



Coping with the Participation Act: Welfare experiences in the Netherlands

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About ETHOS

ETHOS - Towards a European Theory Of justice and fairness is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening knowledge on the European foundations of justice - both historically based and contemporarily envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, activists and other stakeholders on how to design and implement policies to reverse inequalities and prevent injustice.

ETHOS does not only understand justice as an abstract moral ideal that is universal and worth striving for but also as a re-enacted and re-constructed 'lived' experience. This experience is embedded in legal, political, moral, social, economic and cultural institutions that claim to be geared toward giving members of society their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice and its manifestation – as set out in the complex institutions of contemporary European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition;
- b) legal framework;
- c) daily (bureaucratic) practice;
- d) current public debates; and
- e) the accounts of vulnerable populations in six European countries (Austria, Hungary, the Netherlands, Portugal, Turkey and the UK).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Utrecht University in the Netherlands coordinates the project, and works together with five other research institutions. These are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019.

EXECUTIVE SUMMARY

Welfare benefits in the Netherlands are part of the welfare state's social security system and therefore mainly a matter of rights and obligations regulated by law (the Participation Act). Professionals working at the Social Office (e.g. client managers) must obey the law as must welfare recipients. Case law plays an important role in further defining the different legal standards as described in the Participation Act. Nevertheless, client managers have some discretionary space for interpreting the law, and often do so on basis of criteria of deservingness, perceived attitudes among the wider population and among the clients themselves. Also conditionality, needs interpretation and clients' behaviour influence client managers' decisions.

In this country report we first outline the recent history of Dutch public and collective security system of which welfare benefits are part. It explains how various reforms have resulted in a more workfare-oriented approach without structurally reforming the system itself. In this first part also consequences of the reforms for gender equality, equal treatment of people with disabilities and for mobility will be reflected upon. The second part of the report describes and analyses 'lived experiences' of various stakeholders such as welfare recipients, advocacy organisations and client managers. Interviews are conducted to understand experienced justice in social assistance. Here, we focus explicitly on social assistance for a rather vulnerable population. This focus enables us to include non-nationals who are clients of social assistance, thereby shedding light on issues of mobility and boundary drawing of insiders and outsiders in terms of citizenship and the welfare state. Moreover, this study includes the perspective of professionals and their line managers responsible for implementing social assistance in order to understand their approach to the welfare system.

The report concludes that boundary drawing as well as some exclusionary mechanisms hamper redistributive and recognitive justice as experienced by social assistance clients, advocacy groups as well as by client managers and social lawyers. Localised policies are seen as a danger to fairness in special social assistance resulting in spatial injustice; stereotypical profiles of social assistance recipients exist and the extent to which a (potential) recipient fits in these stereotypical profiles may influence one's deservingness and recognition; the cost sharing principle forces people into financial interdependency without their consent or, conversely, parents and children to live apart. In general, we find an atmosphere of not trusting welfare clients' good intentions to get out of welfare. For instance, the so-called 'counter achievement' aims at general prevention of long-term assistance but is often used as a punitive measure against social assistance recipients conveying the message that claiming social assistance is not something to be proud of. However we saw a lot of resilience among welfare clients, efforts to get out as soon as possible by using all options (language courses, applications and training) available.

CONTENTS

EXECUTIVE SUMMARY.....	4
CONTENTS	5
LIST OF ABBREVIATIONS.....	6
PART I. WELFARE REFORMS THE NETHERLANDS 2008–2015	7
1. Introduction	7
2. Recent Reforms in social security, unemployment benefits and social assistance.....	8
3. Key policy changes	10
4. Prioritising categories of welfare recipients	12
5. Sacrificing categories of welfare recipients and ‘counter achievement’	12
6. Three disputes on welfare reforms	13
7. Consequences for people on welfare benefits	16
7.1. Disabled people	16
7.2. Implications for non-nationals, young adults and for gender equality	17
8. The Dutch welfare state’s response to and shaping of mobility	19
PART II. EXPERIENCES WITH AND PRACTICES OF SOCIAL ASSISTANCE	20
1. Introduction	20
2. Methodology	21
2.1. Recruiting participants.....	21
2.2. Analysis of data.....	23
3. Findings.....	23
3.1. The right to receive welfare benefits and daily experiences of the interaction between welfare recipients and client managers as conditioned by the Participation Act.....	24
3.2. Duties & rights under the Participation Act (2015)	33
4. Mobility.....	38
4.2. Reflections on justice, deservingness and the welfare state	43
References	49

LIST OF ABBREVIATIONS

AZC – Asiel Zoekers Centrum (Asylum Seekers Centre)

CARIN – Control, Attitude, Reciprocity, Identity and Need; a theoretical listing of assumed conditions for deservingness

CDA – Christen-Democratisch Appèl (Christian-democratic party)

DIVOSA – National organisation of managing directors of the social offices

G4 – The four biggest cities in the Netherlands: Amsterdam, Rotterdam, Utrecht and Den Haag

NEET – Young people Not in Education, Employment and Training

NGO – Non-Governmental Organisation

UWV – Uitkeringsinstituut Werknemersverzekeringen (Employee Insurance Agency)

VVD – Volkspartij voor Vrijheid en Democratie (People’s Party for Freedom and Democracy)

Wajong – Wet Arbeidsongeschiktheidsvoorziening Jonggehandicapten, (Disability Benefit for young persons)

WsW – Wet Sociale Werkvoorziening (Sheltered Employment Act)

PART I. WELFARE REFORMS IN THE NETHERLANDS 2008–2015

1. INTRODUCTION

To understand the Dutch social security system, the transition towards an activating welfare state (called ‘participation society’) in the wake of the economic and financial crises, and its implications, it is crucial to distinguish between its three tiers.

The first tier is the Bismarckian element manifest in unemployment benefit (*Werkloosheid Verzekering*) whose income and duration depends on the employees’ work history; the longer the work history the longer one receives an unemployment benefit. Until January 2016 the maximum period of unemployment benefit was three years, but since that date the maximum length was reduced in a graduated fashion and from April 2019 it was two years. The benefit is calculated as a percentage of the previous wage, starting off at 75 per cent and after three months falling to 70 per cent of the previous wage.¹ The benefit is not means-tested, and the employee must actively search for a new job. Premiums for unemployment benefit are mandatory and paid by employers and employees. Employees also pay a percentage of their gross wage for other social security benefits such as old age pension (adding up to the Old Age Benefit, see below), health insurance and disability benefits; all are mandatory.

The second tier is a Beveridgean welfare benefit called social assistance (*Sociale Bijstand*); this is a flat-rate minimum wage related and means-tested benefit for unemployed people without work history and long-term unemployed people who have not succeeded in finding a new job within the term of their unemployment benefit. Means-tested implies that the income of the household is included, so having a partner and other people in the household (including adult children) with an own income means being rejected for social assistance. Also, people on social assistance are obliged to find a job unless they for reasons of health or inability (sometimes older age) are released from that obligation. Long-term welfare dependency is most prevalent among older people with obsolete skills, migrants and lone mothers with multiple problems (debts, functional illiteracy and health) (Varenkamp, Knijn, Bos and van Wel 2014; Arnoldus, and Hofs 2016). Lack of Dutch literacy, learning qualifications or obsolete skills might be reasons to refer welfare recipients to training programs before they must look for a job. Social assistance (welfare benefit) is paid for by taxation.

The third tier is general people’s allowance (*Volkverzekering*) including benefits for all citizens above the age of 65 (The General Old Age Pensions Act), all widows and orphans (General Widows and Orphans Act), all children below the age of eighteen (Child Family Allowances Act), disability benefits for all who are fully incapable of working (General Disability Benefits Act), and a general care benefit for all people in need of disability care (General Act on Exceptional Medical Expenses). These benefits are flat rate and not means-tested, premiums are paid by income taxation.

Implemented in the post-war period under the assumptions of full male employment and stable breadwinner families these three tiers in combination functioned well during the ‘Trente Glorieuse’ or Glorious Thirty Years of the Dutch welfare state (1950-1980). They covered the income loss of all citizens who were unable to earn an adequate income themselves, and as far as families

¹ Artikel 27 sub 11 Werkloosheidswet: wetten.nl.

were concerned the benefit covered via the male 'head of the household' also covered the costs of wives and children, since married women were not assumed to earn an income themselves. Nonetheless, boundary lines are clear-cut in the system on basis of contract or status. Male workers who are supposed to be lifelong employed receive a contract-based generous wage related benefit during temporary periods of unemployment. Status-based benefits are reserved for people without work history who fall into two categories; recognized and unrecognized deservingness. Deserving people are widows, orphans, older citizens and disabled people whose recognized status results in them receiving a non-means tested benefit. All who do not belong to these categories, such as lone mothers, migrants without a – long enough – work history, drug addicts, older workers, bankrupt entrepreneurs or workers with obsolete skills who have failed to find a new job depend on means-tested welfare benefits.

Since the 1980s this three-tier system has changed drastically though not structurally. While leaving the structure intact, conditions for eligibility have been changed. On the one hand this is responding to changing political opinions regarding the labour market's relation of women and disabled people, and in reaction to family fragmentation and diversity. On the other hand politically inspired ideas about reforming the welfare state from a passive safety net into a trampoline has motivated access restrictions and duration limitations, such as a stepwise increase of the old age benefit age from 65 years to 67 years in 2021 (CBS 2016), reduced access to widows' benefits (only if children till the age of 18 are at home), the substitution of the exceptional medical expenses act by a much stricter Long-term Care Act, a two-year employers' responsibility for the salary of sick employees, and a very strict social assistance system including a requirement to participate in all kinds of volunteer or substitute work.

A complicating factor however is that the three-tier security system has not yet adjusted to the flexible and precarious labour market that has been developing since about the year 2000. Over a third of the Dutch labour force is engaged in temporary and precarious jobs and self-employed workers do not fit into the first tier of the system, meaning that they are unprotected against unemployment and long-term disability, do not contribute to the collective pension system and therefore only receive minimal old age allowance. Efforts of the three involved actors (government, trade unions and employers' organisations) to adapt the Bismarckian tier of the system to this flexible labour market so far have been unsuccessful.

2. RECENT REFORMS IN SOCIAL SECURITY, UNEMPLOYMENT BENEFITS AND SOCIAL ASSISTANCE

Recent reforms have not changed the above outlined Dutch welfare state system. It is still present and should function to protect all employees and citizens against poverty. Evidence shows however that poverty and inequality have increased resulting in for instance about 140,000 Dutch people (about one per cent of the population) depending on additional food supply via the foodbanks.² Clearly gaps in the system exist through which people fall out. Such a gap for instance is the 'poverty trap' meaning that people on welfare benefits who accept a low-paid job will lose not only social assistance but also the additional housing subsidy and other allowances. Also, the highly flexible labour market at all

² Voedselbanken.NL.

sectoral and educational levels is a risk because non-permanent jobs and short hours contracts offer less security than does social assistance. Finally, the Dutch government has reacted to the recent Great Recession by taking anti-Keynesian austerity measures with severe budget cuts to the public sector. Therefore, hundred-thousands of public employees have been discharged, not only in the care, education and health sectors but also in social offices, activation, employment and migration offices that are supposed to support vulnerable populations. In the domain of social security, unemployment and social assistance an 'activation approach' has inspired the following reforms:

> *Wet investeren in jongeren* (Act Investing in Young People 2009).³ This Act replaced the Work and Social Assistance Act for people aged 23-27. In fact, it reduced the right to welfare benefits for young people by increasing the eligibility age from 23 to 27. Those who were not yet 27 were obliged to accept a job offer or a training program offered by the local social office that in their turn was obliged to make such an offer. The aim was to prepare young people without a proper diploma for the labour market. Those who did not accept the municipal offer lost their right to welfare benefit. Due to practical and bureaucratic problems in practice, including the lack of job offers by the municipalities and some fraud cases the Act was withdrawn on January 2012. Since 2015 young people aged 23 and over without an income are under the jurisdiction of the Participation Act that includes a specific restriction for persons till the age of 27; they cannot apply for the first four weeks of being in need of social assistance and must prove they are actively looking for a job or education.

> *Algemene Ouderdomswet* (The General Old Age Benefit). Since 2013, there has been a graduated increase of the pension age from 65 to 67 in 2021 (CBS, 2016) on the basis of a demographic argument of a too small working age population and longer life expectancy.

> *Participatiewet* (Participation Act, 2014)⁴ in force since 1 January 2015. This Act substitutes for and harmonizes a range of previous acts all focused on re-activating welfare recipients with work potential (previous Acts were the Work and Social Assistance Act, the Social Security Act and the Work and Employment Support for Disabled Young Persons Act).

> *Wet werk en zekerheid* (Work and Security Act 2014).⁵ This Act reforms the law on work protection, the unemployment law, the social protection of flexible workers, the income position of older and disabled employees.

Two other reforms target the domain of social care:

> *Wet maatschappelijke ondersteuning* (Social Support Act 2014). This Act regulates decentralisation of financial and organisation responsibility of care to municipalities with the aim to encourage self-responsibility if possible and provide additional support if people are unable to help themselves or each other.

³ <https://wetten.overheid.nl/BWBR0026054/2011-07-01>.

⁴ <https://wetten.overheid.nl/BWBR0035333/2018-01-01#Opschrift>.

⁵ <https://wetten.overheid.nl/BWBR0035254/2016-01-01>.

> *Jeugdwet* (Youth Act 2014). This Act regulates local responsibility for prevention, support, help and care for young people (till the age of 18) and parents in matters of child raising and mental health problems.

Each of these reforms, and certainly the total package synchronically implemented at the same date, indicate a major reconstruction of the Dutch welfare state of which the main objectives are; 1) participation in employment of all citizens who are (partly) able to work and in volunteer work, care and social support of all citizens who can contribute to society, 2) governance nearness by decentralising social and financial responsibility to municipalities for all people in need of social assistance, care and support. A third aim not articulated in these Acts but clearly implicated is an austerity goal pertained by reducing state budgets for public care and social protection. During the transition the state decentralised 18 billion Euros to the municipalities, which is a reduction by 20 per cent of the total budget. In what follows we will mainly outline the policy changes and effects of the *Participatiewet* (Participation Act) targeting people on welfare benefits, and the *Wet Werk en Zekerheid* applied to people with flexible and precarious work contracts. The other reforms we will ignore because these are related to the domain of care while the focus of this report is on the field of social assistance.

