home care (*thuiszorg*) and that that was not a suitable job for him (“*In de thuiszorg is niks voor mij*”), the case manager responded: “Why not? Have you tried it yet?” She said he should not

focus too much on what he wants and that it is her job as case manager “to remind you of your obligation to participate in society to the best of your abilities.” The social assistance recipient responded by saying: “Just say it then: that I have to go work in home care, because now we have just been sitting here for fourteen sessions beating around the bush (*erombeen draaien*).” The case manager replied that she would not force him to accept a job in home care, since local policy had recently changed (prioritising individual preferences and motivation over rapid labour market (re) integration), even though the national law is still the same (stating that social assistance recipients have to accept all available ‘generally acceptable employment’). Again, this example shows how the case manager tried to use the same psychological logic in order to convince, but not coerce, the social assistance recipient to accept a job. She did not respond to the social assistance recipient’s anxiety about labour market insecurity – as it is her job to convey that “any job is always better than being on social assistance” – and seemed to understand their unemployment as the result of ‘unwillingness’ stemming from ‘fear of the unknown’ (implying that social assistance recipients do not know what it is like to perform paid work). Consequently, in the pressing mode of governing, most meetings were spent by case managers ‘coaching’ social assistance recipients, helping them to ‘overcome’ their ‘impeding psychological condition’ or lack of personal characteristics such as confidence and the nerve to take risks. As the next paragraph will show, this stands in stark contrast to case managers using the repressing mode of governing.

Repressing mode of governing

The repressing mode of governing was found more prominently in local office 1 and, albeit less frequently, in local office 2. It is characterised by a constant reference to the national and local rules of welfare-to-work policy – including the threat of sanctions – as well as the way in which social assistance is an economical burden to society and unfair towards people who are having to work (hard) in order to have (a minimum) income. Social assistance recipients are constantly reminded of the ‘fact’ that those who really want to find paid employment and persevere in their search, will succeed. Here, as opposed to the pressing mode, ‘unwillingness’

is understood as a choice to deliberately be resistant (“*in de weerstand zitten*”). Consequently, any perceived sign of ‘not trying hard enough’ is sanctioned if legally possible. The focus lies on teaching social assistance recipients the importance of self-responsibility, that is, of taking the responsibility to ‘get a job’ in order to take care of themselves without relying on social assistance benefits.

This mode of governing will be illustrated with an example as well. During a workshop meeting one, of the case managers asked the social assistance recipients to share their recent job search activities. The first to start, a young woman, said she had applied for two jobs: one at a telecommunications company and another one at a clothing-retail company. She got rejected by the former and was still waiting for a reply from the latter. She added that she had also registered at two job agencies. The case manager, not responding to what the social assistance recipient had just said, replied by stating that the social assistance recipient was offered a job in housekeeping and asked: “Have you followed up on that?” The social assistance recipient said she had not, because she takes care of her sick mother and does not see how this job would allow her to continue doing that. The case manager asked: “Do you have time for a paid job at all then?” To which the social assistance recipient responded that she does, but that she needs to be flexible in order to be there for her mother when she needs her. The case manager then said that paid work has to be the priority, “that is the law”. Moreover, she added that working in housekeeping is never fulltime, because it is such a physically demanding job, “you can combine a job like that with taking care of your mother”. Following that, she suggested that the social assistance recipient should try to organise care for her mother differently, with subsidies in order to hire a professional care taker, for example.

The social assistance recipient explained that her mother does not want to receive care from people other than her daughter and that her mother does need the care, due to her illness. If that is the case, she should tell her personal case manager this, the case manager responded (since he is the one deciding what exactly can be demanded from the social assistance recipient, given her circumstances). She explained that this workshop is focussed on “guiding people to paid employment” and if she is not able to participate, her case manager should exempt her from

