

THE DISCOURSE OF THE SOCIAL BENEFIT SYSTEM IN THE NETHERLANDS

The role of responsabilization, meritocratization
and criminalization since the implementation of
the Participation Act

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Abstract

With the introduction of the Participation Act the Dutch government decentralized their social services to the municipalities. This entailed not only the 'participation society' and the emphasis on own responsibility, but also tighter prerequisites which are enforced by sanctions, fines or even the complete termination of receiving benefits. While the experiences of social benefit recipients have been discussed by other authors, the discourse of the social benefit system remains uninvestigated. Furthermore, the aspect of criminalization has not been linked to the Dutch social benefit system. A critical discourse analysis was performed in line with Fairclough's (1992) three-dimensional model by studying 59 documents of different actors in the social benefit system. The distrust in social benefit recipients is entrenched in all dimensions of the model. The aspect of criminalization therefore dominates the discourse of the Dutch social benefit system.

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1. Introduction

With the introduction of the Participation Act the Dutch government decentralized their social services to the municipalities. The principle 'work before income' became the ruling trend for the Dutch social protection system. This, with other reforms, has moved the Netherlands from a welfare state to a participation society (Delsen, 2010). In the participation society municipalities have a central role and the freedom to fill in the local participation policies according to their own vision. The Participation Act serves as a framework for these local policies. The key starting point is to increase citizen's own strength (Samen voor de klant, 2017). In light of this transition Thomas Kampen (2014) published his research on 'obligated voluntary work'. This seemingly contradictory title illustrates one of the recent changes on social security benefits. For social benefit recipients the 'participation society' entails that their rights to labor, education and re-integration are largely replaced by their duty to participate. They are accounted to actively earn their social benefits, instead of passively receiving them. In the context of six types of justification, Kampen (2014) argues that obligated voluntary work is a welcome measure, provided that a few conditions are met. Kampen forms his work on the policy objective of responsabilization, which works in two ways. First, the citizen is made responsible for his own situation and second, the citizen is expected to take responsibility for his own situation. Kampen argues that this unfounded approach and the unilateral, compelling appeal from the government provokes the usually benevolent citizens, and makes them feel humiliated, ashamed, hopeless, stigmatized and angry (Kampen, 2014, p. 211 – 219). Another recent work on the transition to a participation society was written by Elshout (2016). In her 'call for respect' she emphasizes the difficult position unemployed people are in due to '*an increasing meritocratization of society*' (Elshout, 2016, p. 14). In the meritocratizing state one has to earn his position and the associated respect with it. Also in this state, the own strength of citizens is central, as in a meritocracy '*only achievements based on your own efforts*' really count (Elshout, 2016, p. 14).

Both Elshout and Kampen turn their focus on the experiences of unemployed citizens in their research. They base their research on either responsabilization or meritocratization. Although they both found expressed feelings of stigma and humiliation, neither of the authors included a third trend in their research: the one of criminalization. The Participation Act introduced not only the 'participation society' and the emphasis on own responsibility, but also tighter prerequisites which are enforced by sanctions, fines or even the complete termination of receiving benefits. These new rules seem an answer to what Vonk (2014) described as a public obsession to catch fraudsters and abusers of social benefits: "*Individual fraudsters who are caught out are paraded in front of the camera and collectively scorned and ridiculed in the*

newspapers. People increasingly report suspected cases of benefit abuse to specially created complaints lines. Politicians from both the left and the right promise even stricter rules and tougher sanctions" (Vonk, 2014, p. 188). These stricter rules and tougher sanctions are necessary, because usually "welfare recipients are perceived as lazy people who merely benefit from their assistance paycheck and refuse to look for a job" (Bregman, 2015). The main focus lies on reintegration: getting to work again as fast as possible. Although this may seem as a fair prerequisite, 'the system has turned into a punitive process in which the poor and unemployed are put to shame' (Bregman, 2015). These citizens are dependent on their social benefits and therefore in very vulnerable positions. 'Multiple sources are speaking of bullying, power abuse, humiliation and wrongful treatment of social benefit recipients' (Bregman, 2015). Because of the emphasis on own strength and own responsibility, the unemployed become responsible for everything: that they lost their job, that they did not file the right papers, that they were late for an appointment (Callenfelds, Groenendijk, van den Hoogen, de Jager and Zwanenveld, 2015). It is argued that nowadays 'poor people are becoming the new criminals of society' (Vonk, 2014).

Based on the above mentioned changes in Dutch society after the implementation of the Participation Act of 2015 two things are of academic interest. First, the research of both Kampen (2014) and Elshout (2016) focus on one aspect (responsabilization or meritocratization) in their investigation of the experiences of benefit recipients. Although their research is built on a substantive body of literature, research is missing regarding the actual policies the experiences are based on. The discourse of these policies is taken for granted to be either 'responsabilizing' or 'meritocratizing'. The reason for the authors is that 'it is not relevant for this research whether a meritocratic societal model actually exists'. It is only relevant whether the perception of this meritocratic ideal has consequences for the self-respect and identity of society' (Elshout, 2016, p. 19). It would be a valuable contribution to the academic debate to have a clear view on what ideals dominate the governmental discourse and hence policies. Furthermore, the trend of criminalization has been mentioned by various Dutch journalists and newspapers and also has gained wide recognition in the academic world by authors such as Wacquant (2009) and Gustafson (2005, 2009). There has been no research yet on how this trend evolved in the Dutch social benefit system. Therefore the research question of this thesis is twofold:

'What patterns in texts and documents mainly characterize the discourse of the social benefit system and to what extent are these discursive practices reflecting the aspects of responsabilization, meritocratization and criminalization since the implementation of the Participation Act in July 2014?'

To answer the research question this thesis is structured as following. First the conceptual framework is presented. This framework consists of an elaborate literature review regarding the clash between the lives of social benefit recipients and the social benefit system. Then the three mentioned aspects of the social benefit system discourse will be conceptualized: responsabilization, meritocratization and criminalization. These are referred to as aspects of a larger discourse, the discourse of neoliberalism. The third chapter will describe how these conceptualizations are used for analysis, how the analysis was performed and how the data for analysis were selected. In the fourth chapter the results of this analysis will be presented, discussed and interpreted. In the final chapter of this thesis, the answer to the main research question will be formulated. In this chapter also the discussion and theoretical implications are included.

2. Conceptual Framework

2.1 The social benefit system: system world and life world

To understand the friction between the social benefit system and the way it is perceived and experienced Habermas' theory on societal communication is helpful. Habermas' distinguishes between the system world of economy and politics and the everyday world in which citizens live their lives (Kunneman, 1983). Habermas argues that communications between the two worlds are driven by interests. Often strategic arguments and strategic knowledge carry the upper hand to secure one's own interests, leaving no room for justifications, feelings or opinions about a particular practice. The everyday world is the world in which government and citizen 'meet' each other. The system world in this relationship determines the policies, the guidelines which the citizens must follow in the life world. When the system world however becomes the goal instead of the guideline, problems can arise. Habermas' theory is therefore helpful to understand the differences between the government (system world) and the social benefit recipients (life world) and will serve as the backbone of this conceptual framework.

One clear illustration of how the system world can define the life world, the debate on the underclass is important. Dutch society consists of different classes and therefore different types of citizens, which again have different experiences with the system world. Viewed from the system world often times the 'underclass' concept has been mentioned, investigated and used as a means to explain the continuation and the combat of poverty and unemployment in a society. This concept has become a widely debated phenomenon which has led as a thread through poverty discourses over the years (Macnicol, 2017). The British Government re-emerged the concept in anti-poverty policy in their initiative on 'troubled families' in 2011. This policy testifies to the concept moving away from 'strictly economic definitions of poverty and towards non-economic, behavioral and individualist definitions' (Macnicol, 2017, p. 99). In his *'underclass: a history of the excluded since 1880'*, Welshman highlights that there *'have been continuities in these debates'* but also *'differences reflecting the distinctive economic, political and social contexts of particular periods'* (Welshman, 2013, p. xiv), that offer particular interpretations of the causes of poverty. For example, in *'life and labour of the people of London'* (1892), Charles Booth made a distinction between two bottom classes of society which he described as *'shiftless, helpless, idle drunks and inevitably poor whom worked when they liked and played when they liked, which should be removed from society and segregated in labor colonies'* (Booth, 1892, p. 34-43, as cited in Macnicol, 2017, p. 100). The residuum concept was very much an urban discourse, but shifted to a discourse in genetics in the inter-war years when mass unemployment remained firmly intact. This group was taken to be

evidence of a *'genetically flawed group at the bottom of society that was growing in size'* (Macninol, 2017, p. 100). Given the Nazi-experiments the genetics discourse did not remain popular for long, but changed to a construction of poverty caused by behavioral factors in the form of 'problem families' which also influenced the social debate in the 1960s and 1970s.

The first real mentioning of the underclass was done by Gunnar Myrdal in 1962: *'Opening up more opportunities to more people has closed some opportunities for some. And now in the end it threatens to split off a true 'underclass' – not really an integrated part of the nation at all but a useless and miserable substratum'* (Myrdal, 1962, as cited in Engbersen, 2006). The definition by Myrdal is again economic, as it describes the chronically unemployed and underemployed (Gans, 1990, p. 271). In the 1980s and 1990s the underclass changed again at the background of mass unemployment and labor market restructuring and became associated with attacks on 'welfare' (Macninol, 2017, p. 101). The millennial definition seems to be defined merely on the aftermath of the blooming welfare state of the eighties and nineties. Many workers have misused this system and therefore a new type of underclass has arisen. Dalrymple illustrates the underclass as a phantom that haunts the Western World. People of the underclass are not poor, benefit from the increased wealth in society, are not politically oppressed and lead wretched lives. (Dalrymple, 2001, vii). Dalrymple (2001) defines the underclass by criminality, violence, alcohol and drug abuse and misplaced victimization. By granting them social benefits it would only achieve more laziness, benefit dependency and a lack of individual responsibility (Engbersen, 2006). Perkins contention that there exists a class of people with a 'welfare trait' is the latest in a series of efforts to popularize the notion of an underclass. The welfare trait is based on the idea of a shared *'welfare-induced'*, *'employment-resistant'* personality amongst benefit claimants. This type of personality is transmitted across generations or problem families (Lambert, 2016).

The debate on the concept of the underclass is an ambiguous one. *'Reconstructions have occurred despite a large volume of social scientific research which has found little evidence of a distinct group of poor people with a different culture, separate from the rest of society'* (Crossley, 2016, p. 5). Nevertheless, Engbersen states in his revised publication of 'public welfare secrets' that such an underclass exists in the Netherlands. Following his own definition the underclass is in the first place, a socio-economic phenomenon. The underclass does not consist of every poor person, every person on social benefits or every socially excluded person. It is the class below the working class and exists when an individual cannot participate fully in the working class. Engbersen talks about social exclusion, implying that the concept of underclass should be considered in terms of social precarity, that is *"the factors that are associated with higher risks of social exclusion"* (Gallie and Paugam, 2002, p. 7). This underclass exists besides the unemployed, 'precarious workers' and 'working poor' who although formally integrated into the production system are still exposed to the risk of poverty

and social exclusion (Santini & Gobetti, 2016, p. 161-162). This notion is consistent with a recent study on the social distribution of the Dutch society, conducted by Vrooman (2016). Based on a latent class-analysis six groups can be defined, which differ in their economic, social, cultural and personal resources. Vrooman claims that the uncertainty of work and income of the last years has contributed to the current division in society (Vrooman, 2016, p. 49). Moreover he argues that the institutional changes, such as the participation act, have contributed to societal discontent in groups that have little resources. The groups are defined as following: The established upper class; the young opportunists; the working middle class; the comfortably retirees; the insecure workers and the precariat (SCP, 2014, as cited in Vrooman, 2016, p. 61). Especially the latter two are of importance to characterize further for two reasons. First, the insecure workers are on the edge of the labor market and therefore vulnerable when work and income are insecure. Second, for the precariat the insecurity in income (since they are often unemployed) translates into their social segmentation. Their material deficit is but one of their problems as they also have little to none personal capital, social networks or cultural resources (Vrooman, 2016, p. 62). Their most important characteristics are displayed in table 1.

Table 1: Social division based on three types of capital (Vrooman, 2016, p. 61)

	Economic characteristics	Social characteristics	Cultural characteristics
Insecure workers	Average educational level. Low incomes. Focus on the labor market, often temporary contracts or unemployed.	Fair social network. Little digital skills and little grasp of English language.	Usually between 35-64 years old. Relatively high amount of migrants. High share of women and single parent families.
Precariat	Lowest educational level. Income through form of benefits or pension.	Limited social network. No digital skills or grasp of English language.	Average age of 62. High share of single elderly people. High share of religious people. High share of women and migrants.

The multiple reconstructions, or conceptualizations of the underclass underline how different the perceptions about social benefits have been throughout the years. Drawing back on the distinction Habermas has made between communications of the system world and the life world it is clear that most conceptualizations are derived from the system world point of view rather than a life world point of view. The guidelines citizens must follow then are a scarce reflection of what they are actually experiencing. The latest works on the social benefit system in the Netherlands confirm this viewpoint. Thomas Kampen (2014) has illustrated how social

benefit recipients experienced the obligation to do voluntary work in order to maintain their welfare income as a direct result of the transition to a participation society. Based on the work of Boltanski and Thevenot (2006) a new framework on how benefit recipients legitimize their behavior and actions is presented in the form of six worlds. A summary of each world and how the social benefit recipient perceives it, is given in table 2.

Table 2: Worlds of justification (Kampen, 2014)

Civil world	The civil world is characterized by a strong sense of community. Voluntary work is a big responsibility in which the community precedes the individual needs. Social benefits are a collective good and should not be used for individual utility. However recipients do want to be seduced for labor, they want to do something which has meaning to them. They see obligations as a subversive treatment of their responsibility, and will feel maltreated, which leads to annoyance or even aggression.
Inspired world	The inspired world is characterized by a strong sense of feelings passion and inspiration. Fun and enjoyment are central to these individuals, and therefore they justify that no one should be forced to do something they do not like. When on social benefits, inspired people feel excluded from what they like to do best. They perceive forced labor and duties as undermining their motivation. The lack of supply is the problem, not their motivation.
World of fame	In the world of fame an individual gains value by the value of others. The opinion of others is of great importance. People that interpret from this world, experience social benefits as stigmatizing and will accept only work or duties when this is at their 'level' and helps regain their status. They otherwise feel judged, discriminated, guilty, ashamed and fearful of their situation
Domestic world	In the domestic world people interpret their value by what they can do for the community. This differs from the civil world, in which equality is a high standard. In the domestic world, an unequal hierarchy determines the amount of responsibilities one has for others. People perceive social benefits as a form of care to which they are entitled and therefore it is legitimate to receive them. Feelings of injustice are common
Market world	The market world is characterized by notions of trade. Nothing is for free, and therefore people that interpret according to this world will not comply with the duties of social benefit easily, because they want a fair compensation in return. They feel unfairly treated and angry for their situation
Industrial world	Used mainly by client managers and executive organizations. Focus on effectivity, efficiency and productivity. Causes tensions with benefit recipients as there's little room for emotion, compassion or understanding. The results are what matter the most.

Especially the justifications of the industrial world typify how the system world currently interprets social benefits in Dutch society. It is characterized by efficiency, productivity and

performance. Client managers are focused on the development of their clients, have conversations according to standardized questions, offer pre-outlined trajectories, have to meet certain targets and are controlled by these targets (Kampen, 2014, p. 86). The conflict that follows from the industrial world and the five other worlds is therefore quite logical. The inspired world and the world of fame are characterized by individual importance; whereas the industrial world offers standardized 'one size fits all' trajectories. The domestic world conflicts with the industrial world because the value of productivity differs. The market world conflicts because it is client-based, while the industrial world is goal-based. Lastly, the civil world conflicts because the industrial world controls too much, and jeopardizes the good will of the citizens in this matter. In this sense, the social benefit system can be understood as a direct opposite of the perceptions and experiences from social benefit recipients.