3. KEY POLICY CHANGES

The *Wet Werk en Zekerheid* (Work and Security Act 2015)⁶ is meant to close the gap between employees working on a permanent contract and those working on temporary, flexible and insecure working hours contracts. In the introduction of the law it is stated that its main goal is to promote equality of rights and security when staff are discharged, to reduce the compensation payable to employees when they are discharged and to use the money released by this change to fund for a quick reintegration into the labour market. The law also aims to strengthen the position of employees with a temporary contract, to encourage their transition to a permanent contract, and to reduce the long-term use of flexible and precarious work contracts. At the same time the government intends to reform the unemployment benefit into an activation instrument also for older and partly disabled unemployed workers.

The Dutch labour market has changed over about 15 years into one of the most flexible labour markets in Europe with rapidly increasing rates of temporary jobs and self-employment comparable to those in Spain and Portugal (Hoekstra, Euwals, Arsova and Berkhout, 2016). At the same time there was a fall in the proportion of workers with permanent contracts that are well protected by long-term, wage and work-history related unemployment and sickness benefits. Although Hoekstra et al. (2016) do not find a significant relationship between institutionalized protection of workers with permanent jobs on the one hand and labour market segmentation and inequality on the other hand, the analysis of the Dutch government finds otherwise. Their assumption is that employers increasingly tend to want to attract flexible and non-permanent workers because of the high level of protection for

⁶ <https://wetten.overheid.nl/BWBR0035254/2016-01-01>.

permanent workers. The Work and Security Act is motivated by a concern to bridge the social security gap between the permanent and non-permanent work contracts. Reforms entail:

- For non-permanent work contracts the periods (from three to two consecutive years) and subsequent numbers (two contracts with a break of six instead of three months) of temporary contracts for a single employer are limited assuming that non-permanent employees will be offered a permanent contract afterwards. The Act also regulates contracts offered by temporary work offices, such as that zero hour contracts cannot be extended beyond six months and dismissal must be announced in writing one month in advance.
- Redundancy of permanent workers has been made easier in cases of company related economic reasons and long-term disabled employees. Redundancy for individual reasons (breakdown in relations) is possible via a lower court case if the employee does not accept the redundancy. The employee retains the right to go to court to challenge the redundancy. In addition, the character, length and amount of the unemployment benefit are adapted to emphasise the government's activation concern. Also the name has changed from 'unemployment benefit' to 'transition allowance' intending to emphasise that the employee is supposed to use the benefit for a return to the labour market by job searching, training etc. Discharged employees who have worked for at least two years have the right to an unemployment benefit of a third of a monthly salary per worked year. If they have been employed for ten years it is half the monthly salary per worked year, up to a maximum of 81,000 Euro or the annual salary of the employee, whichever is higher. The length of the unemployment benefit has been gradually reduced from a maximum of three years in 2016 to two years in 2019. The unemployed worker in his/her turn is expected to accept 'suitable work' after having received the transition allowance although they can refuse a job that pays less than their benefit.⁷

The Participation Act follows the Work and Social Assistance Act 2003 which made municipalities financially responsible for welfare benefits of their able-bodied inhabitants who did not (any longer) receive unemployment benefits, a responsibility that before 2003 was located at the state level. In addition to social assistance for able-bodied unemployed persons, the Participation Act included municipal responsibility for social assistance for partly mentally and physically disabled inhabitants. This addition replaced the former Sheltered Employment Act, 1997 and the Wajong, Disability Benefit for Young Persons 1997, both targeting persons who due to an impairment cannot fully participate in the labour market. Thus, on the one hand the scope of the municipal responsibility has been expanded by including more categories of welfare recipients and partly replacing disability benefits. On the other hand, municipal autonomy has been restricted because the Participation Act defines much more strictly than the former Work and Assistance Act the rules and limitations of the rights to receive social assistance, and the duties and obligations of recipients. Hence the discretionary autonomy of local governments has been reduced. The Participation Act fits in the overall transition of the Dutch welfare state into what is called the 'Participation Society' (National Government [Rijksoverheid], 2013) which has as its the goal to guide all those who are able to work into employment or voluntary work, based on the idea that everyone should contribute to society and this is in both their best interest and that of society more generally. An even more important goal is to

⁷ <https://www.mkb servicedesk.nl/8883/wat-wet-werk-zekerheid.htm>.

reduce welfare spending and to achieve cost efficiency by streamlining welfare spending by setting strict criteria for rights and duties of people in need of social assistance. The Participation Act therefore has consequences for all persons receiving social assistance, but with different consequences depending on the conditions of their previous social protection scheme.

4. PRIORITISING CATEGORIES OF WELFARE RECIPIENTS

Theoretically, the question is not 'who' has been prioritised because in principle the same rules are applied to all welfare recipients to the same degree. If any category intentionally has been prioritised it is disabled people who under previous regulations and laws have been set apart from regular workers. For instance, the WsW (1997) facilitated sheltered workplaces with adjusted working conditions for physically and/or mentally disabled persons who could also be guided and supported in the work process. The Wajong (1997) was a benefit (75 per cent of the minimum wage) available for young people aged 18 years and older with a disability or long-term disease incapable of working or participating in any course/training. The numbers of young people opting for the Wajong increased rapidly from 4,000 in 1998 to 16,000 per year in 2009. The Centraal Planbureau (van Vuuren, van Es and Roelofs 2011) explains this by the 'free rider' behaviour of local municipalities that refer young unemployed people to this national benefit system instead of supporting them with the local social assistance benefit. For young people themselves this involves the risk of never becoming employed. The then State Secretary of Employment and Social Affairs, Klijnsma, who lives with a severe impairment herself, was strongly motivated to include the disability provision (WsW) and benefits (Wajong) – in the Participation Act to promote the integration of people with disabilities in the regular labour market. The main instruments to transition disabled persons from disability benefits and provisions to the regular labour market via the Participation Act are: 1) Agreements between the government, employers' organisations and trade unions on finding jobs for so-called 'occupationally limited job seekers', and 2) Wage subsidies paid by the municipality to employers who accept employees with limited productivity. The flipside of inclusion in the Participation Act is the loss of an independent disability related benefit. Instead, the benefit is now means-tested and depends on the household income and wealth meaning the risk of losing disability benefit because of the partner's income. It has been decided means-testing will only be applied to new cases. Despite the best intentions however, evaluations show that practice is unmanageable and the effects on the reintegration of disabled persons in the regular labour market is less successful than had been hoped (see below).

5. SACRIFICING CATEGORIES OF WELFARE RECIPIENTS AND 'COUNTER ACHIEVEMENT'

Reforms have different implications for different categories of recipients depending on what previous form of social protection they were covered by. For some categories the Participation Act has severe consequences because of the changed conditions for eligibility and the obligation to perform a counter achievement (*Tegenprestatie*): a tit for tat reciprocity rule.

While the idea of demanding a 'counter achievement' from people receiving welfare benefits had been in the guidelines of the *Wet Werk en Bijstand* since 2012, it became a mandatory obligation

under the Participation Act. Consequently, local governments and their social offices now must implement the counter achievement. Arguments for introducing the obligation for people on welfare benefits to participate in society by performing voluntary work or sometimes even unpaid regular work are based on the politically inspired moral assumption that people on welfare benefits are hesitant or even recalcitrant about returning to the labour market. Distrust in welfare recipients' intentions is in conjunction with the political argument that participation in unpaid or volunteer work is necessary to legitimize welfare spending. People on welfare benefits at least must do something 'in return'. The (unproven) psychological argument is that participation disciplines the welfare recipients' daytime, discourages them from staying on welfare too long and helps them to prepare for a regular job. So far, experience with the implementation of the counter achievement shows very diverse models of rigidity of local demands (see below), and varying effects of contribution to labour market re-entry and sanctions (Arnoldus and Hofs, 2016; Kampen, 2014; Vonk, 2015; Klijnsma, 2015).

The strict top-down regulations that in practice appear to have multiple and complex bureaucratic interpretations can affect the rights of beneficiaries. Because of local financial responsibility ideological as well as financial considerations influence the way local social offices implement the *Participatiewet*. Although the overall picture is not yet clearly confirmed by research, case studies show that poorer municipalities are tending to sanction welfare recipients for small mistakes contravening rules about accounting for additional income, not showing up for an appointment or forgetting to fill in forms. Also municipalities diverge in supporting welfare recipients back to work with more leftist local governments tending towards tailor-made routes and more rightist local governments choosing general one-size-fits all punitive regimes.

Overall it can be concluded that justice principles regarding social assistance 1) diverge and are hard to trace due to the decentralised implementation; 2) affect welfare recipients in diverse ways depending on their locality; 3) are regulated by the central government but in such a complex and multi-interpretable way that confusing and arbitrary outcomes at the local level are likely.

6. THREE DISPUTES ON WELFARE REFORMS

Disputes about the welfare reforms are multiple. For this overview we have selected three relevant disputes, each related to the Participation Act. The first dispute focuses on social assistance for people who, after receiving a refugee or subsidiary protection status become status holders/ get the asylum status⁸ are transited to a municipality (all municipalities get an annual number of asylum holders to

⁸ In the Netherlands, asylum applicants receive at first, if their application is not denied, a temporary refugee or subsidiary protection status (art. 29 and 33 of the Dutch Aliens Act 2000). A temporary refugee status or subsidiary protection status is for the duration of 5 years and entails a temporary residence permit asylum. During these 5 years their permission to stay may be revoked if the legal basis for their status has changed (art. 32 of the Dutch Aliens Act). After 5 years, the status holder may apply for a permanent permission to stay based on their refugee or subsidiary protection status. Note that in everyday social assistance practices, 'status holders' refer to both clients with a temporary and permanent refugee or subsidiary protection status. The Netherlands is a so called one status-system, which means that there is, generally, no distinction made between refugees and those with a subsidiary protection status in their access to rights and protection. In our report we will use the

host) and receive the same rights as Dutch citizens, including social assistance, social housing, sickness insurance etc. The dispute was initiated by the right-wing coalition partner VVD which argued that status holders cannot be expected to cope with the complex Dutch welfare system and its bureaucracy in the first years after their arrival. Indeed, familiarisation with the complex Dutch welfare system is not an easy task even for those who speak the language. They have to fill in large numbers of forms in Dutch, make in time applications for additional services and are expected to communicate with the social office regarding their benefits, as well as with electricity providers, health officials and schoolteachers. The government therefore proposed to 'unburden' new-coming status holders by substituting social assistance benefit with what 'leefgeld' (living allowance). The municipality then directly pays housing costs, social insurance and maybe health insurance till the status holder is able to act independently, or as the Minister says: 'A status holder who is doing his best to integrate will become self-reliant sooner and then deserves to manage his own finances' (Ministerie van Sociale Zaken en Werkgelegenheid 2018: 13). The city of Rotterdam was the first to implement this 'living allowance'. The dispute is about whether this change in the social assistance system benefits status holders because it protects them against making mistakes in which can lead to indebtedness, or whether it is an expression of tutelage creating second-class welfare recipients, those who can and those who can't manage their own finances. An underlying issue relates to the growing number of welfare beneficiaries due to the rise in numbers of status holders since 2015 (see for the most recent numbers Table 1), meaning some municipalities are experiencing shortfalls in their social assistance budget and borrowing additional money from the state. While mainstream media report the increasing rate of people with a migration background as percentage of all welfare recipients this is mainly due to the influx of status holders. They after all need time to learn Dutch and do not easily find a job in the first years after arrival. Right-wing media tend to qualify that trend by speaking of social assistance becoming an 'allochthonous benefit'. Finally, scholars debate in the media on the relationship between immigration, social security and the welfare state with various conclusions, mostly calling for reforms in either the immigration policy (stricter criteria for access), the integration policy (better integration support) or the social security system (deservingness on basis of contribution) (see for instance Kremer, 2013; van Beek, 2018).

term 'status holder' or 'asylum status' to refer to people holding a temporary residence permit based on their refugee or subsidiary protection status.

Table 1: Categories of welfare recipients, all ages (February 2019)

Total	Men	Women	Dutch	Migration, western	Migration, non-western ⁹
484 000	207 000	278 000	175 000	49 500	260 000

Source: CBS (Dutch Statistics), 2019

The second dispute focuses on if and how municipalities implement and apply the counter achievement for welfare recipients. The dispute exposes huge controversies within the Dutch government as well as between a significant number of local governments and the main party in the Dutch government coalition, the right-wing liberal party VVD. State Secretary Van Ark (VVD) of the Ministry of Social Affairs and Employment is leading in this debate. Since municipalities are legally required under the Participation Act to make welfare recipients participate, several municipalities (e.g. Eindhoven) refuse to apply the rule because they do not expect any effect or agreement because they consider social assistance an unconditional right. Other cities such as Amsterdam (Gemeente Amsterdam, 2015) use the ‘carrot’ in their application of the counter achievement by emphasising the voluntary character of the counter achievement, recognizing the already performed social activities of a recipient, such as voluntary caring for elderly or community work, and by assisting the recipient in selecting a labour market integration trajectory of his/her preference that suits future work aspirations. Here we recognize the capability approach. An infamous example of applying the ‘stick’ with regard to the counter achievement is the city of Rotterdam that is requiring all welfare recipients to perform (in)voluntary low skilled work such as picking street waste for at least 15 hours per week. Disputable also are examples of municipalities that require companies to whom they have outsourced public services (school bus transport for children, green maintenance) to appoint welfare recipients thereby substituting for regular jobs. In January 2019 State Secretary van Ark in a letter published in a right-wing newspaper called upon municipalities to either sanction welfare recipients or implement the counter achievement in particular the requirement to speak fluent Dutch. Clearly, the target group of her letter are immigrants. Another coalition party, the social liberal D’66 heavily opposed this with the argument that the VVD as a long-ruling party for many years has been responsible for an inefficient and expensive language education for immigrants and therefore the party is not in the position to make these kinds of demands.

⁹ Statistics Netherlands (CBS) makes a distinction between western and non-western immigrants. Someone has ‘a western migration background’ if he/she or at least one of the parents was born in Europe (excluding Turkey), North America or Oceania. Indonesia and Japan are also considered western countries. Someone who was born, or whose parent(s) was/were born, in any other country is considered as having a non-western migration background according to the CBS definition. See <https://www.cbs.nl/en-gb/our-services/innovation/project/cbs-experimenting-with-dot-maps/migration-background>.

