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A critical perspective on the reform
of Dutch social security law

Voor mijn ouders

A critical perspective on the reform of Dutch social security law

The case of the life course arrangement

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Contents

List of Abbreviations

ABW	National Assistance Act
BB	Birth of Biopolitics (Foucault 2008)
CAO	Collective Labor Agreement
CC	Civil Code
CDA	Christian Democratic Appeal (Christian democratic party)
CNV	National Federation of Christian Trade Unions
D66	Democrats 66 (liberal party)
DHA	Discourse Historical Analysis
FNV	Federation of Netherlands Trade Unions
HSS	Hegemony and Socialist Strategy (Laclay and Mouffe 1985)
LCA	Life Course Arrangement
LCE	Logics of Critical Explanation
NGR	Dutch National Family Council
PEF	Poststructuralist Explanatory Framework
PP	Parliamentary Papers
PvdA	Labor Party
SER	Social Economic Council
Star	Labor Foundation
STP	Security Territory, Population (Foucault 2007)
TECENA	Temporary Expert Commission Emancipation
TC	Time Credit scheme
UK	United Kingdom
VNO-NCW	Confederation of Netherlands Industry and Employers
VVD	People's Party for Freedom and Democracy (liberal party)
Wazo	Work and Care Act
WWB	Work and Welfare Act

Preface

Dutch social security law has changed during the last decades. Values of equality and solidarity, which traditionally underpin social security law, are slowly being replaced by the value of individual responsibility. This transformation is embodied in the Life Course Arrangement, an individual savings scheme for (new) social risks, which will be replaced by the Vitality Arrangement in 2013. How can the establishment of the idea of individual savings schemes in Dutch collective social security law be explained? And is it possible to criticize those changes without reverting to some notion of justice? This book seeks to answer these questions through a collection of papers and (theoretical) chapters.

One of the main purposes of the Life Course Arrangement was to enable workers to combine paid work with other activities during their life course. Above all the Life Course Arrangement was aimed at relieving the busy 'rush hour of life', a period when workers are caring for their (small) children as well as their elderly parents and are working on a successful continuation of their career all at the same time. In fact, I found myself in the middle of my own 'rush hour of life' when I studied Labor Law and subsequently conducted my PhD research. Yet, I enjoyed this busy period doing research and writing papers. I am grateful to the Department of Social Law at Leiden University for giving me the opportunity to carry out this research project. I especially want to thank my supervisors, Guus Heerma van Voss from Leiden University and David Howarth from Essex University, and my colleagues of the research program 'Reforming Social Security', funded by the Stichting Instituut Gak, for their support and constructive comments on my work.

I also would like to thank my partner, Nurit, without whom I never would have started and finished this PhD study. My son Lenny, who is now six years old, will probably only remember that we were playing soccer, watching soccer, and buying soccer balls and soccer shirts in the years before he turned seven. So, I guess my 'rush hour of life' will not leave him traumatized.

I hope that you will enjoy reading this thesis.

Anja Eleveld
Leiden, June 2012

1 | Introduction

Social security law, which lies at the heart of the Dutch welfare state, has changed during the last decades. These changes can also be characterized as a slow transformation from a system informed by notions of equality and solidarity to a system that is increasingly influenced by the values of freedom of choice and individual responsibility (Jaspers 2001; Noordam 1996, 1998, 2007; Trommel and Van der Veen 1999; Van Oorschot 2002; Van Gestel, et al. 2010; Van der Veen 2001).

A short history of the Dutch welfare state illuminates this value shift The contours of the Dutch welfare state appear for the first time in the influential Van Rhijn report from 1945. This report argues in favor of a reformed system of social security that ensures a decent life for the entire population (Van Rhijn Committee 1945: 7). In the years that follow, a collective system is built up that aspires to cover all possible collective risks. This system fits in well with the paternalistic welfare state discourse that is popular at the time. According to this discourse, social security should take care of the citizens 'from cradle to grave', a basic principle which is hardly ever challenged during the first decades after 1955 (Noordam 1998 and 2007).

In the mid-1970s, with the social security system 'completed', the Netherlands are struck by the (world) economic crisis, which results in a crisis of the social security system. In response to this crisis, the social security discourse increasingly emphasizes individual risk responsibilities. Another shift in the discourse concerns the framing of the crisis. Instead of attributing the crisis of the welfare state to external economic factors, the debate is increasingly determined by arguments referring to the widespread improper use of social benefits and the unmanageable costs of the welfare state. In addition, as a result of European demands regarding equal treatment of men and women, so-called bread winner facilities are abolished in favor of more individualized facilities that endorse equal treatment of men and women (Asscher-Vonk 2001; Jaspers 2001; Noordam 1996 and 2007; Van der Veen 2001).

The report by the Buurmeijer Committee (1993) marks a new shift in the social security discourse. It reveals how the organization of unemployment and disability schemes has not led to the reintegration of unemployed and disabled workers into paid employment but has, in fact, encouraged welfare dependency. The report advocates the introduction of market processes in the social security system. Correspondingly, within the discourse, social security is increasingly approached in terms of economic incentives and disincentives and less in terms of rights and obligations. This impli-

cates that citizens are no longer perceived as passive consumers of governmental policies, but as active, calculating subjects who carefully weigh what strategy promises most profits (Noordam 1996, 2007; Van Gestel, et al. 2009; Trommel and Van der Veen 1999).

The individualization of social risks that started in the 1980 continues after 2000 when new social security reforms are introduced. For example, the 2004 Dutch Work and Welfare act (WWB) places far more emphasis on work than on welfare benefits, compared to the preceding National Assistance Act (AWB), Another novelty in social security law which reflects the aforementioned value shift concerns the Life Course Arrangement (LCA), an individual savings arrangement in social security law that is introduced in 2006.[1] The LCA involves the right for individual workers to save part of their wages in a fiscally favorable way in order to finance full or part-time unpaid leave.[2]

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[1]   The LCA differs in many respects from classical social security arrangements. Therefore, defining LCA as a social security arrangement will require some further explanation. Strictly defined, social security law is confined to income protection under public law (Noordam 2006). A broader definition of social security law includes all kinds of arrangements, both public and private, that entail solidarity based transfers of income, such as sickness insurance, study allowances and rent subsidies (see for instance SVB 2004). This book follows the criteria that have been formulated by Heerma van Voss and Klosse (2007) and Vonk (2004). Based on social law literature, jurisprudence of the European Court of Justice and ILO Committee Reports and Recommendations, Heerma van Voss and Klosse conclude that public social security is not necessarily organized in public law. However, they note that the government must set some safeguards with regard to public law. To Heerma van Voss and Klosse this implies that second and third pillar arrangements that are also organized in private law, such as the LCA, may very well be considered social security law. Still, strictly speaking the LCA falls outside their definition of social security law, because the LCA is not exclusively related to one of the nine essential elements of social security as defined in ILO treaty 102 and in Regulation 1408/71 (medical care, sickness benefit, unemployment benefit, old age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivor's benefit). The LCA, then, also covers the new risk of employability, i.e. to be sufficiently educated and trained to keep up with the requirements of the labor market. Therefore, this study extends the definition of social security law of Heerma van Voss with the criteria formulated by Vonk (2004), according to whom social security law is essentially related to classical social insurance risks. Whereas rent subsidies are excluded from the definition, this definition includes costs that are not covered in ILO treaty 102 and Regulation 1408/71, such as costs for education. Drawing on the defintions provided by Heerma van Voss and Klosse and Vonk we can thus conclude that the LCA is an instrument of social security law, because the LCA (a) covers the (new) risks of care and employability; (b) involves a transfer of money within tax law; and (c) includes public safeguards in public law.

[2]   The LCA is not the first public arrangement that facilitates the financing of leave. In 1998 the government introduced an arrangement that facilitated career breaks (loopbaanonderbrekingsregeling, Wet Finlo). However, since an employee had to meet a lot of requirements before she was entitled to this type of leave financing, only a few employees utilized this arrangement. Consequently, the arrangement was withdrawn in 2006. In addition, employees could already save part of their wages in a fiscally facilitated way in the 'leave savings account' (verlofspaarregeling), albeit on a smaller scale than in the LCA. This arrangement, which was also withdrawn in 2006, could be considered a forerunner to the LCA.

According to the explanatory memorandum of the law propos-
al, the LCA's main objective is to deal with the need for combining
work and other activities and for spreading out these activities dur-
ing the course of one's lifetime.[3] Other parliamentary documents men-
tion the stimulation of female labor participation as a second impor-
tant purpose of the LCA.[4] The LCA is further justified as fitting in
with a policy that promotes individual needs and responsibilities.[5]

The LCA differs from traditional social security arrangements in at
least three important ways. First of all, instead of redistributing income
between poor and rich citizens, workers with higher incomes tend to be
favored over workers with low incomes. This is due to the structure of the
fiscal facilitation of savings under the LCA (Caminada and Goudswaard
2006).[6] Secondly, in the form in which it was introduced in 2006 the indi-
vidual savings instrument does not cover 'old risks' such as unemploy-
ment and disability, except for the risk of old age. Instead, the LCA is tai-
lored to 'new risks' such as the risk of having to combine paid work with
care and the risk of having a level of education and training that is too low
with respect to current labor market requirements. Thirdly, the LCA may
also be used for reasons that have nothing to do with social risks whatso-
ever, as the worker is allowed to use the savings for the financing of leave
for personal leisure pursuits, such as traveling or painting. The LCA thus
also facilitates differences in lifestyle choice.[7]

In the years following the LCA's introduction, different proposals have
been put forward with the objective of extending the personal and material
scope of application of the LCA. Of these, proposals to extend the personal
scope to the self-employed and to permit using the savings for funding the

3   PP 2003-04, 29 760 No. 3, p. 14.
4   PP 2006-07, No. 18, p. 295; PP 2006-07, 30 800 XV, No. 9, p. 15; PP 2004-05, 28 000 Chap-
      ter XV, No. 2, p. 15; PP 2003-04, 29 210 and 29208, No. 94, p. 11.
5   PP 2003-04, 29 760 No. 3, p. 15.
6   Furthermore, prior to the introduction of the LCA it has been argued that the LCA
      would tend to increase the inequalities between women and men. That is, whereas
      women would probably use the funds to finance parental leave and/or care leave, at
      the end of their working career men would have more money left in their savings
      account to enjoy an early retirement (Bovenberg 2003; Keuzekamp 2004; Koopmans
      2007; Koopmans, Plantenga and Vlasblom 2005; Roman, 2006; Vermeeren-Keijzers).
7   Compare in this respect Nagel's categories of inequalities: (1) discrimination; (2) social
      background inequality; (3); natural endowment inequality; (4) differences in effort and
      lifestyle choice. Whereas Dutch social security law after WW II initially sought to
      include the first three categories, with the introduction of LCA the most libertarian form
      of equality policies, the accommodation of differences in effort and lifestyle choice (cat-
      egory 4), is also addressed (Nagel, 1991).

periods in between jobs have been the most salient ones.[8] These proposals are to some extent incorporated in the 'vitality arrangement', which will replace the LCA in 2013.[9] Compared to the LCA, these proposals reflect a rupture with traditional social security law to an even greater extent. After all, instead of endorsing the values that have traditionally informed social law, such as protecting the employee and reducing inequalities (Betten et al. 1997; Zekic 2011), these proposals tend to facilitate the self responsible life planner.[10]

The question can be raised as to how to asses these changes that apparently erode the basic values of social law. Should we just accept the transformation of the underlying values of social security law as an inescapable effect of modernity in which constraints of traditional society are being replaced by the freedom-seeking self reflective individual (Giddens 1991)?[11] Or is it possible to formulate a critique? For example, instead of viewing the introduction of the LCA as an inevitable product of modern society a Foucauldian perspective would demonstrate an interesting paradox. That is, notwithstanding the fact that the modern society discourse

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8   The most important ones are the governmental coalition agreement of 7 February 2007 ('Samen werken, samenleven'), the Labor Participation Committee (2008) and the Labor Foundation (2008). The proposal for a vitality arrangement is the most recent addition to this list (Parliamentary documents 2010-11 29 544, No. 329 and 2011-12, 33 003, No. 3, Stb 2011 639).

9   Stb 2011 639. Workers who have, by the end of 2011, saved over €3000,- in the LCA may continue saving in their life course account.

10   Similar proposals can be found in the social-legal welfare state literature from this period. On the one hand, this literature endorses Giddens' idea of the investment state (1998), which focuses on instruments that facilitate the combination of paid work with other useful activities such as unpaid care activities and training. On the other hand, this literature emphasizes the importance of protection and solidarity (Supiot 2001; Schmid 2006; Esping-Anderson 2006; Barnard et al. 2001).

11   As Giddens further argues, due to processes of detraditionalization, individualization and globalization former 'external risks' become 'manufactured risks'. That is, instead of being a matter of faith, risk is increasingly viewed as the outcome of human action (1994, 1998, 1999). In my opinion, Giddens' leap from sociological theory to a normative statement such as 'no rights without responsibilities' (1998: 65) is problematic. Yet, during the period around the introduction of the LCA, this argument in favor of the 'investment state' has also been used in the Dutch literature on the future of the social security system. In this regard, see for example Engelen, Hemelrijk and Trommel (2007), Ester, Muffels and Schippers (2006), Goudswaard (2005) and Van der Veen (2004). Moreover, as will be further explained in part II of the book, Giddens' concept of manufactured risks has been a source of inspiration for the development of the idea of individual savings arrangements in the social security system. Nonetheless, the meaning of 'manufactured risk' as it has been used by Leynse (2001a) and Leynse and others (2002) must be distinguished from Giddens' interpretation. For example, whereas according to the Dutch literature having children is a 'manufactured risk', which implies that, at least in principle, the responsibilities of child care belong to the parents only, Giddens' argument that 'the protection and care of children is the single most important thread that should guide family policy' refers instead to a 'shared responsibility for child care (..) among parents and non-parents' (1998: 94-95).

suggests that freedom-seeking, self reflective citizens experience more freedom than in the old days, nowadays citizens are more constrained because they are increasingly compelled to behave as a rational responsible life planner (Foucault 2008). This latter perspective has been further elaborated on in 'governmentality studies' that critically asses the neoliberal turn that has taken root in Western societies since the 1980s (Burchell et al. 1991; M. Dean 1999 and 2007; Lemke 2001; O'Malley 2004; Rose; 1999; Rose and Miller 1992; Rose et al. 2006; Rose and Valverde 1998).[12]

The emerging ruptures within the existing collective system are also puzzling when it regards the well-known new institutionalist claim that welfare state institutions tend to remain stable during long periods of time. While these institutional arrangements alter gradually over the course of time, adapting themselves to new circumstances, big ruptures within the traditional institutions occur only incidentally. This trend is reinforced in countries with strong corporatist structures, such as the Netherlands (Hemerijck and Visser 1997; Kuipers 2004; Van Gestel et al. 2010; Pierson 2000).[13]

This study aims to provide an answer to both preliminary questions: (1) how to be critical and (2) how to explain the emerging ruptures in the traditional system of collective social security law. With respect to the first question, a number of Dutch social law scholars hold that social law is intrinsically related to normativity (Asscher-Vonk 2009; Jaspers 2008; Noordam 2007; Klosse 2003; Pieters 1998; Pennings 2009; Rood 1998; F.J.H.M. Van der Ven 1966; J.J.M. Van der Ven 1966; Van Esveld 1966 and Wilthagen 2003). This raises the question if justice can function as a normative yardstick for the evaluation of social law reform. Chapter 4 rejects this type of evaluation, mainly because (conventional) concepts of justice as well as democratic theory turn out to be based on a specific (Kantian) concept of personhood, according to which people can rationally agree on justice criteria, thereby excluding the possibility of contestation. Indeed, as will be argued through-

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12   In addition to the critique that is formulated in governmentality literature, Giddens' ideas on the modern self reflective citizen and Beck's related work on the risk society (1992) has also been criticized in literature that objects to the dominance of rational choice theory in social policy. According to these criticisms, citizens are likely to underestimate their risks (see for instance Sen 1977). It is therefore argued that compulsion will be required if market systems are to serve the traditional equity concerns of welfare. In this regard, see for example Taylor-Gooby (1999), Anderson (2000), Elliot (2002), Steele (2004) and Schmid (2006). The picture of the citizen as a choice loving consumerist has also been challenged in Dutch literature. See for example Hoff and Vrooman (2002), Huiskamp et al. (2006), Hurenkamp and Kremer (2005) and The Netherlands Institute for Social Research (2004). These criticisms have strengthened the position of those who argue in favor of the deployment of behavioral economics in the field of social policy (Thaler and Sunstein 2008). The relationship between the latter alternative for rational choice accounts of market behavior and Foucault's analysis of neoliberal governmentality will be further examined in chapter 10.

13   It should be noted that according to some respondents in this research, the supporters of the LCA regarded this arrangement as the start of a grand social security reform.

out this book, Rawlsian and Habermasian conceptions of justice and democratic legitimacy tend to overemphasize the role of rational argument at the cost of attention for affect, rhetoric and passions. The rejection of conceptions of justice or democratic legitimacy as normative yardsticks does not imply, though, that this study endorses a positivist view of a fact-value separation of law. Instead, as in legal pragmatics, the law is considered to be a practice devoted to the realization of certain values or ideals (Taekema 2003; Van der Burg and Taekema 2004) that are not to be perceived as external truth claims (Taekema 2006).[14] Yet, this study deviates from legal pragmatism as it is based on a poststructuralist discourse theoretical ontology, which considers power relations to be constitutive of social practices, including law practices. The consequences of this ontology for the concept of law will be further discussed in chapter 4.

Rooting the study in post-structuralism means that this study acknowledges the radical contingency of objectivity (structures, subjects and discourses).[15] In addition, a Kantian based sharp distinction between theoretical reason (knowledge) and practical reason (morality), which we see in positivist studies, is abandoned (Glynos and Howarth 2007:8). This implies, as the next chapters will show, that the preliminary normative and empirical question cannot be separated.

Regarding the earlier observations and basing this study in poststructuralist theory, the hypothesis can now be put forward that the establishment of the idea of individual savings schemes in the traditional collective Dutch social security system can be explained by the rise of new hegemonic discourses that increasingly compel citizens to behave themselves as self responsible life planners. In order to investigate this hypothesis the study will be guided by the following central question:

> **How can the establishment of the idea of individual savings systems within the Dutch traditional collective system of public social security law be critically explained?**

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14   As Van der Burg asserts, ideals cannot be fully realized, they partly transcend contingent, historical formulations. Ideals combine three elements:
      1. Unlike norms, an ideal is not a direct action guide.
      2. An ideal is future oriented and at the same time grounded in reality. It is an image of the future state of affairs that is worthwhile and not irrational to strive for.
      3. An ideal is often vague and cannot be completely grasped in a description or fully realized; it partly transcends every attempt to formulate and realize it (1997: 25).
15   It should be noted that researchers normally do not explain their ontology. Usually, as in positivist analysis, it is taken for granted that it is possible to observe some regularities between observable phenomena. In contrast, in this research we explain the poststructuralist ontological assumptions. Also see section 2.1.2.

1.2   INTRODUCTION TO THE SUB QUESTIONS

The central question, it is divided into 4 sub questions.

Sub question 1
In order to answer the central question, this research that is rooted in post-structuralism needs a methodological framework. Therefore, before starting with the empirical research, this study has to answer a first theoretical question:

> 1. **How can a poststructuralist model for critical explanation of changes in Dutch social security law be designed?**

Sub question 2
This study intends to evaluate the introduction of the LCA on the basis of a poststructuralist theory, which means that a justice based evaluation is rejected beforehand. Nevertheless, it is quite common practice to comment on (changes in) social security law in terms of justice. Therefore, this research first investigates the possibility of justice based evaluations:

> 2. **How can social law be evaluated using justice based criteria?**

Sub question 3
The third sub question responds to the empirical part of the central question. The introduction of the LCA will be taken as a paradigmatic example of the establishment of the (idea) of individual savings arrangements in social security law. This results in the first empirical question:

> 3. **How can the establishment of the Life Course Arrangement be critically explained?**

Sub question 4
The hypothesis reveals that the critical dimension in this study, amongst others, involves a critical approach to the implicit working of individual savings schemes, namely that the individual is increasingly pushed to behave herself as a self responsible life planner. Therefore, the second empirical question involves a governmentality perspective on the establishment of individual savings accounts:

> 4. **How does the Life Course Arrangement function as a new governmental technology in the perspective of (neoliberal) governmentality?**

1.3   Overview of the chapters

The study is divided in five parts, each consisting of one or more chapters. This introduction provides a short overview of these chapters.

Part I: Theory and methodology
Part I responds to both theoretical questions (sub questions 1 and 2). This part consists of three chapters. Chapter 2 answers the first theoretical question as it examines different poststructuralist and post-positivist explanatory concepts for social and policy change. Chapter 3 and the first part of chapter 4 examine to what extent political philosophy can provide justice based criteria for the evaluation of social law reform. As such they respond to the second theoretical question. The last part of chapter 4 is dedicated to the first theoretical question as it offers some poststructuralist alternatives for critique. This chapter also presents a critical poststructuralist explanatory framework that combines the different poststructuralist en post-positivst approaches that were examined in chapter 2 and chapter 4. Finally, this chapter further introduces the empirical chapters.

Part II: The emergence of new ideas in the policy discourse
Part II responds to the first empirical question (sub question 3) and examines how the idea of 'life course' or 'the life course perspective' started to dominate the policy discourse as a prelude to the establishment of the LCA. This part consists of three chapters. Chapter 5 examines the influence of rhetoric and affect on the emergence of a new perspective on social security law. Chapter 6 reveals how a coalition could emerge between diverging parties that all sustained this new perspective. Chapter 7 addresses a particular policy field in which the 'life course perspective' emerged, namely emancipation policy.

Part III: The establishment of the Life Course Arrangement
Part III also responds to the first empirical question (sub question 3). However, instead of analyzing the discursive changes that preceded the rise of the LCA, this part examines the (introduction of the) LCA as a new instrument of social security law. Chapter 8, which studies the emergence of the LCA as the outcome of a process of disagreement, compromise and resistance, puts the emphasis on the policy processes. Chapter 9, conversely, explains the juridical characteristics of the LCA, comparing the emergence and the juridical characteristics of the LCA with those of its Belgian counterpart, the time credit scheme.

Part IV: Governmentality and the construction of the new worker
Part IV responds to the second empirical question (sub question 4). This part critically considers, from a governmentality perspective, how the 'new worker' was presented in the discourses that accompanied the emergence of the LCA. Chapter 10 compares the life course discourse with the nineteenth century poor law discourse as two forms of liberal government that represent two different but comparable configurations of 'freedom' and 'security'.

Part V: Main findings, conclusion and outlook
Part V contains one concluding chapter. In chapter 11 all research questions are answered in a persuasive narrative.

PART I

THEORY AND METHODOLOGY

2 | Poststructuralist and post-positivist approaches to policy analysis

This chapter examines poststructuralist and post-positivist explanatory concepts for social and policy change. The emphasis is put on the concepts that Glynos and Howarth have developed for their explanatory model, Logics of Critical Explanation (LCE). which can, thus far, be considered the most comprehensive attempt to construct an explanatory framework on the basis of poststructuralists discourse theory. [1] This model is innovative because it overcomes the fallacies of positivist explanatory models that try to subsume singular cases under universal laws or causal mechanisms, without falling back on the relativism of hermeneutics. In addition, as will be demonstrated in chapter 4, LCE offers a *critical* explanation without presupposing fixed standards of justice.[2] This chapter is structured as follows. Section 2.1 starts with discussing the basic concepts of LCE. This section shows, amongst other things, that notwithstanding the positive contribution of LCE to the development of a poststructuralist based research strategy, this model limits itself to an abstract analysis at the level of nations/states. In other words, LCE lacks more concrete concepts for the purpose of policy analysis (Glynos et al. 2009). Section 2.2 therefore considers some other analytical approaches. This section also examines the extent to which the discussed approaches are compatible with LCE. Section 2.3 provides an introduction to chapters 3 and 4 which address the fourth analytical step in LCE: critique.

2.1 Logics of Critical Explanation

This section provides an overview of LCE as presented by Glynos and Howarth (2007), starting with the epistemological contours of LCE (2.1.1). This is followed by an explanation of the ontology of LCE (2.1.2), the relationship between practices and logics (2.1.3) and the LCE research framework (2.1.4).

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1   Other less elaborated upon attempts concern Howarth et al. (2000) and Norval (1996) and Howarth and Torfing (2005).
2   See chapter 3.

2.1.1   *A post-positivist paradigm of explanation*

LCE is based on a 'post-positivist paradigm of explanation' (Glynos and Howarth 2007: 18), which means that the mode of reasoning that is used in LCE differs from research that is conducted in natural sciences and social sciences that adhere to the positivist paradigm. In this latter mode of reasoning, *deduction* assumes 'a prominent role within the context of *justification*, that is, with respect to the testing, verification, falsifications, formalization and presentation of theories' (Glynos and Howarth 2007: 21). Thus, a theory is accepted as long as the falsifiable hypotheses are not disproved by the observed facts. In addition, within the positivist mode of reasoning, explanations and predictions are not easily distinguished, as Glynos and Howarth argue: '[e]xplaining x is predicting x after it has actually happened (…) Predicting x is explaining it before it has actually happened' (Hanson1972:41 cited by Glynos and Howarth 2007: 22).