To conclude, after carefully reviewing the literature on the underclass, the working poor, the unemployed and the precariat a difference between the system world and life world was illustrated. Following the works of Thomas Kampen and Judith Elshout (2016), and the earlier works of Engbersen (2006), the experiences and perceptions of Dutch social benefit recipients have been covered in academic research. However the industrial world or system world as typified by Habermas is either taken as given by the authors or uninvestigated. In the following paragraph literature on contemporary welfare states will be reviewed to offer a less given, but more carefully investigated overview of the underlying discourse of the social benefit system.

2.2 The underlying themes of the neoliberal discourse of the social benefit system

To answer the research question an idea of which discourses are discussed in other literature regarding the social benefit system is important. Before turning to the substantive content of this discourse first the concept of discourses must be discussed. The concept of discourse can be understood in three different ways. First, it can refer to language use as a social practice. Second, it can be understood as the kind of language used within a specific field, such as political discourse, or scientific discourse. Third, it can refer to the use as a count noun, referring to a way of speaking which gives meaning to experiences from a particular perspective (Jorgensen, 2002, p. 67). Since this thesis is looking at the system perspective of the social benefit system always the third definition is meant when the term discourse is used in this thesis. The aim is to achieve a deeper understanding of how the social benefit system world gives meaning and establishes truths from its perspective. The debates on societal phenomena have been dominated by a neoliberal discourse. With regard to the social benefit system Wacquant (2009) discussed the neoliberal influences on the penalization of poverty

and draws on this ‘-ism’ to explain the developments in the welfare state. Neoliberalism is the overarching ideology in the welfare state but does not know different aspects or themes which have been discussed by various authors, such as penalization (Wacquant, 2009), criminalization (Vonk, 2014; Gustafson, 2009), responsabilization (Kampen, 2014) and meritocratization (Elshout, 2016). This paragraph will therefore first illustrate the neoliberal ideology as an overarching discourse and subsequently turn the focus on different aspects of this discourse that are important for the discourse analysis on the social benefit system world. *‘The term neoliberalism dates back to the 1930s, but has been revived as a way to describe our current politics – or more precisely, the range of thought allowed by our politics. It is a term that has come to regulate all we practice and believe: that competition is the only legitimate organizing principle for human activity’* (Metcalf, 2017). It favors the free-market, limited taxes and as little interference from the government as possible. For citizens this implies that they need to be able to live their lives with as little help from the government as possible. The notion of self-responsibility and fault are not new to the social welfare debate. Several authors emphasize the ‘new social contract’ in the Netherlands ‘in which a new economy of state, market and citizens is central’ (Schinkel & van Houdt, 2013, p. 129). In the Netherlands, a new design of the Dutch nation was declared by the cabinet in 2003 causing a shift in citizenship and hence the welfare state. Merely having legal citizenship was no longer sufficient to claim social benefits (Ossewaarde, 2003). Instead the new social contract introduced the concept of ‘the good citizen’ or active citizen’ in which citizens are expected to ‘bear the responsibility for upholding the public interest and the quality of public services’ (Ossewaarde, 2003, p. 495). An active citizen no longer ‘leans’ on the government (as being welfare-dependent) and automatically gets compensated for physical and financial limitations (Ossewaarde, 2003, p. 505). This implies that ten years ago already, the Dutch government shifted responsibility for unemployment to the citizen itself.

2.2.1 The aspect of responsabilization

This shift in policy also characterizes the first important aspect of the neoliberal discourse, namely responsabilization. In the Social and Cultural Report of 2012 the Netherlands Institute of Social Research (SCP) this new ‘responsibility model’ was illustrated as a new way in which citizens are controlled by the government in the public sector. Veldheer, Jonker, Noije and Vrooman (2012) call this a disciplinary responsabilization since *‘in many cases more self-responsibility would mean that the government obliges the citizen to act in a way the government sees fit. The government implicitly makes the citizen thereby the executor of government policy, in the expectation that the citizen internalizes the policy to such extent that the execution comes naturally’* (Veldheer et al., 2012, p. 329). Schinkel and van Houdt (2013)

name this redefinition of citizenship 'neoliberal communitarism'. In their article they aim at social policies in which the 'free citizen merges into constructive communities and thence shows responsible citizenship'. They emphasize the importance of the community or civil society, since in this society it becomes clear which citizens are 'active' or 'responsible' and which citizens are at 'risk'. With regard to the participation society, one can state that an active citizen in the eyes of the government is someone who participates via labor in society. After all, having a job means you are taking responsibility for your own income and is considered a way to show responsible citizenship to fellow citizens and the community. The neoliberal discourse emphasizes not just self-responsibility, but the way the government acts to facilitate active citizenship or in this case 'employment'. Hence, when the context for active citizenship is not present other strategies are necessary. A citizen in the neo-liberal discourse needs to be self-reliant as well as self-responsible. *'The government determines the objectives and preconditions of its own responsibility and records these in laws and covenant with private parties. She leaves the realization of these objectives to citizens, civil society and market parties, but keeps an eye on whether the desired results are achieved. In the case of undesirable results, she intervenes'* (Veldheer et al., 2012, p. 19). In this sense the different aspects of the neoliberal discourse become apparent. There are different ideals, ways or strategies of the government to deal with the unemployed which are reflected in the different aspects of this ideological discourse. Following the statement above by Veldheer et al. (2012) it appears that when responsabilization does not offer the wanted results, the government intervenes and other measures are necessary. One example of when this might happen is shown by the emphasis in the social benefit system on the hazardous citizen. The hazardous citizens are the ones that are not able to participate, either because they cannot or because they will not participate. These are the ones that need to integrate, the ones that are sick, disabled or far removed from the labor market. When these hazardous citizens are at risk of not participating, the government turns from facilitating responsibility to repressing responsibility, through interventions and monitoring, hence turning to other aspects of the neoliberal ideology: meritocratization and criminalization.

2.2.2 The aspect of meritocratization

The aspect of meritocratization also values the notion of self-responsibility. However, the chances to perform this self-responsibility are equalized by the government. To explain how this works in the social benefit system, one must first understand the ideals of meritocratization. *Meritocracy refers to the idea that whatever our social position at birth, society ought to facilitate the means for talent to rise to the top'* (Litter, 2013, p. 52). In such a society every citizen has an equal chance to gain power, status, a higher degree or a higher level of

consumption. Hence it is about effort in order to climb the social ladder. Performance and achievement instead of class, age or sex determine the criteria for distribution of means (Elshout, 2016, p. 17). Kampen (2014) states that the Netherlands is not a meritocratic society as such, but upholds the meritocratic ideal. Since everyone has the same chance at succeeding through the educational system and possibilities created by the government, also failure becomes your own fault. *'The notion of self-responsibility and fault dominates the public discourse and feeds the public imagination'* (Kampen, 2014, p. 19). Kampen (2014) and Elshout (2016) both draw their operationalization of meritocracy on the works of Swierstra and Tonkens (2006, 2008). They describe meritocracy by four characteristics (Swierstra & Tonkens, 2006, p. 5). First, socio-economic positions are solely determined by one's own achievement and constantly have to be earned. Furthermore, a strong emphasis lies on the measure of performance and on the equation of performances. And lastly, the ones who cannot fight equally are helped and supported to reach that level. Elshout (2016) claims that by upholding of the meritocratic ideal, society has become demanding and risky in two ways: People have to compete with one another for a (better) place in the hierarchy with the risk they lose. Since they alone are responsible for their loss, they risk losing their dignity and confidence too. This is one of the problems with meritocracy, as claimed by Litter (2013): *'as it works as a mechanism to both perpetuate, and create, social and cultural inequality'* (Litter, 2013, p. 53). In addition this ideal stimulates the aspiration to move 'upward' on the social ladder, which contributes to the 'positioning of working-class cultures as the 'underclass' (Litter, 2013, p. 55). In this sense, the meritocratic ideal creates a system in which *'self-interest dominates and legitimizes inequality and damages communities by requiring people to be in a permanent state of competition with each other'* (Litter, 2013, p. 54).

With regard to the social benefit system, Kampen (2014) argues as well as other scholars (van Oorschot, 2000, 2006; Dekker, Den Ridder, Verhoeven, Verplanke and Kampen, 2013; van der Veen, Achterberg and Raven, 2009), that in order to control the unemployed deservingness as a criterium gained grounds. Since according to the meritocratic ideal your position is determined by responsibility, the answer to the question why an unemployed is unemployed is a matter of fault. Social benefit recipients are therefore by definition undeserving and are caught in a spiral of undeservingness: *'you are undeserving, because you are irresponsible and you can influence your needs. Although it is your right to receive benefits, the fact that you accept these benefits confirms your irresponsibility and makes you even less deserving'* (Kampen, 2014, p. 21). A social benefit recipient can only escape this spiral by visibly taking responsibility, for example by doing voluntary work. Since unemployed cannot contribute to society with financial means, they are obliged to contribute by other means. Taking part in social activities, voluntary work or reintegration job tracks does not only come forth from deservingness or reciprocity, but also from employability. This characteristic of the meritocratic

discourse in the social benefit system is discussed by Elshout (2016). She emphasizes the idea of the workable individual in a meritocratic society, the idea that you can shape yourself in all forms you wish to be. This also goes up for the labor market, as unemployed can work on their 'employability', which means they can train or change themselves into the perfect job applicant. The unemployed must be seen as a reflexive project for which the individual is responsible and which can be controlled and adjusted. By following courses or doing voluntary work, they create hope for a better position on the social ladder. The downside of this idea is that all that effort may not lead to success on the labor market, harming their self-respect. In a way this ideal therefore leads to the indirect downgrading and bullying of unemployed people, since the chances of actually becoming 'employable' are not that high.

2.2.3 The aspect of criminalization

In the introduction a new aspect of the neoliberal discourse was mentioned that has gained popularity in the last decade under scholars: the aspect of criminalization. In the previous paragraphs the neoliberal ideal of the active citizen was explained. The neoliberal discourse has different ways of defining this active citizen, and also its opponent: the passive or hazardous citizen. The unemployed are one example of these passive or hazardous citizens. As the neoliberal discourse emphasizes self-responsibility, becoming employed again is one's own responsibility. Through the lens of meritocratization the unemployed can be helped in maintaining a good position in society by increasing his/her employability and if this does not work at least maintain the ideal of deservingness. The government intervenes by creating opportunities to maintain this deservingness, for example by doing community work or by organizing courses or trainings for the unemployed. When these interventions do not result in active citizenship another aspect of the neoliberal discourse gains ground. Schinkel and van Houdt (2009) argued: *'Criminality is often the consequence of a complexity of factors which can be summarized as a lack of commitment to society'* (Schinkel & van Houdt, 2009, 135). In this sense, not being an active citizen is directly linked to the risk of criminality. Active citizenship is defined as the involvement in the community in the neoliberal discourse. Active citizenship also implies the birth of a new phenomenon: the passive citizen, or the hazardous citizen. A way of intervening with 'passive' citizens is by regulating or repressing them. The ones that were dependent of social or welfare benefits are now obliged to participate and choose work over income. *'The right to public aid is transformed into the obligation to work at underpaid, unskilled jobs'* (Wacquant, 2009, xv). Wacquant (2009) describes this new trend in which societal problems are no longer solved on the basis of a social agenda. Instead the citizen is made fully responsible for his own life and the degree to which he can participate in society. When policies fail, the state reacts with sanctions and criminal measures.

Criminalization of the welfare state can also be described as penal welfarism or repressive welfare. Vonk (2014) argues that a repressive trend in social security policy and legislation has been reported in Australia, Britain and in the Scandinavian countries as a by-product of activation policies (Vonk, 2014, p. 189). Gustafson (2009) states that the *'public desire to deter and punish welfare cheating has overwhelmed the will to provide economic security to vulnerable members of society. While welfare has always worn the stigma of poverty, it now also bears the stigma of criminality'* (Gustafson, 2009, p. 644).

Schinkel and van Houdt (2013) discuss the upsurge of criminality since the 1980s in the Netherlands and the intensification and pluralization of punishing criminals. They describe four developments in the Dutch battle against crime. First, there has been an increase of imprisonments. Second, more forms of punishment have been developed besides imprisonment. Third, the authority to punish has spread on a national and local level. And fourth, there has been an upswing in tactics to recognize and discipline risky behavior and risk subjects (Schinkel & van Houdt, 2013, p. 133). While the former dominant way of battling criminality was by punishment only, the emphasis now lies on prevention as well. Prevention is being executed by the classification of risk populations. Bearing especially this fourth development in mind one can understand how the unemployed or unparticipating citizens in society have become a 'risk population'. The repressive trend in the Dutch welfare state is an answer to the perceived abuse of benefit rights. Vonk (2014) uses the term abuse to describe the situation of *'a claimant who is deemed to be not entitled to benefit because he or she is unwilling to work and participate in society'* (Vonk, 2014, p. 190). When policies increasingly emphasize personal responsibility, benefit dependency is more easily perceived as somebody's failure to take up this responsibility (Vonk, 2014, p. 190). Hence, lacking in responsibility by being employable enough and not putting enough effort in becoming employable is equal to abusing your benefit rights. The underclass as mentioned in paragraph 2.1 then becomes the new risk population which has to be monitored and punished to prevent further abuse of benefits. The notion of the underclass in this sense has lost its original social-economic definition and is used for the justification of repressive policies and sanctions on benefit arrangements (Engbersen, 2006, p. 5). *'Policing the poor and protecting taxpayer dollars from misuse have taken priority over providing for the poor. Regulating the behavior of the poor and deterring fraud are now the objects of political attention and government resources, even when the goals of such regulation are unclear and the methods of deterrence are unevaluated and costly'* (Gustafson, 2009, p. 646).

Gustafson mentions three ways in which the government criminalizes benefit recipients (Gustafson, 2009, p. 646). First, there are a number of practices involving the stigmatization, surveillance, and regulation of the poor. These practices are embedded in aid programs to the poor. Second, many policies assume a latent criminality among the poor. Reforms are aimed

at excluding welfare recipients who engaged in illicit behavior and are aimed at imposing harsh penalties on welfare recipients who engaged in illicit behavior while receiving government benefits. Third, the growing intersection between the welfare system and the criminal justice system. This intersection includes not only overlapping goals and attitudes toward the poor, but also collaborative practices and shared information systems between welfare offices and various branches of the criminal justice system. Both systems are preoccupied with reducing the risks associated with social ills. For example municipalities are entitled to aggressive investigations into and increasing prosecutions for welfare fraud. (Gustafson, 2009, p. 647).

3. Methods

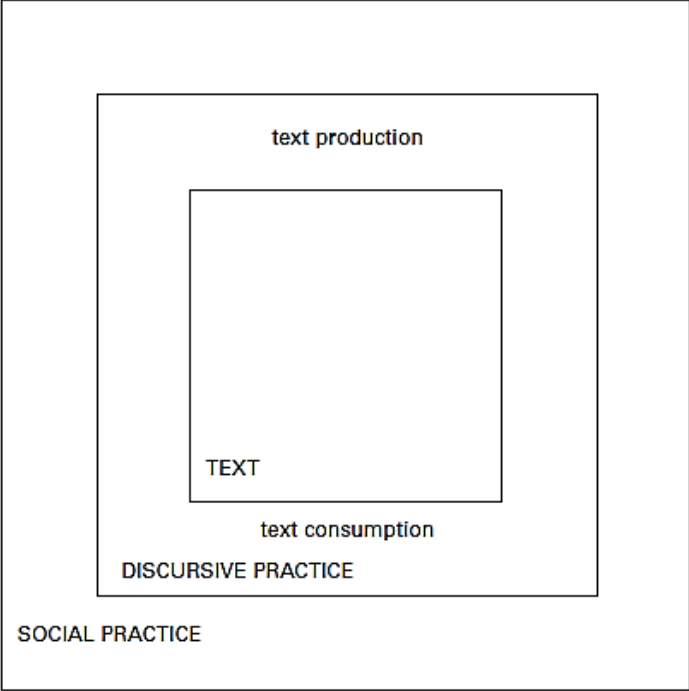
To answer the research question: *'What patterns in texts and documents mainly characterize the discourse of the social benefit system and to what extent are these discursive practices reflecting the aspects of responsabilization, meritocratization and criminalization since the implementation of the Participation Act in July 2014?'* a critical discourse analysis was used as the main research method. In chapter 2 the distinction between the system world and the life world was explained. The social benefit system world was then further illustrated by use of the neoliberal discourse. To perform a critical discourse analysis, the neoliberal discourse was conceptualized in terms of its different aspects, namely responsabilization, meritocratization and criminalization which can all be present at the same time. Before turning to the operationalization of this discourse, first a brief introduction on critical discourse analysis will be mentioned. Then the data selection process will be explained and lastly, the method of analysis will be elucidated.