The third and most recent dispute is about – young – disabled people and their inclusion in the Participation Act. Two issues are at stake here, both concerning the intention to integrate disabled people in the regular labour market. The first issue concerns an agreement between the government and employers' organisations requiring employers to create jobs for people who can no longer work in sheltered jobs¹⁰ that are withdrawn by the government. In practice, employers do not offer these jobs. Only a minor percentage of employers and not even the government seem to be able to offer jobs that suit disabled people. The Netherlands Institute for Social Research (SCP 2018) indicates that the chance for disabled people to find a job has decreased from 50 to 30 per cent. Another dispute that raises lots of concerns among disabled workers, employers and municipalities alike is the governments' intention to reduce the wage for young disabled people to 70 per cent of the minimum wage and at the same time abolish the supplementary wage subsidies that currently take their wages up to 100 per cent of the minimum wage. These cuts would reduce public spending by 500 million Euro per year. The low-level wage would be equal to social assistance benefit, an income reduction of about 40 per cent for young disabled persons. The protests by all stakeholders – disabled young people, employers and municipalities – against this plan are strong and might well be effective in the end.

7. CONSEQUENCES FOR PEOPLE ON WELFARE BENEFITS

7.1. DISABLED PEOPLE

Consequences of the closure of the sheltered workplaces are not yet measurable but employers and municipalities responsible for finding regular jobs conclude that the transition to regular paid work for disabled persons who previously could find a sheltered job has failed. Too few sheltered jobs are available and the procedures and regulations to get disabled persons in adjusted jobs are too complex. Estimates of the first years of the transition are that the chance for disabled persons to get a job has reduced with about 40 per cent (Sadiraj, Hoff and Versantvoort, 2018). The transition from the Wajong to the Participation Act have also been less effective than expected. Kok et al. (2018) conclude that after the transition 27 per cent of 18-year-old young disabled persons have found a job while this was 22 per cent before the transition. However, these were in large majority part-time, flexible and non-permanent jobs so the long-term effects could not yet be estimated. A serious reduction of social security rights is visible in the loss of benefits. While young disabled people under the Wajong conditions received a non means-tested benefit they now fall under the means-tested Participation Act regime meaning that if they live with an earning partner the household income forms a barrier to receiving an independent income. Also, those young disabled persons who are still at school receive a study loan (25 per cent of the minimum wage) and are not entitled to receive social assistance. A general conclusion is that the intention of the previous under minister Klijnsma (social democrat) to

¹⁰ Sheltered jobs are jobs for people with physical, mental or psychical constraints who can only work in a 'protected' environment with adjusted conditions. The work conditions are adjusted to their constraints and they receive guidance in the work process. Jobs may include simple production work (packaging products taking care for mailings) but also high quality production work (ICT). Workers receive at least minimum wage or a Collective Agreement wage of the work sector. See <https://www.rijksoverheid.nl/onderwerpen/werken-met-arbeidsbeperking/beschut-werk-voor-mensen-met-arbeidsbeperking>.

stimulate participation of disabled persons in the regular labour market has not been successful. Instead, most of them lost their sheltered jobs without finding a substitute job in the regular labour market, and if they did find a job it was a flexible, temporary or part-time job. In addition, disabled employees lost the security of a flat-rate welfare benefit and are faced with income loss and social protection.

7.2. *IMPLICATIONS FOR NON-NATIONALS, YOUNG ADULTS AND FOR GENDER EQUALITY*

Despite recent disputes about social assistance for status holders none of the reforms has changed the rights to social protection for non-nationals. In the Netherlands the right to social assistance differs between EU citizens and Third Country Nationals. Third country nationals only have the right to social assistance if they have the legal right to stay following Art. 8 of the Dutch Aliens Act and are considered equal to Dutch nationals, which in practice means they have habitual residence based on a regular temporary/permanent residence permit, a subsidiary protection or permanent permit, an EU long term residence permit and a European blue card. The right to stay and social assistance for EU citizens in the Netherlands is broader, these rules are in line with the EU directive 2004/38/EG of the European Parliament and the Council (hereafter, 'the Directive') and applicable EU case law. First, EU citizens staying a maximum of three months in the Netherlands do not have the right to social assistance (art. 24(2) of the Directive) this also applies to workers.¹¹ Second, EU citizens staying five years or longer legally in the Netherlands have the right to social assistance. This category is considered equal to Dutch nationals (recital 17 of the Directive). Third, EU citizens that stay longer than three months, but shorter than five years, but have habitual residency in the Netherlands, may be eligible for social assistance. Within this third group, the law distinguishes between five categories of EU citizens with each category having different access to social assistance. The first category are EU citizens looking for a job – while job seekers have the right to stay, they do not have the right to social assistance. The second category involves EU citizens who hold the status of an employee or a self-employed person. The law further distinguishes three situations for EU citizens as employees or self-employed persons. The first situation involves those workers or self-employed persons who are considered real and actual job holders, they will qualify for this title when they have an income of at least 50 per cent of the minimum social income or are working at least 40 per cent of their employment time (part B10, para 2.2. of the Aliens Act Implementation Guidelines 2000). This group of workers and self-employed are eligible for complementary social assistance. Yet if they apply for social assistance and it is judged that their employment does not qualify as a real and actual job, the application for social assistance may have consequences for their right to stay. The second situation in which EU citizens qualify for the status of employee or self-employed person is the case when an EU citizen has worked less than a year (and holds a real and actual job), has unwillingly become unemployed and has been registered at the Dutch Employee Insurance Agency (UWV) as unemployed. This EU citizen will have the right to social assistance the first 6 months after becoming unemployed (unless they have the right to unemployment benefits) (art. 7(3c) of the Directive). The third situation applies to EU citizens that have worked longer than 1 year in the Netherlands (again, holding a real and actual job) and have become unwillingly

¹¹ See the European Court of Justice preliminary ruling ECLI:EU:C:2016:114 of 25 February 2016.

unemployed and registered their selves at the Dutch Employee Insurance Agency. This EU citizen is considered a permanent employee or self-employed person and therefore they have the right to social assistance (art. 7(1b) of the Directive). A third category of EU citizens involve economically in-actives. They are EU citizens that have the right to stay based on being self-sufficient, this third group does not have the right to social assistance. The fourth category of EU nationals involve students who their right to stay is based on being self-sufficient, they are not eligible for social assistance (art. 7(1 c)). The fifth and final category are family members of EU citizens. If an EU citizen is a family member of another EU citizen who fulfils the conditions of stay, they will also have the legal right to stay. Their right to social assistance is then derived from their family member who is an EU citizen with the right to stay (Art. 2(2) and art. 2(2) of the Directive). Important to note is that in some cases, an application for social assistance may terminate the right to stay for EU citizens, such as when the EU citizen earns less than 50 per cent of the social minimum income or works less than 40 per cent of the general employment hours, or the EU citizen is to blame for their unemployment.

So far the rights to social protection for non-nationals have not changed although the current ruling coalition government initiated attempts to set stricter criteria for the counter achievement by making social assistance conditional on speaking Dutch, and to change social assistance into spending money (*leefgeld*) or living allowance as announced in a letter of the social-liberal (D66) Minister Koolmees of the Ministry of Social Affairs and Employment. Interestingly the letter calls this living allowance a matter of 'unburdening'. It says: 'Municipalities pay of social assistance the structural costs such as rent and the costs of energy as well as the mandatory insurances in the period of unburdening. The status holder will receive what remains and the tax allowances [for childcare etc] (Ministerie van Sociale Zaken en Werkgelegenheid, 2018: 13).

Finally, the effects of the barriers implemented in 2009 for young adults to receive social assistance have been countered in 2012. Hence, no effects on young adults in particular are present.

The above discussed reforms are gender-neutral in intention and implication in contrast to the reforms in the domain of care that are not discussed in this overview but have been discussed in a previous national report (Knijn and Hiah, 2018). The exception to the rule is that the Participation Act requires lone parents with children under the age of five years who are on welfare benefits – who are in large majority women – are obliged to a 'counter achievement' and/or to prepare themselves for finding a job. This is not a new reform; since 1996 every government made new decisions about whether this group of lone mothers are exempted from the obligation to work or not. For over twenty years lone mothers have been targeted by a kind of yo-yo policy that creates a lot of uncertainty and insecurity. Another more administrative reform concerns the composition of the social assistance benefit for lone parents (mostly mothers). Under the *Wet Werk en Bijstand* they received a welfare benefit equivalent to 90 per cent of the minimum wage (couples receive 100 per cent and individuals 70 per cent). Under the regime of the Participation Act lone mothers also receive a 70 per cent equivalent from the municipal fund topped up with 20 per cent extra from the state (from general taxation) that is income related; the so-called lone parent top-up. One advantage for lone parents is that they are allowed to top up their social assistance benefit with a larger income from work than under the previous *Wet Werk en Bijstand*.

8. THE DUTCH WELFARE STATE'S RESPONSE TO AND SHAPING OF MOBILITY

As in the pre-welfare state period municipalities now take care for their 'own poor' (De Swaan, 2014). Does that have consequences for their citizens' mobility? In most cases mobility restrictions target homeless people who travel from one city to another, do not have a permanent address and therefore can't apply for social assistance. For them sheltered night and sometimes day care is available. Status holders who do not want to live in the city they are referred to have another problem: they receive social assistance once they are settled in their new place of residence but lose their priority right to social housing. Along with other low-income inhabitants of their new place of residence they can add their name to the waiting list. In any case it is hard for social assistance recipients to move within the country because of the scarcity of social housing in the bigger cities and their surroundings. Regional and local mobility seem to have become a matter of redistributive and recognitive injustice affecting those who don't have the resources to live in their preferred place.

The Dutch welfare state, meaning successive Dutch governments, has responded to international mobility by trying to control the number of immigrants, not by reducing the rights of mobile EU workers or refugees/subsidiary protection holders. Once in and accepted as workers or status holders, people have the same rights to social security as Dutch citizens. This does not mean that in daily life all goes smoothly. Beyond the scope of this analysis of the social security system is for instance the failing, ineffective and exploitative language and citizenship education for refugees and subsidiary protection holders. Asylum seekers are not allowed to go to school or training programs, nor to have a job; they have to wait till they become status holder. Since 2007 education for status holders is deregulated by allowing commercial organisations to compete with publicly funded schools on a newly developed educational market that previously was the responsibility of the municipalities (Driouchi 2007). In 2013 responsibility for language and citizenship passed from the municipalities to the migrants themselves. Status holders now must borrow 10,000 euros from a governmental fund to pay for that education and it will be returned if they graduate within three years of arrival. However, the quality of education offered is so minimal that about 70 per cent of status holders fail to get their diploma in this time, leaving them with an enormous debt and no diploma. Years of protests by refugee organisations, left-wing political parties and a very critical report of the Treasury (Algemene Rekenkamer 2017) finally resulted in a more moderate system. In response to the Treasury report Minister Koolmees intends to return the responsibility back to the municipalities who receive a budget for the education programs again with the aim of 'unburdening' statusholders and not leaving them with a huge debt (Ministerie van Sociale Zaken en Werkgelegenheid, 2018).

Also beyond the scope of this analysis is a dispute about EU mobile workers that draws a lot of attention but does not relate to social assistance because it concerns unemployment benefits, taxation and wage equality. Two issues fight for priority. On the one hand there is considerable concern about the exploitation of EU mobile workers by employers and companies mainly in construction and seasonal agricultural work, manifest in excessive working hours, underpayment and excessive accommodation charges. On the other hand, there are also concerns about cases of long-term and large-scale unemployment benefit fraud by mobile workers, a problem that is neglected by the quasi-governmental Employee Insurance Agency (UWV) who bear responsibility for such matters. Media attention to the latter immediately resulted in protests against EU mobility while media attention for the first case resulted in police intervention and court cases.

Finally, we have not been able to explicate the increasing number of self-employed workers that form a huge category of the working population in all sectors. They are responsible for their own social security and do not contribute to the first tier of the Dutch welfare system. Their social security is at high risk and under discussion for years now because most of them do not earn enough income to pay social security contributions. At least one gendered reform on their behalf have been implemented in 2008, which is the right to 16 weeks maternity leave paid at the level of the minimum wage for by the social insurance fund.

PART II. EXPERIENCES WITH AND PRACTICES OF SOCIAL ASSISTANCE

1. INTRODUCTION

Welfare benefits are part of the welfare state's social security system and therefore mainly a matter of rights and obligations regulated by law (e.g. Participation Act). Professionals working at the Social Office and who are called *klantmanagers* (client managers) in the Netherlands must obey the law as must welfare recipients. Case law plays an important role in further defining the different legal standards as described in the Participation Act. Nevertheless, there is some discretionary space for interpreting the law (law in practice) depending on the situation of the client and the client manager's interpretation of the situation. Hence, in addition to rights and obligations criteria of deservingness might also be relevant as are in the attitudes among the wider population and the clients themselves about who is deserving or undeserving of welfare benefits, what conditions should be fulfilled by the clients, what needs justify welfare receipt and what behaviour is expected from clients. In short, a combination of legal rules, local policies, court rulings (case law) and the criteria of deservingness frame welfare benefits as a mechanism of social justice in the context of the welfare state.

Deservingness studies have been able to empirically address relationships between people's political opinions and interests on the one hand and their interpretation of deservingness on the other hand (van Oorschot, 2000). These studies also show that the institutional context of welfare states considerably influences participants' perspectives on deservingness (Laenen et al. 2019). In welfare deservingness theory, citizens use the five CARIN criteria, Control, Attitude, Reciprocity, Identity and Need to justify what constitutes a fair distribution of social welfare funds among various policy target groups (Van Oorschot 2000). Deservingness research has focused predominantly on the perspective of the general public and is conducted by survey studies. Our study is different from this general approach in two ways. Firstly, it is qualitative research focusing on 'lived experiences' of various stakeholders (such welfare recipients, advocacy organisations, client managers) because experiencing justice in social assistance might bring to the fore principles that are unseen in large scale quantitative studies abstracting from the people involved. Secondly, it focuses explicitly on one aspect of the welfare state, the benefit for a rather vulnerable population dependent on the welfare state for daily living. This focus enables us to include non-nationals who are clients of social assistance, thereby shedding light on issues of mobility and boundary drawing of insiders and outsiders in terms of citizenship and the welfare state. Moreover, this study includes the perspective of professionals and their line managers responsible for implementing social assistance in order to understand their approach to the welfare system.