     However, positivist natural science also involves a distinct form of reasoning that is to be found in the *context of discovery*. For Glynos and Howarth, this mode of reasoning can neither be described as an *inductive* nor as a *deductive form of reasoning* but instead as a *retroductive form of reasoning*. This *retroductive form of reasoning* takes the following form:

1. a 'surprising, anomalous, or wondrous phenomenon' is observed (P)
2. (P) is explicable if hypothesis (H) were true
3. so there is a good reason that (H) is true
    (2007: 26). [3]

The scheme shows that in *retroductive reasoning* 'the hypothesis is not inferred until its content is already present in the explanation of P' (2007:26). According to Glynos and Howarth, this form of reasoning is the only possible form of reasoning within social sciences.

     Retroductive reasoning within social sciences is distinct from *retroductive* reasoning within natural sciences, though. In contrast to social sciences, 'natural science presupposes that a retroductively inferred hypothesis has already been accepted as part of its theory' (Glynos and Howarth 2007: 27). Thus, within natural science the *context of justification* produces a hypothesis that is inferred in the *context of discovery*. It is this sharp separation between the *context of justification* (causal explanation/accepting a hypothesis) and the *context of discovery* (theory construction/ positing a hypothesis) that cannot be upheld in social sciences, according to Glynos and Howarth. *Retroduction* has to take a different form within social sciences, because within this discipline there is no 'constitutive link' between expla-

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3   This is a form of reasoning that is based on the work of Aristotle and has been further developed in pragmatism (Peirce: 1934).

nation and prediction. After all, in contrast to the natural world, the social world is an open system within which it is not possible to conduct closed experiments (2007: 31). This also explains why social sciences have no predictive value.

As an alternative to the positivist picture of *retroductive reasoning*, Glynos and Howarth propose an explanatory framework in which both contexts are merged:

> 'our logic of explanation begins with something we encounter in the present – an anomalous phenomenon that needs to be rendered intelligible (..). This active process of *problematization* [italics added by the author] involves the constitution of a problem (..) which invariably results in the transformation of our initial perceptions and understanding. Work is then started on furnishing an explanation that can render the recalcitrant phenomenon more intelligible. This process is understood in terms of the logic of retroductive explanation and theory construction, which involves a to-and-fro movement between the phenomena investigated and the various explanations that are proffered. In this way, an initially chaotic set of concepts, logics, empirical data, self-interpretations, and so on, at varying levels of abstraction, are welded together, so as to produce an account which, if it removes our initial confusion, can constitute a legitimate candidate for truth or falsity' (2007: 33-34).

Hence, in contrast to a positivist mode of explanation, which accepts a hypothesis only as a valid explanation if its predictions are confirmed, Glynos and Howarth argue that an explanatory model can only accept an account as a valid explanation if 'it produces insights and greater illumination according to criteria which can be publicly articulated' (2007: 39). They distinguish 'three dialectical moments in social science practice': (1) the moment of problematization; (2) the moment of retroductive explanation, in which the analyst goes back and forth between the phenomena investigated and the various explanations, and (3) the moment of persuasion (2007: 38). These moments are further developed within the context of the LCE framework in section 4.1.4.

2.1.2   Ontology

LCE is based upon Laclau and Mouffe's discourse theory. The ontological presumptions of their discourse theory can be clarified by the Heideggerian distinction between the 'ontical' and the 'ontological'. Whereas the 'ontical' refers to a particular domain or phenomenon, the 'ontological' refers to 'the categorical pre-conditions for such objects and their investigation'(2007: 108). To understand Laclau and Mouffe's discourse theory, this section briefly examines the linguistics theories of de Saussure and Derrida on which it is based. Subsequently, some basic discourse theoretical concepts are explained. The final part of the section addresses the concept of subjectivity within discourse theory.

According to de Saussure, the meaning of words (signs) is made up of a combination of specific sounds (signifier) and concepts (signified). Despite the fact that the relationship between the concept and the sound is completely arbitrary, de Saussure does not, like Wittgenstein in his early work, assume that the function of the signs is simply to name objects in the world. Nor does he believe, like Wittgenstein in his later work, that the meaning of signs is dependent upon their specific use in certain contexts. According to de Saussure, meaning and signification occur within the system of language itself. Thus, the meaning of the sign is determined by its relationship with or differences from other signs. Derrida radicalizes de Saussure's language theory to the extent that he deems that with regard to language use these signs may be posited in different relationships to each other, which means that a concept will always implicate other terms: each term leaves 'traces' in related terms. Therefore, meaning is never fully present and enclosed within rigid boundaries. Stated otherwise, meaning is diffuse, 'disseminated' and open ended; it is in flux.[4]

Based on this approach to language theory, Laclau and Mouffe have built their discourse theory which we will now examine. According to Laclau and Mouffe, a *discourse* temporarily stops the instability in the meaning of the signs, without definitively fixating their meaning. In the case where a number of signs within a discourse acquire their meaning from their relationship to the same privileged moment, Laclau and Mouffe call this privileged sign a *nodal point*. Thus, the meaning of signifiers may alter as a result of the emergence of a new *nodal point*. This conceptualization of discourse reveals that Laclau and Mouffe perceive the social as a meaningful construct in which meaning can never be permanently fixed (1985: 110-111). Based on these assumptions *discourse* is the 'structured totality' that results from an 'articulatory practice', or the practice in which a relationship is established 'among elements such that their identity is modified' (1985: 105). It attempts to transform 'elements', or signs whose meanings have not yet been fixed, into 'moments' or signs whose meanings are temporarily fixed.

How do temporarily fixed signs acquire new meaning? Or, in other words, how do they explain the transformation of discourse? To account for change, Laclau and Mouffe introduce the concept of *dislocation*. Examples of dislocationary moments concern the effects of an economic crisis, commodification or globalization (Laclau, 1990: 52-65). To Laclau and Mouffe, the experience of a dislocationary event causes subjects to 'see' the

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4   Derrida contrasts this language concept with the so-called metaphysics of the presence or logo centrism, which refers to the Western obsession to grasp the truth by naming it using the right terminology. In this process, a theory is built around rigid boundaries and binary oppositions. Derrida (1992) argues that these oppositions are temporary and always consist of a dominant term and an opposed term that is rather derivative and secondary to the first term.

contingent basis of sedimented social *practices*. They suddenly realize that the way of doing things could have been different (1985: 125). Dislocationary events do not necessarily generate change, though. Glynos and Howarth state that after the experience of a dislocationary event either the *social* or the *political dimension* of existing practices comes to the foreground. In the case wherein the *social dimension* is foregrounded, a brief glimpse of the contingent basis of social practices does not result in *political contestation* and existing social practices are further sustained. If, in contrast, the *political dimension* is foregrounded, the norms underlying social practices are challenged through *political contestation* (Glynos and Howarth 2007: 121-124). Thus, the original political institution of these 'sedimented practices is 'activated' and former *nodal points* acquire the status of *floating signifiers*, which are eventually stabilized in a changed social context.[5]

Finally, we will examine the way in which LCE conceptualizes subjectivity. According to poststructuralist discourse theory, the subject is created in discourse and is therefore decentered. For this reason, poststructuralist discourse theory is generally suspected of reducing the subject to a passive effect of structures. However, by including Lacan's psycho-analytical theory, discourse theory and LCE seek to circumvent this critique. For instance, Glynos and Howarth assert that *political contestation* only takes place to the extent that the subject experiences a lack of identity, which drives the subject to identify with new signifiers. In this process, the subject seeks to invest the *floating signifiers* with new meaning. In some instances of *political contestation*, a certain signifier which represents one particular demand assumes the role of an *empty signifier* (Laclau 1996: 36-46, 2005:44) and absorbs, or universalizes, a broad range of other demands. Hence, the *empty signifier* is described as a signifier that is emptied of its determined content and can, for this reason, account for the unity of society. For example, during processes of contestation the signifier 'justice' or 'democracy' can be transformed into an empty signifier, absorbing different particular demands. In addition, staying faithful to Lacan's theory, Glynos and Howarth emphasize that the drive of subjects to identify with new (empty) signifiers should not be regarded conscious acts, but must be understood as 'modes of *enjoyment*',[6] which are often structured around a narrative 'that covers over or conceals the subject's lack by providing an image of fullness, wholeness or harmony, on the one hand, while conjuring up threats and obstacles to its realization on the other' (2007: 130).

The ontology of LCE thus explains how, at the ontological level of analysis, change and stability of social practices must be understood. Based on this ontology the next section elaborates on LCE's basic explanatory categories.

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5   Laclau and Mouffe also claim that a new hegemonic articulation only takes place in the presence of antagonistic forces and if the frontiers that separate them are instable (1985: 136).
6   See chapter 3.

2.1.3   *Practices, discourses and logics*

LCE relies on three basic units that explain social change and permanence: *social logics*, *political logics* and *fantasmatic logics*. This section illuminates these basic units of explanation. For a good understanding of processes that involve the transformation and stabilization of *practices*, however, it is necessary to devote a few words to the concept of *practices* in advance.

Glynos and Howarth define *practices* as the 'ongoing routinized form of human and societal reproduction (…)', such as catching a bus in the morning (2007: 104). *A regime of practices* has a structuring function, in the sense that it orders a system of *social practices* (2007: 106). For Glynos and Howarth, logics explain (a regime of) *practices* in a threefold way. Firstly, the logic indicates the 'essence' of the practice. Secondly, it describes the rules of the *practices*, though not in a transcendental way. Thirdly, it points out which kind of entities or what kind of ontological dimension is involved in the *practice*. In short, 'the logic of a *practice* comprises the rules or grammar of the *practice*, as well as the conditions which make the practice both possible and vulnerable'(2007: 136).

The concept of *social logics* is closely related to concepts such as 'regimes of '*practices*' and '*discourse*'. *Social logics* characterize a particular social practice or regime that can be analyzed on the contextual level. They consist of 'a system of rules drawing a horizon within which some objects are represented while others are excluded' (2007: 139). *Social logics*, however, do not describe a unified *discourse*. Instead, the concept refers to a 'regularity in dispersion' (2007: 139; Laclau and Mouffe 1985: 105). This means that *social logics* consist of rules that describe both the 'patterns' and the 'open-endedness' of regimes of *practices* and *discourses* (2007: 139). For example, in the Netherlands in the 1970s and the 1980s the dominant (male) work practices could be characterized by the logics of '40-40-40', implying that in Dutch society the average (male) worker worked 40 hours a week, 40 weeks a year and 40 years for the same boss until his retirement.

Whereas *social logics* characterize current regimes of practices, the other two logics, *political* and *fantasmatic logics*, give rise to these practices and are, therefore, situated on a quasi transcendental level. *Political logics* refer to the emergence and formation of a *practice*, and also to the possible de-institutionalization or contestation of certain *practices*. They are in play in situations where the *political dimension* of social relations is foregrounded (2007:143). *Political logics* consist of the operation of two logics of signification: the *logics of equivalence* and the *logics of difference*. Both logics of signification are derived from de Saussure's distinction between two relations in language, that is, the associative (or substitutive) and the syntagmatic (or combinatory) (2007: 106). *Logics of equivalence* emphasize the process in which 'two or more elements are substituted for each other with reference to a common negation or threat' (2007:144). Therefore *logics of equivalence* create an ontological relationship between different demands. For example,

the introduction of the LCA was preceded by a massive demonstration in 2004 in which different groups collectively protested against the Balkenende administration. As will be argued in chapter 8, during this conflict a common front was established against the perceived opponent (the Balkenende administration), which nullified the internal differences between the participating groups. *Logics of difference*, on the other hand, seek to keep different elements separate and autonomous. For example, as will be demonstrated in the same chapter, due to the working of the *logics of difference*, which involved a deal between the government and the labor unions, the established chain of equivalences dissolved. Thereby it prepared the ground for some minor institutional changes. These examples show that both *logics of equivalence* and *logics of difference* can generate change. However, whereas a *logic of equivalence* attempts to constitute an antagonistic relationship, a *logic of difference* seeks to break down these relations of antagonism, causing institutional change.

The *logics of equivalence* are closely related to Laclau and Mouffe's concept of *hegemony*. As Howarth explains, on the one hand hegemony can be interpreted as the establishment of equivalent chains between different demands. On the other hand, hegemony can be understood as 'a form of rule [that] speaks in general to the way in which subjects accept and conform to a particular regime, practice, or policy, even though they may have previously resisted or opposed them' (2009: 320). For LCE both concepts of *hegemony* are essential to understand the relationship between the concepts of *social*, *political* and *fantasmatic logics* as categories for the analysis of social change and permanence.

The third explanatory category, *fantasmatic logics*, captures the process of how subjects are attached to a 'particular call'. By covering up social contingency, *fantasmatic logics* can both sustain existing *social logics* and determine the speed and direction of *political logics*. Glynos and Howarth make a distinction between the 'beatific dimension of fantasy' and the 'horrific dimension of fantasy'. Whereas the beatific dimension of fantasy 'promises a fullness-to-come once a named or implied obstacle is overcome', the horrific dimension of fantasy 'foretells of disaster if the obstacle proves insurmountable' (2007:147). As a rule of thumb, *fantasmatic logics* can be recognized by how they find a way into both official and unofficial political *practices* (2007:148). For example, during the research one interviewee referred to the *narrative* that accompanied the reforms in the disability arrangements in the 1990s. According to this narrative, 'disabled' carpenters earn lots of (black) money fixing up private homes in addition to their disability allowance. This narrative seems to have facilitated the retrenchment of disability arrangements. Another example of a *fantasmatic narrative* concerns the story on young mothers who receive disability benefits because they suffer from a Repetitive Strain Injury (RSI). According to this narrative, which was told about 10 years ago, these mothers were, above all, profiting from the system. The way the story was told reflected ambi-

gious feelings towards these mothers. In the first place it was doubted if those mothers were really ill. Secondly, these mothers were pictured as clever women who managed to escape their fate of double tasking, i.e. having a full-time job and taking care of their children at the same time. As such, these *fantasmatic narratives* seem to possess what Glynos and Howarth call 'a kind of extreme oscillation between incompatible positions'(2007:148). Indeed, both *narratives* portray people living on disability allowances not only as frauds and (lazy) profiteers but also as calculating and smart people. Thus, these *fantasmatic narratives* are organized around a particular way we think that the Other takes our enjoyment away.[7]

In some instances *fantasmatic logics* are closely related to *political logics*. For example, the *logics of equivalence* may create ontological links between different demands through the construction of an 'enemy within', such as 'the Balkenende government' in the aforementioned example. As a result, the 'nation' may be divided into two opposed camps. The construction of *logics of difference*, on the other hand, can be sustained by a narrative in which an 'enemy without' is created, such as 'globalizing forces' that take away the national identity. This *narrative* tends to solve internal divisons.

To summarize, LCE conceptualizes different *logics* that together explain the transformation and stability of *practices*. The next section examines how the interplay between those *logics* fit into the LCE research framework.

2.1.4   *The LCE research framework*

The three basic steps for research conducted within the LCE framework have already been elaborated upon in section 2.1.1: *problematization*, *retroductive explanation* and *persuasion*. Glynos and Howarth have supplemented these steps with a fourth category, *critique*, which will be addressed in chapters 3 and 4. The analytical steps are informed by the articulatory practice, which involves the way in which the analyst gathers her data and interprets them. Glynos and Howarth identify three features of articulatory practice. In the first place, articulation establishes a relationship between heterogeneous elements under a singular name. Secondly, articulation acknowledges that elements are contingent and are, therefore, 'the primary ontological level of the constitution of the real' (2007: 179). Thirdly, due to the articulatory practice, the identity of each element is modified. Hence, singularity, contingency and modification of elements are key aspects of the articulatory practice. This section examines the first three analytical steps.

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7   See section 3.3.

With respect to the first analytical step Glynos and Howarth draw upon Foucault's notion of *problematization*. This means that research starts with the *problematization* of certain practices that are taken for granted. This can be illustrated by the example of the Dutch social security discourse in the last decade. This discourse involved a shift from the goal of providing insurance against all possible risks to the management of new risks, such as the risk of care and the risk of education. Problematizing this shift requires the analyst to start with the question of why social policy is problematized in terms of governing new risks in the first place. We can thus pose questions such as:

1. How can these new practices (government of new risks) be characterized?
2. Where did these practices originate?
3. How and why are these new (regimes of) practices installed?
4. Why is there a lack of resistance from political subjects who embrace other values that underpin these new practices, such as solidarity and equality?

In the second step, the process of retroductive explanation, the analyst identifies the relevant *social*, *political* and *fantasmatic* logics. During this step, the analyst elaborates the questions that were posed before. That is, whereas *social logics* are mostly informed by the first two questions, the other two logics, *political* and *fantasmatic logics*, are instead informed by the third and fourth question. *Retroduction* thus provides an explanation of social change and permanence that is both context dependent (*social logics*) and context transcendent (*political* and *fantasmatic logics*):

> '*Social logics* are context-dependent constructions that are retroductively posited as a function of the rules and structures that inform practices and regimes. (…) By contrast, *political* and *fantasmatic logics* are formal constructs that enable us to account for orders and practices in a variety of historical contexts. However, except for informing the basis of our theoretical horizon, they do not predetermine our explanations and critical engagements' (Glynos and Howarth 2007: 161, italics added).

Social logics should not be reduced to their empirical contexts, though. Under certain conditions they can also be applied across contexts.

> 'The difference with the 'hard' concept of logic is not that *social logics* cannot move from context to context, only that one cannot do so unproblematically and without explicitly forging new links with the new context' (Glynos and Howarth 2007: 140, italics added).

It should thus be considered under what conditions and to what extent the results of this study can be generalized to, for instance, changes in other fields of social security law or processes of social policy change in other countries.

A retroductive explanation does, however not mark the end of the research. Then, 'for interpretations to *count* they have as "candidates for truth and falsity" – to be regarded as potentially valid – they must first accord with the social onotologies and "regimes of truth" within which they operate'.[8] Yet, in their design of the logics model, Glynos and Howarth challenge the current dominant regime of truth by rejecting 'a narrow positivist understanding of verifications and falsifications which would presuppose the possibility of theory independent empirical observations'(2007: 190). They deem that it is difficult to formulate meaningful criteria of validation in advance in social scientific research. For example, in the case where criteria such as 'consistency', 'insight' and 'evidential support' are used, it should be noted that these criteria vary from one context to another. Therefore Glynos and Howarth argue that the 'ultimate "proof of the pudding" consists in the production of persuasive narratives' (2007:191). Thus the research framework consists of *problematization*, *retroductive explanation*, *persuasion* and *critique*. These analytical steps are part of the poststructuralists explanatory model that is presented in chapter 4. The remainder of this chapter considers how other approaches can add to this basic model.

2.2   EXTENSION OF THE LOGICS MODEL

Notwithstanding the challenging research tools that Glynos and Howarth offer in their book, their design of the logics model also has some drawbacks. In the first place, since a number of scholars have shown that policy change can be the result of a long process of incremental changes, the question can be raised if policy change is only provoked by big *dislocationary events*. As section 4.2.2 shows, even within poststructuralist theory it has been argued that social change is not necessarily preceded by grand events. According to Norval, for example, small dislocations or the presence of *exemplars* also cause people to 'see things' in a different way.[9] A second drawback of LCE concerns its sole focus on the macro level of (political) analysis, such as the formation of *chains of equivalence and difference*, which entail the analysis of processes at the level of the nation/state. It remains unclear if and how LCE can be applied at a lower level of policy analysis. A related problem concerns the analytical categories used by Glynos and Howarth. They focus mostly on abstract categories, such as *discourse* or the *discursive*, finite contingent ontological categories that explain how we

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8   As in the citation in section 4.1.1 Glynos and Howarth draw here on Foucault (1981). Pointing at the prevailing 'regimes of truth and falsity', Foucault indicates how measures of validations are determined by relations of power.
9   See section 3.2.3.

understand the world.[10] What we lack are more concrete, so-called *middle range concepts* and other analytical categories, which are more tailored to policy analysis (Glynos et al. 2009). Thus LCE is in need of less abstract concepts and analytical categories with which we can analyze the incomplete contingent ontic phenomena. The following sections address different kinds of these more concrete concepts. These concepts concern, first of all, analytical categories that are developed in poststructuralist theory. Section 4.2.2 presents Laclau's and Norval's approaches to rhetoric. Section 4.2.3 examines analytical categories, which are developed within post-positivist policy analysis.

A final modification of LCE concerns its exclusive focus on *political logics* as conditions of the possibility of (policy) change. The question can be raised if political contestation is always a necessary precondition for social change. The next section (4.2.1) argues that the work of Foucault suggests that change can also be the result of 'internal processes', such as the development of new (governmental) technologies. This subsection therefore discusses how the simplified scheme social logics (1) – *political logics* – *social logics* (2) can be completed with Foucauldian insights into the internal dynamics of the social.

2.2.1 Foucault and genealogy

Retrospectively, Foucault argued that the aim of his historical research had been the establishment of the relationship between the subject and the games of truth, or the way in which human beings were made into subjects (2000c: 326). As a research method Foucault proposes the use of the Nietzschian method of genealogy. This section first considers how we can understand the genealogical method. Next, it examines the implications of

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10 Howarth's explanation of the differences between 'the discursive', by which he means the discourse as an ontological category, and 'discourse', by which he means a specific discourse, may further illuminate this difference between the 'ontological' and the 'ontical':

'I shall take the *discursive* to be an ontological category – i.e. a categorical presupposition for our understanding of particular entities and social relations – whereby every object or any symbolic order is meaningful, that is, situated in a field of significant differences and similarities. But equally in this approach, following thinkers like Heidegger, Lacan, and Derrida, it also means that such entities are *incomplete* and thus *radically contingent*. Each system is marked by a lack, and their meaning or objectivity depends on the way they are socially and politically constructed. By contrast, the concept of *discourse* refers to particular systems of meaningful or articulatory practice. Thatcherism or New Labour in the UK, or the different forms of the apartheid system in South Africa, or the radical environmentalism associated with social movements in contemporary societies, are all discourses in this sense of the term. It follows from my rendering of the discursive that these systems are finite and contingent constructions, which are constituted politically by the construction of social antagonisms and the creation of political frontiers' (Howarth 2009: 313).

the genealogical method for the study of processes of social change and the ontological fit between Foucault's structuralism and LCE.

Foucault opposes genealogy to teleological history. Whereas in teleological history certain events are explained as being part of some achieved, glorified end, genealogy, 'must record the singularity of events outside of any monotonous finality, it must seek them in the most unpromising places, in what we tend to feel is without history' (1984a: 76). According to Foucault, then, in genealogical research, the study of the '*origin*' of certain practices should not be understood in the meaning of '*Ursprung*', as this word seeks to invest an essence in some events. The 'secret' is, he argues, that these events have no essence.[11] '*Origin*' should instead be understood as its German counterparts '*Herkunft*' and '*Entstehung*', which we find in the original Nietzschian text. '*Herkunft*' corresponds to descent, or the existence of different traits, which instead of establishing a continuity addresses heterogeneity (1984a: 82). In addition, '*Entstehung*' points at the moment of arising of certain practices. Hence, according to Foucault, genealogy is radically different from traditional history in that it seeks to reveal historical traces of qualities that have been thought to lack history. It is based on the specific discursive rules of formation of a specific practice, which Foucault calls the 'conditions of possibility' or 'systems of formation'. These conditions of the possibility explain the emergence of some practices while at the same time the emergence of other possibilities was foreclosed. Genealogy thus demonstrates how our present truths rest upon violence and injustice.

The method of genealogy implies, amongst other things, that the analysis should be focused on the practices and technologies operating in the system (Dreyfus and Rabinow 1983: 188). These practices should, however, not be perceived as deliberate outcomes of intentional actors. To repeat Foucault's famous phrase: 'people know what they do; they frequently know why they do what they do; but what they do not know is what they do does' (Dreyfus and Rabinow 1983: 187). Hence, notwithstanding the fact that actors know what they do, without having hidden intentions, the different local actions are by no means coordinated. The focus of analysis should be 'decipherment' or the analysis of '*what* these practices are doing' (Dreyfus and Rabinow 1983: 122). That is, the role of the genealogist is to draw attention to the way in which dominant discourses conceal the emergence and effects of the practices they sustain, by questioning over and over again what is postulated as self evident. As Foucault has shown in his historical work, genealogy can be helpful in particular for an analysis of the mode in which historical elements are inscribed and reactivated in present regimes of practices.

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11   Even the concept of liberty does not reveal something about human nature, it was
       instead an invention of the ruling class, according to Foucault (1984a: 78).

Thus, Foucault's genealogical work suggests, amongst other things, that instead of inferring political logics for the explanation of social change, social logics emerge and change as a result of complex strategic relationships and technologies. He, for example, ascribes the emergence and transformation of modern (liberal) governmental technologies to the invention of statistics and knowledge production that arose as a result of a 'science of government'.[12] The additional value of Foucault's work for our poststructuralist explanatory framework seems to lie in a genealogical study of social logics, posing the additional question of how social change can be generated by techniques and practices outside the realm of the *political*.[13]

If we want to extend LCE that is based on the work of Laclau and Mouffe with these Foucauldian insights it is necessary to compare the ontological presumptions of both works. First of all, it is remarkable that, in contrast to Laclau and Mouffe, Foucault avoids making his ontological assumptions and analytical categories explicit. In fact, his explicit ontological presumptions do not go further than the postulate that in the modern episteme the figure of 'man' has the 'ambiguous position' of being both 'an object of knowledge and (…) a subject that knows' (1970: 312).[14] Foucault's historical work nevertheless suggests an ontological division between discursive and non-discursive entities, which can be contrasted with the ontology of discourse theory that does not assume this division.