that obligation. Therefore, the work case manager referred the social assistance recipient to her personal case manager immediately. After the meeting, the case managers evaluated the social assistance recipients. They said they knew (from talking to their colleague during the coffee break) that the young woman would receive a sanction of 100 per cent for two months for refusing to accept a job. In addition, they would refer her to another department for intensive individual counselling focussed on 'overcoming personal barriers'. "It is useless for her to participate in this workshop", one of the case managers said. "We have given her all we can, but nothing is happening. I do not want to put my energy into people who are unwilling." Her colleague added: "Especially when the targets are so high". Targets for the number of social assistance recipients to exit social assistance appeared to play an important role in the way 'difficult' social assistance recipients were treated, especially for case managers in temporary contracts because, for them, meeting targets or not could make the difference between maintaining employment or not. The result was that 'difficult' social assistance recipients, who were not deemed likely to find paid employment and exit social assistance, were often pushed harder. Later that day, I talked to the personal case manager responsible for sanctioning the social assistance recipient. He told me he indeed sanctioned her, but that she could still make use of the reparatory measure (inkeerregeling), though, he said, "I have not pointed that out to her of course". When I asked him why not, he told me the social assistance recipient had found a partner who earned enough to provide a means of subsistence for both of them, therefore he expected that her social assistance benefits would be terminated anyway.

This example shows how case managers using a repressing mode of governing strictly adhere to the priority of paid work over caring obligations (compare Schram et al, 2010; Ben-Ishai, 2012). The social assistance recipients' caring obligations are considered to be her individual responsibility and not something the social assistance office should take into account. Although this priority was also evident in the example of the pressing mode, here it is forced upon the social assistance recipient by means of using authoritative and coercive methods (Dean, 2002). In addition, this example shows how independence from social assistance is seen to be the main goal, for which becoming dependent on a partner can

be the solution (compare Fraser and Gordon, 1994). One case manager said she understood the social assistance recipient to be ‘unwilling’, therefore deserving of a sanction and more intensive and individual monitoring – even though the social assistance recipient said she had applied for two jobs and registered at two job agencies. This example also illustrates the effects of marketisation, as one of the case managers said they cannot afford to put their time into social assistance recipients like this “when the targets are so high”, resulting in the “creaming” of (i.e. focussing on) recipients who have a better chance of finding paid employment and “parking” (i.e. neglecting or, in this case, sanctioning and transferring) those who are deemed more difficult (compare Schram et al, 2010; Van Berkel, 2011; Rees et al, 2014; Van Berkel, 2017). Lastly, sanctioning does not merely function as a way to enforce compliance (and thus to contribute to meeting the targets), as this example shows (the recipient is being transferred to another department and not referred to the reparatory measure). Sanctioning also seems to be used as a way to reduce social assistance expenditures directly (compare Meers, 2019).

In terms of arbitrary uses of power (Lovett, 2010) and democratic oversight (Pettit, 2012), it is highly problematic that the case manager did not point the social assistance recipient to the reparatory measure, something he probably would have done if effective social conventions were present. In other cases, case managers would sometimes refer to complaint procedures, usually by means of general remarks, as is the case in the following example. During one of the meetings in which a social assistance recipient voiced her concern, the case manager said: “We simply have to deal with this policy. If you have any complaints or suggestions, you should write to the city council or use other channels. There is nothing I can do about it. I do appreciate that you express your opinion like this.” In contrast to the example of the case manager in the pressing mode, who cut off the social assistance recipient, this case manager expressed being open to the social assistance recipients’ concerns. However, he simultaneously evaded any responsibility, referring the social assistance recipients to the local political authorities.

When social assistance recipients did use official complaint procedures, such as reporting to the local ombudsman (Gemeentelijke ombudsman Rotterdam, 2015), this was not always taken seriously. One

case manager said that complaints such as the ones in this report were always submitted by social assistance recipients who were able to express themselves well, usually the more highly educated ones. These are exactly the ones who are the most resistant (“die zitten vaak in de weerstand”), because they are used to being in a better situation (“die zijn beter gewend dan dit”), he explained. However, he continued, “most people do not complain, because a lot of people are very satisfied with the help they get here”.