The empirical research focusses on what has been described above as the second tier of the Dutch social security system, the so called Beveridgean welfare benefit called social assistance or *Sociale Bijstand* in Dutch. This has been chosen because it sheds light on questions about the relationship between rights and obligations versus deservingness that social insurance schemes do not cover because those are based on a logic of direct reciprocity: by paying mandatory employment-related premiums one is secured the right to receive – work-history and wage-related - unemployment benefits. Social assistance in contrast is a means-tested welfare benefit depending on various eligibility criteria (family and household composition, income and wealth) and regulated by various rights and obligations. This offers the opportunity to investigate different meanings people have about deserving social assistance. Social assistance in the Netherlands, as explained above, is regulated by the Participation Act 2015. A short re-cap of the relevant principles and characteristics of the Participation Act:

- The municipality governs and finances social assistance, resulting in local differences between municipalities (since the *Wet Werk en Bijstand*, 2014);
- Social assistance is means-tested, since the Participation Act including a sharing costs norm (*kostendelersnorm*); this includes all adult (21 years and older) persons with whom one shares a household and who are deemed able to share living costs including also single people living together in an apartment who share the costs of living.¹²
- Counter achievement, *Tegenprestatie*: one must perform voluntary work or training to receive social assistance.

This part of the report is structured as follows: in the next section the methodology will be outlined, this will be followed by a description of the findings and finally we will end with the conclusions.

2. METHODOLOGY

2.1. RECRUITING PARTICIPANTS

The majority of participants in this study were approached through the social network of the researchers affiliated with this study. Only the participants of the advocacy organisation for welfare recipients (NL 5.5.1) and the policy advisors (NL5.5.9) have been approached through email and phone based on their relevant expertise in social assistance. In the below table the background details of participants are included. The alias in use are fictive.

		Pseudonym/Organisation	Category	Gender	Age	Background
1	NL5.5.1	Bijstandsbond	NGO, Advocacy organisation for welfare recipients	male		Dutch
2	NL5.5.2	Eva	Social assistance beneficiary, permanent status holder, single	female	50	Pakistan (Christian)
3	NL5.5.3	Namazzi	Social assistance beneficiary, status holder, single mom with three children	female	34	Uganda
4	NL5.5.4	Jamila	Client manager social assistance at various municipalities	female		Dutch-Surinamese
5	NL5.5.5	Laetitia	Social assistance beneficiary, University student, single	female	28	Dutch-Surinamese
6	NL 5.5.6	Lisa	Social assistance beneficiary, physical and mentally disabled	female	41	Dutch
7	NL 5.5.7	Anil	Social assistance benefit administrator, working 20 + years in social assistance	male		Dutch-Surinamese
8	NL 5.5.8	Matthijs	Lawyer specialized in social assistance cases	male		Dutch

9	ML 5.5.9	Nousha and Mariette	Policy advisors	female		Dutch and Polish-Dutch
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2.2. ANALYSIS OF DATA

Interview guides were tailored to interview respondents with different backgrounds and professions: Separate interview guidelines were devised for the representative of the social assistance advocacy group (NL5.5.1), the client managers (NL5.5.4; NL5.5.7), a lawyer specialized in social assistance cases (NL 5.5.8) and recipients of social assistance (NL5.5.2; NL5.5.3; NL5.5.5; NL5.5.6); and two policy advisors of a social assistance office whose director is a board member of DIVOSA¹³ (NL5.5.9). The interview guides share four broad themes: 1) experiences with social assistance (claims); 2) mobility under the Participation Act; 3) rights/obligations and security/protection under the Participation Act; and 4) justice and the welfare state.

Qualitative analysis proceeded as follows. In the initial step, a list of themes (following the four themes of the interview guide) and sub-themes was developed. The sub-themes include the tri-partite understanding of justice of redistribution, representation and recognition and the CARIN criteria that make up deservingness (eg Van Oorschot 2000). Themes and sub-themes were developed into an initial coding tree. All transcripts were then read in depth in NVivo 12. Relevant passages were coded according to the pre-set list of themes and sub-themes as well as new ones which appeared to shed light on social assistance practices and meanings of justice related to the welfare state.

3. FINDINGS

The findings are structured according to the interview guides and have resulted in four sections, the first section being a reflection on the right to receive welfare benefits and daily experiences of the interaction between welfare recipients and client managers as conditioned by the Participation Act. The second section discusses the different rights and duties of social assistance recipients. The third section concerns issues of mobility and addresses in what ways welfare benefits contribute to or constrain the living conditions of mobile (international, EU and national) people under the condition of decentralization. The fourth section reflects on welfare benefits as part of a just welfare state: do welfare benefits support participatory parity, recognize human dignity and offer people the right to choose?

¹³ DIVOSA is the national organisation of managing directors of the social offices. Their double objective is to execute the law and to represent the interests of the social assistance recipients in contact with the national government.

3.1. *THE RIGHT TO RECEIVE WELFARE BENEFITS AND DAILY EXPERIENCES OF THE INTERACTION BETWEEN WELFARE RECIPIENTS AND CLIENT MANAGERS AS CONDITIONED BY THE PARTICIPATION ACT*

3.1.1. RECEIVING A WELFARE BENEFIT

Central to social assistance is the normative idea of the participation society, hence the title of the law on social assistance has changed several times, from General Social Assistance Act to Work and Assistance Act, and more recently to Participation Act. Yet what can be defined as participation is contested. Meanings attributed to participation depend on political ideology. Right-wing liberal governments interpret participation as self-sufficiency through personal financial means, social-democratic parties traditionally emphasised the social protection function of social assistance but today tend to focus on the social integrative role of labour. Within this study, the participants understand participation mainly as going back to work and becoming economically self-sufficient (NL 5.5.3; NL5.5.4; NL5.5.5; NL5.5.7; NL5.5.8), although the local policy makers stress that such is almost impossible for the new categories added to the Participation Act, i.e. partially disabled young people (Wajong) and the people previously working in protected workplaces (WsW). Despite being indicated as fit to work they are too vulnerable to participate in a regular job or even in a protected job. In the past these persons took part in what can be called ‘guided daily activities’ that better suited them than real work (NL5.5.9). This aim of participation expresses itself in the entrenched view that social assistance is a temporary arrangement for people in need for as long as they are not able to earn an income themselves.

Within this study four participants currently receive a social assistance benefit. Two of them hold an asylum status, Namazzi, who is a single mom with three children (NL 5.5.3. – Ugandan 34 years old) and Eva, single (NL5.5.2 – Pakistani, 50 years old). Status holders are eligible for social assistance as they need time to learn Dutch and prepare for the labour market. Namazzi does not only receive a benefit because of having an asylum status, she also receives it because she is a single mother of twins below the age of five. The Participation Act exempts her – at her request and only for one time – from the obligation to work till the youngest child is five years old although she is required to perform a ‘counter achievement’. Underlying the work exemption is the recognition of the right to care for lone mothers by freeing them from the obligation to work (Knijn and Kremer 1997). This exemption is a policy that has been in constant change throughout the years. While currently in place, it has also come under pressure during periods of welfare reforms. Furthermore, the municipalities do not always actively inform mothers about this right but let them take the initiative to make use of it. Because not all lone mothers are aware of it, the right is not always realized. The third social assistance client is a female university student, Laetitia (NL5.5.5 – Dutch Surinamese, 28 years) who due to a stop on her governmental subsidized student loan had no other source of income and therefore applied for a benefit. She is currently enrolled in her second internship, which is a requirement of her master studies and she also holds a part-time job. The salaries of both her internship and part-time job are not enough to provide her with an income above the minimum wage. The fourth social assistance client, Lisa (NL5.5.6 – 42 years old) has experienced from an early age both physical and mental disabilities. Lisa differs from the other social assistant recipients as she falls under another legal regime, the Wajong where the character of assistance is generally not considered as temporary but long term and even

indefinite. The Wajong regime is less 'strict' – its claimants have more rights and fewer responsibilities than those who solely fall under the regime of the Participation Act.

Temporality of social assistance

The temporary character of receiving a social assistance benefit is strongly emphasized and is expressed in the ways that participants underline the need for re-integration, or consider that social assistance helps them to (re-)integrate. For instance, Namazzi, the single mom (NL5.5.3) with an asylum background intends to only temporarily receive a social benefit until she is able to find a job and stand on her own feet:

Well, I think in a way it is good that it helps us to start up, but it's not something we should be focusing on all the time like this is where I should stay. I should always look at the bigger picture. Where do I want to be? What life do I want for myself? If you have this focus for yourself, it can push you to go and work and also contribute to the society for other people that come after you. That's how I see it. (Namazzi, social assistance recipient NL 5.5.3)

Her temporary receipt of social assistance benefits firstly relates to getting time for language, cultural and socio-economic integration, and secondly to take care of her young children until they reach school age. She has time to go to school because childcare support during integration courses is paid for via taxation and added up by special social assistance payments by the local government.

Laetitia (NL5.5.5.), in evaluating her relationship with the different client managers she had been in contact with, did feel that participation was the main goal of the Participation Act, and that it was even prioritised above her studies. Her first client manager kept badgering her to take up more jobs so she would not need to rely on social assistance. Her capabilities understood as fully developing ones' options to make a free choice for the live one values appear to be less important than getting rid of, via low paid work, a welfare beneficiary who needs temporary assistance to complete higher education. Yet the reason Laetitia applied for social assistance was to finish her university degree, to 'participate' fully in society:

I indicated that I am going to graduate in May, then I found that internship position and then she actually did not agree [to me enrolling in that internship], because she thought I should go to work. We did not agree on that. I said: "I'm going to finish my studies. That is the whole reason that I am currently on social assistance. To pay for my studies". While she thought that I had to go to work: "During the time that you work, you earn, what is it, 215 euros for three days, that is of course very little." "You could work somewhere where you earn enough, so that you no longer have to go apply for social assistance", she thought. Our opinions differed there. I found that very annoying, because I thought: I'm not going to quit school anyway, so you can keep calling all the time ... That became really awkward. Then she said: "I am going to make a note of this, because I do not know if this is possible, that you are now going to do an internship voluntarily," she said. I said, "Sorry, but this is just a compulsory part of my studies." Then she wanted proof of that ... I am really glad she is gone. This man

[*her new client manager*] who is now with me, at least understands me. If he just leaves me, I will have a job on July 1st. I also said to him, "I will be ready by the end of May." I said to him, "I have had conversations as to whether I can stay there". And he said, "Yes, well, let me know". Now I have another appointment with him next week and now it is almost certain that I will stay there [work at her internship] (Laetitia, university student, 28 years old, social assistance recipient, NL5.5.5).

Often mentioned in the context of the temporary character of receiving social assistance is the counter achievement – as we will discuss below in paragraph 3.1.3. – that is considered to benefit the re-integration of clients on social assistance.

The assumed temporary nature of social assistance also shows itself through the demands to participate made of long term and life-long social assistance recipients who might not have a realistic outlook for future participation:

Many people are on social assistance because they have no opportunities to actually get along well [*in society*] They did work first or ended up in unemployment insurance or got no Wajong or other arrangement [...]. Yes, they are there still [*on social assistance*] and there are few prospects for them. For those people [...] I still see no hope or a bright future. I think it is mainly cost control [*that plays a role in the way social assistance is provided*] and all kinds of rules that are aimed at controlling that. (Matthijs, social lawyer, NL5.5.8)

The obligation to work also applies to new categories that are included in the Participation Act, such as young people formerly protected by the Wajong and people who used to work in the now abolished social working places. Together with the chronically ill people that do not fulfill the very strict criteria of the more liberal Wajong they form a vulnerable category of the Participation Act. Their constraints and opportunities to get employed might be comparable to those of people who receive an illness-based benefit (Wajong). Yet there is little recognition for their situation and often they are treated similarly to social assistance recipients who have more opportunities.

Mariette, policy maker (NL5.5.9) working at a social assistance office says:

The indication trajectory [by the UWV¹⁴] is dramatic, much too strict. It is a group of people who actually would not be fit for sheltered work, who are so vulnerable that we have about 30 per cent drop out. Those people then start working but don't manage even with all support, adjustment and guidance they get. So, how desirable is that? Also for those people themselves; another disappointment.

Of the vulnerable young people who formerly were protected by the Wajong, Mariette says:

That is a very vulnerable group that we are not acquainted with yet, we now have to build relationships with them to understand what their problems are and how we can support them. They often suffer from multiple problems, their care providers come

¹⁴ UWV: Uitvoeringsorgaan Werknemersverzekeringen (Employee Insurance Agency).

along and we look for connections with others who support them. (Mariette, Policy advisor, NL 5.5.9)

In addition, social assistance is insufficient to cover all medical expenses for this group, even though the Netherlands has a stable medical insurance system (NL5.5.2).

3.1.2. INTERACTION BETWEEN WELFARE RECIPIENTS AND CLIENT MANAGERS

In the Netherlands, social assistance recipients are served or contacted by client managers, also called income consultants (*inkomen consulent*). Client managers are civil servants employed by local governments to process social assistance benefit applications on the basis of legal standards as set out by the Participation Act. Client managers are the point of contact for social assistance recipients. In addition to processing and assessing social assistance applications, they are responsible for assisting clients with reintegration and processing special social assistance claims, based on the special social assistance regime of the Participation Act. Special social assistance then refers to costs made because of unforeseen, but necessary costs such as a new laundry machine or extra costs such as medical bills and costs related to moving to a new house. We have interviewed one client manager, Jamila (NL 5.5.4) and a benefit administrator, Anil (NL5.5.7) about their job and interaction with welfare recipients. The benefit administrator works together with the client manager, but their work has more of an executive character as the administrator carries out the different decisions made regarding the social assistance fees and costs. Yet, they are often consulted by client managers in the decision-making process.

Interactional justice

The client manager Jamila (NL 5.5.4) describes how she started to work as a client manager because she was strongly motivated to work for and with other people, yet in reality her work is mainly administrative and bureaucratic and there is little opportunity for individual contact and bonding with clients. As an interim, working in several municipalities limits the long-term contact with clients but provides her with an overview of local differences in the application of the Participation Act. Her experience is that digitized and standardized procedures as well as legally expanded decision-making times have increased the gap between clients and client managers. Especially in municipalities with a big case load, procedures are more standardized and there is little space for the recognition of individual needs (NL5.5.7). In social assistance a trade-off between interactional justice, articulated as respect and dignity and procedural justice appears, although interactional justice depends to a great extent on the personal, and therefore potentially arbitrary opinion of the client manager in charge. Furthermore, personal interest and individualised treatment of forms an important aspect of the client manager's experience of interactional justice. This was however not always how clients felt treated by the social assistance system. For example, in her dealings with her client manager, Laetitia the student (NL5.5.5) was often treated from a stereotypical view on welfare recipients as people who do not pursue any (relevant) daytime activities, so it was expected that she be available for meetings and phone calls with her client manager:

She also found it annoying, for example, that I did not answer [*her phone calls*] during the day, because she is not used to it, I think she has in her mind that people on social assistance have nothing to do during the day. I don't know about others, maybe they have fewer daytime activities or volunteer work, but I work on an internship [*during*] her working hours. So that was annoying. She found it difficult to reach me. While I told her what my internship days are and when I can't take [*her phone calls*]. Or we really have to make an appointment for a phone call. It already went a bit wrong there. (NL 5.5.5 Laetitia, university student, 28 years old, social assistance recipient).