The differences between the ontological assumptions of both approaches may be mitigated, though. First of all, it should be remembered that Foucault, like Laclau and Mouffe, adopts the idea of radical contingency. Secondly, as Howarth argues, 'the genealogical approach resolves the separation between linguistic and non-linguistic practices by rejecting the idea that discourses are simply autonomous systems of scientific statements and by stressing the power relations and political forces that form them' (2002: 129). Also Laclau and Mouffe do not perceive systems of social relations as purely linguistic phenomena. Instead, they assert that 'the relational and

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12   See for example, Foucault's remarks on the rise of governmentality (2007: 102-104). Also note Foucault's analysis of the emergence of the liberal welfare state in his lectures ' Birth of biopolitics', where he argues that liberal welfare in the middle of the twentieth century could be characterized by its governmental technologies securing 'spaces of freedom' (2008:63). In addition, Ewald (1990) has demonstrated the importance of the invention of statistics for the emergence of liberal societies. According to him, the invention of statistics enabled the development 'insurance'. For this reason, they can be viewed as the 'conditions of the possibility' of the liberal welfare state.

13   In this vein, also see the claim of Rose et al. that 'the political' as a motor of social change can be discarded, because a 'structure almost always implies (…) some underlying logic or social force that has to be overcome in order that the structures be breached or transformed' (2006: 100).

14   Therefore, Dreyfus and Rabinow comment: 'Foucault (like later Heidegger) replaces ontology with a special kind of history that focuses on the cultural practices that have made us what we are' (1983: 122).

differential character of language can be extended to hold for *all* signifying or meaningful structures and practices' (Howarth 2009: 312).[15] Thirdly, in HSS, Laclau and Mouffe also understand (linguistic) discourses as having material characteristics that 'pierce the entire material density of the multifarious institutions, rituals and practices through which a discursive formation is structured' (1985: 109). Howarth illustrates the material character of discourse with the example of Thatcherism, which not only consisted of ideas and policies but also of actions and practices, such as strong leadership and entrepreneurship and attempts to transform institutions (2000: 102).[16] Indeed these arguments suggest that it is possible to incorporate Foucault's insights on social change into the framework of LCE.

2.2.2   The exemplar and rhetoric: Aletta Norval and Ernesto Laclau

LCE adopts the idea by Laclau and Mouffe that social change can only be generated as a result of *dislocationary events*. This raises the question of how it is possible to explain policy changes that are not preceded by the occurrence of a major *dislocationary event*. In addition, LCE needs to be reworked in order to provide less abstract explanatory tools for policy analysis. The late work of Laclau and the work of Norval, another representative of the Essex school of discourse theory, offer some methodological suggestions in this respect.

According to Norval, the use of *rhetoric* can play an important role in transformation processes because *rhetoric* can make people see things in a different way: 'If a grammar gives us the ability to word the world, a new grammar opens up fresh worlds in which different objects and projects may appear and old ones may be ruled out' (2007: 129). To illustrate this point, Norval refers to Wittgenstein's example of the rabbit/duck picture. The moment in which a subject suddenly discovers a picture of a rabbit, which she earlier regarded as a picture of a duck, is what Norval calls *aspect dawning*; unexpectedly, the subject has discovered a new aspect. This is a moment of surprise: now it is a rabbit! At the same time the subject notices that the picture has not changed, which implies that in the new perspective, continuity and discontinuity occur. This is what Norval calls *aspect change*: seeing the duck now differs from the moment before the rabbit was discovered. According to Norval, both moments – *aspect dawning* and *aspect change* – are important for change. Translated to policy change, this means that policy change is conditioned upon a first moment of surprise in which the same

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15   Laclau and Mouffe, for example, assert that one does not deny the 'falling of a brick'; the brick certainly exists. What is denied that the brick exists outside 'any discursive context of emerging' (1985: 108).
16   Therefore, Chouliriaki argues that, whereas Laclau and Mouffe refer to materialities outside the semiotic as truth-effects, their views come close to these of Foucault (2002: 92-93).

things are *seen* in a different way, and the rediscovery of this initial moment of surprise. Norval further argues that *exemplars* can play an important role in transformation processes, as they can both capture the dissatisfaction with how things are going (disidentification) and the possibility of doing things in a different way, providing new imaginaries (identification). In this respect a*spect dawning* and the constitution of an *exemplar* are closely related.[17] Yet, the *exemplar* adds to the analysis of policy change because, unlike *aspect dawning/change*, *exemplars* refer to specific singular 'images', 'persons', 'names' or 'practices' that 'facilitate the glimpsing of a universal, of another way of doing things'. The *exemplar*, then, assumes the same function as *dislocationary events* with respect to social change. Norval thus shows that policy changes can be provoked by rather small *dislocations*.

In 'Hegemony and Socialist Strategy', Laclau and Mouffe also address the role of *rhetorical tropes* in the process of social change. According to them, *rhetorical tropes* such as *synonymy*, *metonymy* and *metaphor* are part of the primary terrain in which the social is constituted (1985: 110). The role of *rhetoric* in the process of social change has been further developed in Laclau's later work. Like Norval, Laclau emphasizes that rhetoric is more than mere persuasion. To him, *rhetoric* forms an ontological category that structures the social (2004). In this context, he introduces the *rhetorical* category of *catachresis*, which he describes as 'the use of a figural term when there is no literal term that can replace it (e.g. when we speak of a leg of a chair)' (2004: 306). Since Laclau views *discourse* as a system of differences, unity can only emerge by assuming the representation of an impossible totality. According to him, the name of this impossible totality must be a catachretic name, because there is no other representation that can replace it. This new name creates something new, something that could not be articulated before. It constitutes a new *chain of equivalences* between distinct elements. Drawing on Zizek's argument that it is the name of the signifier that supports the identity of the subject, Laclau concludes that it is ultimately the (catachretic) name of the object that brings about political unity (Zizek 1989: 94-95 cited by Laclau 2005:102-103). The *catachretic act of naming* may generate social change as *catachresis* involves 'figurative' or 'imaginative' reasoning that is essential for the production of 'new spaces of representation' (myths), sustaining new discourses and new coalitions (1990: 65, 2004: 307). This process of social change is intrinsically related to affect. Then, as Laclau argues, whilst the split subject constantly seeks new fullness 'the name' becomes the 'rallying point of passionate attachments'. Therefore, 'affect is required if signification is going to be possible at all' (2005: 116).

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17   This is what Norval stated at the Eleventh Essex Conference on Critical Political Theory, University of Essex (plenary session, June 16, 2011).

Laclau's understanding of *catachresis* seems be of relevance for concrete studies of certain phenomena. For example, Griggs and Howarth have demonstrated that the *catachretic act of naming* may be useful for the understanding of the formation of coalitions between divisive groups that struggled to achieve expansion of Stansted Airport, London (Griggs and Howarth, 2006).[18] In addition, Norval has shown how on a concrete level of analysis, both *rhetoric* and the figure of the *exemplar* can make people see things in a different way, giving rise to *aspect dawning* and eventually *aspect change* in the case wherein this new way of seeing is iterated in concrete practices. Hence, apart from the fact that the *exemplar* can generate 'small' dislocations, the *exemplar* may also sustain the subsequent political processes as it serves to keep open the gap between the signifier and the signified.

2.2.3   *Post-positivist policy analysis*

Post-positivist policy analysis may further contribute to our explanatory model, particularly concerning research that is conducted at a lower and more concrete level of analysis. Post-positivist policy analysis is a term for a broad range of analytical approaches in the field of policy analysis, which seeks to move beyond an 'objectivist' conception of reality. Scholars working within this field primarily object to the positivistic claim that policy problems can be approached in a technocratic, purely empiricist way. This section discusses some basic concepts of post-positivist analysis developed by scholars such as Donald Schön, Martin Rein and Deborah Stone. Special attention is paid to the work of Maarten Hajer. The last part of this section considers the fit between the concepts from post-positivist policy analysis and a poststructuralist explanatory framework that is based on LCE.

Interpretive frames
Schön and Rein (1977) have indicated the impact of a specific problem definition in the policy making process. According to them, the process of problematization is highly dependent upon the deployed policy *frame*, which connects salient features into a pattern that is coherent and easy to grasp. They select and highlight certain features of a policy problem, while they ignore other features. The specific art of problematization is often communicated in a policy *narrative*. In these *narratives* the policymakers tell what, according to them, is 'going on in a specific field'; what the relevant

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18   According to Griggs and Howarth (2006), the catachretic act of naming the coalition that defended the expansion of the airport 'Freedom to fly' brought into being a new object, namely a coalition demanding sustainable growth, a coalition that was composed of very diverse groups. The act of naming thus provided the ideological means of forwarding a particular policy, namely a pre-growth expansion strategy. Howarth did, however, not incorporate the concepts 'cathacresis' and 'discourse coalition' in the logics model.

facts are and how these facts should be interpreted; which problem must be solved; and what the expected consequences of intervention are. Usually facts and values are not clearly separated in these *narratives*. For post-positivists, then, *storytelling* is an important instrument to *frame* problems: the elements of a specific story are related with a particular way of looking at these elements. Policy *narratives* are often deployed as argumentative strategies of policymakers (Fischer and Forrester 1993; Fischer 2003). The *narratives* may appear in different forms. In a *narrative* of decline, attention is put on how things are getting worse and worse. A *narrative* of control, imstead. advances possibilities of interference. In a struggle over the basic *storyline*, policymakers purposefully deploy *narratives* of decline and control (Stone 1988). To make their *storylines* more convincing, they use *rhetorical* devices such as *synedoches* (a small part of an issue represents the whole), *metaphors* (one concept is used to indicate something else), or *symbols* and *emblems* (a single word that points at the policy *narrative* or even replaces an entire policy *narrative*).

Because *metaphors* can condense complex things into one word, they are often used to communicate multifaceted problems to the public. In addition, the *metaphor* often expresses a normative stance, so as to reinforce a specific policy direction. To illustrate the normative working of the *metaphor*, Stone (1988) explains how the word 'fragmentation' in policy texts is enlisted to advocate a policy of reorganization. Thus, *metaphors* do not only describe the situation, they can also be prescriptive. Schön and Rein (1977) call these *metaphors* 'generative *metaphors*'. In policy documents numbers and statistics often act as a generative *metaphor*. They are basically used to tell a *story*: they indicate what activities are to be counted, what groups should be identified and what should be done with these groups. Numbers are therefore not mere objective representations of the world around us, but are subject to both strategic incentives and unconscious manipulation of the policymakers who choose what has to be counted, how it has to be counted and how we should interpret the outcomes (Stone 1988: 131-146).

Nevertheless, it remains unclear how in post-positivist policy analysis the use of data as a *metaphor* is related to *interpretive frames*, problematizations and *policy narratives*. In this regard, the suggestions of Brandwein (2006) prove to be fruitful.[19] According to her, an *interpretive frame* consists of baseline categories of thought such as values, assumptions and beliefs, which can give rise to interpretive products such as *narratives* and *problematizations*. Together, these elements form the interpretive *frame* in which certain aspects of a policy problem are highlighted while other features are ignored. On the one hand, separating the baseline categories of thought from their interpretive products brings the process of interpretation to the fore. On the other hand, Brandwein's model shows that policy *narratives*,

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19   Also see Linder (1995).

problematizations and *metaphors* (the interpretive product) indicate on what values, assumptions and beliefs (baseline categories of thought) a policy is based. The interpretive *frame* thus consists of both interpretive products and the baseline categories of thought, which together prescribe what should be done. At the same time, however, policy *narratives* remain ambiguous. Consequently, people can agree on policy while they read different meanings in those *narratives*.

These insights into post-positivist policy analysis are interesting for our explanatory framework, because they provide concrete concepts such as policy *frame*, policy *narrative* and generative *metaphor* for the explanation of policy change.

Maarten Hajer: storylines and discourse coalitions
Maarten Hajer's work, which can also be categorized as 'post-positivist policy analysis', is interesting for this study for several reasons. In the first place, unlike the work of most of the other scholars engaged in post-positivist policy analysis, Hajer's work is rooted in post-structuralism. Secondly, Hajer has developed some middle range concepts such as *storylines* and *discourse coalitions* that are particularly useful for a more concrete analysis of policy change in multiparty and corporatist countries such as the Netherlands, where political agreements often depend upon the formation of coalitions between different parties.

According to Hajer, policy change and permanence can be explained by how certain discourses are reproduced and transformed. He defines discourse as 'a specific ensemble of ideas, concepts, and categorizations that is produced, reproduced and transformed in a particular set of practices which gives meaning to physical and social realities' (1995: 60). Change occurs as the (discursive) subject challenges and establishes new discourses. Policy practices should therefore be analyzed as argumentative practices. That is, actors must be perceived as active actors, 'selecting and adapting thoughts, mutating and creating them in the continued struggle for argumentative victory against rival thinkers' (Billig 1989: 82 quoted by Hajer 1995: 54). The success of a certain *discourse* is largely dependent upon the way in which subjects, who are 'entangled in webs of meaning', are attracted to this *discourse* (1995: 56). Hajer therefore contends that the focus of analysis should be 'on those discursive practices which (….) can be understood as the interdiscursive transfer points where actors exchange positional statements and where new discursive relationships and positions are created' (1995: 60). According to him, social analysis is in need of so-called 'middle-range concepts through which this interaction between *discourses* and the role of individual action can be analyzed in a 'non-reductionist way' (1995: 52).

The first middle-range concept that Hajer introduces concerns the *storyline*, which he describes as 'a generative sort of *narrative* that allows actors to draw upon various discursive categories to give meaning to specific

physical or social phenomena' (1995: 56). An important function of a *storyline* is that it can both simplify the various aspects of a complex problem and facilitate different groups to read their own narrative in this storyline. Consequently, a *storyline* not only suggests unity in a complex situation, it is also able to create unity among different groups. Despite the fact that the practice within which a *storyline* is uttered and the plausibility and acceptability of the argument are important factors determining the success of a *storyline*, its success depends above all on the *discursive affinity* between the actor and the *storyline* (1995:63). *Discursive affinity* increases to the extent that some elements of the storyline have a structure that is similar to the discursive position from which the subject acts. *Discursive affinity* also increases when some trust in the actor who utters the *storyline* already exists. In these instances, the actor does not need to understand the whole argument, she may also accept the argument because to her the argument 'sounds right' (1995: 66-7).

The second important middle-range concept concerns the concept of *discourse coalition*, which Hajer defines as: 'the ensemble of (1) a set of *storylines*; (2) the actors who utter these *storylines*; and (3) the practices in which this discursive activity is based'. A *discourse coalition* thus refers to 'a group of actors that, in the context of an identifiable set of practices, shares the usage of a particular set of *storylines* over a particular period of time' (2006:70). Hence, *discourse coalitions* are formed in the case where previously independent practices are actively related to each other. The formation of discourse coalitions is facilitated by the production of *storylines* that, according to Hajer, function as a glue binding the different parties and impose a quite arbitrary closure on an open debate. The emergence of a *discourse coalition* may eventually result in *discourse structuration* if 'the credibility of actors in a given domain requires them to draw on the ideas, concepts, and categories of a given discourse' (1995:60). However, it is only if discourse structuration results in the construction of certain institutional arrangements in which the storylines are constantly reproduced that Hajer speaks of *discourse institutionalization*.[20]

Whereas within the framework of LCE, policy change can only be understood as resulting from occurrences at the macro level of analysis such as the emergence of massive populist movements, for example, the concepts of *discourse coalition* and *storyline* are particularly helpful in explaining policy change at a lower and more concrete level of analysis.

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20   Hajer contrasts the concept of discourse coalition with the concept of 'advocacy coalitions' developed by Sabatier (1987). According to Hajer, Sabatier fails to perceive individual beliefs such as contradictory statements, which for that reason can sustain a different range of discourse coalitions. Secondly, Sabatier overlooks the fact that these beliefs may be altered because of the emergence of new discourses. Indeed, as Hajer contends, storylines are able to change the way in which actors understand their interests (1995: 68-72).

Conceptual fit between concepts of post-positivist policy analysis and discourse theory

How do these post-positivist concepts, *narrative*, *storyline* and *discourse coalitions*, fit in with a poststructuralist explanatory framework that is based on LCE?

First of all, it must be emphasized that, on the one hand, *narratives* and *storylines may* converge with the poststructuralist concept of *discourse* to the extent that *discourse* is interpreted as an 'articulatory practice' that establishes relationships 'among elements such that their identity is modified' (Laclau and Mouffe 1985: 105).[21] In this case the narrative and storyline characterize social logics.

On the other hand, however, the concepts of *narrative* and storyline may refer to a certain type of articulatory practice that produces a specific kind of order between the elements, namely an order that persuades people to draw certain conclusions. Thus, the conclusions can be inferred from the way the *story* or *narrative* is told. Because of this specific function, *narratives* and *storylines* are capable of changing certain *discourses*. If they do so, they operate as *rhetorical figures* that change the way that we understand the world, as was explained in section 4.2.2. Hence, whereas Glynos and Howarth only elaborate on the *fantasmatic narrative* as a form of *narrative* that can generate change (as it sustains political logics), the work of Hajer and other post-positivist policy analysts show how other (policy) *narratives* may also come to operate as generative *metaphors* that cause people to see things in a different way. Compare in this respect Stone's definition of the *narrative* of decline and *narrative* of control and the 'horrific and beatific dimensions of fantasy' that Glynos and Howarth use. It must be noted, however, that within the context of discourse theory, a positive identification of an actor with a new *discourse* or *storyline* is not contingent upon 'discursive affinity'. A positive identification requires, above all, an openness to newness.[22]

Also the concept of *discourse coalition* may concern both an articulatory practice (*social logics*) and a rhetorical figure (*rhetorical logics*).. In case the concept of *discourse coalition* is perceived (like the concept of *storyline*) as an articulatory practice, it characterizes existing *social logics*. On the other hand, to the extent that unconscious identification processes in the formation of discourse coalitions are foregrounded, a *discourse coalition* operates like a *rhetorical figure* which constitutes social change. For example, in case a coalition between different actors is formed because the involved policy actors all identify with the *fantasy* that aging society threatens to eliminate

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21   Also see section 4.2.1. Note that discourse in this definition must be distinguished from discourse in the sense of 'the discursive' or the 'conditions of the possibility', which refer to the finite ways in which we make sense of the world.

22   Also see chapter 4.

the Dutch Welfare state, the emerging *discourse coalition* operates as a *rhetorical figure* that may constitute social change.

The conceptual fit between post-positivist analysis and poststructuralist discourse theory with respect to concepts such as *narrative* and *discourse coalition* are not the only problems to be solved. To fit in with a poststructuralist explanatory model, conceptual categories that are used in post-positivist policy analysis such as 'structures', 'institutions', 'subjects' and 'ideas' must be perceived as articulations of contingent *discursive practices*. This means that within discourse theory these *discursive entities* can never account for social change on their own. In any case, Hajer's concept of ideas seems to be perfectly compatible with discourse theory as, to Hajer, an idea is not to be viewed as an unchangeable belief system. With regard to the constitution of individuals, it should further be noted that Laclau and Mouffe's work bears more resemblance to post-positivist constructions of the subject than most people would believe. For one thing, Laclau and Mouffe do not argue that individual political actors do not matter or cannot make strategic decisions, but that whereas the subject is created in *discourse*, she does not act independently of existing *discourses* (1985: 115).[23]

In conclusion, in case structures, institutions and subjects are perceived as articulations of contingent *discursive practices*, the insights of post-positivist policy analysis are not necessarily incompatible with a poststructuralist explanatory framework that is based on LCE. The advantage of these approaches is that the explanatory concepts are not limited to changes at the macro level, such as the introduction of new political regimes, but that they add instead to the analysis of policies and practices at a lower level of analysis. In addition, because these concepts are less abstract than the concepts used in LCE, they are useful for the analysis of concrete phenomena.

2.3   AN INTRODUCTION TO CRITIQUE

This chapter has examined several poststructuralist and post-positivist concepts for the analysis of (policy) change. Part of these concepts will be used for the poststructuralist explanatory model which is presented in chapter 4. This model is based upon four analytical steps of LCE, which were examined in this chapter. This chapter did not pay much attention at the fourth and last analytical step, critique, which is the main topic in the next two chapters. This section shortly introduces these chapters.

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23   Note that this notion of the subject also shows similarities with Hajer's notion of the subject as 'entangled in webs of meaning', which constrains the way the subject can think about reality.

First of all, what is critique? As the first chapter argued this study rejects a sharp Kantian distinction between the domain of knowledge and the domain of morality, which is reflected in the positivist distinction between on the one hand facts and on the other hand critique and normative evaluations. Following Glynos and Howarth, I conceptualize critique first and foremost as a way to 'highlight the constructed and political character of social objectivity (2007:11).

This chapter is, however, not followed immediately by poststructuralist interpretations of critique. Whereas in social law literature it is quite common practice to comment on (changes in) social security law in terms of justice, next chapters first examine some more conventional forms of normative evaluations. Another reason to start with examining these kind of normative evaluations is that poststructuralist theory has often been criticized for its normative deficit. According to these criticisms, justice based theories should be preferred over 'empty' post-structuralism. Indeed, chapter 3 shows how conventional justice based political philosophy can improve normative argumentation in social law literature. Yet, the first part of chapter 4 discusses some important shortcomings of these kind of theories, which, as the latter part of the chapter shows, are covered in poststructuralist critique. Chapter 4 thus defends the view that a poststructralist informed ethos should be preferred over other political philosophical normative evaluations.

3 | Labor obligation, justice and the foundations of social security law

Abstract
In this chapter I argue that normative questions in social law are in need of a more philosophical approach. This is particularly true for the evaluation of Work First projects. Therefore I propose to evaluate Work First projects from the perspective of the reciprocity principle as it is deployed in the work of John Rawls and Stuart White. While Rawls' interpretation of the reciprocity principle seems to reject recent Dutch jurisprudence on a Work-First arrangements, instead White's approach affirms these arrangements, on the condition that a collective participation fund with individual drawing rights is created. This particpation fund could be modeled on the Life Course Arrangement.

3.1   Introduction

Can a welfare recipient under the Dutch Work and Welfare Act (Wet Werk en Bijstand, WWB) be forced to perform simple horticultural work for five days a week? This question was addressed two years ago by the Central Appeals Tribunal (Centrale Raad van Beroep), the highest appeals court in the Netherlands in social security cases.[1] Earlier, a similar matter had been brought before the Arnhem Court.[2] Both cases revolved around the legal acceptability of so-called Work First projects in which welfare recipients are obliged to participate in supervised work to prepare them for a acquiring a regular job. At the heart of this legal question was, in fact, a more philosophical question, that is: to what extent can we require an individual citizen to do something in return for what she receives from the community? This contribution aims to further unravel the philosophical foundations of the judicial review. The anchor point for this study is the ruling of the Central Appeals Tribunal in the aforementioned case.

In Anglo-Saxon countries, compulsory labor projects or Work First measures have a longer history.[3] The introduction of these projects has been critically reviewed in international legal literature. In some cases the argumentation was based on a thorough politico-philosophical reflection on the question whether or not the welfare recipient 'must do something in return for the received benefits'.[4] In Dutch-language legal literature this philosophical approach is usually lacking. As argued by Danny Pieters (1998) in his 1986 inaugural lecture on work ethic in social security, this will be due partly to the fact that it requires jurists to cross the boundaries of their discipline. Nonetheless, the question of justice is a matter that does have the attention of Dutch social lawyers. For instance, from the time that labor law began to set itself apart from general civil law, the intrinsic normative value of labor law or – within a broader context – social law has been a recurring theme in inaugural lectures on social law.[5] However, these discourses are

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1   Central Appeals Tribunal 8 February 2010, LJN BL1093; RSV 2010, 79 with note by Bruggeman; AB 2010, 79 with note by Bröring; JWWB 2010, 64; NJB 2010, 410; NTM/ NJCM 2011, 325 with note by de Vries.
2   Arnhem Court 8 October 2008, LJN BF7284; JWWB 2008, 310 with note by Nacinovic; RSV 2009, 11 with note by Bruggeman; TRA 2009, 18 with note by Driessen.
3   For instance, so-called Workfare measures were introduced by the Clinton administration in 1996 (TANF) and by Blair in 1997. It should be noted, though, that the extent of these measures is often much greater than of the Dutch Work First projects.
4   Also see for example M.E. Gilman (2005) and A.L. Wax (2003).
5   Also see for example F.J.H.M. Van der Ven (1966), J.J.M. Van der Ven (1966), N.E.H. Van Esveld (1966), Pieters (1998), Klosse (2003), Wilthagen (2003), Noordam (2007), Vonk (2008), Jaspers (2008), Asscher-Vonk (2009), Pennings (2009).

lacking a further reaching philosophical reflection on the role of justice within social law.[6]

For a substantiated discussion within social law on the philosophical foundations of the labor obligation that is established in the WWB, as argued above by Pieters, an interdisciplinary approach is inevitable. In this contribution we have chosen a philosophical consideration of the foundations of the labor obligation under the WWB by confronting the arguments used in court rulings on the labor obligation with arguments from egalitarian liberal political philosophy in which the concept of justice is strongly connected with the value of equality. This direction of thought seems most closely related to the widely supported socio-legal basic values of 'employee protection' and 'inequality compensation' (Zekic 2011).

In the past twenty years we have been witnessing an increased emphasis on individual responsibility within a variety of social security systems. This trend runs parallel to the rise of one specific movement within egalitarian liberalism, the so-called luck egalitarianism. Characteristic of this direction of thought is that a clear distinction is made between voluntary choices and 'brute bad luck'. In general, the consequences of voluntary choices should not burden the community; in the end, each individual is responsible for her own success in life (Dworkin 2000; Pierik 1996). Does this also mean that citizens can be held responsible under all circumstances for acquiring an independent income, if need be by imposing a labor obligation? Ronald Dworkin, one of the most important representatives of luck egalitarianism, answers this question using the construction of a hypothetical insurance market where people can bid on their desired social insurance policy under fair conditions and based on equal purchasing power. He argues that buyers on a market such as this will try to find a reasonable balance between protection and affordability. Based on this assumption, according to Dworkin, people will not be quick to pick insurance that covers the risk of performing unpleasant work. They will be more inclined to purchase insurance policy where a certain type of labor (training) obligation can be imposed on the welfare recipient (2000: 320-350).