3.1 Critical discourse analysis

'In discourse analysis theory and method are intertwined and researchers must accept the basic philosophical premises in order to use discourse analysis as their method of empirical study' (Jorgensen & Philips, 2002, p. 4). Jorgensen distinguishes between three approaches of discourse analysis, of which one is the critical discourse analysis by key theorists such as Norman Fairclough, van Dijk or Wodak. The common view in critical discourse analysis is that language is viewed as a means of social construction, meaning language both shapes and is shaped by society. Norman Fairclough's focus lies on the concept of 'intertextuality': how an individual text draws on elements and discourses of other texts. It is by combining elements from different discourses that concrete language use can change the individual discourses and thereby, also, the social and cultural world' (Jorgensen & Philips, 2002, p. 5). In his approach, discourse is a form of social practice which simultaneously *constitutes* the social world and is *constituted* by other social practices. It does not just contribute to the shaping and reshaping of social structures but also reflects them. Concerning the main research question, a critical discourse analysis seemed the best way of investigating how the language of the system world can be understood. Fairclough offers a three-dimensional model as an analytical framework for discourse analysis. The principal of this model is that texts can never be understood or analyzed in isolation, but only in relation to webs of other texts and in relation to the social context (Jorgensen & Philips, 2002, p. 70). An illustration of this model is shown in figure 1. In a discourse analysis of a communicative event all three dimensions should be covered. A

communicative event is an instance of language use such as a newspaper article, a film, a video, an interview or a political speech (Jorgensen, 2002, p. 68). The first dimension contains the text, which can be spoken or written and forms the main object of analysis. Since the research question is aimed at the discourse of the social benefit system, only texts produced by state actors and involved organizations will be included in this research. The second dimension contains the discursive practices, which involve the processes related to the production and consumption of the text. This dimension is limited in this regard, since the analysis only focuses on the discourse used by the system world of the social benefit system, or in other words the governmental discourse. Some texts are partly or completely overlapping with other texts produced by governmental bodies that are lower than the House of Representatives, such as municipalities since they are required to implement what the law prescribes. The third dimension concerns the social practices, which involve the intertextual relations between texts. In case of the governmental discourse it will be interesting to see whether municipalities have different texts content-wise, or if there are differences vis-à-vis the Participation Act, on which all implementing policies should be based.

Figure 1: Three-dimensional model for critical discourse analysis (Fairclough, 1992, p. 73)



Although the use of the three-dimensional model by Fairclough (1992) is limited, it will be useful to verify whether the conceptualized aspects of the social benefit system discourse complies with its theorized features and by using this model it will be possible to place texts of various

state actors beside each other, to develop a clearer, uniform understanding of what aspects dominate the governmental discourse since the implementation of the Participation Act.

3.2 The Participation Act

This thesis is based on the case of the Participation Act to investigate the discourse of the social benefit system world. The Implementation Act (Invoeringswet Participatiewet) was published in July 2014, formalizing all transitions from former laws into the new Participation Act (Participatiewet). This Act is included in Appendix A for readers interested in the legislative details. With the entry into force of the Implementation Act main bodies started publishing documents including policy drafts under the Participation Act. The Participation Act itself became applicable officially from the 1st of January 2015. The Participation Act replaced the former social acts regarding social assistance benefits for the unemployed, disabled and (partly) incapacitated citizens (Wet Werk en Bijstand, de Wet Sociale Werkvoorziening en de Wajong). The Participation Act is applicable to anyone who is able to work but is unable to manage themselves on the labor market without support. The law must ensure that more people find work, including people with an occupational disability. The most important changes include the decentralization of responsibility over existing benefit recipients to the municipalities and the inclusion of young disabled citizens. Each municipality must capture their policy choices on how to reintegrate unemployed in an ordinance. Also they must establish an ordinance regarding rules for the compensative activity, individual income allowances and rules on imposing measures. In Appendix B an information sheet regarding the most important changes published by Divosa (2014) is included (in Dutch only).

3.3 Collection of texts and documents

To perform the critical discourse analysis a corpus of different documents and texts had to be formed for analysis. The system world sets guidelines for the life world and consists of strategic knowledge, laws and regulations, organizational structures and media. The social benefit system is constructed predominantly through politics and laws, and is further shaped by the institutions that implement them. In case of the social benefit system, the system world side consists of laws regarding the right to social benefits, policies for municipalities to implement and rules for benefit recipients to follow in order to maintain their right to social benefit claims. Therefore, various bodies in the system form good sources for the collection of texts and documents. In this paragraph first the strategy for collection is explained, including the criteria

for selection of data and a brief explanation of which data is left out of the collection. Second, the found data will be described in detail.

3.3.1 Strategy for the collection of texts and documents

Concerning the social security system, laws and regulations are in abundance. The Implementation Act of the Participation Act therefore served as a starting point to look for further documents. In this Act many articles are blank spaced to be filled in by the implementing bodies in detail. For example, Article 8 determines a benefit recipient must do something in return for receiving benefits. What requirements this action has, has to be determined by the municipality itself. Therefore each municipality has to publish their own regulations in accordance with the Participation Act. A first strategy for data collection was therefore to look for official documents published by municipalities. The Participation Act is published as an official law by the Dutch government. The government itself is very transparent and publishes all attachments or guiding documents that were taken into consideration when a new law was developed. Also, all discussions and reactions of the first and second chamber have been published. Therefore the access to texts and documents produced by the government is abundant. The second strategy for data collection was therefore to look for official documents published by the government. A few organizational bodies work closely with the government in developing new laws and regulations and give advice about new proposed bills. The third strategy for data collection was therefore to identify the most important organizations that work and advise the government and search for their official documents. An overview of the most important sources for data is given in table 3, described by their names, their functions and what website or other type of source is used by them for communication and publications.

Table 3: Key actors of the social benefit system

Organization	Function	Source for communication and publications
Ministries	Introduce bills, collect relevant knowledge, information and experiences	zoek.overheid.nl rijksoverheid.nl
House of representatives	Discuss the proposition and vote in favor or against	zoek.officielebekendmakingen.nl wetten.overheid.nl
Council of state	Advises the ministry	
Senate	Vote for pass or reject	
Municipalities	Implement the Participation Act, main executive bodies	

VNG	Forms the association of Dutch municipalities Advise the municipalities in implementing new laws	www.vng.nl
Divosa,	Forms the association of executives in the social domain. Develops and shares knowledge to let citizens actively participate in society	www.divosa.nl
Ombudsmen	Handles complaints and friction between government and citizen	www.nationaleombudsman.nl

In order to find a way through all published documents of the government a few selection criteria were used. First the search terms in the databases that were used were in Dutch: *participatie* (participation), *participatiewet* (participation act), *verordening* (regulation). Second, the documents had to be published after the July 2014, since that was the date the Participation Act was meant to be implemented (under the Implementation Act). Third, all documents must be officially published by one of the bodies mentioned in table 3. Especially for municipalities this selection criterion was not sufficient enough to narrow down the search results, since the Netherlands has 388 municipalities. In order to make this search easier, the published regulations and documents of the ten biggest municipalities in the Netherlands were selected, being Amsterdam, Rotterdam, the Hague, Utrecht, Eindhoven, Tilburg, Groningen, Almere, Breda and Nijmegen (CBS, 2017). Some municipalities did not publish their policies under the name ‘*verordening*’ (regulation) but had specified regulations regarding one topic, for example the language requirement, or the rules regarding house visits. It was decided to include these documents to add texts with specified language which could strengthen the analysis. Furthermore, to ensure the content of all found documents was representative for the discourse of the social benefit system, all documents that concerned the guidelines for implementation by municipalities or experiments with municipalities were left out of the search results as they contained no content regarding the attitudes towards benefit recipients. All documents had to be aimed directly at social benefit recipients content-wise. Lastly, if there were multiple sources found with comparable content, the most recent document was selected.

3.3.2 Description of the final corpus

After carefully selecting documents and texts made available by the organizations described in table 3, the final corpus was compiled. An overview of the entire corpus is presented in Appendix A, including their full titles, publication dates, amount of pages and to which communicative means of the system world the document belongs to. The corpus contains 60

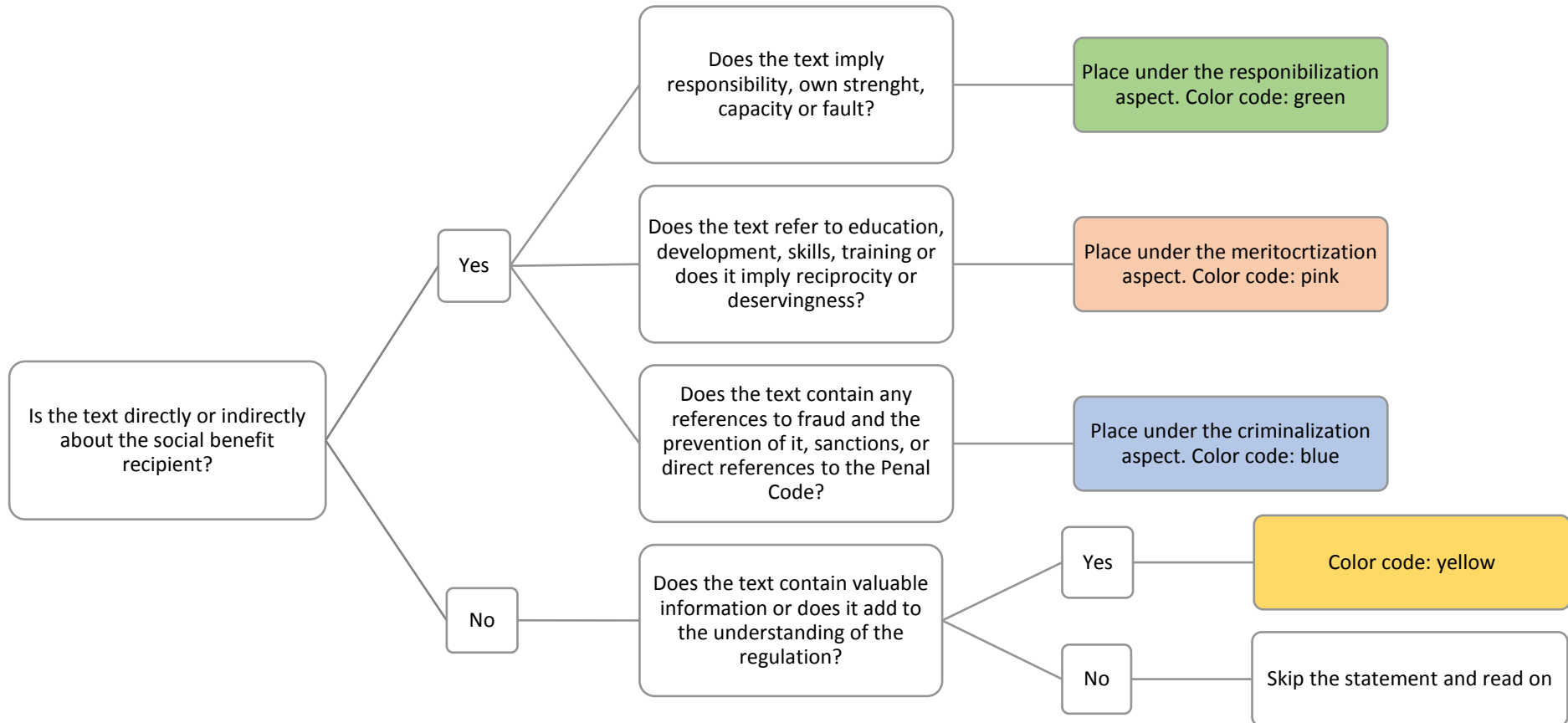
documents. Each document is labeled with a D-number, according to its place in the list. For practical purposes in the rest of this thesis a document will be referred to in the following format: (Name of the actor, D-number, page). Detailed information about the source can be found in Appendix A.

3.4 Analysis of texts

There are many different ways to conduct a discourse analysis. To ensure all texts were systematically analyzed, the 'toolbox' provided by Schneider (2013) was used as a guideline. This 'toolbox' is based on the works of Paul Chilton (2004) and Norman Fairclough (1992) and hence provided a great addition of understanding critical discourse analysis (Schneider, 2013). The first steps in the analysis process were to understand the sources of texts and the relation to other sources. The main actors and their functions were summarized in Table 3 in the previous paragraph so these steps were already covered. After the corpus was assembled for analysis all texts were prepared for coding. There was no program used for the coding of the materials, instead all texts were printed and read once prior to coding. The theoretical framework already provides great insight in what aspects the governmental discourses might contain. Therefore a 'decision tree' was created to help mark useful citations or statements in the texts that fall under one of the three theorized aspects. This decision tree can be found on the next page in figure 2.

After reading and coding all marked statements were placed in an excel sheet, with the according reference at the left side and the page number beside each statement added on the right side of the statement. This way, a very clear overview of the different color codes was created making the rest of the analysis easier. The next step was to examine the structures of the texts. It was for example interesting to see if one text would include different aspects of the neoliberal discourse, or if it would merely reflect one aspect. After this, each marked statement was checked for individual words that stood out. Wordings such as responsibility, fraud or skill were underscored in the statement to underline the core assumption in the sentence or citation. This step also provided great overview in one specific color. For example, when the cells were filtered only on green statements, the core statements were easily recognizable to also assess the intertextual relation between texts. Lastly, the results could be tied together in order to explain what the discourse is about and how it works. The structural features and individual statements found could be placed into a broader context. These findings are presented in the analysis chapter, as well as a general overview of findings.

Figure 2: Decision tree for coding materials



4. Results

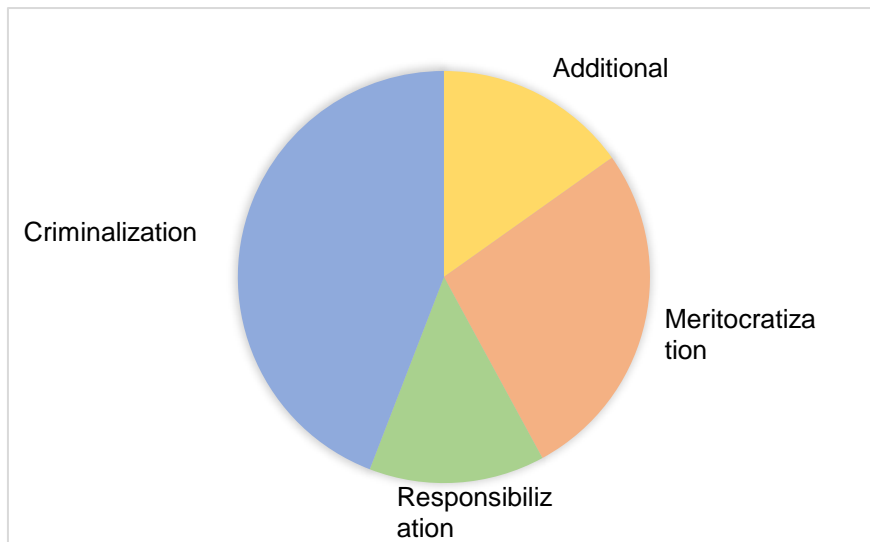
In this chapter the results of the critical discourse analysis will be presented and interpreted. First a general overview of the findings will be presented. Then each theorized aspect of the neoliberal (governmental) discourse will be discussed in a separate paragraph. After presenting the results of the critical discourse analysis, the main research question *‘What patterns in texts and documents mainly characterize the discourse of the social benefit system and to what extent are these discursive practices reflecting a dominance of the criminalization aspect since the Implementation Act of the Participation Act of July 2014?’* will be answered in the final chapter of this thesis. The main aim of this chapter is to present the results found for each theorized aspect and to provide a general overview of the found statements. Each aspect will be discussed in detail, since this will help to answer the research question in the best way possible. The results will be interpreted in light of the theoretical framework in Chapter 5.