Accommodating mode of governing

The accommodating mode of governing appeared to be the least prominent, but still observable in all three municipal social assistance offices. As opposed to the other two modes, this mode did not seem to stem from municipal rules or guidelines and was, consequently, not broadly shared by case managers working for the same municipality. Most case managers quite systematically governed social assistance recipients according to the pressing or repressing mode, and only a few would use the accommodating mode as a default. This mode was predominantly used by case managers in response to individual cases that were deemed too ‘vulnerable’ to be persuaded or coerced to find paid employment immediately. Consequently, case managers would adjust their way of approaching them, offering them more leniency and empathy. Case managers working this way (usually incidentally) were primarily focussed on the needs of social assistance recipients as voiced by them. They mitigated the pressure to find paid employment, when thinking it would not benefit, or might even harm the person concerned. Their focus was on compassion and support rather than teaching and improvement or conditionality and sanctions. That is not to say this mode of governing does not contain a pedagogical element, yet what was conveyed were words of encouragement and support, in order to help social assistance recipients feel safe and secure. Case managers’ interventions focussed on boosting social assistance recipients’ self-confidence and providing practical support.

The accommodating mode of governing was particularly employed with older social assistance recipients, single parents, people with forms of

physical and mental impairments that were not yet, or no longer, formally considered to be a legitimate obstacle to finding paid employment. When social assistance recipients were considered ‘vulnerable’, the need for social assistance benefits was not problematised (too much). Yet how exactly case managers would judge social assistance recipients to be ‘vulnerable’ did not appear to be very clear-cut, especially since social conventions concerning this were not explicit. An illustrative example of the accommodating mode, was when a case manager asked a single mother about her physical condition in order to see if she could perform physically demanding labour such as cleaning work, for which there were vacancies available at that time. When the woman said she had some physical limitations and therefore was not able to perform cleaning work, the case manager responded: “Okay, that is not an option then, good of you to tell me.” While in similar situations case managers employing a (re)pressing mode of governing would demand a medical certificate in order for a social assistance recipient to be exempted from certain kinds of work (as this is the formal policy rule) or would persuade recipients to at least try performing this kind of work, in this case, the social assistance recipient’s word was enough.

Another example concerned an older man who had recently recovered from cancer, had lost his job and was living in temporary housing (antikraak). He happily performed volunteer work four or sometimes even five days a week in a local second-hand store. Rather than encouraging him to (be willing to) give up his volunteering in order to be directly available for paid employment, the case manager told him: “You have made yourself irreplaceable there. You should actually be paid for it”, implying that the work he was doing was as valuable as paid work. Later the same day, she told me that, for some people “that have certain issues (waar iets mee is)” – like this man – volunteer work can be the aim for now, even though he is ‘work-ready’ according to formal criteria.

Thus, these case managers exempted some social assistance recipients who were formally considered to be ‘work-ready’ from the obligation to do their utmost to find paid employment as soon as possible, as they judged them to be too ‘vulnerable’. This accommodating mode of governing is, therefore, not the result of case managers’ belief that paid employment is not a legitimate goal (practically all case managers I

observed and conversed with said they believed that it is) or that the things social assistance recipients have to do in return for receiving benefits and the related rules for sanctioning are unjustified (although some case managers certainly expressed that view). Alternatively, this way of governing social assistance recipients was justified by the case managers' assessment of a social assistance recipient as being too 'vulnerable' to be required to find paid employment or to be sanctioned for not adhering to formal policy rules. It was, however, not clear on the basis of which social conventions some case managers would assess some social assistance recipients as 'vulnerable' and treat them in more lenient ways than others

Conclusions

This chapter shows the different modes in which social assistance recipients are steered towards paid employment and hence towards becoming the desired 'autonomous' citizen: by means of pressing, repressing and accommodating modes of governing. All modes of governing are based on the assumption that the need for income support is mainly the result of recipients' individual shortcomings – be they psychological, moral or otherwise (compare Fraser and Gordon, 1994; Tyler, 2013). Case managers pressing and repressing social assistance recipients to find paid employment, used techniques of persuasion (i.e. 'soft paternalism'), or coercion by means of (threatening with) sanctioning (i.e. 'hard paternalism'), depending on whether social assistance recipients were understood to be 'unwilling' to improve their lives and to take responsibility for their situation (repressing mode) or whether they were considered to be 'unable' to do so, due to a lack of the 'right' knowledge, skills and beliefs (pressing mode). While the repressing mode is about learning – the hard way – the moral and economic value of 'self-responsibility', the pressing mode is focussed on improving social assistance recipients' personal characteristics. When social assistance recipients were considered to be 'vulnerable', case managers tended to use the accommodating mode of governing which revolves around care.