Nevertheless, quite a number of egalitarian liberal thinkers do not agree with the above hypothetical reasoning. Based on the generally shared point of departure that the modern welfare state derives its power from the reciprocity principle (Mau 2004), they are of the opinion that the acceptability of the labor obligation should be tested against this principle. Seeing

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6   The lack of a well-founded discussion in social law literature on the basic values of social law is also acknowledged in social law literature, see for example F.M. Noordam (2007).

that the reciprocity principle also forms the basis for the WWB, this paper has chosen to build on this approach.[7]

A disadvantage of the chosen approach is that other (politico-philo-sophical) perspectives will receive less attention. For instance, the Work First principle can also be justified based on paternalistic grounds – a rea-soning, by the way, that cannot be considered completely separate from an argumentation based on the reciprocity principle. The clarification of the WWB states, for instance, that the principle of work before welfare can break the transfer of welfare dependence between generations. Children are being set a better example through the new set-up of the welfare scheme, according to the clarification of the WWB. We often see paternalis-tic considerations such as these with communitarian thinkers who believe that personal competences should not be assumed to be present or learned easily, but can be acquired with effort and only within a community (Dea-con 2002; Etzioni 1997; Mead and Beem 2005b).

This contribution aims to tie in with dominant socio-legal literature, though. The socio-legal basic values of 'employee protection' and 'inequal-ity compensation' are not so much inspired by paternalistic motives, but are based primarily on the unequal positions of employee and employer (Betten et al. 1997; Van der Heijden and Noordam 2001), which are princi-ples that have more in common with egalitarian liberalism. Taking this framework of thinking as a point of departure, it will be investigated if wel-fare recipients can be obliged to participate in learning and working projects based on the reciprocity principle.

The commonality of most contributions to the egalitarian liberal debate on the meaning of the reciprocity principle is that they either build on the work of John Rawls or use his work as a point of reference to present a new vision on reciprocity (Anderson 2004; Becker 2005; Bou-Habib and Olsaret-ti 2004; Mckinnon 2003; Mead and Beem 2005a; Sangiovanni 2007; Smith 2002; White 2003). Section 3 offers a review of the labor obligation in light of Rawls' view of the reciprocity principle. Impulses for renewal can be found in the work of Stuart White (2003). In the past few years, this egali-tarian liberal philosopher has given further specification to Rawls' inter-pretation of the reciprocity principle and integrated it with insights from other politico-philosophical directions. Section 4 elaborates on White's vision on a labor obligation. In section 5 it will be shown that an explora-tion such as this can deepen the socio-legal discussion on social security reform.

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7   The clarification of the WWB states, for instance: 'rights and obligations are two sides of the same coin. The right to welfare is always connected with the obligation to endeavor regaining independence from welfare. This means that the welfare amount should not only be based on the applicable welfare standard and the recipient's available means, but also by the degree in which the imposed obligations are being met' (PP, 2002-03, 28 870, No. 3, p. 5).

3.2   THE LEGAL REVIEW OF WORK FIRST PROJECTS

The Dutch Work and Welfare Act, which was introduced in 2004, has given municipalities greater responsibility in the execution of welfare schemes. In comparison with the preceding National Assistance Act (ABW) more emphasis is placed on work than on welfare benefits. Characteristic of the WWB is that assistance in finding work is the primary objective. Only in case this goal is not achieved the citizen may be supported with income.[8]

The WWB states that the welfare recipient with a labor obligation is obliged to take on general socially accepted work. In this respect, education, work experience or last salary are irrelevant. The recipient has the obligation to use a provision that is offered, including social activation that is geared towards employment. Moreover, the applicant must cooperate in an investigation into the possibilities of employment (art. 9 WWB). Many municipalities have based their reintegration policy on the Work First method, which usually means that the welfare recipient is obliged to work temporarily while retaining benefits. In practice, this method is used for all target groups and therefore not only for welfare recipients who also should be able to find a place in the job market relatively quickly without extra support. If people refuse to work, the municipality has the possibility to sanction them (art. 8 WWB jo. art. 18 WWB).

In February 2010 the Central Appeals Tribunal passed judgment in the case of a welfare recipient who refused to participate in a disciplinary project that regarded 'closely supervised labor in greenhouses'. This project's objective was to further develop the participants' general skills as employees. In its ruling, the Tribunal first of all stated that the offered project increases the employment possibilities of the person involved and therefore can be considered a reintegration provision as defined in art. 9 section 1, opening statement and section b of the WWB. Subsequently, the Tribunal tested the provision against the ban on forced and compulsory labor that is laid down in art. 4 ECHR. According to the Tribunal, there is no question of a violation of the ban on forced labor. This view was based on the fact that no physical pressure or any considerable psychological pressure was exercised. With regard to the question if the ban on compulsory labor was being violated, the Tribunal gave meaning to the circumstances of the case, which include in any case: (1) the nature, the place, the duration and the working hours of the labor to be performed in relation to the possibilities, the work experience and education, and the family situation of the person involved; (2) the period for which the involved person had been unemployed; (3) the answer to the question if and how the offered provision could contribute to achieving employment for the person involved; and (4) the severity of the sanction if the offered provision was

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8   PP 2002-03, 28 870, No. 3, p. 2-3.

not accepted. The Tribunal's final conclusion was that in this specific case the ban on compulsory labor had not been violated. Only when, considering all circumstances of the case, it can not (or no longer) be expected from a participant to perform the activities or work that he or she is instructed to do because of their excessive or disproportionately taxing nature and/or the total lack of perspective towards employment that they offer, one could call it a situation of compulsory labor, in the opinion of the Tribunal.

This ruling, just like the one in a previous case before the Arnhem court, shows that Work First projects will be permitted on the condition that they are geared to the individual situation and are not excessive or disproportionately taxing. Moreover, the provision should offer 'some' perspective of employment. Thus, under certain conditions a municipality has the right to impose compulsory Work First measures when executing welfare schemes under the WWB.[9]

3.3   JOHN RAWLS' VIEWS ON RECIPROCITY

Can the framework for review that is formulated by the Central Appeals Tribunal pass a Rawlsian test of fair reciprocity? To answer this question, first of all we will look at Rawls' principles of justice (Rawls 1971). Rawls asks himself what principles of justice people would agree on in a hypothetical situation in which they are lacking knowledge about who they are themselves or who others are. He reaches the conclusion that behind this veil of ignorance they will decide on two basic principles. According to the first principle, each individual should have an equal right to the most extensive system of equal basic liberties. The second principle is that social and economic inequalities must be arranged in such a way that they are attached to positions and offices that are open to all. In addition, this second principle refers to the difference principle that all social primary goods such as freedom, opportunities, income, well-being and the social bases of self-respect are divided equally, unless an unequal division of these goods will benefit the least advantaged. A person with more talents is thus stimu-

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9   At the time of writing this article, the Dutch Senate has adopted a number of changes to the WWB, including the obligation of the welfare recipient to perform a 'counter performance according to capacity'. According to the clarification, this counter performance does not have to be related to the achievement of paid employment. In view of the Tribunal's ruling that is discussed here, the question arises how this obligation can be united with the ban on compulsory labor of art. 4 ECHR. After all, according to the Tribunal compulsory labor is only allowed if the offered provision can contribute to achieving employment for the persons involved. Under referral to the exemption clause on the ban on compulsory labor that is included in section 3, section d of art. 4 ECHR, the Dutch government takes the position that a 'counter performance according to capacity' should be considered a normal civic duty and therefore cannot be deemed to be in conflict with the ban on compulsory labor (PP, 2010-11, 32 815, No. 3, p. 15).

lated to increase her income on the condition that this contributes to the income of the least advantaged.

To underpin his principles of justice, unlike Dworkin, Rawls does not make a clear distinction between people who simply have had bad luck and people who have chosen on their own initiative to not undertake productive activities. According to Rawls, differences in income and prosperity that are the result of differences in peoples' efforts cannot be considered to be 'earned' differences exclusively, because the effort to work can also be affected by factors that are irrelevant from a moral perspective, such as differences in natural ability or the social class in which one is born. Therefore, the introduction of an obligation to work in a social security system will have to be justified on other grounds.

How exactly does Rawls define reciprocity?[10] To answer this question, the first remark that could be made is that Rawls, in contrast to conservative thinkers such as Lawrence Becker and Lawrence Mead, does not assume a strict proportionality between what someone receives and what she has to do in return (Becker 1986; Mead 1986). In other words, Rawls is not unambiguous about the specific obligations that arise from the reciprocity principle. His opinion on reciprocity is closely connected to his opinion on society as a 'system of cooperation'. He thinks that what can be achieved through social collaboration can never be realized by individuals on their own, i.e. a better world for everyone (1971: 4). According to Rawls, the more advantaged people also recognize the need for collaboration. After all, without the cooperation of the least advantaged they will not be able to lead a satisfactory life. The more advantaged will not receive this cooperation for nothing, though. Apart from the fact that the conditions of the system must be reasonable (1971: 4, 103), everyone that is part of the collaboration needs to have the conviction that others, or at least a sufficient number of people, will also contribute (1971: 261). Rawls' view of society as a 'system of cooperation' thus implies that the reciprocity principle should not be interpreted in the first place as a compulsory counter-performance that unemployed people should deliver in exchange for their not earned share in the social product; the reciprocity principle is already incorporated in society as a system of cooperation. In other words, Rawls' view of society as a system of cooperation assumes the willing cooperation of all people for the benefit of the well-being of all people. Therefore, Andrea Sangiovanni argues that this notion shows a 'relational view of justice. This implies that the well-to-do citizen not only owes her well-being to the manner in which she utilizes her specific talents, but also to the legal sys-

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10   This review puts the emphasis on the substantiation of the reciprocity principle. In Rawls' later works, the reciprocity principle is also related to procedural justice. According to this political interpretation of the reciprocity principle, the political debate requires citizens to put forward arguments that, within reason, are also acceptable to other citizens.

tem in which she can express these talents: the talents, dedication and skills of the well-to-do citizen have only been able to produce social advantages thanks to the collaboration and contributions of other citizens to the creation of the institutional framework (2007: 7).

The reciprocity principle also finds expression in Rawls' second principle of justice, that includes the 'difference principle' (1971: 102). According to Rawls, the difference principle requires that everyone is entitled to a minimum share of the total social product. The size of this minimum is not predetermined but will at least exceed the essential needs, since the difference principle specifically endeavors to *maximize* the prosperity of the least advantaged. Moreover, the level of the minimum needs to be high enough for the citizens to feel that they are truly a part of a political society with ideals and principles that they feel connected to. Only then will the idea of society as a joint enterprise be taken seriously (2001: 128-30). The reciprocity principle as expressed in the difference principle thus primarily formulates an obligation of the more advantaged towards the least advantaged.

Rawls is less clear with regard to the counter-performance that can be expected from the least advantaged. Throughout 'A Theory of Justice' he gives some indications concerning this counter-performance. As discussed above, citizens who live in a society that is a system of cooperation can only count on the willing collaboration of others if people are convinced that others will also do their part. In addition, Rawls talks about everyone's 'natural duty' to 'comply with and to do our share in just institutions when they exist and apply to us' (1971: 334).

The fact that Rawls provides no further specification of the natural reciprocity duty has been fiercely criticized by luck egalitarians. The luck egalitarians fear that the least advantaged even might escape any reciprocal responsibility based on the difference principle (Arneson 1997; Dworkin 2000). Rawls has tried to counter this criticism by adding spare time to the list of primary goods. In this regard he considers the additional eight hours of spare time a day that are available to the non-productive bon vivant, or 'Malibu surfer', the equivalent of the entitlement to primary goods of the least advantaged who do have an eight hour workday. Or, as Rawls puts it, 'surfers must somehow support themselves' (2001: 179). Can the conclusion be drawn that the addition of spare time to the list of primary goods justifies a labor obligation in public welfare schemes after all? In literature, two arguments are put forward to support why a labor obligation does not correspond with Rawls' theory of justice. In the remainder of this section we will shed further light on these arguments.

First of all, let us look at the significance of one of the primary goods, 'the social bases of self-respect'. According to Rawls, self-respect is necessary to give meaning to a good life in a satisfactory way. In this regard, it is important that what we endeavor is respected by others as well. Thus, self-respect implies explicit recognition by others: 'all desire and activity becomes empty and vain, and we sink into apathy and cynicism' if our

efforts are not respected by others, says Rawls (1971: 440). Therefore, he considers the social bases of self-respect to be the most important primary good (1971: 440, 546). Thereby it is important that someone does not derive her self-respect primarily from her income, but from the equal division of basic liberties in a just society (1971: 538-539). For this reason the first justice principle, which focuses on an equal division of basic liberties and rights, has absolute priority; 'the precedence of liberty entails equality in the social bases of respect', Rawls holds (1971: 546).

This raises the question how the social bases of self-respect, considered to be the elements of the basic structure that offer people the opportunity to acquire self-respect, relate to a labor obligation that is based on the reciprocity principle. It is Catriona Mckinnon's opinion that people's self-respect is undermined by a labor obligation if the person who is obliged to do the labor and experiences little respect in that compulsory job also lacks the freedom to change jobs. She thinks that this will often be the case since a large part of the citizens on whom a labor obligation is imposed are not capable of finding work of their own accord. If these citizens do succeed in doing so, it will usually concern jobs at the lower end of the labor market. In addition, Mckinnon points to the fact that the person with the labor obligation can also derive respect outside of the work situation. However, she will be left with little spare time and have few financial resources to fill her spare time in a useful and respectful manner. Therefore, Mckinnon takes the position that in a just society the importance of self-respect requires that each citizen should be entitled to receive unconditional benefits, or a basic income (2003: 154).

Mckinnon's argument leans heavily on the importance Rawls attaches to the equal division of basic liberties as the foundation for self-respect. Yet, it could be argued that paid employment will generally generate more self-respect than being dependent on welfare (Anderson 2004: 245). However, this argument seems to ignore the specific nature of compulsory labor. After all, in most cases this type of work has little to do with performing meaningful activities; in contrast, it often creates an extra obstacle for access to useful and meaningful work (Birnbaum 2010). Rawls also doubts if paid employment positively influences people's self-respect by definition and for that reason should always have preference over other types of participation in society. He argues, for instance that 'no one need to be servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility'. In Rawls' view, everyone must be enabled to participate in society by performing 'willing and meaningful work' (1971: 529). By expressly connecting the social basis of self-respect to an equal division of basic liberties, Rawls excludes in advance the possibility that the reciprocity principle can only be expressed in a compulsory labor obligation that offers those involved few prospects of meaningful and respectful work.

A second argument that is used in literature to dismiss a Rawlsian labor obligation is that such an obligation cannot be considered to be in agree-

ment with the system of Rawls' theory. His theory of justice, for instance, leaves no room for distinguishing between people who have excess spare time of their own volition or involuntarily, respectively. After all, in his theory of justice people's preference to spend their day surfing instead of working is considered to be a factor that is irrelevant from a moral point of view, as are differences in one's natural abilities or the social class in which one is born (Wax 2003). Moreover, an egalitarian theory of justice simply does not allow people to lay rightful claim to what they produce, because inequalities that arise due to a difference in capacities are unjust by definition. This implies that the people with superior capacities cannot require from benefit recipients to do something in return (Bou-Habib and Olsaretti 2004; Van Parijs 1995). Furthermore, a labor obligation would violate the equality principle embraced by Rawls. An example to consider in this regard would be that of the lucky person who lives off the interest from his inheritance. It would be in conflict with the equality principle if this person, who does not make a productive contribution to society, would escape a labor obligation whereas this obligation to do labor is imposed on the less fortunate citizen who is dependent upon welfare benefits (King 1999; Segall 2005).[11]

3.4   STUART WHITE'S ALTERNATIVE

Whereas Rawls does not concretely relate the reciprocity principle to a labor obligation, neither positively nor negatively, White (2003) attempts, taking the egalitarian liberal frame of thought as a point of departure, to link concrete an obligation to participate to the reciprocity principle. White's version of fair justice starts with the basic egalitarian claims: just like Rawls he considers society a community that is based on a collaboration between free and equal citizens who want to live in accordance with their own perspective on a good life. White argues that the principle of reciprocity is at the root of this view of society as a community of mutual respect between equals. However, the reciprocity principle does not imply a strict proportionality between the contribution that a citizen makes to the community and what she receives in return. After all, Rawls also does not advocate strict proportionality, because people must be protected against 'brute bad luck'. Thus, he underscores Rawls' principle that a proportional (reciprocal) contribution can only be expected on the condition that the basic institutions are just. White then stipulates a number of basis requirements of justice:

– citizens should not have to lead a life of poverty simply because they meet with more misfortune in their life than others;

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11   Others therefore propose to also impose a labor obligation on rich heirs (Gutmann and Thompson 1996).

- each citizen should be sufficiently protected against economic vulnerability and the exploitation and abuse that can be the result of an economically vulnerable position;
- each citizen who is expected to work should have sufficient opportunities for self-realization in her work;
- inequality with regard to education opportunities and access to external wealth must be limited as much as possible;
- citizens must be protected against discrimination (2003: 90-91).

Only if all of these conditions are being met can one expect from the citizen that she will make a productive contribution to society: the 'basic work expectation'. This productive contribution does not necessarily have to involve paid labor. For that reason White talks about an obligation to participate, which also includes unpaid care activities. Therefore, citizens that meet this participation obligation do not have to do paid work to fulfill the 'basic work expectation'.

An implication of this 'basic work expectation' is that certain groups of welfare recipients can be obliged to participate in projects such as Work First in return for receiving benefits. White poses, however, that it should not be allowed to generically implement this 'basic work expectation' because it would never be possible to completely meet the condition of just institutions. By definition an institution such as law of inheritance generates 'brute bad luck inequalities', for example, without the reciprocity requirement being met. Moreover, under the current institutional circumstances a portion of the citizens at the lower end of the labor market are not or hardly able to escape this vulnerable situation. These citizens also will not be able to work on their self-realization.

Based on these arguments, White contends that certain citizens should receive compensation. For example, citizens who find themselves in an economically vulnerable position through no fault of their own, must at least get the opportunity to refuse certain jobs at the lower end of the market. An additional effect is that in that case these employees increase the pressure on the employers, which can help them to not only realize higher wages but possibly also an improvement of labor conditions. This might provide them with more opportunities for self-realization in their work. To achieve this, White makes a number of proposals that are inspired on the basic income proposed by libertarians. He rejects the idea of a full basic income as proposed by Van Parijs, because it would completely undermine the reciprocity principle. White's proposal concerns a partial basic income that is financed, amongst other things, through a higher inheritance tax for private persons. The basic allowance consists in first instance of a 'participation account', in which contributions are deposited that are meant for specific goals such as education, starting a business, and maternity leave. In addition to the participation account, the basic allowance consists of a 'life account'. Citizens can use it to (temporarily) supplement their income

in accordance with their own wishes. An important advantage of an account such as this, in White's view, is that it gives citizens a better negotiating position with regard to certain forms of low-pay labor that have to be done under adverse or even harmful conditions.

Although White's view on reciprocity is unmistakably inspired by communitarianism, he stays faithful to Rawlsian egalitarianism. Instead of interpreting reciprocity as an equal trade-off between received benefits and the contribution of citizens to the community, he takes the position that citizens only need to contribute according to their abilities. Thus, he adheres to the Rawlsian principle that talents are not earned.

3.5   Work First revisited

The Central Appeals Tribunal ruled that compulsory work activities are forbidden only if the activities are excessive or disproportional and/or any chances of employment are lacking. Whereas this judgment seems to be in agreement with Dworkin's hypothetical insurance market, it could be concluded on the basis of the above discussion that the Tribunal's ruling does not correspond with Rawls' interpretation of the reciprocity principle. Based on the reciprocity principle Rawls seems to stipulate more clearly defined obligations for the more advantaged than for the least advantaged, for instance. Furthermore, it has been argued that imposing a labor obligation on welfare recipients cannot be reconciled with the system of Rawls' theory of justice.

Let us assume that a labor obligation does not create conflict with the system of Rawls' theory. In that case, the allowability of a labor obligation as an expression of the reciprocity principle seems to be connected to the effect of the labor obligation on the self-respect of those involved. Although statements on this topic must be corroborated by further empirical studies, we can make some suggestions based on a number of assumptions and previous studies. First of all it seems plausible to assume that a person on welfare will experience less self-respect than a person doing paid work. It should be noted in this regard, though, that the self-respect experienced subjectively by welfare recipients is closely connected to the way in which the social security system is shaped. For instance, an increase in the number of conditions attached to entitlement to welfare benefits proves to negatively affect the attitude towards welfare recipients and thus the self-respect experienced by the welfare recipients (Rothstein 1998). Studies also show that Dutch Work First projects are successful with regard to the outflow of welfare recipients to paid employment (Sol et al. 2007; Borgers and Lemmens 2009), which might have a positive effect on clients' self-respect. On the other hand, however, it turns out that clients of Work First projects, and specifically those who were unemployed for a prolonged period of time prior to participation in Work First projects, move continuously

between poorly paid jobs and a welfare situation (Bruttel and Sol 2006; H. Dean 2007; Kok and Houkes 2011).[12] These citizens are permanently at the bottom of society and lack the means to independently realize their personal idea of a good life. In this case a lasting outflow to paid employment is never achieved. Consequently, neither the self-respect nor the social minimum will increase. This conclusion will most likely have even greater validity if there is a large supply of workers in combination with relatively few jobs. In that situation a labor obligation might harm people who (do) derive self-respect from paid employment.

So even if we discount the first argument, i.e. that a labor obligation is not in accordance with Rawls' theory of justice, the obligation of a welfare recipient to make an active contribution to society through labor participation should be rejected if such an obligation forms a (serious) violation of the self-respect experienced by the person in question. This means that the well-known 'Malibu surfer' who only derives self-respect from activities whose contribution to society is doubtful, just like other citizens with interests that are more relevant to society, should be able to claim a share in the collective product. Sanctions on not complying with the labor obligation should in no case result in lowering the welfare benefits to a level that is below what is necessary for a meaningful participation in society.

Stricter sanctions may only be imposed if we accept Rawls' addition of spare time to the list of primary goods, and also assume that a labor obligation generates *more* self-respect for a welfare recipient than 'doing nothing' and possibly even increases the social minimum. Only if this is the case can a generic labor obligation be justified on the basis of Rawls' theory. However, even if we take this position we must still reject the conditions set by the Tribunal, i.e. that compulsory labor should only be forbidden if it can be characterized as 'excessive' or 'disproportionate' and/or 'is totally lacking any perspective of employment'. After all, these strict criteria seem to be incompatible with Rawls' own interpretation of 'society as a system of cooperation'. Positively formulated criteria, such as 'labor through which a positive contribution can be made to society' or 'work that contributes to the self-respect of the welfare recipient' and/or 'outflow to labor that offers perspective for the future' seem to be more in line with Rawls' view on fair reciprocity.

Things are different if we follow White's interpretation of the reciprocity principle. According to him, a labor obligation that is imposed within the boundaries set by the ECHR is, under certain conditions, permitted.

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12   The recent literature study of Kok and Houkes (2011) shows that in Dutch cities such as Helmond and Meppel approximately 1 in 3 clients who flowed out to employment via Work First flowed back to welfare. H. Dean (2007) therefore concludes that 'welfare-to-work systems' can be valuable for those who are ready for the labor market and capable of accessing the labor market themselves, but do not work well for those who aren't ready yet for the labor market and for those who are extra vulnerable.

However, in that case citizens do need to be compensated in advance for the unequal circumstances in which they find themselves due to their unfair starting position. In addition, welfare recipients who perform care tasks should be exempt from a labor obligation. In order to compensate for the unavoidable inequalities White proposes, amongst other things, to introduce a collectively financed life account that provides temporary income to every adult. This enables the welfare recipient, at least temporarily, to perform activities that positively affect her self-respect.

Although White has the circumstances in the United Kingdom in mind, seeing the above-mentioned study into the Dutch Work First programs White's body of thought seems to apply to the Dutch situation as well. The life course arrangement and the future vitality arrangement could serve as a model for a compensatory provision.[13] Ideally, a life account such as this would hold an amount that would enable each citizen to support herself independently on a temporary basis, for instance for a maximum period of three years. It must be noted, by the way, that such a scheme would have to be financed collectively, unlike the individual life course arrangement and vitality arrangements. In addition to this scheme one could think of a participation account similar to the one proposed by White, in which the government deposits amounts that are earmarked for specific purposes such as education, parenthood and entrepreneurship.

3.6   Concluding remarks

The political philosophical discussion about the relationship between reciprocity and justice shows that the foundations of social law can be justified at a deeper level than has been the case so far. The analysis has brought to the fore that the labor obligation under the WWB that is accepted by the Central Appeals Tribunal does not pass Rawls' test of egalitarian liberal justice. On the other hand, a labor obligation can be defended if the arguments are based on White's view of egalitarian liberal justice. A condition in that case, though, is that social institutions provide compensatory measures, such as a collectively financed vitality arrangement or a development account with (earmarked) withdrawal rights. Proposals to reform social security by introducing individual withdrawal rights on funds that are filled through collective and individual contributions have been put forth before by the so called Balie group (Leenders et al. 2005), Baris and Verhulp (2007) and the Labor Participation Committee (2008). A thorough philosophical argumentation on the relationship between reciprocity and justice could contribute to the discussion on social law reform.

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13   The vitality arrangement as the successor to the life course arrangement was announced by the Minister of Social Affairs and Employment in a letter dated July 4th 2011.