4.1 General overview of results

As mentioned in the previous chapter, for each document all statements that were of relevance (based on the decision tree) were captured in an excel sheet. Although the purpose of this analysis is not to search for percentages or numbers, it is still interesting to see the division of the different aspects in all documents. This information also helps to structure the rest of the results. In total 139 statements were found that had to be included according to the decision tree. Of these statements there were 20 assigned to the aspect of responsabilization, 33 to the aspect of meritocratization and 64 to the aspect of criminalization. The other 22 statements were marked yellow to add useful information to the analysis. These yellow marked statements are not cited in the rest of the analysis, but serve merely as background information for understanding. To visualize the division of statements, the numbers were captured in a circle diagram in figure 3 below. Although there were only 15 regulations included, which were expected to have the most parts involving the aspect of criminalization, almost half of all statements found were assigned to this aspect. Another remark that can be made on basis of the total results is that most documents only showed one of the three aspects. These documents mostly had a specific theme, which can explain the dominance of one aspect. For example, an ordinance on the language requirements for social assistance mostly contained statements of the aspect of meritocratization. Specific ordinances about sanctions or other types of measures mostly contained statements of the aspect

of criminalization. The documents that included more than one aspect were solely communications by the House of Representatives. The House of Representatives can assess current policies and operates at the basis of the Participation Act. Therefore this is not surprising, since they have to keep a complete overview of what is going on in the implementation process. The topics of their discussions and letters are therefore widespread and cover various subjects such as fraud, sanctions, the need for the creation of more jobs or insights about the compensative activity. This explains why their documents mostly contained more aspects at the same time.

Figure 3: Division of total statements (Author's own design)



4.2 The aspect of responsabilization

As was illustrated in the conceptual framework, the aspect of responsabilization is characterized by the notion of self-responsibility and thereby fault. This notion embodies the concept of the active or good citizen and with this notion, just claiming social benefits was no longer accepted in society. To analyze to what extent the aspect of responsabilization defines the neoliberal discourse, the described goal of the Participation Act offers great insight. The goal was defined in several different documents. This fragment comes from a letter from the House of Representatives:

'The purpose of the Participation Act is to lead people with labor capacity to work, including people with an occupational dysfunction, and when this does not work, provide support for income

(House of Representatives, D7, page 2)

Statements similar to this goal were also found in D2, D9 and D12 which are all communications from the House of Representatives. In this citation a few things stand out. First, the purpose of the Participation Act is to *lead* people to work. Instead of choosing different words, such as supporting people, the municipalities lead people to work. Second, it defines people not by their current status, but by their labor capacity. This statement is not objective, such as *'the purpose of the Participation Act is to support unemployed people in finding a regular job again'*. Instead, people are defined by their labor capacity. Noteworthy here is that in the original Dutch document, the wording is not exactly capacity but leans more towards capital (vermogen). In that sense, people are weight by their worth on the labor market. It also suggests that they are able to work in the first place. When a closer look is taken at how labor capacity is determined a contradiction is found in the purpose of the Act. The leading organization in determining labor capacity is the Employee Insurance Agency (UWV).

'Your capacity to work is determined by assessing whether you have opportunities to work. We do not look at what you could earn. You also have labor capacity when you are able to do work which does not provide a minimum income. Because we do not look at what you could earn, your percentage of occupational disability does not change. When assessing your ability to work we also do not look at your chances on the labor market. We only assess whether you have opportunities to work.'

(UWV, D60, webpage)

The purpose of the Participation Act is to lead people with labor capacity back to a regular job. When this is not possible, the Act determines that these people need to be supported in their income. The UWV however determines that people with labor capacity can also work under a minimum wage. With other words, you can have labor capacity even when you are not able to obtain a regular job. In this assumption social benefit recipients are to blame when they are unemployed, since they have still have labor capacity and therefore the *opportunity* to find regular work.

In the conceptual framework was explained how the neoliberal discourse distinguishes between active citizens and passive or hazardous citizens. When citizens are passive the system tries to redirect or repress them so they will become active and participate. In the following two statements it becomes clear how this approach can stigmatize social benefit recipients and creates the opportunity for repression.

'The willingness to work of social benefit receivers was in the first year 72 percent, between the first and third year 62 percent and after three years this declines to 41 percent. The average willingness to work was according to the Central Bureau of Statistics 54 percent.'

(House of Representatives, D24, page 3)

This fragment comes from a letter of the House of Representatives. Social benefit recipients are defined by how much they can contribute, or in this case how much they are willing to work. Although the official measurement comes from the Central Bureau of Statistics and is an objective measure based on numbers, the House of Representatives uses this measurement in their argument for the need of intervention. Apparently, benefit recipients become less willing to work when they are unemployed for a longer period of time. This calls for an intervention from the government. By defining people this way, the government can create or confirm the stigma that benefit recipients are lazy and legitimize repressive measures.

Another way in which the government distinguishes between active citizens and risk citizens is by ethnicity. Consider the following citation:

The latest CBS statistics show that the number of social benefit recipients (gerechtigden) with a Dutch or Western background at the end of March 2017 declined with nearly 4,000 people than the year before. The number of social benefit receivers (ontvangers) with a non-Western migration background increased by more than 19,000 between March 2016 and March 2017. Recent migrants usually do not have sufficient qualifications to find a regular job quickly and are therefore dependent on social assistance.

(The House of Representatives, D8, page 2)

This citation comes from a letter of the Secretary of State to the House of Representatives to answer questions about the high number of migrants on social assistance. While the goal of this

letter was to establish that the cabinet strives for an equal treatment of every Dutch citizen, or an immigrant equated to this, a subtle difference can be noted in the English translation. In the original language however the difference is much more noticeable. Dutch or Western citizens are called social benefit recipients. In the Dutch language this word lies more closely to 'entitlement' than to 'receiving'. It implies that the social benefit is in the first place a right, a legal or moral qualification to which the citizens are entitled. In the same, in the first place neutrally appearing statistical report, non-Western immigrants are defined as social benefit receivers. This can be interpreted as if they are less or not at all entitled, but simply take their social benefits. This difference can be explained again by the labor capacity of people, or their ability to participate. This is illustrated by the following fragment:

*The cabinet wants everyone to be able to participate, despite their background, gender or nationality. The purpose of the Participation Act is therefore to get people who are able to work, to work. The language requirement in the Participation Act is an extra instrument to ensure people learn the Dutch language to enlarge their chances on the Dutch labor market.
(House of Representatives, D9, page 2)*

When citizen apply for social benefits they must meet several requirements before they can receive benefits. As a citizen you have one right regarding social benefits, namely the right to apply for social benefits. This is explained on the website of the government on several pages, of which D51 and D52 are examples. Before applying for benefits, people must master the Dutch language sufficiently or express the willingness to learn the language within six months. This can partly explain the distinction between 'recipients' and 'receivers' that was made by the House of Representatives. Noteworthy is that in the earlier mentioned 'willingness to work' measurement, the social benefit recipients are also defined as 'receivers' (*ontvangers*) instead of the entitled version 'recipients' (*gerechtigden*).

4.3 The aspect of meritocratization

As was discussed in the conceptual framework, the government can try to monitor or intervene with citizens that are possibly passive or hazardous. Social benefit recipients are caught in a spiral of undeservingness and fault, which is only escapable by visibly taking responsibility and reciprocate to society. The aspect of meritocratization overlaps with these notions as it focuses

on reciprocation and improving employability. The results are distributed under these two subjects in subparagraphs in this chapter.

4.3.1 Reciprocation for social benefits

One of the clearest examples of how the government facilitates opportunities for reciprocation is the compensative activity. By doing a compensative activity a social benefit recipient can give something back to society in turn for receiving their benefits. The municipalities are the main bodies to define and realize the compensative activities in their regions. Therefore in their documents, the definition of these activities is found:

The performance of, as far as capable, unpaid socially useful activities in addition to or besides regular work, which does not lead to displacement on the labor market and does not have to be aimed at re-integration

(Municipality of the Hague, D49, page 3)

Similar definitions can be found in the municipal ordinances D45 until D49 regarding the compensative activity. Noteworthy is that in most found citations, the emphasis does not directly lie on deservingness, even though this activity is seen as the most important one to reciprocate to society for accepting a benefit grant. In fact, the instrument is used by municipalities for very different reasons. The Participation Act defines the instrument as social activation, as becomes clear from the following passage:

Social activation: the performance of unrewarded socially meaningful activities aimed at obtaining employment or, if employment is not possible, independent social participation

(The Participation Act, D18, page 3)

This definition suggests that people need to be activated in order to participate in society. For long-term unemployed people this might be a suiting instrument, since they have been distanced from the labor market for a few years most of the time and a volunteering place can help them to find a regular job again. It appears that the compensative activity also serves as an activity to

increase the employability of social benefit recipients. The advisory Council of State mentioned in their report:

The government believes that the compensative activity is an opportunity for the beneficiary to continue to participate in society and to maintain a social network, a work rhythm and regularity. These are also the necessary conditions to increase the chances on the labor market.

(The Council of State, D29, page 2)

Three statements from three different governmental organizations all reflect different purposes of the compensative activity. This is especially problematic when the substantive rules are decentralized to the municipalities. Each municipality must draft an official ordinance in which they provide the rules to use this instrument and its initial purpose. It appears that these purposes quite differ from the ones mentioned by the government. Consider the following fragment

The compensative activity will not be aimed at obtaining a job. We have specific instruments for that. The compensative activity is by no means an obstruction for regular work or a guidance for regular work. The compensative activity is merely additional, and is economically uninteresting. No one is prepared to pay salary for those activities.

(Municipality Neder-Betuwe, D26, page 2 and 3)

Thus, social benefit recipients are obliged to participate through a compensative activity. These activities are however not aimed at obtaining a job and apparently not even interesting enough for a salary. Just how contradictory this instrument is between municipalities, becomes clear with the following passage:

In the ordinance [...] is determined [...] when the privy deliberately withdraws from the obligations imposed by law with regard to obtaining employment. [...]. The local residents know that the participants are not performing community service, but that the activities are part of socially useful activities to improve the quality of life in the neighborhood.

(Municipality of Deventer, D22, page 2 and 3)

In this fragment the compensative activity instrument appears to increase employability of recipients or to reciprocate for receiving benefits. It can also be used as a measurement as recipients become obliged to participate when they fail to comply with the duties of the Participation Act. Hence, the obligated activities which were meant to gain work experience, are in some municipalities tasks or jobs that no one wants to pay salary for and for which the neighborhood needs to be informed beforehand that the people in the streets are not convicts, but benefit recipients.

4.3.2 Improvement of employability

Many fragments found in the documents referred to the strategy to increase the employability of social benefit recipients . Municipalities are largely free to form their policies regarding re-integration. It appears that their main strategy of re-integrate recipients/unemployed is by increasing their employability. The organization Divosa investigated the most common strategies among municipalities. A fragment of their report:

Municipalities that have taken measures aimed at more intensive support to regular work do this with specific training courses, processes or route plans. In addition to learning to apply for jobs, the most important thing is that there are many contacts between the municipalities and the job-seeker. There are also municipalities that mediate people who have applied for a benefit grant as soon as possible to work or refer them to an employment agency. This category also includes the use of new or better diagnostic instruments or activities that accelerate matching at work
(Divosa, D11, page 9)

Noteworthy in this fragment is the ideal that work comes before social assistance. The underlying assumption is that people will find regular work faster and easier if you put them into trajectories that are ready to the last gaiter button. There is no mentioning of focusing on the qualities or experiences of the unemployed, who is mediated to another job again. Merely that the mediation must be as soon as possible. Another notable thing is that unemployed must 'learn to apply for jobs'. For people who have been unemployed for a long time and have a large distance to the job market this might be a good opportunity, but it seems that the underlying assumption here is that everyone receiving a social benefit must learn to apply for a job, which might be experienced as

stigmatizing or downgrading. The municipality seems to operate as a job agency in which the outcome in numbers and the decrease of benefit grants matter the most.

The one group that is still easily moldable for the job market are young people. It appears that for this group, personal experiences (or the lack of these) do matter. Consider the following fragment:

Young people without a basic qualification are transferred to employment agencies. The agency decides together with the youngster which education the young one can follow, with the aim of offering the youngster a stronger and sustainable place on the labor market.
(House of Representatives, D5, page 8)

People that can still be molded into certain jobs or for whom a sustainable place on the labor market can be obtained, are offered to follow an education. This seems contradictory for the citation above in which people are mediated to work as soon as possible, as long as they do not have to use social assistance anymore. In this case, youngsters can follow an education with preservation of their social assistance and sometimes even receive a premium, which prolongs their dependence on social assistance.

For long-term unemployed people or people with a long distance to the labor market, the municipality offers different services. One example is the work experience place.

The commission can offer a person who belongs to the target group a work experience place with retention of their benefit grant as part of a trajectory, aimed at employment integration. The purpose of a work experience placement is to gain work experience or learn how to function in an employment relationship.
(Municipality of Almere, D39, page 5)

This work experience place entails a job for thirty to forty hours a week, with the purpose of learning how to function in an employment relationship or to regain work experience. This can be imposed on the beneficiary up to six months. Although this might seem as a good measure to re-integrate people into the labor market and society, working a full-time job with retention of the benefit grant is not a fair compensation. In letters from the House of Representatives (D3, D4 and D5) comparable texts were found that imply that benefit recipients that are in work experience places are not in temporary employment but in a trajectory 'paid' for by receiving their benefit

grant. The meritocratic idea is in this case that by gaining work experience benefit recipients find a regular job faster. But as any other citizen, people normally gain work experience in real jobs, although not for half of the income.

4.4 The aspect of criminalization

The aspect of criminalization was discussed in the conceptual framework. As an aspect of the neoliberal discourse, the aspect of criminalization is discussed as a way the government tries to deal with (possible) passive citizens. Repressive instruments were argued to become the new standard in welfare policies. There were three ways mentioned in what way the government can criminalize benefit recipients. These were first, practices involving stigmatization, surveillance and regulation of the poor. Second, the assumption in policies of a latent criminality amongst the poor. And third, the growing intersection between the welfare system and the criminal justice system. These three issues will be used to arrange the many results found. Each way or issue will be discussed in a separate subparagraph.

4.3.1 The stigmatization, surveillance and regulation of social benefit recipients

The regulation of social benefit recipients is laid down in municipal ordinances. Before turning to their implications and how these stigmatize social benefit recipients, it is important to mention the general imposed duties on social benefit recipients. In the Participation Act itself the following duties and rights are included:

Chapter 2: Rights and duties.

Article 9: Duties.

The privy is obliged from the day of notification:

- *To obtain generally accepted work to his labor capacity*
- *To make use of provisions [...] including social activation aimed at obtaining employment as well as cooperating in investigations regarding possible employment*
- *To capacity perform unpaid, socially useful activities alongside or in addition to regular work*

Article 17: Duty to inform

The privy shall inform the municipal executive on request or immediately of his own accord of all facts and circumstances which are reasonably to believe of influence on his obtaining of employment or his rights to social assistance

(The Participation Act, D18, page 7 and 13)

These duties are composed in the Participation Act itself. It obliges social benefit recipients to partake in all activities or provisions the municipality offers. The type of activity is decided by the municipality and must be established in an ordinance. Further it is noteworthy that the social benefit recipient is made fully responsible to notify the municipality of any change in his circumstances that might affect his right to a benefit grant. What these circumstances specifically are is not defined but nevertheless the recipient is to blame when he does not comply with this duty. The fact that social benefit recipients are also humans and can make mistakes is not really taken into account here. The following fragment shows an example of how human mistakes are included in the regulations:

Poverty causes focus on the short term and causes tunnel vision and limits the ability to think.

This may affect someone's actual ability to properly fulfil the obligation to provide information.

(Municipality of Almere, D38, page 4)

From this fragment can be derived that recipients are perceived to be less able to comply due to tunnel visionary and limited abilities. This can come across as stigmatizing. Other reasons, such as that the rules might be incomprehensive or that the municipal officer granting the benefit can make mistakes, are not included in the ordinance. A reason for this could be the assumption of latent criminality, which will be discussed in more detail in paragraph 4.3.2. All the same the consequences for a benefit recipient for not-complying are far-reaching. This can be illustrated by the following two fragments:

The right to social assistance is always linked to the duty of making efforts to become independent of the social assistance again. This means that the determination of the amount of assistance not only depends on the applicable standard and the resources of the recipient, but also on the extent to which the obligations are met. The efforts that are expected of the recipient also play a role.