Namazzi (NL5.5.3) also felt that her client manager gave little attention to her specific situation. Since she is a single mom with the right to being exempt from the obligation to work, it would be very hard for her to start working directly as she has to take care of three children by herself. While Laetitia and Namazzi confided that they felt chased by their client manager, Lisa (NL 5.5.6) who receives a social assistance benefit because of physical and mental disabilities (Wajong), felt that she missed being in contact with her client manager. One can critically wonder whether the experienced lack of attention by Lisa may also be caused by the underlying normative core of the Participation Act. For those that no longer have participation as a future possibility, the social investment of the government – besides funding the benefit – is close to non-existent.

On the other hand, the interview with the policy advisors (NL5.5.9) reveals that client managers are aware of the different needs that come with different groups of social assistance recipients. They admit that recognition of the needs and background of individual clients is necessary to achieve interactional justice, but it may also be a challenge to adequately accommodate to specific groups, especially when they have a new client group that they have to work with. For example, the policy advisors (NL5.5.9) explained that their relationship with those that fall under the new Wajong regime¹⁵ is still new, they are not sure how to develop good relations with them yet, as this group has different needs compared to more traditional groups of social assistance recipients:

[In preparing this interview] I started reading about the feeling of justice. We have to be aware that in executing the law [*the Participatiewet*] there always will be people who feel that it is not just. And I was just thinking about status holders, migrants, we process that quite easily, but perhaps the vulnerable youngsters [*are a challenging group to work with*]. We notice that they often ask questions like: “What exactly should I do with this?” So the target group of young people has also changed, they have become even more vulnerable [...] and then you think: yes, of course, we have different trajectories, you think about how you should approach it, it is always public service delivery, you always have to adjust [*to the target group*] and that is what the new target group demands. That is also what we have done lately, to acquaint ourselves with the [new] target group. That wasn't always such an obvious thing [...] It is a completely different approach. It is not the strict approach, it is more an approach whereby they [*client managers*] more than with other groups build-up relationships with clients. Currently everyone registers at the front gateway, and initially everyone is the same for us. They all come to us at the same time and we cannot immediately

15

distinguish between them. And that makes it a bit difficult. Because, who are you? Are you actually someone who from the Wajong, or are you just not super motivated? What are we going to do? Which path is best for you then? (Nousha and Mariette, Policy advisors, NL 5.5.9)

Claims by clients for developing personal relations with client managers was also related to wishes of privacy and confidentiality. Having one specific client manager was greatly appreciated, because in this view, not everyone gets access to personal information. This need for privacy was suggested to also vary between different municipalities. A lack of privacy in the regional social assistance offices of Rotterdam was for example considered a punitive measure by the client manager we interviewed:

Because I am a posted worker, I have seen many different places, and I sometimes find that quite mean, because someone in Rotterdam [...]when they get there [*at the social assistance office*] they know right away 'so ...', he is immediately startled when s/he is taken in [*to the interview room of the social assistance office*]. You are going to tell your story there and it is a very open space where you can just hear the stories of other people. In a lot of municipalities it is closed-off space, to create a safe place. And in Rotterdam there is a certain culture: 'Yes, you come here, we are not going to make it any nicer for you'. (Jamila, a seconded client manager, NL5.5.4).

For recipients with a refugee background who now have a residence permit based on asylum, language played an additional role in their contact with client managers as Dutch was the language in which they were expected to speak with client managers, despite, evidently, many of them being in the process of learning Dutch. Even though interpreters are available, they are not always consulted nor are client managers formally required to consult an interpreter, unless there is something out of the ordinary going on, such as the threat of a sanction. Sometimes English was used as the language of communication – although Dutch is formally considered to be the correct language of use, as Jamila reflects:

Interviewer: But you just said: people speak English. Then you speak English with them, and do you have to?

Jamila: Actually it is not desirable [*for us to speak English*], because in principle you are supposed to speak in Dutch. Anyway, if there is no other way. I once had a Syrian girl in [*City in the South-West of the Netherlands*] who spoke fluent English and she applied for social assistance so I did [*interact with her*] in English.

Interviewer: Yes, but that is your choice? You can also say: I just speak Dutch and you just figure it out?

Jamila: Officially, it must be Dutch, but I think mainly because many people, including client managers themselves with a migrant background who do this work, that they talk to people that share their background in their language. I can also imagine that for a municipality [*this is disagreeable*], you are a civil servant, you know? (Jamila, a seconded client manager, NL5.5.4).

Again, local discretion – thus arbitrariness – is at stake. The two policy makers working under a more client-oriented regime as insisted on by the responsible local Alderman say that they can use a translation agency and recently have appointed a few interpreters. They also have developed infographics to explain the Participation Act's rights and obligations to people who don't speak Dutch fluently or who have little education. Nevertheless, most language interpretation is done via 'language buddies' the volunteers who support status holders to learn Dutch. Privacy of clients is also here is not considered.

Discretionary space

Rules for social assistance are generally clear cut. Discretionary space has been limited since the introduction of the Participation Act. Yet when it comes to the regime of the Participation Act that regulates special social assistance, discretion increases (NL5.5.4; NL 5.5.7; NL 5.5.8). The policies and rules in special social assistance are less strict and clear-cut than rules concerning social assistance in general. This leads to firstly, differences between local governments and secondly, discretionary space for client managers, potentially leading to inequality in redistribution as Matthijs the social lawyer explains:

Where there is a lot of [*discretionary*] space, is in special social assistance for example. That, of course, is something that is little regulated by law, and in practice, social assistance bodies, municipalities, can make policies about what they think is reasonable, whether or not to reimburse under the regime of special social assistance. A lot is left open within that regime. And also many differences exist between municipalities, because every municipality can come up with it [policies] themselves. This also means that you can have two municipalities that are next to each other and you will receive a reimbursement for additional heating costs or furnishing at municipality A, or if your refrigerator is broken or your washing machine, and the other municipality can say: 'We don't do that'. And that is allowed. (Matthijs, social lawyer, NL5.5.8)

On the other hand, appeals can and are made regarding decisions of client managers. In section 3.1.4 the right to legal assistance and access to justice will be further explored.

While the Participation Act limits the discretionary space for decisions about whether clients will or will not receive social assistance and the amount they receive, when it comes to punitive measures client managers have more discretion. Client managers can decide to be lenient when the specific situation of recipient demands. An important consideration in whether they provide leniency is whether the recipient had any control in being at fault (NL 5.5.7). It is not only their behaviour but also the severity of the situation of the clients that are factors. If client managers are aware that clients have children or when the shops will be closed upcoming days due to holidays, they will provide some leniency as clients must be able to subsist (buy groceries and food), independent of whether a punitive measure is in place. Both redistribution and recognition play an important role in client managers' decision-making processes. It is important to mention that in their approach to social assistance recipients, client managers rely on a fine line of trust. They are always alert to whether a client is committing fraud, or whether mistakes made by clients are unwitting and accidental:

Yes, often it is the small things. The time of the year: if someone goes on vacation and they report that they have gone on vacation much too late, then there may be a situation that they couldn't have prevented themselves. Is it in the middle of the summer vacation? Does it happen during the holidays, is it Christmas when someone forgets to sign up? Someone overslept, arrives late for an appointment ... There may factors that can mitigate a situation, but then you have to know the person, know the situation, know the whole case, then you have to know [*whether it is*] recidivism [...] And you just look at the whole situation. If someone said yesterday, on Friday, "I don't have any money for next week" [...] But if someone comes the Friday before Christmas, then you actually have a completely different situation, because you have to determine: the stores are closed, it's Christmas, it's a public holiday, maybe someone has small children. And now you have: it's just weekend, so can someone wait until Monday? Those are small things. You don't necessarily have to sit tight on that, but you have to assess it, take it with you and consider it, I think. But maybe someone else does it differently (Anil, social assistance benefit administrator, NL 5.5.7).

3.1.3. STIGMA AS A BOUNDARY TO SOCIAL ASSISTANCE

While generally receipt of social assistance is considered to be a valid temporary situation, stigma and social marginalization happen. Attempts to reduce the number of welfare recipients result in selectivity and boundary drawing, which come to the fore in the case of an interviewee who belonged to a stigmatized category of welfare recipients being a student of black Surinamese origin:

I am already black, do I also have to apply for assistance ... I do feel like [...]. The position that people with a different background have in society, then I just don't feel like, that's what I have in my head, maybe I was brought up this way, but, that you [*as a person with a different background*] are just one step behind. So then I don't want to fall behind even more. For me, in my mind, social assistance was a symbol of falling behind. Then I saw a lot of dark-skinned people [at the social office] and then I thought: it is a shame that it's like that. Why am I there too? (Laetitia, university student, 28 years old, social assistance client, NL5.5.5).

Intersectionality of race, gender and educational level may confuse criteria of beneficiaries' rights and deservingness. The student first thought her age was the reason for not being eligible for social assistance. Her client manager mentioned that being young is an exclusion criterion because she dislikes young people on social assistance. This is also emphasized in the interview with Jamila the client manager¹⁶ (NL 5.5.4). According to Jamila, young people should be in education (for which they receive a state loan) or employed. Referring to the stigma attached to people who have received social assistance in the past, Laetitia's client manager tried to convince her to not apply for a benefit. Laetitia expresses:

¹⁶ Jamila (NL5.5.4) is not the client manager of Laetitia (5.5.5).

Then after four or five months of stumbling around, I applied for [*social assistance*] and then I had a conversation with someone, and I no longer know how that [precisely] went, but he just sends me away. At first he just brushed me off and I really didn't like that, because I thought: this is really my last option, I really don't want to be here. That was so bad. Then I got there and he said things like: you have to borrow money from people. I said, "Yes, but I can't, otherwise I wouldn't be here now." Another thing that stayed with me is that he said, "Yes, can you see if there is another possibility, because if I knew that someone was on welfare, I would not hire that person." He literally said that to me. Then I thought: what are you talking about? I said in a bit of a smart-ass way: "Well, how will my future employer know?" Then he said nothing. So in the end I got out of there and then I really thought: how come? What just happened? So then I called my cousin and she said: he brushed you off, we'll just call back. So then she called back as if she were me and she realized that I could have a conversation with someone else, so that was better, that was already a better conversation (Laetitia, university student, 28 years old, social assistance client, NL5.5.5).

For clients with a refugee background, stigma also expressed itself in terms of the 'welfare magnet' discourse in the media that underlines a prejudice about refugees migrating to the Netherlands because of their aim to leech off on the Dutch welfare system:

It was a comment I read during the period before the elections, and there was a picture taken in [*G4 city name*¹⁷], and it said these two immigrants stood in the same ballot box which wasn't right, but the municipality commented and said: 'They did not know, but one was trained to explain to the other' and then people commented: 'Oh yeah, they didn't know about this [*how to vote*] but they know where all the benefits are'. For me, a person who is receiving benefits, I feel that that's how people see us, that we know where the benefits are but we don't know about certain things. Well, it made me feel bad, but that is how some people view us. (Namazzi, social assistance beneficiary, single mother of three NL5.5.3).

Stigmatizing practices can also be the consequence of negative experiences of client managers that dealt with groups that are known for committing social assistance fraud:

Certain ethnic groups ... yes, that is probably not entirely ethical to say [...] but the Roma, the target group of the Roma, that has happened a few times, a benefit is used, but in the meantime there are Mercedes, BMW's, Audi's, parked at the gates of their large villas, etc. [...] What I personally find harmful, is that such cases also make a lasting impression on the client managers and after a while you deal with some sort of professional deformation, that client managers almost automatically start to think that anyone can be a fraud. That's not nice either. You must always be alert to that (Policy advisors, NL5.5.9).

The representative of the advocacy group conceives that the stigma associated with social assistance is related to the character of the neo-liberal society in which vulnerability is no longer accepted.

¹⁷ G4 refers to the four biggest cities in the Netherlands: Amsterdam, Rotterdam, Utrecht and Den Hague.

Meritocratic ideals in this neo-liberal society exclude those who are unable to commodify themselves. The idea that people are poor because they did not invest enough in themselves is becoming normal in a society in which knowledge and education are the main routes towards at least a middle-class position. Prejudice against those 'down the ladder' is the companion to the pride at having made it. Or as Dorling (2015: 8) states: '[...] those at the top more often look down on others with ever greater disdain and, at the same time, with fear, as evidenced by growing exclusion.'

What people in vulnerable positions experience is that there is a category in society that has no empathy for those groups and it denies [*their problems*] or wants nothing to do with them [...] You are not allowed to be vulnerable in this society. (Pete, Representative of Advocacy group for social assistance recipients NL5.5.1)

This study however finds more nuance in the relationship between normative ideas about participation, social assistance and stigma. All respondents agree that refugees self-evidentially have a right to social assistant benefits and are the easiest group to deal with in their first years as immigrants. They come with nothing (thus are easy to indicate because there have assets nor income) and most of them are eager to perform the counter achievement by taking language courses.

Stigma expresses itself differently in different local governments, depending on their political orientation and financial resources. Although the intention throughout the Netherlands is to '(re-)integrate' welfare recipients into the labour market, in some localities the normative ideal of participation goes hand in hand with a punitive regime that reveals itself through the type of counter achievements expected of clients. Section 3.2. will further elaborate on the role of the counter achievement and other duties and rights social assistance recipients have and the differences of the realization of these duties and rights in a decentralized social assistance system.

3.2. DUTIES & RIGHTS UNDER THE PARTICIPATION ACT (2015)

The main changes in the social assistance system due to the Participation Act (2015) are firstly the means tested cost sharing norm with a postcode approach: those living together on one address are considered by law to be cost sharers; secondly, the counter-achievement – the municipality may oblige those receiving social assistance to perform certain activities and finally, the inclusion of categories that formerly have been protected by more liberal benefit systems. Like under previous social assistance regulation, social assistance beneficiaries keep the right to legal assistance. Some duties and rights are discussed below.