4 | A normative evaluation of social law and poststructuralist critique

Whereas in social law literature it is quite common practice to comment on (changes in) social security law in terms of justice, chapter 3 examined the merits of a justice based evaluation of social law. It was argued that insights from political philosophy can improve normative argumentation in social law literature. For example, based on Stuart White's liberal egalitarian concept of fair reciprocity a good case could be made for the introduction of a (partly) collectively financed Life Course Arrangement (LCA) in Dutch social security law. In other words, if our normative criteria for the evaluation of law reform were derived from White's concept of fair reciprocity, an individual LCA would have been rejected in favor of a savings scheme that is financed on a collective basis. Does this mean that justice based evaluations should be preferred over poststructuralist critique?

This chapter defends a poststructuralist approach to critique. For this purpose it will, first of all, be shown that evaluations that are based on criteria that are developed within contemporary political philosophy are not without problems either (4.1) Next, this section argues that poststructuralist critique certainly offers viable alternatives (4.2). Based on these alternatives section 4.3 designs a normative framework that is rooted in poststructuralism. Finally, drawing on the arguments that were put forward in this first part of the book, section 4.4 introduces a poststructuralist explanatory framework for policy analysis.

4.1 CONTEMPORARY POLITICAL PHILOSOPHY AND SOCIAL LAW EVALUATIONS

This section examines to what extent contemporary philosophy can provide us with criteria for the evaluation of social law reform. Subsection 4.1.1 considers some problems with justice based evaluations in contemporary philosophy. Whereas this subsection argues that justice based evaluations run into the problem of moral disagreement, section 4.1.2 examines the possibilities of Jürgen Habermas' procedural democratic theory. Section 4.1.3 raises some internal points of critique with respect to his theory. This section concludes that, despite the fact that argumentation in social law literature would benefit from the insights of contemporary political philosophy, neither justice concepts nor democratic theory provide commonly shared evaluative criteria.

4.1.1   *Problems of justice based evaluative criteria*

Starting in the early twentieth century, when labor law set itself apart from civil law, Dutch lawyers have tended to stress the intrinsic relationship between social law and justice. According to them, social law consists of rules that protect and support economically vulnerable citizens and that compensate inequalities (Betten et al. 1997 and Zekic 2011). It has further been argued that these social legal norms are just by definition, because they reflect the morality of the society at a particular time and place (Klosse 2003; Van Esveld 1966; Vonk 2008).[1] Yet, these norms remain vague as they lack further philosophical reflection. Likewise, in recent international labor law literature one can hardly find any examples of elaborated theorization on the basis of which it would be possible to develop evaluative criteria of labor law reform (Busby 2011; Conoghan 1999 and Collins 1997). This section therefore considers the extent to which normative arguments that are rooted in political philosophy can be useful for a normative evaluation of social law reform.

A thorough political philosophical argumentation in social law evaluations was advocated in chapter 2. However, this chapter also reveals some problems. For example, John Rawls' concept of 'reciprocity' seems to be insufficiently elaborated to evaluate social law reform. The same is true for the 'difference principle', a central principle in Rawls' theory of justice according to which inequalities in income should be permitted as long as they improve the position of those who are least well off. It is, for instance, not clear to what extent the poor must be compensated for increased income inequalities caused by the introduction of the LCA. Indeed, apart from a few exceptions such as the work of Stuart White, most political philosophers can be characterized by a 'terrible lack of concreteness' (Unger 1986, 1987, cited by Bader and Engelen 2001: 12).[2]

Justice based criteria that are derived from political philosophy are problematic for other reasons as well. This can be illustrated by a fictional debate between two philosophers. The first philosopher adheres to a liberal oriented philosophy and we will call her 'the liberal'. We call the other philosopher 'the socialist', because she sticks to a socialist oriented philosophy. In their debate both philosophers firmly justify the institutions of the welfare state by some kind of comprehensive philosophy. However, whereas the liberal stresses the virtues of individual freedom and encourages welfare arrangements that prevent citizens to fall below a certain threshold, the

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1   In this regard, Dutch social lawyers seem to endorse a Hegelian view on the relationship between justice and the law.

2   In the last few decades a number of philosophers and political scientists have sought to bridge the gap between the 'is' and the 'ought' or the 'can' and the 'should'. See for example Goodin (2005), Legrand (1997), Marshall (1975), Mau (2004), Rothstein (1998), Taylor-Gooby (2004) and Titmus (1974).

socialist argues for social security arrangements that promote equality and a sense of community (Miller 2003). This conversation illustrates how different substantive understandings of justice may obstruct the establishment of commonly shared evaluative criteria for law reform. In other words, the aforementioned preference for a collective LCA will not necessarily convince those who do not endorse White's philosophical points of departure.

In order to overcome the problem of moral disagreement, some political philosophers have turned to 'deliberative democratic theory'.[3] As Guttmann and Thompson have argued, one way to live with moral disagreement is democracy 'that as far as possible respects the moral status of each of us' (1996: 26).[4] In fact, Rawls also turns to the merits of liberal democracy to overcome the problem of plurality concepts of the good. In his famous essay 'Justice as fairness, political not metaphysical' (1985), he argues that the original position in ' A Theory of Justice' is preconditioned upon a Kantian concept of personhood, which is particularly enhanced by liberal democratic society. Therefore, his concept of justice needs to be understood as a political concept. For Rawls, then, 'political justice' refers to the basic political structure and is derived from fundamental ideas in the public culture of liberal democratic society, which affirms that people have a capacity for their own normative self-determination. Rawls further develops his 'constitutional democratic theory' in 'Political Liberalism' (1993). He now holds that 'justice as fairness' must be conceived as just one liberal concept within a family of liberal justice concepts that all address a list of basic rights, liberties and opportunities. What these liberal concepts of justice have in common is the fact that they ensure that citizens can make effective use of their basic freedoms as they engage in public reasoning on the common good. This means that they base their arguments 'on principles, values and methods of reasoning and assessing evidence that are shared by the reasonable doctrines affirmed by reasonable citizens in a democratic society'(Freeman 2000: 402). Thus, Rawls seeks to approximate justice in the face of moral pluralism.

Whereas Rawls draws on *constitutional* democratic theory that puts the emphasis on legitimate democratic institutions, other democratic theorists

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3   The problem of moral disagreement has also been recognized in international labor law literature. For example, Hepple has argued that '[t]he great ideals of social justice, equality and human rights to which all democrats subscribe, are powerful symbols against public and private poverty. But the labor legislation of the future, like that of the past, will be the outcome of processes of conflict between different social groups and competing ideologies' (1995: 304-305).

4   A few Dutch social lawyers have also endorsed this more procedural way of thinking with respect to social security law. They have increasingly recognized that citizens need to have a say in justice issues (Asscher Vonk 2009 and Noordam and Van der Heijden 2001).

have developed a *procedural* democratic theory to address the problem of moral disagreement that stresses the idea of citizen participation (Bohman and Rehg 1997; Elster 1998; Macedo 1999). Since the most well known of them is Jürgen Habermas, the next subsection addresses to what extent his democratic theory is able to provide adequate evaluative criteria for the evaluation of social law reform.

4.1.2   Jürgen Habermas: deliberative democratic theory

For Habermas, claims about the truth can only acquire universal validity through communication. Hence, the answer to a practical question such as 'What ought to be the content of a just system of social security?' cannot simply be formulated by the philosopher. Instead, 'it forces itself intuitively on anyone who is at all open to his reflective form of *communicative action*' (1993: 1). The discourse principle attains a central position in Habermas' theory of communication. According to the discourse principle, 'just those action norms are valid to which all possible affected persons could agree as participants in rational discourses'(1996:107). Habermas' argument, which is based on the discourse principle, consists of two steps. In the first place he distinguishes two characteristics of human communication: consensus seeking and freedom from domination. These characteristics must be thought to be implicit in *communicative reason*, because otherwise the participants would never have started a discussion in the first place. In a second step he argues that if the conditions of the 'ideal situation' are fulfilled, language claims concerning the truth and normative rightness can acquire universal value. Among the conditions of an 'ideal situation' is the participation in the discussion on the basis of 'freedom of access, equal rights to participate, truthfulness on the part of participants, absence of coercion in adopting positions and so on. If the participants genuinely want to convince one another, they must make the pragmatic assumption that they allow their 'yes' and 'no' responses to be influenced solely by the force of the better argument'(1993: 31).[5] Communicative rationality should thus be distinguished from strategic rationality that is ruled by a rational choice model and can be found in bargaining and negotiations.

Habermas distinguishes three different discourses in which, for example, questions such as how to assess social law can be answered. First of all, in the pragmatic discourse it is considered how a particular goal – for instance, no citizens should fall below a certain threshold – can be achieved by particular means, social insurance for example. The validity of those means derives from empirical knowledge. Instead, in an ethical discourse reasoning takes place within the horizon of a particular community. An ethical

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[5]   Habermas also mentions the requirement of generality and transparence of the arguments, goals and intentions.

assessment of particular questions considers the common history and the common background of traditions in which a collective identity has been shaped. Participants engage in a rational discussion only *within* the 'unproblematic horizon of a concrete historical form of life' (1993: 108). The ethical discourse thus assesses an Aristotelian concept of the good life. In our example this discourse could answer the questions 'what ought to be the minimum standard of living in our country?' and 'on what conditions can citizens claim this minimum standard?'. Finally, the moral discourse is directed at the Kantian free will. The free will cannot be determined by life histories or personal identities, but is guided only by rational autonomous moral insights. As Habermas argues, 'moral judgments must meet with agreement from the perspective of all those possibly affected and not, as with ethical questions, merely from the perspective of some individual's or group's self-understanding or worldview' (1993: 151). Hence, only the outcome of the moral discourse can attain universal validity, such as a universally accepted minimum standard of living.

Habermas aims to translate this *communicative rationality* into law, which according to him results in legitimate law. This translation is, however, hampered because of the tensions between 'facts' and 'values'. These involve, first of all, the tension between the law as a set of rules backed by coercive power on the one hand and the necessity of legitimate law on the other. Habermas argues that this tension originates in the discursive complexity of political decision making. He solves this tension by his explanation of the co-originality of private and public autonomy. His argument goes as follows. Firstly, he maintains that rights should be viewed as conditions of legitimate lawmaking. Thus, basic rights have no existence of their own, they do not exist independently from the collaborative lawmaking process. Habermas proceeds by arguing that the concepts of private and public autonomy correspond with the concepts of human rights and popular sovereignty and that these concepts are interconnected in different ways. For example, the idea of public sovereignty only makes sense if people see each other as individuals equipped with the right to decide their own destiny. These rights, however, only exist to the extent that agents attribute them to each other. In other words, citizens have to agree on the fact that these rights exist.[6]

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6   Abouflia reconstructs Habermas' argument in the following way: '[f]or Habermas, rights are necessary for a discursively achieved political will-formation. The alternative would be to have the "will" of political actors shaped from above or by tradition. For Habermas rights, democracy, legitimacy and discourse are intimately linked. Without rights protecting private "space", democracy would be unrealizable because citizens could not form themselves as autonomous agents; and without democracy, law would not have the proper grounds for legitimacy; and without law that is legitimate rights would not be properly protected. And, of course, without public rights, discussion would not take place in a fashion that sustains democracy and legitimates the law' (1999: 948).

Habermas concludes that private and public autonomy reciprocally presuppose one another in such a way that neither one may claim primacy over the other.

Private and public autonomy are connected in Habermas' *democratic principle*. As Habermas argues, the discourse principle finds its way to the *democratic principle* when citizens institutionalize their communication – i.e. the pragmatic, ethical and moral discourses – in the lawmaking process.[7] Finally, participants decide in a legal discourse if the new norms fit in with the existing legal system. Habermas concludes that the law as a set of rules backed by coercive power can only be legitimately generated by *communicative power*, in which the discourse principle acquires the legal shape of a *democratic principle*.

A second cause of tension between facts and norms involves the problem of complexity in modern society. The social differentiation and a plurality of the concept of the good raise questions with respect to the legitimacy of law. After all, how can the democratic principle be effective in modern society without face to face interaction? According to Habermas, this problem may be solved by a 'two track' model of deliberative democracy. In this model, political communication circulates from the bottom up and the top down throughout a multilevel system, from everyday talk in civil society through public discourse and mediated communication in the weak public sphere to the institutionalized discourses at the center of the political system. The public sphere is thus divided into two parts:

a. The center of the political system consists of the familiar institutions: parliaments, courts, administrative agencies, and government. Each branch can be described as a specialized deliberative arena. The corresponding output (legislative decisions and political programs, rulings or verdicts, administrative measures and decrees, guidelines, and policies) results from different types of institutionalized deliberation and negotiation processes.

b. At the periphery of the political system the public sphere is rooted in networks for wild flows of messages (news, reports commentaries, talks, scenes and images; and shows and movies with an informative polemical, educational or entertaining content). These published opinions are selected and shaped by mass media.

The deliberative model expects the political public sphere to ensure the formation of a plurality of considered public opinions. Actors of civil society (journalists, politicians, advocates, experts and intellectuals) articulate

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7   Nonetheless, negotiation will be necessary to achieve compromises in situations where these discourses do not result in consensus. The procedural rules that have to be followed in the negotiation process should be decided upon in moral discourses. Negotiation is thus intrinsically connected with morality.

political interests and confront the state with demands arising from the life worlds of various groups. With the legal backing of voting rights, such demands can be strengthened by threatening to withdraw legitimation. Votes are further shaped by the voices rising from both everyday talk and mediated communications (1996: 373-374 and 2006: 415-416). In short, Habermas' model of deliberative democracy can be defined as a 'two track' model consisting of a weak public sphere at the periphery and a strong public sphere within the formal institutions of government. The formal vote and the actual opinion and will formation of individual voters connect the weak public sphere with the strong public sphere. Thus, 'not influence per se, but influence transformed into *communicative power* legitimates political decisions'(1996: 372).

4.1.3   *The pros and cons of Habermas' theory for normative evaluations*

Habermas introduces the *democratic principle* to explain the relationship between law and democracy. In doing this, he shows that law should not be confused with morality. Whereas 'moral judgments must meet with agreement from the perspective of all those possibly affected', the *democratic principle* also involves 'some individual's or group's self-understanding or worldview'(1993: 151). Indeed, to Habermas the moral discourse finds its way into law through the *democratic principle*. In this regard Habermas designs clear criteria for law reform, which basically express the view that only citizens themselves can be the authors of their own theory of law.[8]

   Like Rawls, Habermas thus separates his concept of justice from the legitimacy of law. To him, the concrete content of justice depends on the outcome of a universal discourse that fulfills the conditions of a *communicative action*. However, whereas universal consensus can only be achieved at a very high level of abstraction, the outcome of a Habermasian moral discourse cannot provide us with concrete criteria to evaluate piecemeal law reforms. In this respect, Habermas' justice concept and Rawls' justice based concepts face similar problems,

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8   This view is not necessarily shared in legal studies. For example, Teubner (1998) argues in favor of a 'reflexive law' that, like Habermas' democratic principle, takes the public into account. However, in contrast to Habermas, Teubner believes that the content of the law is ultimately determined based on juridical values and rules, i.e. he insists on a legal discourse as a kind of super discourse. In his reply to Teubner, Habermas notes: 'if it is as Teubner contends, the judiciary could operate with a free hand inside a framework of values, and if it had to reduce principles and policies, norms and values, to a common denominator and "balance" or "weigh" these against one another, then, legal discourses would assume the role of paternalistic proxy discourses for a political-ethical self-understanding taken over from the citizens' (Habermas, 1998: 436). Habermas thus emphasizes that legitimate law involves that citizens are the authors of their own law.

On the other hand, however, Habermas' democratic principle gener-ates fairly concrete criteria to evaluate the legitimacy of the law, compared to those that we can derive from Rawls' concept of political justice. Indeed, based on Rawls' political justice, decisions are considered legitimate if they emanate some form of liberal democratic political structure. Instead, Hab-ermas has rooted his deliberative theory in moral theory, which prescribes that all (moral, ethical, pragmatic, and legal) discourses must fulfill condi-tions of the 'ideal situation'.[9] Thus, law is only considered legitimate law if the conditions of the ideal speech situation are fulfilled during the lawmak-ing process.

As a matter of fact, in the last few years a number of political scientists have sought to operationalize the conditions of the ideal speech situation. This kind of research has, first of all, focused upon the extent of the distor-tion of the communicative discourse during the lawmaking process.[10] In addition, some researchers have analyzed the degree of deliberation in the broader public sphere.[11] However, despite the evaluative potential of Hab-ermas' approach to deliberative democratic theory, a number of delibera-tive democratic theorists have contested his theory. They have argued, for instance, that Habermas' deliberative democratic theory confuses the ideal model with reality, because his ideal model does not adequately address power relations that are characteristic of the real world.[12] Above all, the

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9   For the legal discourse this is of course only true in an indirect way.

10   Steiner et al. (2004) developed the Discourse Quality Index (DQI) based on Habermas'
        discourse ethics. The unit of analysis is a speech, or 'the public discourse by a particular
        individual delivered at a particular point in a debate'. The following elements are part
        of the DQI:<xsup>participation, level of justification, content of justifications and
        respect.

11   To my knowledge, research that has been conducted in the broader public sphere pri-
        marily involves research on experimental debate groups in accordance with Habermas'
        conditions of free speech that is also known as 'deliberative polling' (Fishkin and
        Luskin 2005). In addition, some research has been conducted on internet forums (Jansen
        and Kies 2005). However, regarding this research it must be noted that it lacks a deci-
        sion making moment, which is included in Habermas' discourse model. In addition, in
        the UK one could observe some experiments on deliberative forums on the internet.
        These internet experiments, however, were not successful as the internet forum was
        used as an outlet for ill informed complaints. Because of the poor results produced by a
        broad open forum, a small-scale e-consultation was started. Still, this experiment did
        not bring about the desired dialogues between the participants. Moreover, the responsi-
        ble officials and politicians hardly responded to the posted messages. As a result, the
        forum had virtually no impact on the process of political decision making (Coleman
        2002).

12   Bader (1994: 130-138), for example, argues that Habermas departs from the fiction of a
        society without a state. Likewise, Apel holds that the existence of a state is a precondi-
        tion for deliberative democracy: '[i]t is precisely the realization of the necessity of the
        power monopoly of the constitutional state which also shows that it is not possible to
        ground the law immediately by recourse to the primordial discourse principle' (2002:
        23).

democratic principle neglects the fact that strategic action and struggles are inherent to the political process.[13] The remainder of this section considers the critique of three deliberative (or communicative) democratic theorists: Sheyla Benhabib, Iris Young and John Dryzek.

Benhabib has criticized Habermas' reliance on the Kantian concept of the autonomous, rational subject. She contends that Habermas does not pay enough attention to the standpoint of 'the concrete other', which she interprets as an individual identity exercising its autonomy within the unique social, historical and cultural circumstances into which it has been socialized. Benhabib argues that participants in the debate should embrace an 'enlarged mentality' (Arendt 1961: 220-221 cited by Benhabib 2002: 142). In addition, Young has proposed to extend rational deliberation with other forms of communication. Unlike Benhabib, however, Young rejects the paradigm of moral reasoning that is rooted in the ideal of impartiality. According to her, these rational procedural norms ultimately result in exclusion, because they abstract from private circumstances where desires, embodiment and affect are foregrounded (1990: chapter 4). For Young, then, communicative democracy should also involve other modes of communication, such as different ways of expressing emotion, greeting, rhetoric, and storytelling (1996). Dryzek also acknowledges the impact of power relations on the communicative process. To him, voting is not the result of 'dispersed subjectless communication' that generates the public opinion. The public sphere must instead be viewed as 'home to constellations of possibly conflicting discourses'. Like Young he holds that communication is not only determined by the force of the better argument, but also involves other ways of communication. Nonetheless, rational argumentation remains central in Dryzek's approach to deliberative democracy, because in his opinion citizens can and should make 'reflective choices' between these discourses (2000: 75, 163-164 and 2001: 658-659).

In conclusion, despite the fact that argumentation in social law literature would benefit from justice based argumentations, contemporary political philosophy, does not provide commonly shared justice based evaluative criteria. To account for 'the fact of moral pluralism' both Habermas and Rawls have turned to democratic theory. However, whereas both Rawls' constitutive democratic theory and Habermas' procedural democratic theory are based on a specific (Kantian) rational concept of personhood, their theories inevitably result in the exclusion of certain (categories of) citizens.

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13   Cohen has, for example, argued that '[e]xcept for the exceptional conditions in which associations break free from the institutionalized circuit of power, the system rules' (1999: 410). Shapiro criticizes Habermas' model in a similar way. His critique is aptly summarized by the title of an article published in 1999: 'Enough of deliberation. Politics is about interest and power'. Bächtiger et al. have shown empirically that 'power trumps discourse' with regard to substantive outcomes (2005: 40).

Some alternative democratic models do seem to include the role of power relations though. These models extend communicative practices to other non-rational forms such as 'rhetoric', 'affect' and 'passion'. These issues, which have been dealt with more thoroughly in poststructuralist theory, will be further examined in the next section.

4.2   NORMATIVITY AND ETHICS IN POSTSTRUCTURALIST THEORY

Poststructuralist theory has often been criticized for its normative deficit. It has been claimed that poststructuralist theory, like postmodernism, limits itself to critique without offering viable positive alternatives. This section argues that poststructuralists do formulate a positive ethos that can be helpful for the evaluation of law reform. This positive ethos overcomes the failure of Rawlsian and Habermasian approaches to adequately address the impact of power relations on social practices. In addition, in contrast to these approaches, poststructuralists also consider the relationship between the 'political' and non-rational communicative practices such as 'rhetoric', 'affect' and 'passion' and the consequences of this relationship for the development of a positive ethos.

Subsections 4.2.1 to 4.2.3 examine different poststructuralist alternatives to contemporary political philosophical accounts of normativity. These alternatives vary from striving for ethical freedom practices (Foucault 4.2.1) to the articulation of radical democracy (Laclau and Mouffe 4.2.2) and the formulation of a democratic ethos of engagement (Connolly and Norval 4.2.3). Section 4.2.4 compares the examined poststructuralist approaches with the normative and ethical critique as formulated in Glynos and Howarth's 'Logics of critical explanation'(2007).

4.2.1   *Michel Foucault: the ethical subject*

Like the work of other poststructuralist thinkers Foucault's work has often been perceived as a critique on modernity without offering a positive alternative. This section examines the extent to which Foucault's critique comprises positive elements.

Foucault's comments on Kant's essay 'What is enlightenment' provide a first introduction to a Foucauldian critique. Foucault states that in this essay 'Kant in fact describes enlightenment as the moment when humanity is going to put its own reason to use, without subjecting itself to any authority' (1997b: 104). He further holds that this 'attitude of modernity' entails 'a mode of relating to contemporary reality; a voluntary choice made by certain people (…) what the Greek called ethos' (1997b: 105). To Foucault, then, enlightenment is not faithfulness to doctrinal elements but 'the permanent reactivation of an attitude that is of a philosophical ethos that could be described as a permanent critique of our historical era' (1997b: 109).

By reformulating Kant's enlightenment as an ethos, Foucault discards what he calls the 'blackmail of Enlightenment', or the view that one can only be inside or outside the realm of rationality. Instead, he proposes a historical approach that is oriented to 'the 'contemporary limits of the necessary', that is towards what is not or no longer indispensable for the constitution of ourselves as autonomous subjects' (1997b: 109). This 'limit attitude' distinguishes Foucault from Kant, as it poses the critical question of how our present regimes of truth came into being, thereby opening up the possibility of new truths (1984a: 81). Thus Foucault's 'ethos' implies, first of all, a critical attitude towards our present truth regimes.

Foucault's critical historical work is mostly informed by the establishment of the relationship between the subject and the games of truth or, in other words, the way in which human beings were made into subjects. He makes a distinction between two meanings of the word *subject*: 'subject to someone else by control' and 'tied to his own identity by a conscience or self-knowledge' (2000c: 331). With the first meaning Foucault refers to 'the objectivizing of the subject' in what he calls 'dividing practices' (2000c: 326). In these practices individuals are made into subjects by processes of power and knowledge, such as disciplinary practices. According to the second meaning, individuals transform themselves into subjects through technologies of the self. For Foucault, both meanings of the word 'subject' suggest a form of power that 'subjugates and makes subject to' (2000c: 331). Nevertheless, as will be explained later in this section, the second meaning of the word subject might also form a starting point for a new positive ethos.

In order to understand the double implication of the practice where individuals turn themselves into subjects through technologies of the self, we should have a look at Foucault's concept of *government* that is central in his later work. Whereas in his early and middle work Foucault contends that the government of subjects entails coercive forms of dominations, in his late work he holds that the government of the subject instead concerns complex rational techniques of control:

> 'I insisted (…) too much on the techniques of domination. What we can call discipline is something really important (…), but is only one aspect of the art of governing people in our society. We should not understand the exercise of power as pure violence or strict coercion. Power consists in complex relations: these relations involve a set of rational techniques' (1997c: 154-155).

According to Foucault, power is not confined to violence and coercion; power is everywhere. It is not possible to imagine societies without 'strategies by which individuals try to *direct the conduct and control the conduct of others*' [italics added by the author] (1997a: 298). These characteristics of power are captured in the concept of *government*, which entails:

1. That power relations must not only be understood in terms of violence
    and struggle, but as 'the way in which the conduct of individuals or of
    groups might be directed – the government of children, of souls of com-
    munities, of families, of the sick' (2000c: 341).[14]
2. That next to sovereignty and discipline a novel form of powercan be
    depicted, namely 'governmentality', which Foucault describes as 'the
    ensemble formed by institutions, procedures, analyses and reflections,
    calculations, and tactics that allow the exercise of this specific, albeit
    very complex, power that has the populations as its target, political
    economy as its major form of knowledge, and the apparatuses of secu-
    rity as its essential technical instrument' (2007: 108).
3. That power also involves the contactpoint where the 'techniques of the
    self are integrated into structures of coercion and domination' (1997c:
    154).
4. That the existence of power relations presupposes an autonomous indi-
    vidual, otherwise the government of conduct is not possible. Hence,
    relations of power can always be reversed through acts of resistance
    (2000b: 324).