(Municipality of Oss, D30, page 8)

In this fragment of the municipal ordinance is determined that if the recipient does not meet the obligations paired with receiving benefits will determine the amount of assistance he will receive in the end. Also the effort that are expected of him play a role in the determination of the amount of assistance. Although it is not directly stated in this passage that the recipient will be sanctioned or fined, the amount of assistance is directly linked to non-compliance which serves as an example of repression. A more direct example of repression is shown in the following passage. Equal passages, with sometimes different percentages are also found in all municipal ordinances (D21 - D23, D26 and D27, D30 - D42).

A measure of 20 percent reduction of the benefit is applied when it is clear that the beneficiary does not want to participate in compensative activities, while he/she does have the capacity.

(Municipality of Neder-Betuwe, D26, page 5)

The compensative activity was already explained under the aspect of meritocratization. It was illustrated that these activities are in reality not used to gain work experience and are comparable to tasks done by people doing community service. The compensative activity also falls under the aspect of criminalization as the amount of assistance is reduced when the recipient does not partake while he does have (labor) capacity. The amount of benefit is lowered by 20 percent, which comes down to an average of 190 euros per month. Recipients are dependent on their benefit grant and therefore not likely to deny their obligations. Municipalities can therefore place them in unpaid, unpopular activities.

Another part of the aspect of criminalization is the regulation of the recipients. One way a municipality can 'regulate' their recipients is by declining their applications, or to tighten the requirements to be eligible for social assistance. Municipalities receive an annual budget to grant social benefits. When municipalities run out of their budget, they have to pay through their other

budgets. When they have such a deficit, they are more likely to take measures to decline the number of benefit grants. Divosa published a report about the measures municipalities take to decline these numbers. This is one fragment of their findings:

Municipalities with a deficit named fifty-three measures aimed at a stricter enforcement of obligations. More than half of them involved stricter enforcement of the obligation to apply for jobs. [...] A number of municipalities also mentioned to use the compensative activity as an enforcement instrument on people who are able to work, but do not cooperate (the unwilling)

(Divosa, D11, page 9)

It appears from this fragment that when more benefit grants are invoked and the municipality does not have enough budget, a stricter enforcement on the current recipient population is used. The municipality does not focus on the job market to create more opportunities, but tightens the rules for the current recipients. An example of how the municipality can tighten the rules is captured in the following fragment.

Municipalities that take measures monitor more intensively whether people are still entitled to this benefit. This can be done by carrying out more checks and by carrying out more theme-based checks, for example on cohabitation or the costlier standard and by increasing the fraud-alertness of employees.

(Divosa, D11, page 10)

From this fragment can be derived that when municipalities have to take measures because they have a deficit in their social assistance budget the recipients have to be controlled better because they might defraud the benefit system. The theme-based checks mentioned in the fragment are in some cases harsh, as becomes clear with the following passage:

Municipalities that take measures to reduce the social assistance applications., try to better control the applications by checking whether people are entitled to benefits. Is there a partner with income? Is there capital? Are there other possible facilities, such as unemployment benefits? If necessary, they also arrange home visits and many municipalities try to shift the focus from benefits to looking for and finding work when applying for a benefit. This can be done by offering a job directly, or by imposing a search period of four weeks.
(Divosa, D11, page 10)

The way to regulate the unemployed away from social assistance is by checking whether they are entitled to benefits more strictly. Also home visits are allowed in this regard which can be experienced as a violation of the applicants' dignity and privacy. These will be discussed in more detail in paragraph 4.3.3 since they find their basis in criminal law. In this fragment, home visits are defined as a legitimate way of confirming the stated living situation (such as having cohabitants) by the applicant. The search for other types of income or owning capital, such as a house, takes precedence before the vulnerability of the recipients just to make sure less applications are approved.

The four week search period has a foundation in the Participation Act for people up to 27 years old. When municipalities use the search period freely for people above 27 years old, they can deny applicants directly at the gate. Since this measure is included in the municipal ordinance it's considered a legitimate measure by law. If applicants do not meet the job application requirements in these four weeks, they lose their right to apply for social assistance. Applicants can experience these measures as humiliating, bullying or stigmatizing since they are required to lay bare their entire being before their social assistance application will be granted. They undergo state scrutiny otherwise limited to criminal offenders.

4.3.2 The assumption of latent criminality among social benefit recipients

The second type of criminalization was the assumption of latent criminality among social benefit recipients. Benefit recipients whom have shown illicit behavior in the past or who are doing so while living on government resources are addressed with sanctions and fines with a weight equal to the criminal justice system. How this is done by the social benefit system will be illustrated in this paragraph. Latent criminality is in the most cases linked to the chance that a social benefit recipient commits fraud. In the following example an elucidation of a municipal ordinance is shown.

The same elucidation was added as an enclosure to many municipal ordinances concerning the implementation of the Participation Act.

Fraud undermines the credibility, sustainability and the support of our laws and regulations. The Ministry of Social Affairs and Employment has therefore indicated in enforcement programs how non-compliance should be tackled and prevented. The course set out in relation to fraud is aimed at a firm approach.

(Municipality of Meijerijstad, D23, page 2)

The Ministry of Social Affairs and Employment has set up rules to tackle and prevent fraud in the social welfare system. The course is a firm approach. This fragment illustrates the sphere in which many ordinances were written. Fraud must not be rewarded but punished firmly. This example also illustrates how fraud became a matter of the State as the ministry itself has put up guidelines to combat it. This firm approach is also noticeable in other municipal ordinances. The following fragment illustrates this:

The goal is that the law is complied with. The sub-objectives are the following: legitimate provision of benefits, spontaneous compliance, less fraud, optimization of enforcement means, increase of public support

(Municipality of Utrecht, D41, page 21)

Two words are especially notable in this fragment. The goal is that **less fraud** is committed. This implies to the reader that fraud is already committed at the moment and the numbers have to be declined. This contributes to the stigmatized image that current social benefit recipients are frauds and possible new recipients might also be frauds. Clearly, the assumption of latent criminality is present.

This assumption is not just made by separate municipalities. The Association of Dutch Municipalities distributed a report among all municipalities with the goal to tighten the rules and sanctions regarding social assistances. A fragment of this report:

The coming years investments will be made to improve information exchange to increase the chances of catching frauds. [...] Someone who has received benefits unfairly must repay this entirely. Fraud must not pay off.

(Association of Dutch Municipalities, D59, page 4)

In this fragment the wording 'received benefits unfairly' are linked to 'fraud'. By placing them next to each other the assumption is created that the recipient committed fraud when he received benefits unfairly. Hence the supposition is created that the recipient must be at fault, in this cause by committing fraud. A similar remark was made in the first paragraph of this chapter, with the fragment on tunnel vision and limited abilities. Again there is no nuance in the report for incomprehension included. The recipient is the one to blame.

The reason for receiving too much benefit than you are entitled is dependent on the information you provide to the municipal officer who reviews your application. By law, you are obliged to inform the municipality within five days when your situation has changed. As claimed earlier it is not defined which circumstances must be reported and which not. This is likely to cause confusion for the recipient. If he for example receives some money for groceries or to pay bills from a family member, it is not clear whether this should be reported. The measures regarding non-compliance with the obligation to inform are captured in the following fragment:

The failure to comply, partly or in total, to the duty to provide information is a violation that is sanctioned by a fine or a warning. The fine will be 100 percent of the unrightfully received amount if there was intent. The situation was intentional of the privy deliberately violated the obligation to provide information with the intention of obtaining or retaining a higher benefit than the right to claim. A fine of 75 percent is imposed when negligence is involved.

(Municipality of Almere, D38, page 2)

In this fragment the firm approach against possible fraud is again illustrated. The recipient gets punished, no matter if the too high received amount was received on purpose or by fault. In the eyes of the system world the recipient has concealed income and therefore committed fraud, which has to be punished. The emphasis in the ordinances lies on discouraging or scaring off criminal behavior, which testifies to the assumption of latent criminality.

The knowledge that violation is followed by a firm measure or fine will lead to conforming to the applicable rules. The deterrent effect of penalties and measures obviously depends to a large extent on the timely and accurate informing of clients.

(Municipality of Maassluis, D35, page 4)

Notable in this fragment is that the legitimate provision of benefits is dependent on the use of preventive and repressive means. With the legitimate provision here is meant that the government is accountable to the rest of society. The provision of benefits is only accepted when the abuse of it is firmly punished. By informing the applicants the abuse of social assistance is prevented, and by firm measures or fines the abuse is repressed. There is however a fine line between prevention and repression, of which the recipients are the subjects. This can be explained by the following fragment:

Enforcement employees carry out many home visits, which are in current practice often based on a signal or a reasoned suspicion of abuse or improper use or benefits and are aimed at establishing a situation that is not in check with the distribution of this benefit. [...] If it is determined that there is no abuse yet, the opportunity can be taken to do more than just investigating the suspicion of fraud, for example by providing specific information the abuse or improper use of the benefit can be prevented in the long-term.

(Municipality of Maassluis, D40, page 2 and 3)

According to the following fragment, the recipient first has to accept a municipal officer visiting his house to confirm fraud has, or has not, been committed. This would be considered be a repressive measure. Only after it is established that fraud was not committed, the municipal officer can turn to provide specific information, which is a preventive measure. But, because the privacy and dignity of the recipient was most likely already violated during the home visit also the preventive measure might be experienced as a repressive measure, namely to control and depreciate. The basis of repressive measures and their relation to the criminal justice system will be discussed further in the next paragraph.

4.3.3 The intersection between the welfare system and the criminal justice system

There were some fragments found representing the intersection between the welfare system and the criminal justice system. Sometimes there were direct references to the Penal Code, as in the following fragment:

*If there is intent, the fine shall not exceed the amount of the fifth category, referred to in Article 23, paragraph 4, of the Penal Code
(Municipality of Maassluis, D38, page 3)*

The measures that are used by the municipality or governmental organization to sanction misuse of the benefit grant or other illicit behavior are either reparatory or punitive. The distinction between the two is defined by the Association of Dutch Municipalities and captured in the following fragment:

Reparative measure. This means that there is relatively little legal protection. The amount of the benefit is adjusted by a reduction of a certain amount or percentage. As a result, less is paid out. The measure can never exceed the amount of benefit to which the interested party is entitled.

*Punitive measure. This means that it is a criminal charge within the meaning of article 6 ECHR. That is why the fine is covered with many more legal guarantees. Nothing happens with the amount of the benefit, but a decision is made that a certain sum of money has to be paid. The fine may be higher than the (remaining) entitlement to payment.
(Association of Dutch Municipalities, D59, page 7)*

From these fragments can be derived, that only punitive measures are a direct intersection with the criminal justice system. The reparative measure is a measure with foundation in the administrative law. The difficulty here is that there is little legal protection for the privy. In practice this means that the municipality can lower the benefit grant immediately and easily when the recipient fails to comply with the many obligations. It is imaginable that these types of measures

are experienced as unjustly in the life world. An example of a reparative measure is given in the next fragment.

House visit if fraud is suspected. If a reasonable suspicion of fraud has arisen, Art. 53a of the Participation Act the possibility to check the information provided by the privy with regard to his living and living situation by means of a home visit. The privy has, according to art. 17 of the Participation Act an obligation to cooperate. Failure to cooperate in a home visit if there is a reasonable suspicion of fraud leads to the rejection of an application for the Participation Act or the withdrawal of the right to assistance.

(Protocol Ferm Werk, D48, page 3)

When fraud is suspected an officer can perform a house visit. This house visit must be approved via informed consent (see D48) which means that the officer can ring the doorbell, and informs the applicant or recipient about the inquiries of the house visit. Although citizens are protected against the trespassing of strangers, the recipient is obliged to let the officer in. In fact, the condition of informed consent (in D48, page 2) is only twofold: first, explaining what the officer wants to do and second, explain to what extent his benefits will be reduced when failing to comply. In this way the recipients has no other choice but to let the officer in at the mere suspicion of fraud. On what information this suspicion must be based is unfortunately not defined in the ordinances.

Another example of the intersection between the welfare system and the criminal justice system is the criterion for the determination of sanctions: culpability. Culpability is a direct derivative from the Penal Code and focuses on fault. In the first fragment is shown how heavy culpability weighs for the sanction to impose.

The financial area above 90% of the applicable assistance [...] = the level of the fine based on the available capacity. The number of months is approximately 24 months, gross negligence 18 months, ordinary culpability 12 months and reduced culpability 6 months.

D36, page 4)

This fragment shows that the lowest fine is imposed on reduced culpability. This applies only when the privy can prove he acted different than accused of and complied with his obligations. When no proof can be filed against the accusation ordinary culpability is applied. Culpability can also be

understood as whether the act was avoidable. Since the privy is made fully responsible for his own compliance, he will always be culpable to some extent. Consider the next example:

In the event of a culpable violation of the information obligation, a fine will be imposed. In the context of this law, benefit fraud is discussed. There is benefit fraud if a culpable violation of the information obligation has led to undue payment of the benefit.
(Municipality of Utrecht, D36, page 5)

According to this fragment the recipient is committing benefit fraud in the event of a culpable violation. However, since the non-compliance also could have been avoided for whatever reason, the social benefit recipient is always culpable to some extent. This contributes to the stigmatization of social benefit recipients as profiteers and frauds and by sanctioning this with a fine, a punitive measure is conducted, confirming the intersection between the welfare system and the criminal justice system.

5. Discussion and Conclusion

This chapter consists of several paragraphs. First, the research problem is recaptured and the main findings of the results section are stated. Second, the meaning of these findings is explained in the discussion paragraph. Third, after the discussion the research question of this thesis can finally be answered. Lastly, suggestions for further research are made following the discussion. Lastly,

5.1 Main findings

The implementation of the Participation Act of 2015 highlighted the principle ‘work before income’ in the Dutch social protection system. Vonk (2014) claimed that the Participation Act was criminalizing social benefit recipients, a claim that accorded with the earlier works of Wacquant (2009) and Gustafson (2009) about the criminalization of poverty. Although the works by Kampen (2014) and Elshout (2016) add valuable insight in the experiences of social benefit recipients with the social benefit system, the system in itself remained underexposed in the academic debate. The aspects of responsabilization and meritocratization are taken as given and the widely debated trend of criminalization only has a base in theory regarding the Dutch social benefit system. The research question of this thesis therefore was:

‘What patterns in texts and documents mainly characterize the discourse of the social benefit system and to what extent are these discursive practices reflecting the aspects of responsabilization, meritocratization and criminalization since the implementation of the Participation Act in July 2014?’

A critical discourse analysis was conducted to create insight in the discourse of the social benefit system. The result were presented in the previous paragraph. This first led to the general findings, presented in figure 3: division of total statements. This figure already showed a dominant presence of criminalizing aspects among the investigated documents. Second, under the aspect of responsabilization many statements were found clarifying the definition of social benefit recipients in the social benefit system. Benefit recipients are weighed by their labor capacity, their willingness to work, the ability to participate, and the surprising distinction between ‘receivers’ versus ‘recipients’. Third, under the aspect of meritocratization many statements were found

concerning the compensative activity. Although theoretically the activity should be aimed at reciprocation the measure was used for different purposes, including the improvement of employability and repression. Other statements involved the direct improvement of employability and were consistent with the literature. Fourth, and most importantly, the aspect of criminalization was presented via three subjects. A clear emphasis on the responsibility to comply with obligations was shown. Whenever obligations are not met, the amount of social assistance is lowered. Another surprising finding was the regulation of the recipients population by municipalities. When a deficit in budget is present, the current rules are tightened and a stricter enforcement is used. Also the stigmatizing image of fraud was present here, as in some statements the deficit in budget was linked to defrauding the benefit system. Furthermore, a great emphasis on the possibility of fraud was found and the urgency to decrease the number of fraud cases. The definition of fraud surprisingly consisted of unintended errors, mistakes or forgotten notifications as well but leaves little room for compassion. Lastly, the intersection of the Penal Code and the social benefit system was very visible among the documents analyzed. However, the line between reparative and punitive measures was not well considered, leaving the welfare recipient powerless and unprotected in some cases.