By analysing these different modes of governing, this chapter reveals that a certain degree of arbitrariness in the uses of power – by local policy makers and case managers – is part and parcel of welfare-to-work in the Netherlands (compare Gemeentelijke ombudsman, 2015; Nationale

ombudsman, 2017b). This arbitrariness occurs on three levels. First, on the municipal level, although the national Participation Act provides a clear framework for social assistance policy, it leaves much room for local adjustments and interpretations. Consequently, as this chapter has shown, different geographical localities use different modes of governing. These differences are partly accounted for in terms of municipal policy aims and rules that are the result of local democratic processes – and are thus not arbitrary. However, following Pettit (2012), even though these different local practices can be traced back to different local (democratic) rules, state interventions might still be considered arbitrary when they are not sufficiently controlled by citizens, including those having to implement the rules and those on the receiving end. Given the meagre local debate about social assistance policy (compare Tonkens and Duyvendak, 2018), the relatively low turnout in municipal elections² as well as the lack of effectiveness of (local) complaint procedures (Tonkens et al, 2013; Gemeentelijke ombudsman Rotterdam, 2015; Nationale ombudsman, 2017a), people’s lack of control over local policy rules, and, consequently, the arbitrariness of municipal intervention, is a serious concern.

The second level on which arbitrary uses of power occur is on the level of individual case managers, as the way they treat social assistance recipients is not always predictable, resulting from effective social conventions (policy rules or professional standards) that can be known and assessed by others (compare Lovett, 2010; Molander et al, 2012). Indeed, to fill this gap, the National ombudsman (2016) has published a guide to professional behaviour. However, the different ways in which social assistance recipients are treated result not merely from the lack of professional conventions, but also from the different ways in which case managers have to prioritise between meeting targets and meeting social assistance recipients’ needs. These differences are, again, found between municipalities, as they differently organise performance measures (on the individual or team level and in terms of higher or lower targets). In addition, for those without employment security there is much at stake when targets are not met (also see Arts and Van den Berg, 2019). The resulting arbitrary uses of power are highly problematic, especially considering the severity of sanctions. As others have argued, the solution to this is not to restrict the room for discretion, as this room is needed to

deal with the complexity and diversity of recipients' needs, but to make decision criteria transparent and open to public debate (Sainsbury, 2008; Meers, 2019).

Lastly, exercises of power in local welfare-to-work offices can be considered arbitrary because social assistance recipients appear to have very limited opportunities to influence the way case managers classify them (as being 'unable', 'unwilling' or too 'vulnerable' to meet certain requirements), as well as to voice their concerns – via client councils and complaint procedures – because of fear for the consequences (Tonkens et al, 2013; Gemeentelijke ombudsman Rotterdam, 2015; Nationale ombudsman, 2017a), but also because of the lack of opportunities to speak out in informal ways (compare Tonkens et al, 2013). More often than not, as the observations in this chapter show, social assistance recipients are barely given the opportunity to be heard, let alone encouraged to use formal channels to oppose the (arbitrary) uses of power they are confronted with.

Overall, it can be concluded that both effective social conventions and democratic control are not sufficiently in place in Dutch welfare-to-work policy as a result of which social assistance recipients run the risk of being subjected to arbitrary power. For social assistance recipients, it matters where they live, because local social assistance offices differ (in terms of their policy goals, rules, organisation, pressure on and control of case managers), and it matters who exactly is responsible for granting them the right to social assistance benefits, as implementation of social assistance policy differs between case managers. This would not necessarily be problematic if effective social conventions and democratic control were present. However, this appears not to be the case, as professional standards are un(der)developed and both case managers and social assistance recipients do not have enough room to speak out and be heard. For case managers, it is important that their employment condition does not hamper them in voicing criticism, as well as that their superiors and the policy makers are responsive to their feedback, while for social assistance recipients it is crucial that case managers are responsive to their feedback and refer them to official bodies such as local councils and complaint committees. Aside from more predictable professional standards and public debate about local social assistance policy and decision criteria,

there is an urgent need for developing ways in which case managers and, especially, social assistance recipients structurally become part of policy development and decision making, as well as better ways in which those with decision making power can be held accountable (compare Molander et al, 2012).