With (1) Foucault makes the aforementioned point that power relations not
only involve violent behavior, but also concern the non-violent 'govern-
ment of the conduct'. He argues that under new forms of liberal govern-
ment the conduct of individuals is not only governed by the 'old' forms of
power, sovereignty and the disciplines, but also by the production of
knowledge, rationalities, strategies and techniques (2). In his lectures on
'Biopolitics'(2008), for example, Foucault depicts the liberal autonomous
self-responsible citizen as a configuration of neoliberal constellations of
power and knowledge.[15] Therefore, the government of the subject must be
understood as the contactpoint where the 'techniques of the self are inte-
grated into structures of coercion and domination'(3).[16]
    The final remark, concerning the presupposition of an autonomous
individual (4), is perhaps the most interesting one. According to Foucault,
the existence of the free individual is a precondition for the formation of the
subject. In other words, political rationalities and technologies are only able

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14   Also see Foucault (2007: 122).
15   In addition, see part four of the book.
16   Agamben argues, however, that it remains unclear in the work of Foucault where these
     'two faces of power converge'. According to him, 'the two analyses of power cannot be
     separated (..) the inclusion of bare life in the political realm constitutes the original -if
     concealed - nucleus of sovereign power' (1995: 5-6). In addition, contrary to Foucault,
     Agamben asserts that it is not so much the government of men in all of its aspects that
     characterizes modern politics, but that 'the realm of bare life – which is originally situ-
     ated at the margins of the political order – gradually begins to coincide with the politi-
     cal real, and (…) enter into a zone of irreducible indistinction' (1995: 9).

to steer the conduct of individuals if individuals are free. Hence, it is not possible to govern the conduct of enslaved people. This presupposition also implies that relations of power can be reversed through acts of resistance. In fact, the concept of 'government' or 'governmentality' reveals the potential of a positive ethos into Foucault's body of thought because it both seems to accept the possibility of the existence of techniques of the self, which are not integrated into structures of coercion and domination, and presupposes the possibility of a reversal of power relations. As Foucault himself notices: 'I believe that the concept of governmentality makes it possible to bring out the freedom of the subject and its relationship to others – which constitutes the very stuff [*matière*] of ethics' (1997a: 300).

In several instances Foucault's work suggests an engagement with a positive ethos. For example, he claims that technologies of the self that turn individuals into subjects due to constellations of power and knowledge can (partly) be overcome if the subject masters itself or develops its own capabilities with a minimum of power relations (1997a: 298, 1997b: 115-116, 1997c: 152). In his opinion, the main issue is how 'the growth of individual capabilities [can] be disconnected from the intensifications of power relations'(1997b: 116). In this regard, we should ask ourselves whether or not our current freedom practices restrict the way in which we are able to think, act and speak. Foucault acknowledges that this critical, political attitude will not necessarily detach power from all truths (because truth will always be interrelated with power). He therefore argues that a critical attitude may enable the subject to detach power of the truths from the social, economic hegemony in which it operates (2000a: 132-133). In order to achieve this, we have to liberate ourselves 'both from the state and from the type of individualization linked to the state', says Foucault. For instance, a critical attitude towards liberal government involves an experiment to go beyond existing truth systems, showing that other subject positions (rather than self-interested subjects) are possible that lay outside the dominant (neo)liberal discourses (Foucault 2000c: 336; Hamman 2009: 58).[17] Hence, despite the fact that Foucault has often been accused of only providing negative critique, this part of his work in which he calls for a minimum of power relations instead suggests a normative stance (Fraser 1981; Bernstein 1991).

In the final years before his death, Foucault's engagement with a positive ethos became more outspoken (1997a). In this period Foucault is interested in particular in the 'care of the self', an ancient Greek technology of the self. Whereas for the ancient Greeks the care of the self also entailed the care for others, the care of the self was perceived as an ethical concept. The care of the self could be described as the practice of a certain autonomous

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17   For a critical stance towards the neoliberal lifelong learning discourse, which is also present in the Dutch discourse on a 'life course based society', see Biesta (2008).

attitude in which the individual works on herself. The techniques involved, amongst others, daily practical exercises aimed at self-control and offered the people the freedom to create themselves as ethical subjects. Importantly, to Foucault the care of the self inevitably implies the care for others or should 'be beneficial to others' (1997a: 289). Thus, by playing the game differently, Foucault seeks to resist given forms of subjectivity that are governed by existing truth systems.

Foucault further seems to suggest that rights and the law can play a constituent role in the ethical self-formation of people. In one interview he contended, for example, that the development of human rights can be useful in liberation processes, because '[t]hey are the limits that one places on all possible governments' (2000f: 471). He warns us, however, 'against reintroducing a hegemonic thought on the pretext of presenting a human rights theory or policy'(2000f: 472). To prevent this from happening, limitations of power must always involve '*unrestricted* rights' (2000e: 453 italics added by the author). Thus, rights remain open to future inventions. Regarding social rights, he further argues that 'an optimal social coverage joined to a maximum of independence is necessary if one wants to give people security as well as autonomy' (2000d: 370). Yet, innovations in social law should have 'the effect of a kind of ethical consensus, so that the individual can recognize himself in the decisions made and in the values behind the decisions' (2000d: 378). Hence, for Foucault, law reforms should not come from those who exercise authority, but from those who seek to resist this exercise of authority (2000d: 371).

These last remarks beg the question of how Foucault's ethical critique can be connected to Habermas' deliberative democratic theory. Whereas Foucault distances himself from Habermas' deliberative democratic theory to a great extent, because this theory ignores the existence of power relations, he does not entirely reject the idea of deliberative democracy. He holds that deliberative democratic practices are acceptable if these 'games of power' are played with 'as little domination as possible'(1997a: 299). This means, amongst others, that 'one must not be for consensuality, but one must be against non-consensuality' (1984b: 379). His work suggests, above all, that the public sphere should be opened up to struggle and conflicts that combat relations of dominance (Flyvjberg 2001).[18]

Thus Foucault's works does provide some incitements towards a positively formulated ethos. In this respect I also want to mention three interpretations of Foucault's late work that point at some further, perhaps even 'universalistic' ethical implications. First of all, Gordon has summa-

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18   Flyvjberg clearly illuminates the differences between Habermas and Foucault. Whereas Habermas wants to introduce more democratic institutions based on his (universalistic) discourse ethics, Foucault seeks to find out how actual constitutions and institutions can be employed in a more democratic way, with a minimum of domination (2001: 98-109).

rized Foucault's ethical stance in the following way: '[our objective should be] to seek for possibilities of (self)government within the public sphere, which struggles to be governed less or to govern oneself in the way one wishes'(Donzelot and Gordon, 2008: 57). Hence, according to Gordon, Foucault's ethics involve an attitude directed at self government outside or resisting existing constellations of power and knowledge. The second interpretation originates from Vintgens, who takes Gordon's interpretation one step further as she contends that Foucault's late work provides an argument for access to practices of freedom for everyone. According to her, Foucault's ethos implies an active engagement with politics, which is expressed in the concept of active citizenship (2003 and 2004).

With respect to Foucault's concept of the law, Golder and Fitzpatrick's work (2009) provides a third (universal) ethically informed interpretation of Foucault's late work. According to them, Foucault considers the law in a twofold way. On the one hand, the law is a determinate law, a law with a definite content, a law to be resisted. On the other hand, the law is like power, in the sense that it can never be total; it is continuously reformed by resistance. As Golder and Fitzpatrick argue, 'like power, Foucault's law cannot be [given], but must constantly remain in negotiation with powers which (…) "beleaguer it" from outside' (2009: 78).[19] They illustrate this double meaning of the law with the example of *social* law. On the one hand, social law is a law with a definite content that is backed by power, such as administrative sanctions. On the other hand, social law tends to be colonized by normalizing power that governs the conduct of the subjects, without being able to capture social law entirely, though. In other words, there always remains an openness to resist the normalizing power of social law. This impossibility of *social* law to be captured by power has wider ethical implications, according to Golder and Fitzpatrick. Then, based on Foucault's late work the view can be defended that instead of being an expression of a closed (normalizing) sociality (Ewald 1986) social law should enable a de-individualized ethics that is open to alteration. They further argue that Foucault's late engagement with rights reflect his late engagement with ethical self-formation. Then 'these rights do not correspond to a determinate subject identity but rather reflect the unfinished subject of Foucaultian ethics'. Therefore, rights must be open to alterity, meaning that they are able to respond to 'future emanations of the human' (Golder and Fitzpatrick 2009: 123). Golder and Fitzpatrick conclude that for

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19   With this analysis they seek to respond to the expulsion thesis, which states that Foucault's law is ultimately occupied by other forms of power such as discipline and governmentality.

Foucault the law and rights must be responsive to future developments.[20] Thus, the law can be a locus for the development of a positive ethos, which is not necessarily developed against the law, but can also flourish with the law.

In some scarce instances Foucault himself also refers to some wider ethical political implications of his body of thought. For example, with respect to the situation in Poland in the beginning of the 1980s, Foucault argues that

> 'for ethical reasons, we have to raise the problem of Poland in the form of a nonacceptance of what is happening there, and a nonacceptance of the passivity of our own governments. I think this attitude is an ethical one, but it is also political; it does not consist in saying merely, "I protest", but in making of that attitude a political phenomenon that is as substantial as possible, and one which those who govern, here or there, will sooner or later be obliged to take into account' (1984b: 377).

This quote, which in fact argues in favor of an active engagement with freedom practices, seems to confirm the examined interpretations of Foucault's late work. In the next subsections it will be shown that Foucault's ethical work also finds resonance in poststructuralist approaches to democratic theory.

4.2.2   *Ernesto Laclau and Chantal Mouffe: radical democracy*

The next subsections consider the implications of some poststructuralist approaches to democracy for a normative/ethical evaluation of law reform. This subsection starts with the work of Ernesto Laclau and Chantal Mouffe.

In 1985 Laclau and Mouffe published their groundbreaking work 'Hegemony and Socialist Strategy' (HSS). In short, in this work they argue that the start of democratic politics was conditioned upon the emergence of antagonistic forces that break through formerly oppressive relations. Due to the availability of signifiers such as liberty and equality, free to be invested with new meaning, former relations of subordination could now be perceived as relations of oppression and accordingly become sites of antagonism (1985: 152-156). What are the implications of HSS for a normative/ ethical evaluation of law reform? Mouffe's more recent work 'Democratic Paradox' (2000), in which she reflects on her work with Laclau, provides some helpful explanations in this respect. The following quotes from this book illuminate some major issues in HSS:

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20   This notion of responsive law must, however, not be confused with the pragmatic view on the responsiveness of law (Nonet and Selznick 2001), because 'this position reduces law to an instrument of public policy, whereas (..) "responsiveness" is intended to convey *both* law's instrumental reduction and *yet* its inability to be ultimately captured in this way' (2009: 94).

1. 'any social objectivity is ultimately political and has to show the traces of the acts of exclusion which govern its constitution' (2000: 21);
2. the project of radical and plural democracy is to 'acknowledge the existence of relations of power and the need to transform them, while renouncing the illusion that we could free ourselves completely from power' (2000: 22);
3. 'modern democracy's specificity lies in the recognition and legitimation of conflict and the refusal to suppress it by imposing an authoritarian order' (2000: 103).

The first quote refers to the poststructuralist distinction between *the political* and *politics*. Whereas *politics* refer to the traditional concept of political actions such as elections, democratic processes, bureaucracy, etc., the *political* refers to the moment that (new) hegemonic forces institute society.[21] As Mouffe argues:

> 'By "the political", I refer to the dimension of antagonism that is inherent in human relations, antagonism that can take many forms and emerge in different types of social relations. "Politics", on the other side, indicates the ensemble of practices, discourses and institutions which seek to establish a certain order and organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of "the political"'(2000: 101).

Thus 'the political' can be regarded a 'figure of contingency'; it prevents the closure of the social in which we find 'politics'; it points at the always incomplete institution of society (Marchart 2007: 7-8).

Within this context contemporary philosophical concepts of justice and democratic legitimacy, such as Rawls' and Habermas' concepts, acquire a novel meaning. As Mouffe argues, dominant ideas on justice and deliberative democracy are *necessarily* contingent; they confirm existing constellations of power and knowledge in which the force of rational argumentation dominates. Therefore, the centrality of rationality in both Habermas' and Rawls' work conceals that 'the legitimate' in fact ignores other voices than the reasonable voice. Consequently, it remains unnoticed that the frontier between what is legitimate and what is not legitimate is ultimately a *political* frontier that must stay contestable in order to gain legitimacy (Mouffe 2000: 49). The difference between *politics* and the *political* thus implies that the social world cannot be characterized by 'rational consensus' and 'communicative action', but instead refers to 'struggle' and 'antagonism'.[22]

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21   For a definition of the notion of 'hegemony', see chapter 4.
22   In this respect, consider Foucault's comments on Habermas' idea of communicative theory:
      '[t]he idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects, seems utopian to me' (1997a:298).

On this view, all Kantian based justice theories must necessarily be reject-
ed.[23] As Mouffe argues, Rawls' theory of justice can only be understood
as one interpretation that belongs to a struggle between different justice
discourses; the most a justice theory can do is provide us with the language
to articulate different interpretations of the democratic ideal of liberty and
equality (1987: 120-121).[24]

   This brings us to the question to what extent Laclau and Mouffe take a
normative stance in their work. Regarding the second quote that argues in
favor of 'the project of radical and plural democracy', their argument cer-
tainly contains normative elements. In other words, Laclau and Mouffe
refute the alleged 'normative deficit' (Critchley 2004). They even reconcile
the seemingly insolvable dispute between the liberal and the socialist that
was depicted in section 3.1.1,[25] as they hold that

> 'total equivalence never exists; every equivalence is penetrated by a constitutive precari-
> ousness, derived from the unevenness of the social. To this extent, the precariousness of
> every equivalence demands that it be complemented/limited by the logic of autonomy.
> It is for this reason that the demand for *equality* is not sufficient, but needs to be balanced
> by the demand for *liberty*, which leads us to speak of a radical and *plural* democracy'
> (1985: 184).

Laclau and Mouffe's argument for radical democracy thus entails both the
socialist demand for equality and the liberal demand for liberalism and
pluralism. Moreover, neither of these demands can claim supremacy over
the other. According to Howarth (2008), the same conclusion can be drawn
from Laclau's later work on populist movements (2005).[26] Both the demand
for equality and the demand for (liberal) pluralism can generate desired
changes. Still, as Glynos and Howarth note, Laclau and Mouffe's norma-
tive stance is in need of further development (2007: 7).

   The second part of the second quote refers to the impossibility of free-
ing us from power. Thus their approach to democracy clearly differs from

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23   However, in Mouffe's opinion not only Kantian inspired philosophers ignore the *politi-
      cal* moment. The same can be said of post modernist authors, to whom democratic poli-
      tics appear to be an '"endless conversation" in which one should constantly try to enter
      into dialogical relation with the "Other"'. According to Mouffe, this view lacks a proper
      perspective on the moment of decision that is central to politics (2000:129-130).
24   Also see Foucault's remarks on justice: 'It seems to me that the idea of justice itself is an
      idea which in effect has been invented and put to work in different types of societies as
      an instrument of a certain political and economic power or as a weapon against that
      power' (1974:171, cited by Rabinow 1984:6).
25   This was suggested to me by David Howarth in a conversation that we had in Novem-
      ber 2011.
26   According to Howarth, the logics of populism that divides society in two opposed
      camps: "'the people' against a defined enemy such as the government or vested inter-
      ests, is not *necessarily* more radical or progressive than a more institutional form of poli-
      tics' (2008: 182).

Habermas' view. This can be illustrated by a quote from the preface to the second edition of HSS:

> 'There are however, important point of divergence between our view and [the view of the Habermasians] which hinge on the theoretical framework that informs our respective concepts. (..). [C]onflict and division, in our view, are neither disturbances that unfortunately cannot be eliminated nor empirical impediments that render impossible the full realization of a harmony (..) Indeed we maintain that without conflict and division, a pluralist democratic politics would be impossible' (1985: xviii).

Thus, to Laclau and Mouffe the full realization of a harmony is not only impossible, it even threatens the existence of pluralist democratic politics. This brings us to the third quote, which expresses the view that democratic politics should be open to antagonistic relationships that constitute democracy because otherwise democracies are in danger of falling back into subordinate relationships. This issue has been of particular concern in Mouffe's late work. As the remainder of this section demonstrates, on this view Mouffe expands her normative and ethical position.

In 'Democratic paradox' (2000) and 'On the political' (2005) Mouffe warns us about the danger of current democracies that put too much emphasis on consensus politics. Drawing on the work of Carl Schmitt she asserts that modern democracy has been built upon two contrasting traditions: the liberal tradition that is based on the rule of law and the protection of human rights on the one hand, and the idea of popular sovereignty and equality on the other. Hence, whereas Habermas seeks to reconcile human rights and popular sovereignty, Schmitt holds that there is no requirement for these different doctrines to be connected. Moreover, according to him liberalism that rests on universality is ultimately incompatible with popular sovereignty that is based on political frontiers between the 'insiders' – the person with equal rights – and the 'outsiders' – persons without rights. Therefore, Schmitt concludes that liberal democracy ultimately leads to self-destruction.

Like Schmitt, Mouffe contends that difficulties are bound to arise due to the different languages that are spoken in both liberal traditions. Whereas liberalism is rooted in abstract universalism and rationality, the language of popular democracy is the language that responds to concrete practices; it is the language of feelings, passion and emotion. She warns us about the dangerous consequences of current hegemonic law discourses. Without the establishment of democratic institutions to channel antagonistic or agonistic voices that express passion and emotion, she fears for 'an explosion of antagonisms that can tear up the very basis of civility'. According to Mouffe, it is not only impossible to transcend constructions of 'we' and 'the other', it would ultimately result in self-destruction (2000: 104). She therefore argues in favor of a multiplication of 'institutions, discourses, and the forms of life that foster identification with democratic values'(2000: 96).

This entails, amongst other things, that 'agonistic confrontations (….) [are] staged around the diverse concepts of citizenship which correspond to different interpretations of the ethico-political principles'(2000: 103-104). Mouffe thus falls back on an ethical concept of democratic citizenship that seems somewhat at odds with her earlier work with Laclau. Yet, her work has been an important source of inspiration for poststructuralists such as Connolly and Norval, whose arguments for the development of a 'demo-cratic ethos' as alternatives for Kantian based evaluations will be examined in the next section.

4.2.3   *William E. Connolly and Aletta Norval: a democratic ethos of engagement*

Like Mouffe, Connolly and Norval seek to elaborate a democratic ethos that is rooted in poststructuralist theory. However, at important points their work can also be distinguished from Mouffe's work. This section elab-orates on Connolly and Norval's democratic ethos of engagement and the way in which their positive ethos is related to (Laclau and) Mouffe's work.

Connolly basically endorses Mouffe's work on agonistic democracy. Yet, he believes that Mouffe fails to design 'a positive ethos of politics' that does not rest on our present democratic tradition. According to Con-nolly, Mouffe could draw some more on the 'Foucauldian faith' which involves a more extensive engagement with a 'political ethos of agonis-tic care' (2008a: 314-315). Above all, Connolly explicitly wants to 'craft a generous ethos of engagement' in the current political situation of ethical pluralism (2004: 173). This ethos of engagement is inspired by the 'sensi-bility' that Connolly finds in the work of Nietzsche and Foucault. Accord-ing to Connolly, their account of sensibility remains undeveloped because '(post) Nietzschean ideals of nobility, a pathos of distance, agonistic care, and passing by never arrive; they are at best always coming to be. One ele-ment is always incompletely articulated with the other to which it must be united' (1993: 378). To him, the idea of sensibility can be strengthened if it is articulated within a democratic imaginary. Combining Foucault's ethical sensibility with his own concept of a democratic ethos, Connolly's ethos of engagement entails a:

> 'cultivation of care for possibilities of life that challenge claims to an intrinsic moral order; democratic disturbances of sedimented identities that conceal violence in their terms of closure; practices that enable multifarious styles of life to co-exist on the same territory; a plurality of political identifications extending through and beyond the state to break up the monopolies of sate-centered politics' (1993: 381).

In a recent interview Connolly aptly summarized his ethical stance:

> 'We need a new liberalism, one that is militant in challenging forces that press for uni-formity, pre-emptive wars, surveillance and inequality, and one that listens with sensitive ears to injuries, pressures, ideas and ideals struggling to attain presence in a crowded

world. This would be a liberalism that draws upon a broader range of sources than those most familiar in Anglo-America philosophy. It will be exploratory in its practices, and it will compensate for the decline in guidance provided by its received concepts of argument, principle, tolerance, and contract with cultivation of noble, presumptively generous sensibilities. It will also seek to negotiate a more generous ethos of engagement within territorial states and between regions of the world' (Connolly 2008b: 326).

This quote shows that, like Mouffe, Connolly seeks to transform relations of antagonism into agonistic relations. However, more so than Mouffe, Connolly fosters a new ethos. He encourages two virtues in particular: 'agonistic respect' for the enemy and 'critical responsiveness'. These ethical virtues are not reducible to liberal virtues, but 'involve a tactical work on the lower affective registers of being that filter into the higher intellect but are unsusceptible to its direct regulation' (2004: 177). To him, agonistic respect affirms 'an ambiguous relation of interdependence' instead of a 'passive letting the other be' as liberal tolerance requires (1993: 382). In addition, critical responsiveness 'is a *presumptive* generosity to new constituencies' (2004:177). Thus, more so than Mouffe, Connolly seeks to foster a new positive democratic ethos that is not necessarily rooted in current democratic traditions.

Some aspects of Norval's elaboration of a 'democratic ethos' resonate with Connolly's work on 'an ethos of engagement'. She holds that Laclau and Mouffe have not managed to give enough content to their normative dimension in HSS, because they 'have focused exclusively on activities of question, disruption and desedimentation in democratic practice', while ignoring the institution of democratic arrangements (2007: 55). Instead of formulating negative critique, Norval argues in support of a positive account of what democratic subjectivity is about.

An important difference between HSS and the work of Norval concerns the perspective on the construction of the community. Whereas to Laclau and Mouffe a community is constructed 'in our exclusion of, or opposition to, the other', instead Norval argues that the community is 'disclosed in the act of making and staking claims' (2007: 174). This means that the emergence of a community not only entails the construction of relations of equivalence that are, for example, established between different (oppressed) groups that oppose the government, but also the construction of relations of equality (Norval 2007: 179-180). Cavell's example of Nora in *The Doll's House* further clarifies how the community is disclosed in the act of making claims (Cavell 1990). In this example, Nora is accused of 'speaking like a child, of being ill and of not understanding the world she lives in'. According to Norval,

'through the example of Nora, Cavell captures the experience of a sense of injustice that is inexpressible (..) Nora stands as an exemplar. She embodies a claim exceeding existing discourse, one that acts as a call to open ourselves up to other, foreign possibilities. Consequently, there are no readily available responses to other (.…). In denying the possibility of this response, Cavell alerts us to the fact that Nora's claim, even if it fails to find expressing in the dominant discourse, nevertheless has an impact upon it. (…). At the

> very least, one will have to restate the terms and reasons for the denial of the claim. In this case, one will have become aware of the painful distance from 'perfect justice' in the current order, forcing reflection on the fact that my consent to society (…..) reaches into every corner of society's failure or ugliness. This acknowledgement of society's distance from perfect justice, for Cavell, signals a disposition that allows for 'civil life to go on in the face of broken promises, conflict of interest, discrimination (…). It also means that I recognize that at some time my sense of my society's distance from the reign of perfect justice, and of my implication in its distance, may become intolerable' (2007: 181-182).

As Norval explains, the figure of Nora functions as an 'exemplar'. Exemplars can play an important role in the process of policy change, because they can both capture the dissatisfaction with how things are going (disidentification) and the possibility of doing things in another way. In this manner, they provide new imaginaries (identification); they 'facilitate the glimpsing of a universal, of another way of doing things' (2007: 190). This implies that the emergence of democracy does not necessarily involve the destruction of oppressive regimes through the formation of chains of equivalence, but that democratic practices can also be furthered through experiencing injustice resulting from a claim that escapes the dominant discourse, which provokes a re-examination of the dominant position. Norval therefore argues that the story of Nora in *The Doll's House* visualizes what a democratic ethos is about: it implies 'the self's openness to a further self, in oneself and in others' to enable responses to these excluded voices (2007: 183). This picture resonates in Derrida's account of 'democracy to come' (2007: 184), which entails that democracy has the structure of a promise; a claim for an impossible future; a means by which an imagined future can intervene and act upon the present, which is inscribed in the idea of democracy such as equality and freedom (2007: 145-146).[27]

Thus, democracy becomes a form of life rather then a regime or a set of institutions. Crucial to these practices of contestation – embodied in the variety of attempts to exert control over the way one is governed – is an ethos of questioning, responding, negotiating, challenging, and disruption. This critical ethos focuses on the activities of the citizen-subjects 'who are not satisfied to let others speak for them and who question the ordering of prevailing institutions and practices of governance' (2009: 314). This kind of questioning does not necessarily involve rational argumentation, but includes all kinds of (rhetorical) reason giving such as rhetorical argumentation, non-verbal and passionate elements. Norval stresses the role of rhetoric with respect to the constitution of a democratic subject, because rhetoric can make people see things in a different way. It opens up a new world that remains closed if we stick to rational argumentation, as Habermas does.