5.2 Discussion

The prying question after presenting the main results is why these are significant in the first place. In the conceptual framework the distinction between the system world and the life world was illustrated. The debate on the underclass highlighted how a system's definition can determine how the unemployed are perceived and treated in society. The multiple reconstructions, or conceptualizations of the underclass underline how different the perceptions about social benefits have been throughout the years. According to Crossley, '*reconstructions have occurred despite a large volume of social scientific research which has found little evidence of a distinct group of poor people with a different culture, separate from the rest of society*' (Crossley, 2016, p. 5), these reconstructions are not even close to reality. The reconstruction offered by the social benefit system discourse defines social benefit recipients by their worth on the labor market: their labor capacity. In assessing this capacity only the opportunity to work counts. This definition fits the theorized responsibility model by Veldheer et al. (2012) as '*the government obliges the citizen to act in a way the government sees fit*' (Veldheer et al., 2012, p. 329). In this sense, employment becomes the action the government sees fit.

The mentioned overarching neoliberal ideology is clearly present in the reconstruction of the social benefit recipients. '*Competition is the only legitimate organizing principle for human activity*' (Metcalf, 2017). Recipients are weighed by their labor capacity and measured by their willingness to work. The more labor capacity present, the easier they find employment again. By defining recipients this way, it can also suggest they are at fault for being unemployed. This suggestion is supported by the distinction between 'receivers' and 'recipients'. The more employable citizen is considered a 'recipient' or entitled to his benefit assistance, while less employable citizens are considered 'receivers'. This was the case for citizens who did not master the Dutch language or with a non-Western background. It appears that true entitlement to benefits is linked to your chances on the labour market. This is extremely problematic when Table 1: 'Social division based on three types of capital' is reconsidered again, as the two lowest classes in society (insecure workers and the precariat) are also the most at risk of being less employable. Among them is a high share of migrants, older people (> the age of 60) and people with low educational levels. The reconstruction by the social benefit system thereby perpetuates their status, as these people are the most likely to need social benefits, but also the most likely to be considered 'receivers' due to their education and background. The definition by Dalrymple (2001) of social benefits as being lazy, benefit dependent and lacking in responsibility therefore gains ground; not because of the behavior of the recipients themselves, but by the way the social benefit system defines them.

Another significant result is the various stated purposes for the much debated compensative activity. The compensative activity was theorized to be used for reciprocation, based on the works of Kampen (2014), and for the improvement of employability, based on the works of Elshout (2016). It appeared, however, that the compensative activity was not always aimed at improving employability and often entails economically uninteresting activities. The statement by Wacquant: '*The right to public aid is transformed into the obligation to work at underpaid, unskilled jobs*' (Wacquant, 2009, xv), therefore also appears to be true for the Dutch social benefit system and does not even seem to cover the load entirely. In most ordinances, the ideal of reciprocation was present, but the activities were not used to gain work experience. Instead, the compensative activity was used as a repressive instrument for recipients failing to meet their obligations under the Participation Act. Kampen captured the experiences of benefit recipients with the feelings of obligation in his research, which were also summarized in table 2. Exactly how recipients would react on feelings of repression is not included in this work and leaves the greater trend of the criminalization of social benefit recipients uninvestigated. Considering the worlds of justification, one can guess how these would change under repressive measures. The

civil world, for example, is characterized by a strong sense of community. Performing the compensative activity as punishment for non-compliance can contribute to feelings of disappointment and humiliation. The inspired world could become even more distanced and more difficult to reintegrate, as perceived forced labor undermines their motivation and goodwill. From 'the world of fame' perspective, feelings of judgement and discrimination for being on social benefits would be perceived from the start. When repressed, these citizens could become even more insecure and frustrated. For the domestic world, doing obligatory work as a form of repression could cause even stronger feelings of injustice. And lastly, the market world is already not easily complying with their duties because they want a fair compensation. Forced labor, as they could experience it, will make them even more angry for their situation. These remarks are highly relevant, as they underline why the dominance of the criminalizing statements are so problematic for an efficient implementation of the Participation Act and the discussed friction between the system world and life world.

The experiences of benefit recipients with the aspect of criminalization can only be hypothesized for now. Nevertheless, the high amount of criminalizing statements present suggests the likeliness of widespread feelings of humiliation and stigmatization. There were also statements presented from official documents of the House of Representatives that exhale a stigmatized image of social benefit recipients. The statement by Gustafson (2009) about '*public desire to deter and punish welfare cheating has overwhelmed the will to provide economic security to vulnerable members of society*' seemed a reaction to extreme and exceptional situations, but appears to represent the general ideal in the social benefit system. Across the corpus, the greatest emphasis was found on the assumption of latent criminality, usually in the form of (possible) fraud. In the whole process from the application for benefits to re-integration via a regular job, the executing institutions are equipped to catch fraudsters and punish illicit behavior. The focus in some documents was on achieving less fraud, implying that there was much fraud committed to begin with. Fenger (2015) argued that '*seventy percent of benefit recipients do not commit fraud intentionally*'. *Fraud is often the consequence of ignorance or mistakes. This implies that current policies are too strict for at least 70 percent of the benefit population*'. *Nevertheless the House of Representatives did not mind these results, as who would want to oblige against a harsh approach against the profiteers of our taxes?* (Fenger, 2015).

The most reasonable explanations for non-compliance are offered in a report from the National Ombudsman about the experiences with the social benefit system (even prior to the applicability of the Participation Act): '*First, the government is too complex. Second, the needed information has not arrived. Third, the information is not available at all. And fourth, subjective*

inability is possible: people could be mistaken, forgot something, or simply weren't informed about the matter involved' (Nationale Ombudsman, 2014, p. 1). These four explanations seem highly acceptable, when the results of this research are considered. Recipients are caught in a web of obligations, such as the duty to provide information when their situation changes. In none of the documents was clarified which situations would affect the entitlement to benefits, but nevertheless the recipient is sanctioned firmly when he fails to comply. The results also showed that the municipality itself does not always comply with their duty to inform. One example was the ordinance on house visits, discussed in the results section. Taking this ordinance into consideration, one can imagine why recipients feel humiliated, violated and ashamed by the government. In general, the direct intersection between the welfare system and the criminal justice system contributes to these feelings. The securities in the Penal Code are better than those in administrative law. In the Penal Code, intent must be proven before someone is considered guilty. In administrative law however, the recipient must proof that the situation is a matter of reduced culpability. Still, the focus in many ordinances is on the non-compliance act in itself, especially concerning the informative duty. There are less specifications on to what extent the behavior of the privy is to blame. Hence, there is not only confusion about what the duties for recipients are, but also confusion about to what extent someone's culpability is reduced. And even when this confusion is cleared out, the recipient is still accountable for receiving too much benefits. Even when he has made an honest mistake, a fine is imposed and the benefit recipient is defined as a criminal.

Now that the main findings have been placed in context of the conceptual framework and have been explained, the question arises what the implications of the social benefit system discourse are. When the model by Fairclough (1992) is reconsidered with the main actors in table 3, it becomes apparent why the results found in this thesis could become problematic. The first dimension, the text itself, involves the citations and statements that were coded for analysis. The second dimension, the discursive practice, involves the matter of text production and text consumption. It is this dimension, from which the impact of the discourse mainly stems. That is because most governmental actors both play a part in the production as well as in the consumption of texts. The House of Representatives and the Senate discuss the content of a proposed bill and vote in favor or against. They play a part in the production of the Participation Act. Based on this law, the Association of Dutch Municipalities drafts a sample ordinance, which each municipality in turn can use or change according to their local policy ideas. The municipalities therefore also consume and produce texts, which in turn have consequences for the third dimension: social practice. When at the basis of this chain, stigmatizing statements are included, subjective

definitions are created or an unfounded strive for the combat of fraud is prioritized, this also has consequences for how the policy will be implemented and experienced by its subjects. How far-reaching these consequences are became clear from the statements regarding the sanctions and measurements (discussed in paragraph 4.4.3). The municipalities all pose different sanctions for the same violations, e.g. reduced culpability. This illustrates how unfair the Participation Act can become for social benefit recipients.

5.3 Conclusion

The question: ‘what patterns in texts and documents mainly characterize the discourse of the social benefit system and to what extent are these discursive practices reflecting the aspects of responsabilization, meritocratization and criminalization since the implementation of the Participation Act in July 2014?’ stood central in this thesis. After discussing the results, a final and concise answer can be formulated. The discourse of the social benefit system is dominated by the aspect of criminalization. People are weighed by their worth on the labor market and punished for the slightest non-compliance with current local policies. Although the other aspects of responsabilization and meritocratization are present, the focus of measures earlier placed under these aspects, now have a criminalizing aspect as well. The clearest pattern in the discourse is the assumption that all social benefit recipients are possible profiteers and should be handled according to that undesired behavior. The discourse shows little compassion or room for humane ignorance or mistakes. The distrust in social benefit recipients is entrenched in all dimensions of the social benefit system discourse.

5.4 Directions for the future

This thesis has contributed to the understanding of the discourse of the social benefit system in light of the Participation Act. While earlier research had been done on the experiences, there had been no research to the actual language of social benefit policies. This thesis therefore adds some valuable contributions to the scientific debate. Firstly, this thesis has shown how diverse the discourse of the social benefit system actually is and that it consists of all three theorized aspects: responsabilization, meritocratization and criminalization. These three aspects overlap each other in several instruments, such as the compensative activity. This is an important finding, as this instrument is perceived in previous research as merely meritocratic. It was shown however, from the results, that even in the aspects of responsabilization and meritocratization a criminalizing

aspect was present as well. The discourse of the Dutch social benefit system resembles all three aspects, a notion which should not be overlooked in future research. Secondly, in the case of this research, the aspect of criminalization was represented in abundance in the selected documents. This thesis therefore offers a first insight in the criminalizing practices of the Dutch social benefit system and proves that the basis for the discontent of social benefit recipients is not fiction, but fact. These findings do however open up new doors and raise new questions. First of all, there is not yet a research in the Netherlands mapping the experiences of social benefit recipients with the current social benefit system. The understanding of the life world of social benefit recipients in this regard would offer great insight for future policy implementations. In addition, regarding the text consumption and social practice dimension, research among municipal officers would provide great insight on how the municipal ordinances are received and put into practice. Menno Fenger (2017) already concluded in one research among a few municipalities, that the attitude of client managers towards both the policies and the social benefit recipients must change: *'Client managers must find the most logical thread that must be drawn. For example, if someone says, I never go outside but I would like to, the client manager can see if anything can be done about that with careful steps. That does not have to be mandatory voluntary work for eight hours, drinking a cup of coffee once a week would perhaps suffice as a great start'* (Sociale Vraagstukken, 2017). After all, nobody has ever helped someone by kicking him when he is down.

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Appendix A

Invoeringswet Participatiewet

Wet van 2 juli 2014 tot wijziging van de Wet werk en bijstand, de Wet sociale werkvoorziening, de Wet werk en arbeidsondersteuning jonggehandicapten en enige andere wetten gericht op bevordering deelname aan de arbeidsmarkt voor mensen met arbeidsvermogen en harmonisatie van deze regelingen (Invoeringswet Participatiewet)

Wij Willem-Alexander, bij de gratie Gods, Koning der Nederlanden, Prins van Oranje-Nassau, enz. enz.

Allen die deze zullen zien of horen lezen, saluut! doen te weten:

Alzo Wij in overweging genomen hebben, dat het wenselijk is meer eenheid en duidelijkheid aan te brengen in de manier waarop mensen, die nu met toepassing van de Wet werk en bijstand, de Wet sociale werkvoorziening dan wel de Wet werk en arbeidsondersteuning jonggehandicapten een inkomensvoorziening ontvangen of met een re-integratievoorziening werkzaamheden verrichten, dat het evenzo wenselijk is om mensen die nu nog aan de kant staan meer kansen te bieden op regulier werk of op andere vormen van arbeidsbevorderende participatie en om gemeenten hiervoor meer instrumenten te geven;

Zo is het dat Wij, de Afdeling advisering van de Raad van State gehoord, en met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Artikel I. Wijziging van de Wet werk en bijstand

[Red: Wijzigd de Wet werk en bijstand.]

Artikel II. Wijziging van de Wet sociale werkvoorziening

[Red: Wijzigd de Wet sociale werkvoorziening.]

Artikel III. Wijziging van de Wet werk en arbeidsondersteuning jonggehandicapten

[Red: Wijzigd de Wet werk en arbeidsondersteuning jonggehandicapten.]

Artikel IV. Wijziging van de Wet participatiebudget

[Red: Wijzigt de Wet participatiebudget.]

Artikel V. Wijziging van de Ziektewet

[Red: Wijzigt de Ziektewet.]

Artikel VI. Wijziging van de Wet financiering sociale verzekeringen

[Red: Wijzigt de Wet financiering sociale verzekeringen.]

Artikel VII. Wijziging van de Wet werk en inkomen naar arbeidsvermogen

[Red: Wijzigt de Wet werk en inkomen naar arbeidsvermogen.]

Artikel VIII. Wijziging van Wet structuur uitvoeringsorganisatie werk en inkomen [Red: Wijzigt de Wet structuur uitvoeringsorganisatie werk en inkomen.]

Artikel IX. Wijziging van de Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte werkloze werknemers

[Red: Wijzigt de Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte werkloze werknemers.]

Artikel X. Wijziging van de Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte gewezen zelfstandigen

[Red: Wijzigt de Wet inkomensvoorziening oudere en gedeeltelijk arbeidsongeschikte gewezen zelfstandigen.]

Artikel XI. Wijziging van de Wet op de arbeidsongeschiktheidsverzekering

[Red: Wijzigt de Wet op de arbeidsongeschiktheidsverzekering.]

Artikel XII. Wijziging van de Werkloosheidswet

[Red: Wijzigt de Werkloosheidswet.]

Artikel XIII. Wijziging van de Wet arbeidsongeschiktheidsverzekering zelfstandigen

[Red: Wijzigt de Wet arbeidsongeschiktheidsverzekering zelfstandigen.]

Artikel XIV. Wijziging van de Toeslagenwet

[Red: Wijzigt de Toeslagenwet.]

Artikel XV. Wijziging van de Wet kinderopvang en kwaliteitseisen peuterspeelzalen

[Red: Wijzigt de Wet kinderopvang en kwaliteitseisen peuterspeelzalen.]

Artikel XVI. Wijziging van de Wet inkomstenbelasting 2001

[Red: Wijzigt de Wet inkomstenbelasting 2001.]

Artikel XVII. Wijziging van de Wet op de loonbelasting 1964

[Red: Wijzigt de Wet op de loonbelasting 1964.]

Artikel XVIII. Wijziging van de Algemene Kinderbijslagwet

[Red: Wijzigt de Algemene Kinderbijslagwet.]

Artikel XIX. Wijziging van de Algemene nabestaandenwet

[Red: Wijzigt de Algemene nabestaandenwet.]

Artikel XX. Wijziging van de Algemene Ouderdomswet

[Red: Wijzigt de Algemene Ouderdomswet.]

Artikel XXI

[Vervallen]

Artikel XXII. Wijziging van Boek 1 van het Burgerlijk Wetboek

[Red: Wijzigt het Burgerlijk Wetboek Boek 1.]

Artikel XXIII. Wijziging van Boek 6 van het Burgerlijk Wetboek

[Red: Wijzigt het Burgerlijk Wetboek Boek 6.]

Artikel XXIV. Wijziging van de Faillissementswet [Red: Wijzigt de Faillissementswet.]

Artikel XXV. Wijziging van de Handelsregisterwet 2007

[Red: Wijzigt de Handelsregisterwet 2007.]

Artikel XXVI. Wijziging van de Uitkeringswet financiële compensatie langdurige militaire dienst
[Red: Wijzigt de Uitkeringswet financiële compensatie langdurige militaire dienst.]

Artikel XXVII. Wijziging van de Wet arbeidsongeschiktheidsvoorziening militairen
[Red: Wijzigt de Wet arbeidsongeschiktheidsvoorziening militairen.]