3.2.1. COUNTER ACHIEVEMENT

Counter achievements take different forms, ranging from language classes, volunteer work for an NGO or a job application training aimed at preparing for reintegration into the labour market. In our study, both welfare recipients as well as client managers positively evaluate the principle of counter achievements as offering activities that benefit social and future economic integration. This counter achievement is not implemented from a capability perspective, but rather reciprocity is a guiding principle. The idea is that one does not get something (a benefit) for nothing (without paying back). It

is not surprising that not all counter achievements are evaluated positively; some do not accommodate individual strengths and possibilities for clients to truly get on their own feet by earning their own income (NL5.5.1; NL5.5.8):

People simply have very clear ideas about what they want: to follow a course and then a certain job, a profession what they imagine doing, something they are good at, but yes, that still requires some investment. But that is actually hopeless. My experience is that the municipality does not want to put money into it [*people's aspirations*]. They think: that is something you do for yourself later on, we have our own ideas about how someone can be led to work as quickly as possible. [*but that does not fit in with*] what people themselves think or want in general. (Matthijs, social lawyer, NL5.5.8)

Ambivalence about the counter achievement has to do with the contrasting aims of, on the one hand, reciprocity that demands one do whatever for his/her community and on the other hand, getting oneself out of social assistance by training, learning and in the end finding a decent job. Because of this ambivalence people on social assistance are at risk of ending up in voluntary work that is beneficial to society and socially integrates them but leaves little room for economic independence in the long term. The case of Eva (NL 5.5.2) is an example of this:

Eva does volunteer work at different NGOs (Vluchtelingenwerk, Leger des Heils [*Salvation Army*], and the kringloopwinkel [*second hand store*]). She had a training of ten weeks at the Leger des Heils and she helps with the organization of Bible camps. One day per week she works at Vluchtelingenwerk, two days at Leger des Heils (administrative work regarding school, social assistance, doctor, insurance, etc.). She likes her job and she likes to contribute. When Eva was asked what she thought about counter achievements such as volunteer work, she was very positive. She emphasized that it keeps her skills up to date and makes her feel useful. She said that when people do nothing and just sit at home they become sick. She really tries to motivate others who receive social assistance to take the chances they are given. That's life. (Summary of interview with Eva, social assistance client, NL 5.5.2).

Despite strong national regulations of the Participation Act, local differences exist in policies applying accountancy rules, generosity in the special social assistance regime and counter achievements. The differences are explained as having both economic and political reasons. Participants suggest that in a more left-wing and financial better off city as Amsterdam, social assistance clients are approached by a carrot-like and tailor-made stimulating perspective, which indeed is the case, but only since 2015. In contrast, in the right-wing and poorer city of Rotterdam, people are treated according to a stick-like and punitive approach, forcing social assistance recipients to carry out 'useless' voluntary work (picking street dirt for 15 hours per week for example). The idea of the latter regime is that welfare clients will then find a job as soon as possible to escape the punitive regime of social assistance.

Well, whether something needs to be done in return is the wrong question. People must be offered guidance and opportunities to learn Dutch and possibly look for work. Status holders may not be allowed to do so, but it is not a matter of doing something in return. We must offer people opportunities. There is also much debate about whether we should make it compulsory for Turks and Moroccans to learn the Dutch

language, but I do not think that should be made compulsory at all. Those people stand in line to [*take a course*]. We also notice this during our consultation hour: people really want it, but they don't get the facilities and professional support to realize that. What we unfortunately encountered with regard to working to retain benefits under the former councilor of Es, who was from Groen Links, by the way, but that was a very right-wing councilor in terms of work and income, who had what we called a 'forced labour center' , where people had to do meaningless work without wages, while maintaining benefits, but without a contract. (Pete, representative of an advocacy organization for social assistance recipients, NL5.5.2)

So, while since 2015 the city of Amsterdam has radically changed the counter achievement policy (see above, page 14), the city of Rotterdam tends to have even re-enforced its 'stick approach'. It is not exceptional as shown by the case of Tilburg where social assistance recipients from 2004 to 2012 were forced to work with toxic paint in a railway workplace at the risk of getting cancer or losing their benefit. (Onafhankelijke Commissie Tilburg Chroom-6, 2019). There are also client managers who try to keep single mothers with young children unaware of their right to take care of their children themselves and encourage them to find a job as soon as possible. As far as we can see from our own and other studies (see Vonk 2015, Kampen 2014) there is a degree of punitiveness and sanctioning among local welfare regimes but it is unclear whether this is mainly ideologically or financially driven. What is clear however, is that justice principles are spatial, thereby diverging rights and obligations of people depending on welfare benefits with real life consequences for their reintegration.

3.2.2. COST SHARING NORM & INFORMATION OBLIGATION

In addition to the requirement of the counter-achievement, the means tested character of social assistance generates challenges for social assistance recipients. While within our data, the issue of sharing costs hasn't been an issue for the social assistance recipients interviewed, the representative of the advocacy group (NL5.5.1), the social law lawyer (NL5.5.8) as well as the two policy makers (NL5.5.9) consider the sharing costs norm a primary source of problems. Families and other groups sharing accommodation generally have higher living costs than those that are calculated according to the cost sharing norm which creates familial interdependence without consent of the people involved. The lawyer narrates a scenario in which adult children are still living at home and due to the cost sharing norm, children were pushed out to live by themselves:

Look, that cost-sharing principle how should I put it... it has been conceived behind a desk somewhere far away [*from reality*], and it is conceived with a purpose, namely that we don't want seven people who receive full social assistance benefits to live together in one house, it was said that that is crazy, that we no longer want that. But in practice, parents with children live in one house, those children sometimes earn something, but often do not contribute substantially to the living costs. Parents [...] find it difficult to ask their children [*to contribute to living costs*]. Until that cost sharing principle came, those children actually lived well at home and it went well. And then suddenly there was a problem, because father or mother suddenly had a lower income. And that child, of course, didn't have a job that could compensate for that,

and the result was just that s/he left home [*to live on their own*] And the question is: what do you solve with that? Was that the problem? (Matthijs, social lawyer, NL5.5.8)

Furthermore, while the above example refers to more commonplace family relations, cost sharing also does little justice to situations in which people live together because of taking care of the other person. In these cases, the cost sharing norm contradicts the also hegemonic paradigm of the 'participation society' that assumes people to help themselves as much as possible with support of their familial and social network (see Knijn and Hiah, 2019; Knijn and Hopman 2015) and also expresses the undervaluing of care work:

Harrowing examples are people who come to live to with [*their parents*] to look after their father or mother and who have no income themselves. Which can happen. And even if you do not have an income yourself, you can still be considered a cost-sharing provider. The fact that as a cost-sharer you have no income, that is not relevant to the law, that is not a fact that is taken into account. So then you want to help someone by continuing to care, that is what we all want together [*as a society*] that we pay more attention to each other and take care of each other, and the result is then that the benefit is reduced. (Matthijs, social lawyer, NL5.5.8)

This contradiction is noticed in some municipalities as it is in Amsterdam and in the city of the two interviewed policy makers (NL5.5.9). They explain that it was the responsible alderman of a Christian-democratic party that insisted on excluding live-in care workers from the rule:

But there are distressing cases, for example if a caregiver lives in or goes to live with someone who needs to be cared for, we must apply the cost sharing arrangement. In the case of informal caregivers our municipality makes an exception, we invoke Article 18 of the Participation Act. Amsterdam does that too, but many other municipalities don't. Our councilor (CDA; Christian-democratic party) explicitly wants us to do that. He is also concerned with care and sees that informal care would otherwise become almost impossible (Nousha and Mariette, Policy advisors, NL 5.5.9)

On the other hand, Jamila the client manager (NL5.5.4) views the cost sharing norm as fair, as people should not receive more than needed: if three adults living together would receive social assistance, such as the case of parents and an adult child, it would be unfair if each of them receives a full benefit. Yet the client manager seems to follow the cost-saving policy perspective, more so than imagining the false dependency relations between people who previously are considered individual citizens. In turn, the two policy makers acknowledge that this new rule creates trouble and conflicts in already poor families the more so because young adults living with their parents often do not have the financial means to live on their own or refuse to ask for social assistance themselves. In such a case parents are powerless and have to send their children into the streets or share their poor resources with the child. Matthijs the lawyer that we referenced above, meets many of these clients because they need legal aid.

3.2.1. RIGHT TO LEGAL ASSISTANCE AND ACCESS TO JUSTICE

Under the Legal aid Act (1993) the Dutch state (partly) subsidizes costs for a mediator or a lawyer for people who are unable to afford them. The subsidies are means-tested, only lower income groups are granted (Raad voor Rechtsbijstand 2018). In the context of this study, legal assistance is considered of great importance to the access to justice for social assistance clients, as there are significant power differences between the local government on one hand and clients on the other hand according to the lawyer (NL5.5.8), the representative of the advocacy organisation (NL5.5.1) and the two policy makers (NL5.5.9), the latter saying that it is often 'the human being versus the system'. Clients often do not understand the rules and laws and therefore do not know how to take procedural steps to protest a decision. The practice also shows that many decisions by client managers are overturned because the court has judged that it is a case of misunderstanding or misinterpretation of the Participation Act by client managers. The right to legal assistance was strongly valued and the right to protest a decision of the social office is seen as a legal right that people should use if needed, also according to the interviewed client manager and social assistance policy makers (NL5.5.4 and NL5.5.9). The benefit administrator Anil (NL5.5.7) also underlines the importance of the right to legal aid, yet at the same time, he feels that the right is abused when cases are won by recipients who have committed fraud, but who win on procedural grounds - suggesting a possible trade-off between procedural and redistributive justice:

If I know that fraud has been committed, but that there has been a procedural mistake or that information has been attained in a wrongful manner, that an objection is nevertheless declared well-founded and that they are still [*considered*] right [] even though everyone knows that they are wrong, but they slip through the rules of law or policy and they are still entitled to something (Anil, benefit administrator NL5.5.7).

The two policy makers very much agree with the right to legal aid for social assistance recipients because the system needs some counterbalance:

We can also make mistakes, it is still the work of humans and then it is good that people can object. In fact, we are happy with that because in that case we can adjust our policies. There are always issues that we had not noticed ourselves and then it is good that we are made aware of this. (Mariette, policy maker NL5.5.9)

Yet the right to legal aid and consequently the access to justice has come under scrutiny because of cuts to legal representation in the Netherlands in general. These budget cuts thus also disbenefit the access to justice for social assistance clients. In addition, social assistance recipients also have financial challenges because of cuts to special social assistance, that normally finance the fee for legal aid. In other words, social lawyers that support welfare clients in their appeals are (partly) paid by the same social office against which the appeal is charged:

That [*the personal contribution for legal assistance*], they have to pay themselves, so if Special Assistance reimburses those costs, it is very nice for people who are on social assistance, because that is often 200 euros or more that you have to contribute yourself... I do see a trend for municipalities to cut back on Special Assistance. They make the conditions stricter or very strict. Say that the claim for assistance is not

necessary. Generally, that too becomes more difficult, I think. (Matthijs, social lawyer, NL5.5.8)

Policy maker Mariette also disagrees with limiting legal access by making it financially too costly:

Legal aid is becoming increasingly limited, if only because it is becoming more expensive. I do not think that is a good development, we must not curb people's need to pursue justice, everyone must be able to attain justice because it is always the system against [the] people. Let us continue to put people first. (Mariette, Policy advisor, NL5.5.9).

Among the clients within this study, only the student Laetitia (NL 5.5.5) has appealed a decision of the social office and experienced this need of professional (legal) expertise. Arguing that she as a highly educated person had difficulty with interpreting the regulations, what would clients do who were not academically schooled?

And indeed, in practice, many decisions by client managers are overturned on appeal and a rich tradition of case law has been established around the Participation Act. To cope with the large numbers of legal cases, the municipality in which the policy advisors (NL5.5.5) work have come up with an alternative to bringing the case to court: mediation. Mediation is used as an extra step before taking legal steps and bringing cases to the judge. This is also incentivized as special social assistance often finances the fees for legal aid and mediation might also result in more recognition and restore relations between client managers and social assistance recipients:

Recently there have been fewer cases [...] but that is due to a different approach that we have introduced [...] we try to have mediational discussions between objection and appeal and the client himself. As a result, the objections have become less than a few years ago. We see that the moment people have lodged an objection, we first try to talk to them, that we are actually going to explain what has actually happened. And you see that a lot of people withdraw their objections like this: "Oh yes, I still don't like it, but I do understand it now." So we do that, and also, [*we changed our policies of bringing bad news*], before negative news is coming, we tell them that a negative decision is coming. So that makes a difference, that you don't just get that letter and receive no payment... so we try to explain very much what happens and you see that people get it, that they say: 'OK. I may still not like it or disagree with it, but I understand what happened (Nousha and Mariette, Policy advisors, NL 5.5.9).

4. MOBILITY

4.1.1. CITIZENSHIP, MIGRATION AND SOCIAL ASSISTANCE

Citizenship is clearly connected to the social assistance system under Dutch law. Only those refugees who have attained an asylum status are eligible for social assistance. Those still in the application process and awaiting a ruling on their application for asylum, fall under the Ministry of Security and Justice and receive a weekly sum of 50 Euro while housing (in asylum centres) and food are provided by the state. Their rights under this regime are more limited, they are not encouraged to socially or

economically integrate in Dutch society. At the same time, their material living conditions are poorer than when they become status holders and get the right to social assistance (de Lange, Besselsen, Rahouti & Rijken 2017: 35-36).

When asylum seekers (based their status as refugees or claim to subsidiary protection) become asylum holders, they get access to social housing and social assistance and from that point onward fall under the local regime of the Participation Act. The duties and rights of asylum holders under the Participation Act are generally like those of Dutch citizens. Yet in practice, there are several differences in terms of the social organization of the access to social assistance for them. What makes a difference is that status holders' right to social assistance is not so much focussed on re-integration into the labour market (which is the case for Dutch nationals on social assistance), but rather 'integration' aimed at immigrants¹⁸, meaning that during their first two years as status holder they are not supposed to work but instead to go to school to learn the language and the Dutch system and habits (de Lange et al. 2017). For status holders a specific separate system and regime has been devised, where different municipal departments carry out the municipalities' mandate to provide social assistance and guide the status holders. In addition, status holders receive more guidance in their application and dealings with the municipality through (volunteers) of NGOs such as the Dutch council for Refugees (Vluchtelingenwerk), Steunpunt Vluchtelingen and Humanitas. These NGOs support the status holders with their integration process.