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27   Whereas to Norval the core of a democratic ethos concerns the 'responsibility to respond to claims, to acknowledge society's distance from perfect justice' (2007: 208), it is clear that Norvals's normative dimension closely resembles Derrida's account of justice (1992).

4.2.4   Jason Glynos and David Howarth: critical explanation

Thus far we have examined five poststructuralist alternatives to contemporary political philosophical approaches to justice and democracy, namely the versions presented by Foucault, Laclau Mouffe, Connolly and Norval. It must be noted, though, that most of these poststructuralist scholars do not present their work as normative or ethical approaches, perhaps with the exception of Connolly's 'ethos of engagement'. Instead, Glynos and Howarth have explicitly sought to design a poststructuralist normative/ethical evaluative framework for social change. This section examines their normative/ethical framework while reflecting on other poststructuralist versions that were examined earlier in this chapter.

Glynos and Howarth distinguish two kinds of critique. In the first place there is *ethical critique* that is based on a Lacanian understanding of the ethical subject. Secondly there is *normative critique* that involves the norm of radical democracy as proposed by Laclau and Mouffe. Glynos and Howarth prioritize ethical critique because, in contrast to normative critique, it is directly related to the acknowledgement of a radical contingency of all practices, which fits in better with the ontological presumptions of discourse theory.

First of all we will examine Glynos and Howarth's category of ethical critique that is based upon Lacanian psycho-analytical theory. Chapter 2 already introduced this aspect of discourse theory. Central to Lacan's thinking is the rejection of the idea that the human subject is a conscious, intentional and reflexive individual. According to Lacan, the subject must instead be understood as a desiring and split subject (Lacan 1998). This desire emanates from the impossibility of identification of the subject within the symbolic order. Desire thus comes into existence through an experience of something that is lacking. At the same time this desire is mediated by an unconscious relationship with the Other, which does not reflect a stable whole universal authority, though, but is also split. The *ethical subject* can be distinguished from the *ego* in that the *ethical* subject acknowledges that one's desire is bound up with the desire of the Other and that the Other is radically contingent. The *ego*, in contrast, denies its own split and, consequently, is not aware of the contingency of the Other. In the confrontation with its own lack, the *ego* resorts to an imaginary construct of completeness. As it does not recognize its own split, nor the contingency of the Other, it is not aware that this lack is mediated by unconscious language that is just as fluid as the signifying elements that structure it.

One way for the *ego* to strive for completeness is to seek justice. Lacan calls this 'desire for justice' a special *mode of* enjoyment, one that is structured around a fantasy. It must, however, be noted that enjoyment should not necessarily be understood as pleasure, because as Glynos and Howarth argue, *enjoyment* belongs to the same category of terms as fantasy, desire and repression (2007: 107). Douzinas and Geary poignantly describe this *mode of enjoyment* that is erased by feelings of injustice:

> 'Justice is what society lacks and desires; is has no other definition – or rather justice is the definition of the indefinable, the unconscious of the law. We can only know it through its symptoms, injustice. Theories of justice are therefore a 'fantasy', the Fantastical screen or frame that philosophers poets and lawyers have erected to shield ourselves and to explain away the unknown desire of the other and of the impossible community. The theory of justice answers the symptoms by negating their cause. But the radical dissymmetry, the abyss of the other's desire and of injustice, will always leave behind a remainder for which neither the law nor fantasy can fully account' (Douzinas and Geary, 2005: 315).

Thus, instead of being an evaluative criterion, to Lacanians 'justice' acts as some kind of 'fantasy', an imaginary construct of completeness that grips people. To Douzinas and Geary, people's identification with the law may even be a result of their identification with these justice fantasies.

Subjects may also identify with new narratives in order to fill their emptiness. According to Glynos and Howarth, these narratives cover over or conceal the subject's lack by 'providing an image of fullness, wholeness or harmony, on the one hand, while conjuring up threats and obstacles to its realization on the other' (2007: 130). In this regard these identification processes provide a locus for ethical critique, i.e. in new identifications either the ideological aspect or the ethical aspect is highlighted. Glynos and Howarth relate the ideological inauthentic response to Lacans' *mode of enjoyment* that reveals how subjects are complicit in concealing the radical contingency of social relations. The authentic ethical response instead entails an engagement with the radical contingency of social relations.[28]

Glynos and Howarth thus introduce a kind of ethical critique that differs from other poststructuralist ethical approaches that were examined earlier in this section in that it draws on psycho-analytical theory.[29] The ethos based approaches of Foucault, Connolly and Norval and the ethical critique of Glynos and Howarth show some commonalities as well, though. First of all, they all share a preference for an ethical position that recognizes the contingency of sociality. In addition, Glynos and Howarth's idea of the ethical seems to be closely related with Norval's and Connolly's 'critical responsiveness' and Foucault's argument for 'freedom practices'. Note, for example, the similarities between Foucault's neoliberal 'rational economic subject' and Lacanian fantasmatic identifications such as the 'immigrant welfare fraud'. Both subject constructions can be distinguished from the (free) ethical subject that escapes dominant truth concepts.

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28   In the same way, public contestation can function on both an ethical and ideological level, depending on the extent to which public contestation reveals the contingent institutional moment of a social practice (Glynos and Howarth 2007: 111)

29   Laclau introduces Lacanian based explanations in 'New reflections on the revolutions of our time' (1990), without, however, explicitly articulating it as ethical critique.

In their normative critique Glynos and Howarth aim to explain the (implicit) normativity in HSS. According to them, the analyst can construct a counter logic of a *plural and democratic community* that serves as a normative vantage point. The analyst, then, fulfills a normative role in two ways. In the first place, by naming dominant social logics[30] the analyst actively combines different elements into 'what is ultimately a heterogeneous field of elements' that have no 'objective' or 'necessary' connections'. Thus, she can invoke alternative political visions (2007: 194). However, as Glynos and Howarth rightly emphasize, objectivity should not be simply replaced by the subjective preferences of the analysts; instead, it brings to the fore that 'the political analyst is already engaged in a hegemonic struggle, deploying political logics of rhetorical redescription in the very process of characterizing and explaining discursive practices'(2007: 196).

Nonetheless, the question can be raised if it is necessary to distinguish normative from ethical critique. After all, Connolly and Norval's call for democracy cannot be easily separated from the self's openness to a further self, in oneself and in others. Thus, their 'democratic ethos' or 'ethos of engagement' seems to speak to both Glynos and Howarth's ethical and normative critique. In addition, one could defend the view that Foucault's ethical work on freedom practices is clearly interrelated with his normative stance on the minimization of domination. Therefore, the concluding section of this chapter examines how ethical and normative critique can be combined into a singular poststructuralist based evaluative category.

4.3   CONCLUSION: A POSTSTRUCTURALIST ALTERNATIVE FOR A NORMATIVE EVALUATION OF LAW REFORM

Section 4.1.1 examined to what extent justice theories generate adequate evaluative criteria for law reform. In this section it was noted first of all that justice theories are downplayed at a level that is too abstract to provide concrete evaluative criteria. In addition, it was argued that in the face of moral pluralism, democratic theories that endorse plurality of concepts of the good should be preferred over substantive justice concepts. Therefore, section 4.1.2 investigated to what extent Habermas' procedural democratic theory is able to generate commonly shared criteria for law reform. It was concluded that this theory is based on a specific (Kantian) concept of personhood, which excludes other forms of communication from the deliberative process.

Section 4.2 showed that poststructuralists deal more thoroughly with issues such as power relations, hegemonic practices, rhetoric, affect and passion than the examined philosophical approaches. Poststructuralist dis-

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30   The notion of 'social logics' is further explained in chapter 4.

course theory spotlight first and foremost the (unawareness of the) *political* moment inherent in the centrality of rationality in current dominant ideas, which tend to suppress other (non-rational) voices. Still, the acknowledgment of the *political* moment does not necessarily imply that contemporary justice theories are totally useless. Justice based theories, such as Rawls' theory of justice can, for example, be considered one interpretation that belongs to a struggle between different justice discourses. In addition, criteria derived from Habermas' procedural democratic theory may provide a starting point (but nothing more than that) for a poststructuralist normative critique.

Yet, despite the fact that poststructuralist ontology implies that the researcher engages in a discursive struggle in which she may also propose to evaluate social law reforms on the basis of a Rawlsian justice concept, a poststructuralist inspired normative/ethical critique rejects this kind of evaluation. This will also be the case with respect to hermeneutic (or communitarian) approaches to justice, such as Michael Walzer's 'Spheres of justice' (1983), which deny the existence of a (rational and objective) point of view that is situated outside cultural practices and institutions. These approaches, then, tend to deploy their ontology in the service of closure, As such they do not resonate with a 'democratic ethos of engagement', which is forwarded in poststructuralist theory. This ethos entails:

- a care for the other that presupposes a care of the self, since without a care for the self one is not able to care for the other;
- an openness to the other, independent of a moral order and free from state politics, operating outside existing truth systems;
- the endorsement of multifarious lifestyles;
- a questioning of prevailing institutions and practices of governance, including all kinds of reason giving such as rhetorical argumentation, non-verbal and passionate elements.

This ethos endorses Glynos and Howarth's ethical mode of identification, which can be opposed to ideological modes of identification. The latter mode of identification may also involve an identification with theories of justice, which misrecognizes the radical contingency of social relations. Moreover a democratic ethos of engagement transcends Glynos and Howarth's normative/ethical distinction, as this ethos can also be brought into play by the analyst who articulates a counter logic of radical democracy. A democratic ethos of engagement brings together the views of several poststructuralist thinkers. For example, it entails the Foucauldian struggle 'to be governed less or to govern oneself in the way one wishes' (Donzelot and Gordon, 2008: 57), which comes close to Norval's call for practices of contestation in order to 'exert control over the way one is governed' (2009: 314). In short, a 'democratic ethos of engagement' proposed in this study entails:

- an acknowledgement of the radical contingency of social relations;
- a responsiveness to injustice and practices of contestation, which involves an openness to all kinds of reason giving, including rhetorical argumentation, non-verbal and passionate elements;
- a freedom based ethos that seeks to escape dominant truth concepts.

4.4 A METHODICAL INTRODUCTION TO THE CHAPTERS

This section introduces a Poststructuralist Explanatory Framework for policy analysis (PEF). PEF can be understood as an extension of LCE that is geared to make LCE suitable for a poststructuralist based policy analysis. For this purpose, PEF adopts elements of the other approaches that were discussed in this chapter and in chapter 2.

4.4.1 Basic analytical categories in the proposed Poststructuralist Explanatory Framework

The proposed Poststructuralist Explanatory Framework (PEF) maintains Glynos and Howarth's distinction between the basic ontological categories and concrete phenomena. These phenomena become meaningful in discourses, which are, following Laclau and Mouffe, being defined as a structure that results from an articulatory practice. Following a *dislocationary event*, involving the glimpse of the universal, *discourses* and *practices* may change. However, unlike Glynos and Howarth's model, change is not necessarily preceded by the experience of a big event. Other *practices* (*exemplar*), *narratives* or *rhetoric* may also cause subjects to experience the contingencies of the world, which make them 'see' things differently. Yet, like LCE, change only follows when the *political dimension* is foregrounded. At a macro level of analysis this entails that *chains of equivalence and difference* are constructed. At a lower level of analysis, the attention shifts to the more concrete analysis of the construction of *discourse coalitions*.

In addition, PEF renames *fantasmatic logics* to *rhetorical logics*. As such, PEF includes more concrete concepts for the explanation of transformation processes, such as *rhetorical tropes* or (*fantasmatic*) *narratives* operating as *rhetorical tropes*. *Rhetorical logics* can be distinguished from *social logics* as *rhetorical logics* are constitutive of new *discourses*; they articulate their conceptual categories. That is, *rhetorical logics* (i.e. a *storyline* operating as a *rhetorical trope*) can make people see things in a different way at a lower and more concrete level of analysis than *political logics*. In PEF, *rhetorical logics* appear as the main explanatory categories for the construction of new *discourse coalitions*, which characterize existing discourses. The concept of discourse coalitions may, however, also be used to explain the working of *rhetorical logics* in case *rhetorical moves* (i.e. the *fantasmatic* aging society *narrative*) encourage the formation of a new *discourse coalition* between different *discursive positions* in a policy *discourse*.

According to LCE, both *political* and *fantasmatic logics* are formal constructs that enable us to account for orders and practices in a variety of historical contexts. In PEF, the same is true for *rhetorical logics*. In addition, in contrast to LCE (and drawing on the work of Foucault), in PEF *social logics*, defined as the characterization of particular *social practices*, *regimes* or *technologies*, may also account for orders and *practices* in different historical contexts. This will be the case, for example, when the invention or development of new technologies induces the emergence of new *social logics*. Thus in PEF change is not confined to the working of *rhetorical logics* and *political logics*, change can result from certain social *practices* that characterize *social logics*.

Drawing upon other poststructuralist approaches, post-positivist policy analysis and Foucauldian genealogy, PEF presents a model of policy change and permanence involving more concrete explanatory elements compared with LCE. As a result, PEF is better suited to policy analysis.

4.4.2   Analytical steps

The analytical steps of PEF are copied from LCE, according to which social analysis proceeds along the stages of *problematization*, *retroduction*, *persuasion* and *critique*. With respect to the case study, the first chapter *problematized* the introduction of the LCA as follows. First of all, the question was raised as to how to be critical about the introduction of savings arrangements. Secondly, the question arose as to how the establishment of the idea of individual savings arrangements could be explained within the context of traditional collective social security law. This problematization resulted in the following central question.

> **How can the establishment of the idea of individual savings arrangements within the Dutch traditional collective system of public security law be critically explained?**

The first empirical sub question (sub question 3) looked at the introduction of the LCA as a paradigmatic example of the introduction of (the idea of) individual savings arrangements, giving rise to the following question (3):

> **How can the establishment of the Life Course Arrangement be critically explained?**

This sub question can now be further operationalized with the help of the questions that were formulated in section 2.1.4, which guide the problematization of a certain phenomenon (first analytical step). After each question it is indicated which chapter(s) examine(s) these questions:

1. How can these new practices (the LCA as a new practice of social law) be characterized? (chapter 9)
2. Where did these practices originate from? (chapters 5, 6 and 7)
3. How and why were these new (regimes of) practices introduced? (chapters 8 and 9)
4. Why was there a lack of resistance of political subjects who embrace other values such as solidarity and equality such as solidarity and equality? (chapters 8 and 9)

The second analytical step involves the process of retroductive explanation. This means that by going back and forth between the phenomena investigated and the various explanations that are offered, the relevant *social*, *political* and *rhetorical* logics are identified. As was explained in section 2.1.4, in the process of retroductive explanation the researcher further elaborates upon the aforementioned questions that problematize the emergence of the LCA. Thus, the first question is elaborated upon in chapter 9, which examines the main juridical characteristics of the LCA as a new practice of social law. Both the second and third questions refer to the 'conditions of the possibility' of the LCA. The second question mainly refers to the genealogical and rhetorical origins of the LCA as a new way of looking at social security. This question is examined further in part II of this book, which is constituted by chapters 5, 6 and 7. The third question addresses the establishment of the LCA as a new law practice. This question is discussed further in part III, which consists of chapters 8 and 9. This part also addresses the fourth question.

Generally speaking, moving from the first question to the fourth question, the questions consecutively include *social logics* (question 1, and question 2 when it regards the development of new technologies), *rhetorical logics* (in particular question 2 and to a much smaller extent questions 3 and 4) and *political logics* (questions 3 and 4). In the final chapter (11) the threads of the various chapters are put together in a retroductive explanation of the establishment of the LCA.

The third analytical step, the process of persuasion, guides the form in which the results are presented in the final chapter. This chapter offers a persuasive narrative on the LCA, which seeks to account for the emergence of this facility.

The fourth analytical step involves the question of how to be critical. Before formulating the ethical/normative questions that guide the critical dimension of this research, the concept of law that is used in this study must be further explained. The first chapter referred to pragmatic approaches to law, according to which law is considered a practice devoted to the realization of certain values or ideals. Regarding section 4.2,1 we can add now some more content to the values and ideals that are to be realized. First of

all, they must acknowledge the radical contingency of social relations; secondly, they have to be responsive to injustice and practices of contestation; and thirdly, they should strive for (free) ethical subjects that escape dominant truth concepts. Following Foucault, this study recognizes two further characteristics of the law. On the one hand, the law is considered a determinate law, a law with a definite content. On the other hand, the law resembles power in that it never becomes total. It is continuously reformed because of acts of resistance and therefore ultimately escapes an encapsulation by power. This also implies that social law is never entirely colonized by normalizing powers. According to this reading of Foucault's work, unrestricted social law can and should enable a de-individualized ethics that is open to alteration.

With respect to future social law designs, a democratic ethos of engagement thus implies first and foremost an openness to other repressed voices that can appear in various forms. This does not mean that the lawmaker simply 'listens to the people' and translates the voice of the people into law, but regards a genuine openness to questioning, responses, negotiations, challenges and disruptions involving all kinds of reason giving. This openness goes beyond rule following within existing democratic institutions. Social rights that are required to enable people to care for themselves should thus not be dictated, but emanate from the people themselves and remain open to alteration. In this respect there are no 'natural' rights, but as Zerilli has convincingly argued '[t]here is only the practice of freedom, of making political claims that question (…) [and] set the terms of that questioning' (2005: 177). On the basis of this concept of law a 'democratic ethos of engagement' gives rise to the following questions that guide a critical evaluation of law reforms:–

1. Did the discourse that preceded the emergence of the LCA suppress certain voices that left behind a sense of injustice?
2. What forms of resistance could be distinguished during the lawmaking process of the LCA and afterwards?
3. To what extent did different forms of resistance succeed in overcoming forms of exclusion?
4. To what extent has the emergence of the LCA been fostered by ideological identifications?
5. What subjects were constructed and/or presupposed by the LCA?
6. What kind of alternative social law designs can be imagined that enable an ethos of engagement that is open to alteration?

All chapters from part II (chapters 5, 6 and 7) and part III (chapters 8 and 9) of this book address the critical dimension, though not always explicitly. Part IV (chapter 10) explicitly responds to the second empirical sub question (4), which addresses a Foucauldian informed critical perspective:

> **How does the Life Course Arrangement function as a new governmental technology in the perspective of (neoliberal) governmentality?**

In the final chapter the different aspects of normative and ethical critique are articulated together.

4.3.3 Policy context and methods

Different methods have been used in this study. For the articulation of social and political logics, a wide range of primary and secondary documents were read. In addition, almost 40 key actors were interviewed. With respect to the articulation of rhetorical logics, this data was extended with textual analysis. Finally, the study used the method of comparing cases.

Whereas the Dutch social system can be described as consensual and corporatist, the interviewees were selected from amongst a large range of parties and interest groups. A list of the interviewees is provided in annex 1 of this book. They include the Ministers of Employment and Social Affairs and the Minister of Finance, representatives of the main political parties, (political) advisers, representatives of the main labor unions and the main employers' organization, representatives of other relevant interest groups (private insurance companies and organizations, the Family Council) and several officials working at departments and in other advisory councils (such as the Temporary Expert Commission Emancipation).

The interviewees were selected mainly for their perceived role in the policymaking process, based on official documents. In the course of the research, the data from the interviews guided a further selection of respondents. Almost all respondents who were asked to cooperate responded positively to this request. The respondents were asked to give their account of the development of the ideas on life course policy and the establishment of the life course perspective. Their (summarized) answers were categorized according to 29 themes which, when combined, articulate the story of the rise and fall of life course policy. The main themes of the interviews can be found in annex 2. The advantage of questioning different actors on the same theme was that memories could be checked and rechecked and that different perspectives on similar themes and situations could be compared. The interview data were of particular importance for chapter 8.

The interviews were also useful for the selection of texts that were analyzed, amongst others, using Discourse Historical Analysis (DHA) developed by Wodak and others.[31] The selection methods and the specific way of

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31   Montesano-Montessori put forward the idea to apply DHA during a conversation that we had in June 2010 in Amsterdam. also see Montesano-Montessori (2009).

analyzing these texts are further illuminated in chapters 5 and 6. The details of the DHA analysis are presented in annex 3. In addition to DHA frame analysis was deployed to analyze (policy) texts. This method is further illuminated in chapters 6 and 7.

The method of comparing cases was used in two instances. In chapter 9 the Dutch LCA is compared with a similar Belgian arrangement called the time credit scheme. This comparison reveals, amongst other things, the distinguishing characteristics of the LCA. In addition, chapter 10 compares two Dutch instances of liberal governmentality the discourse on the LCA and the nineteenth century discourse on the Dutch Poor law. This comparison served to refine the critical aspect of the analysis.

The major methods used in this book can thus be summarized as a qualitative analysis of interviews with key actors, a discourse historical and frame analysis of a selection of texts, and comparing cases.

Part II

The emergence of new ideas in the policy discourse

5 | The role of rhetoric and affect in policy changes. The case of Dutch Life Course Policy

Abstract

Using methods that are developed in Discourse Historical Analysis this case study on Dutch life course policy, suggests that analysis of (the inter-relationship between) rhetoric and affect can contribute to a poststructural-ist explanation of policy change. It is argued that the catachretic act of nam-ing this policy 'life course policy' produced new spaces of representation within which (partly) incompatible goals and values were united. Actors identified with these new signifiers because they contained a promise, a way out of the old, dead-end discursive positions. Thus, the use of rhetoric constituted the dominant social security discourse in a new way, contain-ing both the former dominant discourse and the voices of resistance, as a result of which the emphasis in the Dutch social security discourse shifted, albeit temporarily, from a policy informed by the values of the market to a work-life balance policy.

5.1   Introduction

Just after the turn of this century, the issue of a 'life course based social security system' arose on the Dutch policy agenda. The idea that the social security system was to be reformed into a 'life course based' system was shared by diverse groups, such as supporters of family policy; labor unions; employer unions; social-democrats, Christian and liberal political parties and feminists. They endorsed a common storyline that sounded like this:

> 'Different trends in modern society have caused major transformations in individual life courses. The social security institutions are not able to meet the demands of 'modern society, such as the increased labor market participation of women, individualization, aging and globalization. The problems accumulate in particular during those stages of life in which workers have to combine different activities such as work, care, education and leisure. In addition, people desire more balance and say in the way they distribute their time between these activities. This mismatch between, trends, desires and the social security system can only be solved in case social policy is reconciled with modern life courses'.

The new 'life course based social security system' should thus anticipate the new ways individuals prefer to distribute their time between work and other activities like care, education, leisure, etc. As such, the Dutch social security discourse of the time that emphasized the values of the market was transformed into a discourse that foregrounded a work-life balance. How can this policy change be explained?

For scholars engaged in post-positivist policy analysis, policy change can to a great extent be ascribed to the construction of narratives and storylines. According to Hajer (1995), a storyline can both simplify the various aspects of a complex problem and facilitate different groups to read their own narrative in this storyline. As a result, a storyline not only suggests unity in complex situations, it is also able to create unity among different groups anc consequently generate change. Other scholars have argued that existing policies may alter because of the availability of new ideas (Cox 2001; Hay 2002; Blyth 2002; Schmidt 2002). This paper aims to add to these interpretive approaches to policy change arguing that change also occurs in the process of (rhetorical) argumentation, which can also be characterized by unconscious identification processes. Drawing on a (poststructuralist) discourse theoretical understanding of rhetoric, it is suggested that the introduction of new words into the social security discourse, such as 'life course' and 'life course perspective', functioned as rhetorical tropes that gave shape to a new discourse and as such generated policy change.

In poststructuralist discourse theory the use of rhetoric in the policy making process is intrinsically related to social phenomena (i.e. the emergence of new social policy). As Griggs and Howarth argue, poststructuralist discourse theorists do not separate between 'a concept and a metaphor, between a realm of rhetorical meaning and an underlying material reality,

or indeed between the figurative and the proper/literal' (2006: 29). Instead they view rhetoric as an essential dimension of all social relations. The theoretical and empirical analysis of rhetoric is therefore essential for understanding and explaining social phenomena. Poststructuralist discourse theorists differ in this respect from other scholars whose research is also based on a 'post-positivist paradigm of explanation' (Glynos and Howarth 2007: 18).[1] For example, as Finlayson has pointed out, Bevir and Rhodes, wrongly understand the formation of beliefs and the argumentation about them as two distinct actions. According to him, in poststructuralist rhetorical analysis, the formation of consensus or a unified constituency does not involve the 'discovery' of a shared interest or opinion, as is proposed in interpretive studies, but its creation in argumentation. In general, then, from a poststructuralist perspective, rhetoric does not merely serve instrumental goals, but constitutes new beliefs in a struggle between contingent beliefs (Finlayson 2004, 2007, Griggs and Howarth 2006, Norval 2007, Laclau 2004, 2005).

The aim of this study is twofold. In the first place the study seeks to extend our understanding of processes of policy change, which in this case study involves the explanation of the emergence of life course policy in the Netherlands. A second aim of the study concerns a further development of discourse theoretical concepts for empirical analysis. This is important, because discourse theory tends to draw on highly abstract concepts that are difficult to operationalize for the purpose of empirical research. The case study thus illustrates how discourse theoretical concepts can be translated into less abstract methodological tools and how they can contribute to an explanation of policy change.