Artikel XXVIII. Wijziging van de Wet op de huurtoeslag
[Red: Wijzigt de Wet op de huurtoeslag.]

Artikel XXIX. Wijziging van de Wet bevordering integriteitsbeoordelingen door het openbaar bestuur
[Red: Wijzigt de Wet bevordering integriteitsbeoordelingen door het openbaar bestuur.]

Artikel XXX. Wijziging van de Wet brutering overhevelingstoelage lonen
[Red: Wijzigt de Wet brutering overhevelingstoelage lonen.]

Artikel XXXI. Wijziging van de Wet inkomensvoorziening oudere werklozen
[Red: Wijzigt de Wet inkomensvoorziening oudere werklozen.]

Artikel XXXII. Wijziging van de Wet op de lijkbezorging
[Red: Wijzigt de Wet op de lijkbezorging.]

Artikel XXXIII. Wijziging van de Wet op het consumentenkrediet
[Red: Wijzigt de Wet op het consumentenkrediet.]

Artikel XXXIV. Wijziging van de Wet op het hoger onderwijs en wetenschappelijk onderzoek
[Red: Wijzigt de Wet op het hoger onderwijs en wetenschappelijk onderzoek.]

Artikel XXXV. Wijziging van de Wet op het onderwijstoezicht
[Red: Wijzigt de Wet op het onderwijstoezicht.]

Artikel XXXVI. Wijziging van de Wet Rietkerk-uitkering
[Red: Wijzigt de Wet Rietkerk-uitkering.]

Artikel XXXVII. Wijziging van de Wet studiefinanciering 2000

[Red: Wijzig de Wet studiefinanciering 2000.]

Artikel XXXVIII. Wijziging van de Wet uitkeringen burger-oorlogsslachtoffers 1940–1945

[Red: Wijzig de Wet uitkeringen burger-oorlogsslachtoffers 1940–1945.]

Artikel XXXIX. Wijziging van Wet uitkeringen vervolgingslachtoffers 1940–1945

[Red: Wijzig de Wet uitkeringen vervolgingslachtoffers 1940–1945.]

Artikel XL. Wijziging van de Wet vermindering afdracht loonbelasting en premie voor de volksverzekeringen

[Red: Wijzig de Wet vermindering afdracht loonbelasting en premie voor de volksverzekeringen.]

Artikel XLI. Wijziging van de Algemene wet bestuursrecht

[Red: Wijzig de Algemene wet bestuursrecht.]

Artikel XLII

[Vervallen]

Artikel XLIIa

[Vervallen]

Artikel XLIII. Wijziging van het Wetboek van Burgerlijke Rechtsvordering

[Red: Wijzig het Wetboek van Burgerlijke Rechtsvordering.]

Artikel XLIV. Wijziging van de Invoeringswet nieuwe en gewijzigde arbeidsongeschiktheidsregelingen

[Red: Wijzig de Invoeringswet nieuwe en gewijzigde arbeidsongeschiktheidsregelingen.]

Artikel XLV. Wijziging van de Algemene pensioenwet politieke ambtsdragers

[Red: Wijzig de Algemene pensioenwet politieke ambtsdragers.]

Artikel XLVI. Wijziging van de Tijdelijke wet beperking inkomensgevolgen arbeidsongeschiktheidscriteria

[Red: Wijzig de Tijdelijke wet beperking inkomensgevolgen arbeidsongeschiktheidscriteria.]

Artikel XLVII. Wijziging van de Wet invoering en financiering Wet werk en inkomen naar arbeidsvermogen

[Red: Wijzigt de Wet invoering en financiering Wet werk en inkomen naar arbeidsvermogen.]

Artikel XLVIII. Wijziging van de Wet overige OCW-subsidies

[Red: Wijzigt de Wet overige OCW-subsidies.]

Artikel XLIX. Wijziging van de Wet tegemoetkoming chronisch zieken en gehandicapten

[Red: Wijzigt de Wet tegemoetkoming chronisch zieken en gehandicapten.]

Artikel L. Wijziging van het Wetboek van Koophandel

[Red: Wijzigt het Wetboek van Koophandel.]

Artikel LI. Samenloopbepaling Wet revitalisering generiek toezicht [Treedt in werking op een nader te bepalen tijdstip]

Dit onderdeel is (nog) niet in werking getreden; zie het overzicht van wijzigingen

Artikel LII. Grondslag lagere regelgeving Wet arbeidsongeschiktheidsvoorziening jonggehandicapten [Treedt in werking op een nader te bepalen tijdstip]

Dit onderdeel is (nog) niet in werking getreden; zie het overzicht van wijzigingen

Artikel LIIa. Wijziging van de Wet aanscherping handhaving en sanctiebeleid SZW-wetgeving

[Red: Wijzigt de Wet aanscherping handhaving en sanctiebeleid SZW-wetgeving.]

Artikel LIIb. Wijziging van de Wet gemeentelijke schuldhulpverlening

[Red: Wijzigt de Wet gemeentelijke schuldhulpverlening.]

Artikel LIIba. Wijziging van de Jeugdwet

[Red: Wijzigt de Jeugdwet.]

Artikel LIIc. Evaluatiebepaling

Onze Minister van Sociale Zaken en Werkgelegenheid zendt binnen vijf jaar na de inwerkingtreding van deze wet aan de Staten-Generaal een verslag over de doeltreffendheid en de effecten van deze wet in de praktijk.

Artikel LIII. Inwerkingtreding

1 Deze wet treedt in werking op een bij koninklijk besluit te bepalen tijdstip, dat voor de verschillende artikelen of onderdelen daarvan verschillend kan worden vastgesteld, en artikelen of onderdelen daarvan kunnen terugwerken tot en met een in dat besluit te bepalen tijdstip.

2 In afwijking van het eerste lid, treedt artikel I, onderdeel Cc, drie jaar na het tijdstip van de inwerkingtreding van artikel I, onderdeel Cb, in werking.

3 In afwijking van het eerste lid, treedt artikel LIIBa, onderdeel B, drie jaar na het tijdstip van de inwerkingtreding van artikel 2.8 van de Jeugdwet in werking.

Artikel LIV. Citeertitel

Deze wet wordt aangehaald als: Invoeringswet Participatiewet.

Lasten en bevelen dat deze in het Staatsblad zal worden geplaatst en dat alle ministeries, autoriteiten, colleges en ambtenaren die zulks aangaat, aan de nauwkeurige uitvoering de hand zullen houden.

Gegeven te

Wassenaar, 2 juli 2014

Willem-Alexander

De Staatssecretaris van Sociale Zaken en Werkgelegenheid,

J. Klijnsma

Uitgegeven de vijftiende juli 2014

De Minister van Veiligheid en Justitie,

I.W. Opstelten

Appendix B

Informatieblad Participatiewet (augustus 2014)

Een nieuwe taak voor gemeenten

Vanaf 1 januari 2015 treedt de Participatiewet in werking. Het doel van de wet is om meer mensen, ook mensen met een arbeidsbeperking, aan de slag te krijgen. De gemeente wordt vanaf die datum verantwoordelijk voor mensen met arbeidsvermogen die ondersteuning nodig hebben. Mensen die nu in de Wajong zitten behouden hun Wajong-uitkering en blijven bij UWV. Vanaf 1 januari 2015 is de Wajong er alleen nog voor jonggehandicapten die duurzaam geen arbeidsvermogen hebben. Mensen met arbeidsvermogen vallen vanaf 1 januari 2015 onder de Participatiewet. De gemeente heeft voor de nieuwe doelgroep dezelfde taken als voor mensen met een bijstandsuitkering, namelijk om deze mensen ondersteuning te bieden gericht op arbeidsinschakeling en waar nodig, inkomensondersteuning. Voor de re-integratieondersteuning krijgt de gemeente een gebundeld re-integratiebudget en meer instrumenten tot haar beschikking. Gemeenten bepalen op basis van maatwerk wie voor welke vorm van ondersteuning in aanmerking komt. Gemeenten werken op regionaal niveau samen met UWV, werkgevers- en werknemers organisaties in regionale Werkbedrijven om mensen die niet het wettelijk minimumloon kunnen verdienen te plaatsen op de extra banen die werkgevers beschikbaar stellen. Tot deze groepen behoren ook Wajongers en mensen met een indicatie voor de Wet sociale werkvoorziening (Wsw).

Doelgroepen

Jonggehandicapten met arbeidsvermogen behoren vanaf 1 januari 2015 tot de doelgroep van de Participatiewet. Wajongers die nu al een Wajonguitkering hebben (ook degenen met arbeidsvermogen) blijven in de Wajong. Vanaf 1 januari 2015 is de Wajong uitsluitend toegankelijk voor jonggehandicapten zonder arbeidsvermogen.

Uitbreiding gemeentelijke doelgroep onder de Participatiewet

Mensen met arbeidsvermogen die na 1 januari 2015 recht zouden hebben gekregen op een Wajong-uitkering kunnen, vanaf dat moment bij gemeenten terecht voor inkomensondersteuning en ondersteuning bij het vinden van werk. Zij vallen dan onder de Participatiewet.

Doelgroep Wajong

De Wajong wordt vanaf 1 januari 2015 alleen nog toegankelijk voor jonggehandicapten die duurzaam geen arbeidsvermogen hebben. UWV beoordeelt of iemand recht heeft op Wajong. Mensen die nu een Wajong-uitkering hebben, behouden deze uitkering. Wel zal iedereen met een Wajong-uitkering door UWV worden beoordeeld op arbeidsvermogen. Wajongers met arbeidsvermogen en Wajongers die tijdelijk geen arbeidsvermogen hebben krijgen vanaf 1 januari 2018 een lagere uitkering (70 procent van het wettelijk minimumloon). UWV zal extra inspanningen leveren voor de activering van Wajongers met arbeidsvermogen. Wajongers die duurzaam geen arbeidsvermogen hebben, behouden hun huidige uitkering (75 procent van het wettelijk minimumloon). Alle Wajongers blijven ook na deze beoordeling bij UWV. Er worden geen Wajongers overgedragen naar gemeenten.

Studieregeling

In de zogenaamde 'nieuwe Wajong' (instroom vanaf 2010) is sprake van een studieregeling. Deze studieregeling blijft bestaan voor het zittend bestand van de Wajong. Jongeren met arbeidsvermogen die na 1 januari 2015 onder de Participatiewet vallen, kunnen ook in aanmerking komen voor een studieregeling. Die studieregeling is bedoeld voor mensen die recht hebben op studiefinanciering of op een tegemoetkoming op grond van de Wet Tegemoetkoming Onderwijsbijdrage en Schoolkosten (WTOS), minimaal 18 jaar oud zijn, geen vermogen hebben en niet in staat zijn het wettelijk minimumloon te verdienen. Voor deze studieregeling is in de structurele situatie 35 miljoen euro beschikbaar. Gemeenten zullen deze studieregeling uitvoeren. Het is aan gemeenten om in een verordening regels te stellen over de manier waarop bepaald wordt of een student minder dan het wettelijk minimumloon kan verdienen. Ook bepalen gemeenten de hoogte en frequentie van de studietoeslag.

De transitie

Gemeenten moeten op 1 januari 2015 klaar zijn om de nieuwe doelgroep te ontvangen. Daarvoor zullen gemeenten lokaal beleid ontwikkelen, gemeentelijke verordeningen aanpassen en (waar nodig) de organisatie moeten aanpassen. Alle verordeningen die de gemeenten op grond van de Wet WWB-maatregelen moeten opstellen, moeten direct bij invoering van de wet per 1 januari 2015 klaar zijn. De verordeningen die gemeenten op grond van de Participatiewet moeten opstellen, moeten per 1 juli 2015 klaar zijn. De verordeningen die voor die tijd zijn vastgesteld, blijven van kracht tot de nieuwe verordeningen in werking treden. Gemeenten doen de transitie niet alleen. De Programmaraad gaat gemeenten daarbij helpen. De Programmaraad is een

samenwerking tussen VNG, UWV, Divosa en Cedris. Ook wordt de Landelijke Cliëntenraad bij de voorbereiding en implementatie betrokken.

Werk voor mensen met een arbeidsbeperking

De Participatiewet is erop gericht om zoveel mogelijk mensen, onder wie ook de mensen met een arbeidsbeperking, aan het werk te krijgen. Voor mensen die door hun arbeidsbeperking enkel in een beschutte omgeving kunnen werken, is er nu de Wsw. Met ingang van 2015 kunnen er geen mensen meer in de Wsw instromen. In plaats daarvan komen er andere instrumenten om te zorgen dat mensen met een arbeidsbeperking een plek op de arbeidsmarkt kunnen vinden, zoals loonkostensubsidie en beschut werk. Dankzij de banenafpraak van het sociaal akkoord komen er extra banen voor mensen met een arbeidsbeperking beschikbaar. Arbeidsmarktregio's en regionale Werkbedrijven De 35 arbeidsmarktregio's hebben een belangrijke rol om mensen met een arbeidsbeperking aan het werk te helpen. In elke arbeidsmarktregio wordt een regionaal Werkbedrijf ingericht. Deze regionale Werkbedrijven zijn wettelijk verankerd in de Participatiewet. Gemeenten hebben de lead bij de Werkbedrijven. Werkgevers- en werknemersorganisaties nemen deel aan het bestuur. De Werkbedrijven spelen een belangrijke rol bij het plaatsen van mensen op de extra banen uit de banenafpraak die de sociale partners met het kabinet hebben gemaakt. Bovendien betrekken gemeenten de regionale Werkbedrijven bij het organiseren van beschut werk. In elke regio wordt een basispakket aan functionaliteiten onder regie van het Werkbedrijf georganiseerd. De Werkbedrijven hebben onder andere als doel om werkgevers die mensen met een arbeidsbeperking in dienst nemen te 'ontzorgen'. In de Werkkamer werken gemeenten en sociale partners dit verder uit (zie <http://www.stvda.nl/nl/thema/werkkamer/uitgangspunten.aspx/> en <http://www.vng.nl/onderwerpenindex/decentralisaties-sociaaldomein/participatiewet/nieuws/werkkamer-uitgangspunten-en-procesafspraken/>). Ook UWV wordt hierbij nauw betrokken.

Afsluiten Wet Sociale Werkvoorziening

Vanaf 2015 wordt de Wsw afgesloten voor nieuwe instroom. Wsw-werknemers met een dienstbetrekking houden hun wettelijke rechten en plichten. Gedurende de komende decennia neemt het bestand van Wsw-werknemers door natuurlijk verloop geleidelijk af. Dat wil dus zeggen dat de plekken die vrijkomen omdat mensen met pensioen gaan, overlijden of een andere baan vinden, niet worden opgevuld. Mensen die op de wachtlijst staan voor de sociale werkvoorziening hebben na 1 januari 2015 geen recht meer op een Wsw-plek. De wachtlijsten komen te vervallen. VNG en sociale partners hebben afgesproken om mensen op de wachtlijst Wsw, evenals

Wajongers, de eerste jaren prioriteit te geven bij de toeleiding naar de extra banen bij reguliere werkgevers.

Beschut werk

Tegelijkertijd met het afsluiten van de Wsw wordt er begonnen met de opbouw van beschut werk. Beschut werk is bedoeld voor mensen die door hun lichamelijke, verstandelijke of psychische beperking een zodanige mate van begeleiding en aanpassingen van de werkplek nodig hebben, dat niet van een reguliere werkgever mag worden verwacht dat hij deze mensen in dienst neemt. Met de voorziening beschut werk kan de gemeente deze mensen toch in een dienstbetrekking laten werken. Deze groep komt in dienst van de gemeente. De gemeente kan deze dienstbetrekking ook organiseren bij een reguliere werkgever die deze begeleiding en aanpassingen wel (met ondersteuning door een gemeente) kan aanbieden. De beloning sluit aan bij de cao van de werkgever. In de Werkkamer hebben partijen afgesproken dat de beloning begint op wettelijk minimumloon. De gemeente kan voor deze werknemers loonkostensubsidie verstrekken. UWV zal een rol krijgen bij de vaststelling of iemand zoveel begeleiding nodig heeft, dat beschut werk voor de hand ligt. Per arbeidsmarktregio zullen de Werkbedrijven en gemeenten onderzoeken hoe beschut werk het beste kan worden vormgegeven. Op termijn zijn er financiële middelen voor structureel 30.000 plaatsen voor beschut werk beschikbaar.