In this study, the data show that clear local policies are in place for the application of social assistance by applicants with an asylum status -which makes the judgment of these applications easy and clear cut for client managers (NL5.5.4). This makes that the eligibility for social assistance among status holders is not a problem at all, nor their deservingness. Their eligibility is clear from the moment they arrive in a municipality. Furthermore, recipients with such a status valued the procedures to apply for social assistance very positively as it was clear and quick. They did not apply for a social assistance benefit themselves but were supported by an NGO volunteer and could therefore not reflect on the procedural aspect of applying for social assistance. When inquiring about what they thought of the social assistance system in the Netherlands, Eva, a social assistance client with a refugee background from Pakistan (5.5.2) claimed that she received 'grace from the government' –she received a chance to restart and rebuild her life. This idea of social assistance as a form of social investment was also underlined by Namazzi (5.5.3). While the application for social assistance by status holders is clear cut, the situation is more complex for mobile EU workers who have the right to social assistance once they have worked for three months in the Netherlands. They can expect serious investigation on their means, resources, housing situation etc. These different treatments of groups of migrants denote a different degree of deservingness and perceived legitimacy in their claims by the Dutch government.

Social integration lies at the heart of particular policies for status holders. Social integration is pursued by not only providing a social assistance benefit, but also includes other rights and duties. It is mandatory for status holders as well as for all social assistance recipients who don't speak Dutch to enrol in Dutch language class and to attend classes. Furthermore, status holders get social housing combined with a rent reduction and are eligible for a municipal loan with the aim to purchase furniture and basic equipment for their first apartment. In the meantime, they are supported by the government

¹⁸ Integration applies to the general group of immigrants, not only immigrants on social assistance

in realizing their rights to social assistance and complying with their duties and responsibilities of reintegration. All these policies pursue a quick integration of status holders. Generally, the two clients with such a status are positive about the process of social integration, underlining that they are provided with opportunities and support, although Namazzi (NL 5.5.3) is carefully critical about the underlying normative ideas about the socio-cultural aspect of integration, arguing that status holders may also be able to find jobs without speaking Dutch or learning about Dutch culture (See Schinkel 2017). A national evaluation study on the integration of status holders by de Lange et al. (2017) demonstrates that the requirement to pass the integration course may even form a barrier for status holders to integrate economically, as they are supposed to finance their own integration trajectory. As previously mentioned, they receive a loan for this that they don't have to pay back if they finish their final exam in time. However, due to the outsourcing of language and integration training to commercial organisations offering bad education many do not do so leading to financial debts (Algemene Rekenkamer 2018). By focussing on passing the integration test, they are unable to concentrate on work and employment as language courses take place during the daytime when people are supposed to work or find employment. These previously mentioned issues, by Namazzi (NL5.5.3) and by the study of de Lange et al (2017) suggest that the normative cultural aspect of integration should be considered distinct from socio-economic aspects.

Yet cultural integration plays an important role in the relationship between social assistant recipients with a migrant background and the institutional framework of welfare in the Netherlands. A (perceived) lack of integration is what Anil the benefit administrator (NL5.5.7) highlights in his dealings with claimants with a migrant background. Anil has experienced difficulties because some of them have different perceptions of the role of the state and government. They are distrustful of the state, as they come from countries where the state may be corrupt or very patriarchal:

It is more the culture, where they come from. And ultimately the situation they are in. Is someone just coming from Syria, is someone coming from war, or is someone coming from Morocco as a political refugee? Both are Arabs and Arabs have some difficulty with dominant behavior of authorities, but someone from Syria is more likely to provide information. That is a refugee, he just wants to do everything in his power to be helped in a proper way. While someone from Morocco just thinks: well, I just want to have my things, I'm just going to be cheeky and I just want my benefit. And then you also have people from Europe, who understand the rules a bit better, they have a different culture, they are raised differently, have grown up differently, so they also have a little more understanding [...] some [*clients*] still see the social office as the bogeyman, like the tax authority or the bailiff's office. And they also take that position. They almost feel attacked. (Anil, benefit administrator NL5.5.7).

'Living allowance' as alternative to social assistance

A 'living allowance' has been mentioned by current governing coalition and practised as an alternative to social assistance for status holders. The aim is called 'unburdening' by supporting status holders with extra help in organising their financial administration. In some municipalities such as Rotterdam, a sort of mixed system between spending money and social assistance is already in place (Gemeente Rotterdam 2018, p. 19; Ministerie van Sociale Zaken en Werkgelegenheid 2018). In this new system,

the municipality pays the rent and utilities for status holders during their first years of settlement in the municipality and the remaining money is given to the status holder as a form of living allowance. Underlying this mixed system lies the idea that the government wants to aid status holders and release them from their financial responsibilities as research has shown that a significant portion are dealing with financial problems and debts. None of the participants of this study fall under such a mixed system or have dealt with it. Yet in our interviews spending money was conceived as tutelage that would make social assistance beneficiaries less independent or agentic. While it might simplify many things for them, it also means that they don't need to be pro-active in budgeting and taking care of their finances:

You need to be responsible for spending money on certain things. It also gives you a sense of budgeting. Every month I have to make sure that all my bills are paid. But then you can sit back and relax and only wait for money to spend. That makes people become more redundant (Namazzi, single mom, social assistance beneficiary NL 5.5.2)

Although it was appreciated that a living allowance might be specifically helpful for status holders as they don't speak Dutch, nor understand the Dutch system (yet):

Well, at first I thought a little bit like, I think it's very good, because there is quite a lot coming at you, like insurances, and like you said, they don't speak the language very well yet, they might not understand certain things, so I think it is good that the municipality takes a sort of responsibility in that. And indeed not for too long. I think that's a good idea. (Lisa, social assistance recipient under the Wajong, NL5.5.6).

4.1.2. RESTRICTION OF MOVEMENT BETWEEN MUNICIPALITIES

The current system of social assistance is perceived to severely impact on the freedom of movement of social assistance clients between different municipalities. Because social assistance is a localized policy, to access social assistance in another municipality, one has to apply for social assistance in that new municipality. Furthermore, it is not only a bureaucratic boundary to moving between municipalities, but rather mainly a matter of unavailable social housing and financial costs. If people on social assistance find a place to live in their town of preference they can be sanctioned for a month's worth of benefit if they move without a clear and good reason. Only when there are special circumstances will this not be withheld. A strenuous circumstance then is, for example, a homeless person who moves from one municipality to another one (NL5.5.4). On the other hand, the policy and societal context of this restriction of movement underlines its necessity in terms of fair distribution of welfare between different regions in the Netherlands. The restriction of movement was however not considered as a big problem nor an important source of injustice by interviewees¹⁹. The representative of the advocacy NGO argues that it is just another administrative hurdle to take into account:

Yes, we are sometimes called by people who want to relocate, but usually that does not cause so many problems and it goes pretty well. If you move while you are on social assistance, you must keep in mind that your benefit will continue. You must

¹⁹ While the cost sharing, means tested principle is much more so considered unfair- see more in section 3.2.3.

cancel it in one municipality and apply for it in another, and the file must then be transferred. You must ensure that you do things on time. What can cause many difficulties is that you have to perform various actions in coordination with each other: your postal address and place of residence and your civil status at the registry office must be in order. You have to coordinate and organize it well: that you register with the municipality on time, but not too far in advance, because then the old municipality says, 'You no longer live here.' (Pete, representative of a social advocacy group for social assistance recipients, NL5.5.1).

One could argue that localized policies may also contribute to inequality based on scaling. Yet the lawyer takes a more moderate stance arguing that the localized policies also contribute to more recognition:

I find that difficult. A, because I get people at my desk who say 'Yes, but they do get it [at that municipality] etc.'. So how to explain why that is fair. I can only explain that this is the way things have been arranged. But I do think to myself: there are good sides to it, I think municipalities really have a good idea of what is needed in their municipality, I mean there are differences in the Netherlands, where you live [determines] what the costs are, you name it, but as far as I am concerned, a slightly more centrally regulated or a national arrangement would also be nice. That would of course provide more clarity. Now sometimes you might have to 'go shopping'. I sometimes get people who say: 'I know it is well organized there', especially here in [the province of] Utrecht, you have many municipalities together, Nieuwegein, Utrecht, Maarssen, it is all together, you can easily say 'Well, I'll move and maybe I will live under a somewhat more favorable regime.' From time to time there are people who are well aware of this (Matthijs, social lawyer, NL5.5.8)

For status holders on the other hand, this restriction of movement between municipalities can be challenging, especially because they have no choice in where they eventually end up. It might happen that they are located in an area where there are few employment opportunities or far from friends and acquaintances:

Yes, there are also many status holders who do that [move]. I also get them, you don't really have an idea of how that works, where there is a lot of work, and that a status holder is located somewhere in [a small village name], in the south-west of the Netherlands. For example, I recently rejected an application from such a person. I can imagine that there is not so much work there and that as a status holder you may also encounter fewer people with whom you feel connected. He then moved to [.....] and applied for benefits here. My colleague from general social assistance has passed this case to me, saying hey, this is a status holder, assigned to [some place] but has moved here on his own initiative, because he can find more employment opportunities here and he knows people here, so then you know directly that there are no special circumstances. Then I already know: I'm going to reject that. He also stated in his application form: I am a status holder and I need money to furnish my house. But you've already received that there. (Jamila, a seconded client manager, NL5.5.4).

Eva agrees that the restriction of movement infringes on people's freedoms:

Moving should be made possible, because it is important for people to be free. People should not be controlled by others or by the system. In the AZC, for example, they control how you spend your money and they control your every movement. This damages your brain. (Eva, social assistance client, NL5.5.2)

In sum local differences are not considered to lead directly to experienced injustices, yet it is a way to balance recognition and to contribute to a fair distribution of responsibilities in terms of social justice between municipalities.

4.2. REFLECTIONS ON JUSTICE, DESERVINGNESS AND THE WELFARE STATE

4.2.1. SPATIAL AND PROCEDURAL (IN)JUSTICE

Our findings demonstrate that many differences exist in local special social assistance policies – some local governments are just stricter than others. Still, these local differences are not always perceived negatively, as they may also reflect the different living conditions in the respective localities as in some towns the costs of living are higher than in other towns. However, the danger of it, is that the discrepancies may also lead to legal inequality. Differences between municipalities that come to the fore involve the strictness of the regime in terms of counter achievement rules, the interpersonal treatment of those in social assistance, but also the budget available for special social assistance that results in requests being treated differently, such as buying a laptop for educational purposes. The literature is not clear on how these differences are caused. Our data however suggest that political affiliation and how wealthy a town is may influence the strictness or generosity of specific local social assistance regimes. Following this logic, citizens that live in a poor town may be restricted more in their social assistance rights and claims than citizens living in wealthy towns. On the other hand, left-wing local governments may devise counter-achievements that aim to contribute to the development of social assistance recipients. Politically conservative local governments may instil a more punitive regime on social assistance recipients where the counter achievement is considered to be a punishing measure instead of a policy instrument pursuing social integration.

In short, localized policies are expressed as a danger to fairness in special social assistance (*Bijzondere bijstand*) as they may lead to inequality in terms of redistributive and recognitive justice between different municipalities and scales. But also on a higher scale these differences may lead to a lack of legal certainty and uniformity. In other words, spatial injustice might possibly be a consequence of the localized social assistance system.

4.2.2. DESERVINGNESS, STIGMA AND RECOGNITION

Three groups were mentioned as 'deserving' welfare recipients: refugees (referring to people with an asylum background in general), (chronically) ill people and lone mothers. The first group is considered as deserving for the first years of living in the Netherlands as they have nothing and did not come to the Netherlands because they wanted but because they had no other choice. The CARIN criteria of

control and need thus expresses itself in their deservingness. Ill people were mentioned as second most deserving. It was considered that the (chronically) ill cannot influence their health and therefore cannot be blamed, thus regarding this group, the criterion of *control* plays a central role in the deservingness perceptions. In addition, the ill are also considered to be entitled to additional funds for paying medical bills. This is because social assistance is insufficient to cover all medical expenses, even though the Netherlands has a good medical insurance system that is stable. The criterion of *need* expresses itself in the last group considered as deserving: the lone mothers/fathers. Lone mothers/fathers need to care for their children and therefore are deserving of social assistance. Interestingly, in this sense care is valued as a form of participation. In contrast, couples with children are considered undeserving (whether native Dutch or migrants). In that case respondents are of the opinion that at least one of the parents should work in order to allow the other parent to care for their children. A second group that was considered undeserving are young NEETs (Not in Education, Employment or Training). They should go back to school and attain qualifications that prepare them for the labour market and thus not necessarily need social assistance. Those that do apply for it, are considered to have a poor attitude and are blamed for needing social assistance. Finally, and with some reluctance interviewees also mention 'suspect' categories of social assistant recipients such as people living in neighbourhoods characterized by intergenerational unemployment and the characteristic Roma applicant. Nousha, the policy maker admits:

It could be Roma but there are also entire neighbourhoods here in which it is normal not to work. If you grow up in an environment where nobody works and where it is normal to say; 'If you are 18 you go to the social office to collect your "salary".' Yes seriously, there are those groups in which the norm is not to work. (Mariette, Policy maker, NL5.5.9)

Both policy makers however immediately recognise that images of fraudulent Roma, people from specific neighbourhoods characterized by intergenerational welfare dependency and secretly co-habiting single mothers might harm individual clients' treatment. The images can determine how individuals from these groups will be treated at the social office which complicates the process for those who rightfully claim a benefit. Balancing strictness and meticulousness is complicated.

Not all participants wanted to reflect on the deservingness of groups. The representative of the advocacy group thought that all groups should have the right to social assistance. Inquiring about the redistribution of different types of welfare to different groups (e.g. pensions vs social assistance) is also taboo because a debate on deservingness and redistribution of welfare is seen as a neo-liberal way of reasoning, where (vulnerable) groups are pitted against each other. The advocacy spokesperson goes to the extent of claiming that those who committed fraud are still entitled to social assistance. He clearly takes the view of social assistance as being a right, instead of a reciprocal service.

Another deservingness criterion that is not particularly related to groups is attitude. Attitude was a common issue in arguments that welfare clients should be active participants of society and not take life on welfare for granted. Examples are Eva's (NL5.5.2) view on fellow asylum holders who want to stay in bed all day and complain. *Reciprocity* was mentioned in relation to the counter achievement as envisioned from the perspective of reintegration. For instance, welfare benefits are envisioned as a social investment of the state in refugees but they might also be an investment in young native Dutch who need benefits in order to be able to graduate. The return to the investment is paying taxes once

one is employed. *Identity* – Actually and in contrast to right wing political parties' claims - among the participants, being born Dutch does not contribute to deservingness although cultural differences in the interaction do play a role in experiences of interactional justice of client managers.

Furthermore, our study reveals that deservingness in the context of social assistance is very much dependent on certain stereotypical ideas about who should and has the right to social assistance. The experiences of those who are considered atypical clients of social assistance, such as Laetitia the 28-year-old university student (NL5.5.5), reveal the symbolic boundaries (Lamont and Molnár 2002) to social assistance. The student is considered on all fronts as non-deserving due to her highly educated background and her young age. And in her particular situation, her racial identity of being a black Surinamese Dutch also plays a role in her experiences of stigma. In the Netherlands, young Surinamese lone mothers are associated with receiving social assistance. These different demographic characteristics were barriers to her application for social assistance as she experienced a stigma due to them. In other words, intersectionality of age, gender, race and even educational background make up her deservingness and accordingly also the ways she was treated by the social assistance system. Other non-stereotypical beneficiaries of social assistance are (former) self-employed people. Although this study did not include any (former) self-employed recipients of social assistance, this group is mentioned by the professionals dealing with them as the one with the most administrative hurdles to overcome. The system is just not devised for this specific group of social assistance recipients, although policies have improved during the last years. On the other end of the deservingness spectrum we find groups that do fit the stereotypical categories of social assistance recipients and are generally considered deserving. On this end of the spectrum we may locate Namazzi (NL5.5.3) a subsidiary protection holder who is at the same time a lone mother with three kids to take care of. Namazzi's background situation is generally considered an acceptable situation in which people apply for social assistance. As demonstrated above, claimants being status holders and lone mothers are those considered most deserving of social assistance.

In conclusion, these findings reveal that several popular stereotypical profiles of social assistance recipients exist and the extent in which a (potential) recipient fits in these stereotypical profiles may influence one's deservingness and recognition.

4.2.3. (MIS)RECOGNITION AS A SOURCE OF (MIS)DISTRIBUTION

Policy categories vs real life situations: The cost sharing principle

Misrecognition expresses itself in the gap between policy categories and real-life situations of social assistance recipients in the context of the cost sharing principle. Social assistance recipients who deal with the cost sharing principle often have more costs than that the principle acknowledges. This means that people must subsist on very low incomes which may lead to harrowing situations. Furthermore, the Participation Act (2015) has contributed to a more standardized (and digitalized) system. An advantage of standardized policies is that rules have become clearer and centrally determined by the Participation Act. However, a trade-off is the lack of discretion for client managers. Without discretion, accommodation for individual situations and exceptions is not possible, which may lead to misrecognition. Furthermore, the data also show that the number of social assistance clients influences the type of policy regime, in localities with a lower number of clients, more leniency and

accommodation to individual situations is given. Misrecognition caused by the cost sharing principle may thus lead to misdistribution.

A so called 'victim's discourse'

The interview guide and therefore the questions posed during the fieldwork were all focused on the Participation Act and the welfare state reforms to find out if justice is done and people are recognized and respected. Maybe due to a bias in the respondent selection (but we did not know the opinions of the respondents in advance) the interviews mainly underline the resilience and agency of social assistance clients. Laetitia (NL5.5.5) the university student, conceived of social assistance as a temporary solution to her situation. She was working hard on her graduation and would be working as a mental health professional in the future – arguing that she will be paying more than enough taxes later on. Yet, she received much negativity from client managers as if they were afraid she would stay on benefits all her life. In contrast to the welfare magnet hypothesis (Razin and Wahba, 2015), the clients with an asylum status considered social assistance as a means for them to make a good start in the Netherlands, a form of social investment in them as citizens that would contribute to society in their future. Their aim is to integrate as soon as possible and do so by being an active agent with a busy life, taking care for young babies, or working in volunteer jobs, collective gardening or public speaking for communities. The advocacy organisation (NL5.5.1) emphasized that different alternatives to social assistance have also been devised by welfare clients such as the at-risk group of self-employed who have formed autonomous insurance solidarity-based collectives for temporary illness called Broodfonds (bread funds).

4.2.4. MISDISTRIBUTION AND PARTICIPATORY PARITY

This study reveals that austerity measures have not so much targeted social assistance funding in general, but rather, funding for the reintegration of recipients has declined over the years. While this does not have consequences for absolute social assistance backing, it influences the redistributive justice principles of providing recipients with opportunities for social and economic reintegration. Especially when social assistance is considered a temporary measure, it is necessary to provide recipients with avenues for re-integration to truly realise participatory parity. And indeed, in some municipalities, such as Amsterdam, social assistance policies pursue participatory parity by offering recipients both counter-achievement activities that are relevant to their (professional) background and additional training programmes for clients to pursue their aspirations. Yet other municipalities, including the often-mentioned municipality is Rotterdam, do not. Counter achievements are generally focussed on having people participate in society during the period they receive social assistance. Whether the activities are meaningful to social assistance recipients is not important. The counter achievement is thus used as a punitive measure against social assistance recipients. It aims at general prevention through conveying the message that being in social assistance is not something to be proud off.

4.2.5. RECOMMENDATIONS FOR MORE JUST POLICIES

In the interviews participants were explicitly asked to reflect on what type of policies would increase justice in the context of social assistance. They could give us recommendations that were both situated in a fictive just world and recommendations within the policy realities in which social assistance is currently arranged. This has led to a diverse palette of recommendations: 1) national minimum income; 2) extra support for unforeseen costs; 3) abolition of language requirements in integration; 4) one client manager per social assistance recipient; 5) better re-integration trajectories; and finally 6) abolition of the cost-sharing norm. These recommendations will be further discussed below.

Basic income

A recommendation that implies fundamental changes to the Dutch welfare state and social assistance in particular is a basic income for all. Those who favour this idea say that it would fundamentally change the way in which social assistance recipients are viewed and end the question of deservingness, as the system would have the character of a universal inclusive welfare system. They are convinced that a basic income would accordingly lead to a more inclusive society, where those who are unable to participate within society and conform to its norms, may still be able to live a decent life to their liking without having to deal with stigma or punitive measures. However, the idea is highly contested by opponents who point to various disadvantages of a basic income: it will either come at the cost of more substantial benefits and allowances or be too minimal to avoid poverty; it will increase inequality because the rich will benefit while not helping the poor; and it will only be substantial by raising income tax to over 60 per cent or cut public service expenses (see Robeyns 2019).

Extra support for unforeseen costs

A second recommendation involves unforeseen costs of social assistance recipients, especially for those who become sick. Because social assistance provides minimum means to subsist, those who become ill, need extra financial support to be able to pay for their healthcare. Interestingly, these unforeseen costs are (partially) financed by special social assistance. Such a recommendation thus suggest that budget cuts should not target special social assistance.

Abolition of language requirements in integration

Asylum holders must integrate in Dutch society under the regime of the Participation Act. This third recommendation however argues against the demand of language classes to achieve integration. The aim of integration is socio-economic independence and if one can achieve that without language classes, then those classes are no longer necessary. Indirectly, this recommendation addresses the issues of what integration entails – although one should also comment, that when finding a job, the local language does play an important role in attaining that.

Individual treatment by client managers

Recognition claims express itself in the great appreciation by social assistance recipients for individual treatment by client managers. A fourth recommendation, set within an imaginary world, argues that social assistance recipient would have their own client manager. In this way, there would be more attention for the specific circumstances of clients. Leading to more recognition of social assistance recipients. Such a recommendation thus stresses the importance of recognition for interactional justice.

Better re-integration trajectories

Our analysis has shown that reintegration trajectories are crucial to the social assistance system. Social assistance recipients must be able to develop and hone skills that are relevant for jobs they are interested in. A fifth recommendation argues for better and more individualized integration trajectories that also do justice to recipients' personal strengths and interests. In this sense, recognition is considered a prerequisite for re-integration and accordingly distributive justice.

Abolition of the cost-sharing norm

As the cost-sharing norm leads to a lot of injustice and creates a kind of family-like dependency between people without their consent, this last and sixth recommendation argues that it should be abolished – that there should be different ways to calculate the amount of social assistance that recipients should get when they live together.

REFERENCES

- Algemene Rekenkamer (2017) *Inburgering Eerste resultaten van de Wet inburgering 2013*, Den Haag: Algemene Rekenkamer.
- Arnoldus, R. and J. Hofs (2016) Tegenprestatie en de participatiewet, in: A. J. Kruiter, F. Bredewold and M. Ham (eds.) *Hoe de Verzorgingsstaat verbouwd wordt. Kroniek van een Verandering*. Amsterdam: Van Genneep, pp. 31-45.
- Cueleneae, B., E. van den Brink and J. Mulder (2015) *Ervaringen gemeenten met de Participatiewet. Rapportage eerste meting*. Retrieved on 6 March 2019 at: http://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2015Z22947&did=2015D46365.
- Dorling, D. (2015) *Injustice. Why Social Inequality still Persists*. Bristol: Policy Press.
- Driouchi, F. (2007) *De casus Inburgering en Nationaliteitswetgeving. Iconen van nationale identiteit*. Amsterdam: Amsterdam University Press.
- Gordon, L. (2001) 'Who Deserves Help? Who Must Provide?', *Annals of the American Academy of Political and Social Science*, 577: 12–25.
- Gemeente Amsterdam (2015) *Verordening Tegenprestatie Participatiewet*. Gemeenteblad 2014, afd. 3a, nr. 272/929, Gemeente Amsterdam.
- Gemeente Rotterdam (2018) *Rotterdamse aanpak statushouders 2019—2022. Wonen, zorgen, leren én werken*. Rotterdam: Gemeente Rotterdam.
- Hoekstra, K., R. Euwals, A. Arsova and E. Berkhout (2016) *Flexible employment in an international perspective: An empirical analysis and some country-specific case studies*, CPB Background document. Den Haag: Centraal Planbureau.
- Kampen, Th. (2014) *Verplicht Vrijwilligerswerk*. PhD Thesis ASSR. Universiteit van Amsterdam.
- Klijnsma, J. (2015) *Uitvoering en evaluatie Participatiewet*, Den Haag: Tweede Kamer der Staten-Generaal. 2015-2016, 34 352, nr. 1.
- Knijn, T. and J. Hiah (2019) *Competing claims of justice in the private household: The Dutch case*, ETHOS WP 5.3.
- Knijn, T. and M. Hopman (2015) Parenting support in the Dutch 'participation society'. *Social Policy & Society*, 14(4): 645-656.
- Knijn, T. and M. Kremer (1997) Gender and the caring dimension of welfare states: Toward inclusive citizenship. *Social Politics: International Studies in Gender, State & Society* 4(3): 328-361.
- Kok, L., L. Kroon, M. Lammers, M. Sax, A. Witkamp and N. Stroecker (2018) *Jonggehandicapten onder de Participatiewet*. Amsterdam: SEO.

- Koolmees, W. (2018) Brief van de Minister van Sociale Zaken en Werkgelegenheid aan de Tweede Kamer 2 juli 2018 betreft 'Hoofdlijnen veranderopgave inburgering'. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.
- Kremer, M. (2013) *Vreemden in de Verzorgingsstaat*, Den Haag: Boom Lemma uitgevers.
- Laenen, T., F. Rossetti and W. van Oorschot (2019) Why deservingness theory needs qualitative research: Comparing focus group discussions on social welfare in three welfare regimes. *International Journal of Comparative Sociology*, 60 (3): 190-216.
- Lamont, M. and V. Molnár (2002) The study of boundaries in the social sciences. *Annual Review of Sociology* 28(1): 167-195.
- Lange, T. de, E. Besselsen, S. Rahouti and C. Rijken (2017) *Van azc naar een baan: De Nederlandse regelgeving over en praktijk van arbeidsmarktintegratie van vluchtelingen*. Amsterdam: Universiteit van Amsterdam.
- Ministerie van Sociale Zaken en Werkgelegenheid (2018) Hoofdlijnen veranderopgave. Inburgering, Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.
- National Government [Rijksoverheid] (2013) King's Speech [Troonrede]. Den Haag: Ministerie van Algemene Zaken. Retrieved 2 August 2019 from <http://www.rijksoverheid.nl/documenten-en-publicaties/toespraken/2013/09/17/troonrede-2013.html>.
- Onafhankelijke Commissie Tilburg Chroom-6 (2019) Door het stof. Over kwetsbaarheid en goede bedoelingen. Tilburg: Onafhankelijke Commissie Tilburg Chroom-6. Retrieved 29 June 2019, from https://www.tilburg.onderzoekcommissiechroom6.nl/wp-content/uploads/Door-het-stof_Nederlands.pdf.
- Oorschot, W. van (2000) Who should get what, and why? On deservingness criteria and the conditionality of solidarity among the public. *Policy & Politics*, 28(1): 33-48.
- Raad voor Rechtsbijstand (2018) *Nulmeting Stelsel gesubsidieerde rechtsbijstand*. Utrecht: Raad voor Rechtsbijstand.
- Razin, A. and J. Wahba (2015) Welfare magnet hypothesis, fiscal burden, and immigration skill selectivity. *Scandinavian Journal of Economics*, 117(2), 369–402.
- Robeyns, I. (2019) Iedereen rijk! De schimmige beloften van het basisinkomen. *Trouw*, 12 January 2019.
- Sadiraj, K., S. Hoff and M. Versantvoort (2018) *Van Sociale Werkvoorziening naar Participatiewet*. Den Haag: Sociaal Cultureel Planbureau.
- Schinkel, W. (2017) *Imagined Societies: A Critique of Immigrant Integration in Western Europe*. Cambridge: Cambridge University Press.
- Swaan, A. de (1988) *In Care of the State: Health Care, Education, and Welfare in Europe and the USA in the Modern Era*. Oxford: Oxford University Press.

- Tonkens, E. (2014) Herover de participatiesamenleving. *Socialisme & Democratie*, 71 (1): 85-94.
- Varekamp, I., T. Knijn, P. Bos and F. van Wel (2014) Psychological factors predicting job search behaviour of long-term welfare recipients in the Netherlands, *European Journal of Social Security* 16 (4) 347-370.
- Vonk, G. (2015) Kwetsbare verzorgingsstaat. Over juridische aspecten van ernstige armoede in Nederland, *Nederlands Juristenblad*, 15-05-2015 – AFL. 19, 1280-1287.
- Vuure, D. van, F. van Es and G. Roelofs (2011) *Van Bijstand naar Wajong*, CPB Policy Brief 2011/09. Den Haag: Centraal Planbureau.
- Wet arbeidsongeschiktheidsvoorziening jonggehandicapten (1997) Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid en Ministerie van Justitie. Retrieved from <https://wetten.overheid.nl/BWBR0008657/2019-01-01/#Opschrift>.
- Wet Sociale Werkvoorziening (1997) Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid en Ministerie van Justitie. Retrieved from <https://wetten.overheid.nl/BWBR0008903/2015-07-01>.