Banenafpraak

In het sociaal akkoord hebben werkgevers afgesproken dat ze extra banen gaan creëren voor mensen met een arbeidsbeperking. Het gaat uiteindelijk om 100.000 extra banen (oplopend tot 2026) in de marktsector. De overheid zorgt tot 2024 nog eens voor 25.000 extra banen. Het gaat om extra banen ten opzichte van het aantal banen van mensen uit de doelgroep op 1 januari 2013. Deze banenafpraak staat los van de 30.000 beschutte werkplaatsen die in de komende jaren worden gecreëerd en los van de arbeidsplaatsen waarop nu al Wajongers werken. De extra banen van de banenafpraak zijn bedoeld voor mensen die niet in staat zijn een inkomen op het niveau van het wettelijk minimumloon te verdienen en onder de Participatiewet aan de slag gaan. Ook Wajongers en mensen met een Wsw-indicatie komen in aanmerking voor de extra banen. Het gaat om reguliere banen in organisaties en bij overheden. UWV krijgt een rol bij de beoordeling of iemand het wettelijk minimumloon kan verdienen en daardoor behoort tot de doelgroep voor de banenafpraak. UWV en gemeenten kunnen voor mensen die aan de slag gaan bij werkgevers ondersteunende instrumenten inzetten, zoals compensatie voor verminderde loonwaarde, werkplekaanpassingen en no-riskpolissen. Om mensen en werkplekken die beschikbaar komen

goed bij elkaar te brengen komen er 35 regionale Werkbedrijven. Het regionale Werkbedrijf vormt straks de schakel tussen de werkgever en mensen met een arbeidsbeperking die aan de slag worden geholpen. Werkgevers zijn inmiddels aan de slag met het creëren van extra arbeidsplaatsen. Dit moet, ten opzichte van de nulmeting (peildatum 1 januari 2013), eind 2015 resulteren in minimaal 6.000 extra banen in de markt en 3000 extra banen bij de overheid. Ook voor de jaren daarna zijn afspraken gemaakt over extra banen.

Wet banenafpraak en quotum arbeidsbeperkten

Als werkgevers de afgesproken extra banen onvoldoende realiseren, treedt een wettelijk quotum in werking. Het quotum houdt in dat op termijn elke werkgever met 25 of meer werknemers een formele verplichting krijgt arbeidsplaatsen open te stellen aan mensen met een arbeidsbeperking en een quotumheffing moet betalen voor niet vervulde plekken. Net als bij de banenafpraak moet het quotum tot 125.000 extra banen leiden en gaat het om werknemers die niet het volledig wettelijk minimumloon kunnen verdienen en onder de Participatiewet aan de slag gaan. Ook Wajongers en Wsw'ers die een dienstverband krijgen bij een reguliere werkgever tellen mee voor het quotum. Om te bepalen of het quotum wordt ingesteld, wordt er regelmatig gemonitord of er voldoende extra banen tot stand zijn gekomen. De eerste meting vindt plaats in 2016 over 2015. De banenafpraak en het quotum worden geregeld in de Wet banenafpraak en quotum arbeidsbeperkten. Deze wet is in de zomer van 2014 ingediend bij de Tweede Kamer en zal op 1 januari 2015 in werking treden.

Loonkostensubsidie

Om het voor werkgevers aantrekkelijker te maken iemand met een arbeidsbeperking in dienst te nemen, krijgt de gemeente de mogelijkheid om loonkostensubsidie te verstrekken. Loonkostensubsidie kan worden ingezet voor mensen die niet het wettelijk minimumloon per uur kunnen verdienen. Het gaat dus om mensen die per uur niet volledig productief zijn. De loonkostensubsidie wordt verstrekt aan de werkgever en kan, waar nodig, structureel worden ingezet. De middelen voor de inzet van het instrument loonkostensubsidie worden daarom beschikbaar gesteld via het inkomensdeel. Loonkostensubsidie kan ook worden ingezet voor werknemers die op een beschermt werk plek werken. De werkgever betaalt aan de werknemer het cao-loon of, als er geen cao-loon is, minimaal het wettelijk minimumloon. Het is met het oog op de participatiekansen van mensen met verminderd arbeidsvermogen belangrijk dat het cao-loon voor deze mensen zo dicht mogelijk bij het wettelijk minimumloon komt te liggen. Sociale partners krijgen drie jaar de tijd om volgens een bepaald ritme in alle cao's laagste reguliere loonschalen

op te nemen tussen 100 procent wettelijk minimumloon en 120 procent wettelijk minimumloon, te beginnen op 100 procent wettelijk minimumloon. In 2017 moeten alle cao's hieraan voldoen. Als blijkt dat cao's niet aan de afspraken voldoen, krijgt een werkgever de wettelijke mogelijkheid om iemand die aangewezen is op loonkostensubsidie ten behoeve van de banenafpraak, op individuele basis aan te nemen in een loonschaal van 100 procent wettelijk minimumloon. De loonkostensubsidie is het verschil tussen het wettelijk minimumloon en de loonwaarde en wordt vermeerderd met de werkgeverslasten. De subsidie is maximaal 70 procent van het wettelijk minimumloon. Als iemand in deeltijd werkt, kan ook loonkostensubsidie worden toegekend aan de werkgever. De loonkostensubsidie wordt dan naar evenredigheid verminderd. Dit is van belang voor mensen die naast een verminderde productiviteit per uur ook een medische urenbeperking hebben en daardoor alleen in deeltijd kunnen werken. De hoogte van de loonkostensubsidie is verder afhankelijk van de loonwaarde van de werknemer. De loonwaarde wordt door de gemeente in samenspraak met de werkgever op de werkplek vastgesteld op basis van een transparante en betrouwbare methode. Het is van belang dat de loonwaarde objectief wordt vastgesteld. De loonwaarde wordt elk jaar (in geval van beschut werk: elke drie jaar) opnieuw vastgesteld. De loonkostensubsidie kan worden ingezet voor iedereen voor wie de gemeente een verantwoordelijkheid heeft bij ondersteuning gericht op arbeidsinschakeling en die niet in staat is om als hij fulltime zou werken het wettelijk minimumloon te verdienen. Het kan behalve om mensen met bijstand ook gaan om mensen met een ANW-, IOAW- of IOAZ-uitkering. Daarnaast kan loonkostensubsidie worden ingezet voor mensen die geen uitkering ontvangen van de gemeente (bijvoorbeeld omdat ze een partner hebben met voldoende inkomen), maar die voor hun ondersteuning wel onder de Participatiewet vallen. Voor mensen die door een medische beperking alleen maar in deeltijd kunnen werken maar daarbij per uur wel volledig productief zijn, kan geen loonkostensubsidie worden ingezet. Deze mensen kunnen wel een beroep doen op de gemeente voor andere ondersteuning en voorzieningen om te werken. Als deze mensen gedeeltelijk werken en aanvullend bijstand ontvangen, wordt 15 procent van de inkomsten uit dit werk (met een maximum van 124 euro per maand) niet verrekend met de bijstand of IOAW/IOAZ-uitkering. De gemeente moet dan wel hebben vastgesteld dat sprake is van een 'medische urenbeperking'. De gemeente laat zich hierover adviseren door UWV. Toepassing van bovenstaande vrijlating is aan de orde nadat gebruik is gemaakt van de huidige vrijlatingsmogelijkheden in de WWB.

Gemeenten leggen hun beleidskeuzes in verordeningen vast

Gemeenten hebben beleidsvrijheid en bepalen op basis van maatwerk wat iemand aan ondersteuning nodig heeft. Zij leggen hun beleid in verordeningen vast. De Participatiewet wijzigt een aantal bestaande verordeningsplichten op onderdelen en voegt een aantal nieuwe toe. Het gaat om verordeningen waarin gemeenten de volgende zaken vast vastleggen:

- Regels over de doelgroep loonkostensubsidie en de vaststelling van de loonwaarde.
- Regels voor het verlenen van een individuele studietoeslag. De regels hebben in ieder geval betrekking op de hoogte en frequentie van de uitbetaling van de individuele studietoeslag.
- Regels over het ondersteunen bij arbeidsinschakeling en het aanbieden van voorzieningen gericht op arbeidsinschakeling.
- Regels voor het verrichten van werkzaamheden in een beschutte werkomgeving.
- (Aangescherpte) Regels over de wijze waarop mensen die bijstand ontvangen of door gemeenten worden ondersteund in het vinden of houden van werk, of hun vertegenwoordigers, worden betrokken bij de uitvoering van de Participatiewet.

Ook de Wet WWB-maatregelen treedt per 1 januari 2015 in werking en wordt opgenomen in de Participatiewet. Op basis van deze wet moeten gemeenten de volgende verordeningen opstellen:

- Regels voor de tegenprestatie.
- Regels voor de individuele inkomenstoeslag.
- Regels voor het opleggen van maatregelen.

Appendix C

Overzicht geselecteerde documenten voor analyse

Code	Titel	Type	Bron	Datum
D1	Beantwoording kamervragen van het lid Voortman over experimenten in de Participatiewet	Kamerbrief	Tweede Kamer	3-7-2017
D2	Beantwoording kamervragen van het lid van Brenk over de gang van zaken bij sociale werkbedrijven	Kamerbrief	Tweede Kamer	12-6-2017
D3	Beantwoording kamervragen over baan en bijstand	Kamerbrief	Tweede Kamer	16-3-2017
D4	Beantwoording kamervragen van het lid Kerstens over het bericht 'Niet iedereen blij met baan plus bijstand'	Kamerbrief	Tweede Kamer	25-1-2017
D5	Beantwoording kamervragen 'Baan via gemeente of UWV? Vergeet het maar!'	Kamerbrief	Tweede Kamer	9-12-2016
D6	Beantwoording kamervragen 'Utrecht mensen in de bijstand hoeven niet te solliciteren'	Kamerbrief	Tweede Kamer	15-5-2017
D7	Beantwoording kamervragen 'Kanslozen hoeven niet te solliciteren'	Kamerbrief	Tweede Kamer	13-7-2017
D8	Beantwoording kamervragen 'Meer mensen in de bijstand'	Kamerbrief	Tweede Kamer	10-6-2017
D9	Beantwoording kamervragen 'Taaleis bijstand genegeerd'	Kamerbrief	Tweede Kamer	13-9-2016
D10	Beantwoording kamervragen 'vier weken wachten aanvraag jongeren'	Kamerbrief	Tweede Kamer	2-12-2016

D11	Maatregelen om beroep op bijstand terug te dringen	Rapport	Divosa	29-3-2017
D12	Eerste ervaringsonderzoeken participatiewet	Kamerstuk	Tweede Kamer	27-11-2015
D13	Onderwerpen Wet banenafpraak en Participatiewet	Kamerbrief	Tweede Kamer	30-6-2017
D14	Uitvoering en evaluatie Participatiewet	Verslag Algemeen overleg	Tweede Kamer	5-4-2016
D15	Brief uitvoering Participatiewet	Kamerbrief	Tweede Kamer	2-12-2016
D16	Regeling vrijwilligerskostenvergoeding in de bijstand	Kamerbrief	Tweede Kamer	10-3-2017
D17	Ontwerpbesluit experimenten Participatiewet	Ontwerpbesluit	Tweede Kamer	30-9-2016
D18	Participatiewet	Wet	Overheid	1-1-2015
D19	Handhaving arbeidsverplichtingen	Rapport Inspectie SZW	Ministerie SZW	1-6-2017
D20	Rapport Geen fraudeur, toch boete	Rapport Nationale Ombudsman	Ombudsman	4-12-2014
D21	Besluit van de gemeenteraad van de gemeente Maassluis houdende Beleidsplan Handhaving Participatiewet, IOAW en IOAZ 2016 tm 2019	Beleidsplan	Gemeente Maassluis	30-12-2016
D22	Beleidsplan Tegenprestatie Gemeente Deventer 2015	Beleidsplan	Gemeente Deventer	3-6-2015

D23	Toelichting Verordening handhaving Participatiewet, IOAW en IOAZ Meierijstad 2017	Toelichting bij raadsbesluit	Gemeente Meierijstad	22-12-2016
D24	Diverse onderwerpen participatiewet	Kamerbrief	Tweede Kamer	24-6-2016
D25	Problemen bij de uitvoering van de Participatiewet	Verslag Vergadering	Tweede Kamer	20-9-2017
D26	Beleidsplan tegenprestatie Participatiewet	Regeling	Gemeente Neder-Betuwe	30-7-2015
D27	Uitvoeringsregels handhaving Participatiewet, IOAW en IOAZ gemeente Littenseradiel 2015	Regeling	Gemeente Littenseradiel	22-10-2015
D28	Factsheet Toezicht in het Sociaal Domein	Informatie overzicht	VNG	1-2-2016
D29	Advies W12.17 voorlichting betreffende de tegenprestatie Participatiewet	Advies brief	Raad van State	7-7-2017
D30	Afstemmingsverordening Oss 2016	Regeling	Gemeente Oss	1-1-2016
D31	Afstemmingsverordening PW, IOAW en IOAZ 2015 gemeente Harderwijk	Regeling	Gemeente Harderwijk	1-1-2015
D32	Afstemmingsverordening PW, IOAW en IOAZ 2015	Regeling	Gemeente Groningen	1-4-2016

D33	Afstemmingsverordening PW, IOAW en IOAZ Gemeente Deventer 2015	Regeling	Gemeente Deventer	31-12-2015
D34	Afstemmingsverordening PW, IOAW en IOAZ Gemeente Leiden 2015	Regeling	Gemeente Leiden	1-1-2015
D35	Beleidsplan Handhaving Participatiewet 2016/2019	Regeling	Gemeente Maassluis	30-12-2016
D36	Beleidsregelen Bestuurlijke Boete Participatiewet Utrecht 2017	Regeling	Gemeente Utrecht	1-1-2017
D37	Beleidsregel Taaleis Den Haag 2016	Regeling	Gemeente Den Haag	1-1-2016
D38	Beleidsregels bestuurlijkse boete PW Almere 2017	Regeling	Gemeente Almere	6-4-2017
D39	Participatieverordening gemeente Almere 2017	Regeling	Gemeente Almere	13-4-2017
D40	Uitvoeringsplan Handhaving Participatiewet Maassluis 2017	Regeling	Gemeente Maassluis	30-12-2016
D41	Verordening, afstemming, bestuurlijke boete en handhaving PW Utrecht 2015	Regeling	Gemeente Utrecht	27-5-2015
D42	Verordening maatregelen en handhaving Participatiewet Gemeente Rotterdam	Regeling	Gemeente Rotterdam	1-10-2017

D43	Verordening maatregelen, fraude en verrekenen bestuurlijke boete Den Haag 2016	Regeling	Gemeente Den Haag	1-1-2017
D44	Verordening Sociaal Domein Gemeente Eindhoven	Regeling	Gemeente Eindhoven	1-1-2015
D45	Verordening Tegenprestatie Avres 2016	Regeling	Gemeente Gorinchem	1-1-2016
D46	Verordening Tegenprestatie PW Meijerijstad 2017	Regeling	Gemeente Meijerijstad	24-1-2017
D47	Verordening Tegenprestatie Participatiewet	Regeling	Gemeente Amsterdam	1-1-2015
D48	Protocol Huisbezoek Ferm Werk	Regeling	Ferm Werk	10-9-2015
D49	Reintegratieverordening Participatiewet Den Haag 2015	Regeling	Gemeente 's Gravenhage	16-11-2016
D50	Verzamelenverordening PW, IOAW en IOAZ 2017	Regeling	Gemeente Tilburg	1-8-2017
D51	Wanneer heb ik met een huis recht op bijstand?	Vraag en Antwoord	Rijksoverheid	1-1-2018
D52	Wat zijn mijn rechten en plichten in de bijstand?	Vraag en Antwoord	Rijksoverheid	1-1-2018
D53	Wanneer heb ik recht op bijstand?	Vraag en Antwoord	Rijksoverheid	1-1-2018
D54	Wetsvoorstel invoering participatiewet	Wetsvoorstel	Tweede Kamer	2-12-2013