This paper is structured in the following way. Section 2 further explains how, according to poststructuralist discourse theorists, the analysis of rhetoriccontributes to the explanation of policy change. The data and methods used in this study are addressed in section 3. Section 4 shows how the

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1   Glynos and Howarth (2007) distinguish the post-positivist paradigm of explanation from the positivist paradigm of explanation. In this latter mode of reasoning that is predominantly used in natural sciences, deduction assumes a prominent role. That is, a theory is being accepted as long as the falsifiable hypotheses are not disproved by the observed facts. Within this mode of reasoning explanation and prediction are closely connected. As Glynos and Howarth argue, this model does not suffice in social sciences, because, in contrast to the natural world, the social world is an open system within which it is not possible to conduct closed experiments. In other words, there exists no constitutive link between explanation and prediction. According to Glynos and Howarth, a post positivist paradigm of explanation involves, amongst others 'a to-and-fro movement between the phenomena investigated and the various explanations that are proffered. In this way, an initially chaotic set of concepts, logics, empirical data, self-interpretations, and so on, at varying levels of abstraction, are welded together, so as to produce an account which, if it removes our initial confusion, can constitute a legitimate candidate for truth or falsity' (2007: 33-34).

emergence of a 'life course perspective' can be situated in the history of Dutch social security discourse. Consequently the 'genealogical origins' of the 'life course perspective' in the social security discourse are examined in section 5. Section 6 describes how the signifiers 'life course' and 'life course perspective' are dispersed in social security discourse. This section further examines why some key actors identified with these new signifiers. On the basis of the results of a textual analysis that is presented in section 7, the relationship between the introduction of the new signifiers and the shift in Dutch social security discourse is further investigated. Finally, Sections 8 and 9 comprise the conclusions and some recommendations for future rhetorical analysis that is rooted in discourse theory.

5.2   Discourse theory and the use of rhetoric

The discourse theoretical approach of rhetoric is related to its ontological presumptions. Discourse theory as it has been developed by Laclau and Mouffe (1985) follows the Heideggerian distinction between the 'ontical' and the 'ontological'. Whereas the 'ontical' refers to a particular domain or phenomenon, the 'ontological' entails 'the categorical pre-conditions for such objects and their investigation' (Glynos and Howarth 2007: 108). For Laclau, rhetoric is 'tropology which outlines ontological logics of politics, that structure the social' (Pallonen 2006: 114). As such, rhetoric functions as an ontological conceptual category; it constitutes the 'ontical'. Rhetoric is thus also constitutive of 'discourse', which, according to Laclau and Mouffe, can be defined as 'a structured totality' that results from an 'articulatory practice' or the practice in which a relationship is established 'among elements such that their identity is modified' (1985: 105).

   Whilst for poststructuralist discourse theorists rhetoric constitutes discourse, rhetoric can also change discourse: it reveals 'how changes occur and politics move between unity and fragmentation' (Pallonen 2006: 114). With respect to the transformative potential of rhetoric, Laclau introduces the rhetorical category of *catachresis*, which he describes as 'the use of a figural term when there is no literal term that can replace it (e.g. when we speak of a leg of a chair)' (2004: 306). Since Laclau views discourse as a system of differences, unity can only emerge by assuming the representation of an impossible totality. According to him, the name of this impossible totality must be a catachretic name, because there is no other representation that can replace it; this name constitutes a new chain of equivalences between distinct elements. Drawing on Zizek's argument that it is the name of the signifier that supports the identity of the subject, he concludes that it is ultimately the (cathacretic) name of the object that brings about political unity (Zizek 1998: 94-95, cited by Laclau 2005: 102-103). The catachretic 'act of naming' may generate social change as catachresis involves 'figurative' or 'imaginative' reasoning that is essential for the production of 'new spac-

es of representation', sustaining new discourses and new coalitions (1990: 65, 2004: 307).[2]

Laclau further argues that the act of naming is intrinsically connected with affect, because 'affect is required if signification is going to be possible at all'. Drawing upon Lacanian psychoanalytic theory, he holds that 'the name' becomes the 'rallying point of passionate attachments' as the split subject constantly seeks new fullness (2005: 116). Glynos and Howarth (2007) have in this respect put forward that these fantasmatic identifications tend to cover up other possibilities. According to them, a critical analysis of policy change should study how policy change has been furthered by fantasmatic elements that lead us to foreclose alternatives.

Norval (2007) shows, in a slightly different way, how rhetoric can generate change. According to her, rhetoric can make people see things in a different way: 'If a grammar gives us the ability to word the world, a new grammar opens up fresh worlds in which different objects and projects may appear and old ones may be ruled out' (2007: 129). To illustrate this point, she refers to Wittgenstein's example of the rabbit/duck picture. The moment in which a subject suddenly discovers a picture of a rabbit, which she earlier regarded as a picture of a duck, is what she calls 'aspect dawning'; unexpectedly, the subject has discovered a new aspect. This is a moment of surprise: now it is a rabbit! At the same time the subject notices that the picture has not changed. In other words: in the new perspective, continuity and discontinuity occur. This is what Norval calls 'aspect change': seeing the duck now differs from the moment before the rabbit was discovered. According to Norval, both moments – aspect dawning and aspect change – are important for change. Translated to policy change, this means that policy change is conditioned upon a first moment of surprise in which the same things are *seen* in a different way, and the rediscovery of this initial moment of surprise.

A question which is, above all, relevant to policy analysis is how this poststructuralist approach to discourse and rhetoric is related to narrative analysis. After all, policy narratives are important units of analysis in policy analysis that is based upon a 'post-positivist paradigm of explanation', such as (interpretative) post-positivist policy analysis (Fischer 2003). In poststructuralist discourse theory the concept of 'narrative', to a great extent, converges with the aforementioned definition of 'discourse'. That is, the 'narrative' refers to a certain type of articulatory practices, namely one which produces a specific kind of order between the elements: an order which persuades people to draw certain conclusions. Otherwise put, (policy) narratives can make people see things in a different way. If they do so, narratives operate as rhetorical tropes that change our understanding of the world. Thus, from the perspective of poststructuralist discourse theory,

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2   See also Griggs and Howarth (2006) and Pallonen (2006).

a (policy) narrative can contribute to policy change through its operation as a rhetorical trope. The analysis of policy narratives is therefore also relevant to a discourse theoretical analysis of policy change.

It can be concluded that for both Norval and Laclau, rhetoric should not only be perceived as 'strategic manipulative acts', but also as constitutive of new discourses. In addition, they relate the deployment of rhetoric to affect. While Norval points to the 'moment of surprise' inherent in aspect dawning, Laclau argues that the identification with new signifiers is related to subconscious desires for fullness. The works of Laclau and Norval thus address some interesting issues that can be used for a poststructuralist analysis of policy change. Applying their theoretical concepts to our case study, the following research question can be formulated:

What was the role of the new signifiers, 'life course' and 'life course perspective' in the process of policy change?

This research question implies several other questions, such as:

– Which signifiers constituted the new discourse?
– How and/or why did actors identify with the new signifiers?
– How can the introduction of these signifiers be situated in the continuity and discontinuity of the ongoing discourse?

Before the main research question is addressed, the next section first illuminates the data and methods.

5.3   DATA AND METHODS

This paper is written as a part of a larger research project that studies the emergence of savings facilities in Dutch social security law. For this project almost 40 key actors were interviewed. The interviewees involved the minister of Employment and Social Affairs and the minister of Finance, representatives of the major political parties, advisors of the government and political parties, representatives of the main labor unions and the main employer union, representatives of other relevant interest groups (private insurance companies and organizations, the family council) and several officials working at the departments and in other advisory councils, such as the Temporary Expert Commission Emancipation (TECENA). For the purpose of the present research the data from nine interviews are relevant. These involved mostly interviews with advisors or prominent members of the Christian Democratic Party (CDA) and interviews with officials working in the field of emancipation policy. The respondents were asked how they interpreted 'the life course perspective' and what meaning they assigned to this signifier in public discourse.

In addition, the three most influential documents referring to the 'life course perspective' were selected for a textual analysis. These texts were all published in 2001 and 2002 and originated from: 1) the CDA, 2) the SER (Social and Economic Council that advises the government, and 3) the government.[3] Consequently, the interview data from the entire project served as guidance for the selection of a number of key texts for further analysis. That is, eight other texts were selected which originated from five different key actors whom the interviewees referred to as being 'the main figure(s) with respect to the emergence and dispersion of 'life course policy' discourse.[4]

The next methodological step was to determine how to analyze these documents. Whereas poststructuralist discourse theory has not yet developed concrete research methods of its own, I looked at other possible research methods in the field of discourse analysis and decided to use some tools that are developed within Discourse Historical Analysis (DHA) developed by Wodak and others (Wodak et al. 1999; Reisigl and Wodak 2009).[5] DHA entails a detailed study of texts. Each claim that is made in these text needs to be studied and categorized. For this kind of text analysis DHA formulates a number of heuristic questions. Of these, the following three are of interest to this study:

1. How are people, objects, phenomena/events, processes and actions named and referred to linguistically (strategies of nomination)?
2. What characteristics, qualities and features are attributed to social actors, objects, phenomena/events and processes (strategies of predication)?
3. What arguments are employed in the discourse in question (Reisigl and Wodak 2009: 93)?

Wodak et al. (1999) use the third heuristic question to analyze the construction of national identities. As such, they distinguish between strategies of justification, strategies of construction, transformative strategies and strategies of dismantling. This study adapted these analytical categories to the structure of the analyzed texts.

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3   Research Institute for the CDA (2001), Ministry of Social Affairs and Employment (2002) and SER (2001).
4   Bovenberg (2001, 2003), Cuyvers (1996), Evenhuis (1999a, 1999b), Leynse (2001a, 2001b) and Schippers (2001).
5   See also Montesano Montessori (2009).

5.4   Dominant discourses and counter-discourses on
       Dutch social policy

To situate the emergence of the discourse on life course policy within social
security discourse, a limited historical analysis should start with the influ-
ential Van Rhijn report from 1945, which can be considered the first design
of the current Dutch welfare state. This report argues in favor of a
reformed system of social security that ensures a decent life for the entire
population (Van Rhijn Committee 1945: 7). In the years that follow, a collec-
tive system is built up that aspires to cover all possible collective risks. This
collective responsibility for individual welfare fits in well with the pater-
nalistic welfare state discourse that is popular at the time: social security
should take care of the citizens 'from cradle to grave'. Notwithstanding
constant struggles over its basic principles during the first decades after
1955, this 'cradle to grave principle' is hardly ever challenged (Noordam
1998 and 2007).
    In the mid-1970s, with the social security system 'completed', the Neth-
erlands are struck by the (world) economic crisis, which results in a crisis of
the social security system. In response to this crisis, social security dis-
course increasingly emphasizes individual risk responsibilities. This new
discourse fits in well with the new individualization discourse, according
to which the governmental interference in private affairs must be reduced.
Another shift in the discourse concerns the framing of the crisis. Instead of
attributing the crisis of the welfare state to external economic factors, the
debate is increasingly determined by arguments referring to the wide-
spread improper use of social benefits and the unmanageable costs of the
welfare state. In the years that follow the system is further reduced and
responsibilities shift from the collective to individual citizens. In addition,
because of European demands regarding equal treatment of men and
women, so-called bread winner facilities are abolished in favor of more
individualized facilities that endorse equal treatment of men and women
(Asscher-Vonk 2001; Jaspers 2001; Noordam 1996 and 2007; Van der Veen
2001).
    The report by the Buurmeijer Committee (1993) marks a new shift in
the social security discourse. It reveals how the organization of unemploy-
ment and disability schemes has not led to the reintegration of unemployed
and disabled workers into paid employment but has, in fact, encouraged
welfare dependency. The report advocates the introduction of market proc-
esses in the social security system. Correspondingly, within the discourse,
social security is increasingly approached in terms of economic incentives
and disincentives and less in terms of rights and obligations. This impli-
cates that citizens are no longer perceived as passive consumers of govern-
mental policies, but as active, calculating subjects who carefully weigh
what strategy promises most profits (Noordam 1996, 2007; Van Gestel, et al.
2009; Trommel and Van der Veen 1999). As such, in the 1990s the Dutch

social security system moves steadily from the category of 'corporatist welfare state' towards the category of 'liberal welfare state' (Esping-Andersen 1990).

Initially, the changed discourse and the practical introduction of market processes in the social security system do not meet with much opposition.[6] Nevertheless, family policy supporters challenge the individualization of social security rights, because so-called 'bread winner facilities' that grant additional allowances to workers who are responsible for their families have been abolished without reallocating the freed-up funds to the benefit of families. Other voices of resistance are heard from the opposite site, i.e. from supporters of the emancipation movement. Their protests concern the misrecognition of the modern worker as a 'worker with care tasks'. This novel construction of the modern worker encourages some feminist lawyers to argue in favor of a public insurance for care tasks (Holtmaat 1999; Westerveld 1999).

During the 1990s, more opponents enter the discourse. The Christian democrats, who are not part of the governing coalition for the first time since World War II, object to the increasing infiltration of the logic of the market into the social system during the reign of the 'purple' coalition (1994-2002) between the right wing liberals (VVD), left wing liberals (D66) and social democrats (PvdA). Among these Christian democratic opponents is future Prime Minister Jan Peter Balkenende, who in 2001 contends that 'for the [purple government] coalition, the introduction of market processes seems to provide inspiration for almost all policy fields' (Balkenende 2001: 232). He advocates an alternative perspective:

> 'Most people in society realize that the process of individualization has reached its limit. Society is being experienced as impersonal and people are looking for certainty, recognition and respect. People fear that the value of solidarity will vanish. Time pressure has increased. People identify less with their work and to a decreasing extent they strive for economic status'. (Balkenende 2001, p. 253)

In addition, two political parties that have been part of the 'purple' governmental coalition since 1994 share the criticism of the 'marketization of society'. The PvdA, which has just shed its 'ideological feathers' during its 'purple' governmental years, reconsiders its political agenda and increasingly discards the introduction of market processes in different segments of society. In the election program of the social democrats (2002-2006) we can read:

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6   Van Gestel et al. suggest that a consensus could be formed because the most important coalition partners of the purple government, the socialist PvdA and the liberal VVD, interpreted concepts such as 'the introduction of market processes' in different ways (2010:94).

> 'Market processes have been the solution to all problems. We think that the citizen has an interest in more options and more quality. (…) After two decades of liberalization and privatization, experiences have not been altogether positive. The PvdA argues in favour of quality for everyone on the basis of solidarity. (…) We do not want a 24-hour economy, but a 24-hour good life'.(PvdA 2002a: 16)

Another coalition party, D66, argues in this regard in favor of less ideology and more pragmatism, which according to this party is embodied in a 'life course perspective':

> 'The pointless fight between public service and market will be left behind. Now it is time for creative politics. (…) We have to realize that individual choices are not without consequences for others. As a citizen and as a country we choose for more than our own interest in the short term' (D66 2002:1).

> 'What matters in 2001 is to replace political, ideologically inspired perspectives with pragmatic perspectives. One of those perspectives is the perspective of the life course.' (D66 2002: 6)

In sum, the emergence of the 'life course perspective' in social security discourse can be situated in a shift from a corporatist welfare state towards a more liberal welfare state, which approaches social security increasingly in terms of economic incentives and disincentives, and individualized rights (instead of family based rights). Voices of resistance come, first of all, from family policy supporters and the feminist movement. In addition, some major political parties oppose the increased marketization of society. Within this discursive field, the signifier 'life course perspective' is introduced. Before the spread of the 'life course perspective' is further explicated in section six, we first take a step back in the next section to study the origins of the 'life course perspective'.

5.5   The 'life course perspective' as a research practice

According to Foucault (1984a), to understand our present regime of truth we have to investigate its 'genealogical origins' or its 'conditions of the possibility'. Therefore, before the dispersion of the signifiers 'life course' and 'life course perspective' in the social security discourse is further investigated, this section studies the 'genealogical' origins of these signifiers.

Prior to the introduction of the signifier 'life course perspective' in social security discourse, this signifier is, above all, used in scientific research practices. The first research practices which are based upon the 'life course perspective' can be encountered in the United States just after World War II. The development of life course based research in this country seemed to have been conditioned upon the specific background situation of American society in that period: diverse demographic processes such as

immigration and aging in combination with the progress of new longitudinal research methods stimulate research on themes such as diversity and individual differences. Researchers become interested in the influence of these social changes on individual lives in particular. They incorporate a 'life course perspective' into their research to examine the patterns in the ways in which individuals construct their own life courses within historically determined constraints. This new approach in social research differs significantly from that of classic social research, which rather focused upon abstractions and the development of grand theories (Elder et al. 2003).

In the 1980s, Dutch researchers also start to conduct quantitative analyses of life courses. Like their American colleagues, the Dutch researchers have become increasingly interested in studying individual processes instead of structures (Keilman 1986; Kuijsten 1992). In the late eighties and early nineties, a few Dutch researchers use life course research to counter the increasing dominance of the discourse on individualization. In their 'life course research' they demonstrate that the stage in which a person lives with her family not only remains an important stage in the lives of most individuals, but also that the disposable income during this stage of 'family life' is much lower than in the stages just before and after this period (Kronjee 1992; Kuijsten 1992; Latten 1993; Van Leeuwen 1990). Paradoxically, these researchers use life course research to reveal individual lives in order to counter the individualization discourse.

Life course research is also valuable to the economic theory of human capital. Due to the introduction of human capital theory, which emerges in the 1960s, the focus shifts from abstract relationships between labor, capital and production to individual choices that affect the worth of human capital. In the 1980s, Dutch interest in economic life cycle research increases as some economists realize that human capital theory does not account for the different life cycles of men and women and the values of human capital that result from it (Schippers 1987).

More recently, the life cycle approach has been used in the field of labor market studies. Schmid (1995) has developed a 'transition model' of the labor market that visualizes individual life courses as transitions in individual lives where people shift from fields such as care, training, sabbaticals and (early) pension to the labor market and vice versa. According to him, full employment must be possible if – measured on a life course basis – both men and women work an average of 30 hours per week. He further argues that temporary 'transitions' between different fields should be fostered in order to prevent 'structural unemployment'.

These examples show that life course research can be characterized by its attention to individual lives. Indeed, an essential aspect of life course research is that – in contrast to previous research – reality is constructed from the point of view of the individual whose decisions – which are made within historically and socially determined constraints – have an impact on herself and the world around her. As will be shown in the next two sections,

this meaning of life course perspective in research practices (i.e., the atten-
tion for individual lives in relation to their historical and social context)
leaves traces behind in the Dutch discourse on 'life course based policy'.

5.6   THE DISPERSION OF THE LIFE COURSE PERSPECTIVE IN SOCIAL
         SECURITY DISCOURSE

This section examines how the 'life course perspective' – which, as we saw
in last section originated in scientific practices – dispersed in social security
discourse. Additionally, it will be considered why some key actors identi-
fied with these new signifiers.
     The research revealed, first of all, that one of the factors that contribut-
ed to the relatively quick spreading of the new signifiers could be ascribed
to the fact that there was no one 'singular origin' from which the signifiers
infiltrated the discourse. As one interviewee stated: 'It is not possible to tell
who invented the "life course perspective", the idea of the life course per-
spective was suddenly there, out of the blue, the idea floated in the air'.
Indeed, around the turn of the century diverging actors belonging to differ-
ent political parties started to deploy the signifiers 'life course' and 'life
course perspective' in social security discourse: (1) CDA, which sought to
refurbish its traditional political agenda on family policy;[7] (2) D66, which
specifically invested in emancipation issues;[8] and (3) somewhat later, the
PvdA, which in that period demanded attention for its orientation to 'third
way' politics.[9] Thanks to a number of meetings attended by a broad range
of political actors, the new signifiers circulate further in social security dis-
course.[10] Some policy actors endorsing the life course perspective contrib-
uted to this dispersion because of their involvement in other influential
institutions such as: (1) the Social Economic Council (SER),[11] a tripartite

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7   See CDA (2001).
8   See D66 (2001).
9   See PvdA (2002b).
10   October 1999 (Parliament) and 16 March 2001 (SER), conferences organized by the Joke
       Smit Stichting (non-governmental emancipatory institution). 1 February 2002 (Depart-
       ment of Emancipation), expert meeting organized by the Department of Emancipation,
       The Netherlands Institute for Social Research (SCP) and the Dutch National Family
       Council (NGR). These meetings were followed by others, such as conferences organ-
       ized by social partners on 26 February 2002 and 27 March 2002. Participants included,
       among others, representatives of diverse political parties; representatives of social part-
       ners; experts (governmental advisors); representatives of non-governmental organiza-
       tions (including SCP and NGR), and public officials.
11   Goudswaard (affiliated with D66), Bovenberg (affiliated with CDA) and Leynse (affili-
       ated with PvdA) all endorsed the new signifiers and were Crown-appointed members
       of the SER. In a 2001 SER document on the future of employment policy, 'life course
       perspective' is a central signifier (SER, 2001).

commission that advises the government on issues of social policy and occasionally on emancipation policy; (2) the Temporary Expert Commission Emancipation (TECENA), a commission that encourages advisory commissions to address the emancipation aspects of proposed policy in their advice;[12] and (3) the Dutch National Family Council (NGR).[13]

The new signifiers fell in particular on fertile ground with prominent members of the CDA. In addition, some actors concerned with emancipation policy – some of whom are affiliated with D66 – recognized the potential of the new signifiers. The remainder of this section examines, on the basis of the interview data, why these key actors were so attracted to the 'life course perspective'.

Cuyvers, who was a member of the Dutch National Family Council and an advisor to the CDA, contended that he wanted to prove that the stage of family life was still an important stage in most people's lives. In fact, he used the signifier 'life course perspective' in the same way as some Dutch life course researchers had applied it. That is, for him, 'the life course had been the explanatory model to combat the "myth" of individualization'. Another Christian democrat, De Geus, who was Minister of Employment and Social Affairs between 2002 and 2007, also argued that he used the new signifier for strategic reasons. According to him, the 'life course perspective' could reconcile CDA's traditional agenda on family life with modern society:

> 'We were looking for a concept that would express both the idea of family life and the (desired increased) labor participation of women. Where traditional ideas on the breadwinner society were not fruitful anymore, the concept of "life course" felt as a lucky strike. We thought: now we have really discovered a strategic treasure, a concept that respects family life, that represents modernity, and that suits politics of reduced government'.

On the other hand, however, De Geus also felt that the introduction of the signifier 'life course' in social security discourse helped to structure modes of thinking in a new way and opened up possibilities to break through existing dichotomies:

> 'The name "life course" was important to the CDA. We insisted that a new instrument of social security, which would address these objectives, carried the name 'life course', as the new instrument had to become an 'image carrier of a new perspective, a new ambition'.

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12   Evenhuis and Schippers, affiliated with D66 and members of TECENA, endorsed the new signifiers.
13   Cuyvers, affiliated with CDA, was a staff member of the Dutch National Family Council.

This was confirmed by van Asselt, a member of the research institute for the CDA, who argued that 'as a frame of mind, "life course" totally disturbed the social security system'. The new concept was thus celebrated as an appealing invention that carried a promise for the future.

Economic scientist Bovenberg, advisor to the CDA, whom other interviewees credited with being the 'father of the Life Course Arrangement' also mentioned that the signifier 'life course' provided 'an escape':

> 'The initial reason that people started to think about the "life course perspective" was to transcend the standard dichotomy between those who believe that children should be educated and raised within the realm of the family on one hand and those who argued that women should participate in the labor market on the other. Hence, the concept of 'life course' provided an escape from the "musty smell" (…). In addition, the 'life course' concept sustained the activation of the system of social security and a way to reinvent the labor union and solidarity'.

Bovenberg further explained how the new signifiers helped him to reconcile his individual religious belief with his views on society:

> 'The term "life course" involves the union of one's individual interests with the interests of others: unity in diversity. There is always tension within a society: between individualization and collectivity, between left and right, between liberalism and socialism. However, at the same time they belong together; one cannot exist without the other. You can only become human if you also think about others; and you can only be a collective if people also think about themselves. Thus, there is no paradox at all between individuality and collectivity. Ultimately this is the Christian religion, God's triad: God is one, but also diverse. (…) Therefore, the idea of "life courses" should partake in a larger cultural offensive in which people are educated in social life. (...) Hence, what is important is not so much a new arrangement of social security, but a new perspective on one's life. This means that people invest in themselves, in their individual health, in their relationships; that they realize that they possess human capital and social capital'.

Hence, for Bovenberg the new signifiers did not only shape a new discourse on the social security system, it also helped to constitute a new united society.

A few actors concerned with emancipation issues also endorsed the new signifiers 'life course' and 'life course perspective'. According to Schippers, a member of TECENA, the 'life course perspective' was in fact developed within 'the emancipatory way of thinking'. In addition, Evenhuis, a member of TECENA and chairwoman of the national office for age discrimination, argued that for her 'the "life course perspective" opened up new possibilities, because this perspective threw new light on existing relationships and particularly provided *inspiration* for improving legislation and policy.' Wierda, an emancipation policymaker, emphasized the strategic advantages of the new signifiers as they facilitated the Department of Emancipation to distance itself from the anti-family feminist movement and to form a coalition with former opponents, such as the Dutch National Family Council. The new signifiers put emancipation policy in a new perspective:

'In the preceding years we had attempted in vain to include care in the system of social security. We could not obtain sufficient political support for these plans. The life course offered a new way of integrating care in the system of social security (….) We also distanced ourselves a bit from the anti-family feminist movement and looked for a broader coalition, and ended up with the concept of life courses. (…) We collaborated with the Dutch National Family Council. Our motto was: "If you can't beat them, join them." In the early stages of emancipation policy it had been necessary to be anti-family, because at that time the traditional ideology on motherhood dominated the discourse. However, they kept on repeating this stance whereas, in my opinion, there is nothing wrong with a modern family. The Dutch National Family Council was a good partner in our coalition, it strengthened our position'.

Furthermore, according to Wierda, the new signifiers offered new impulses for reform:

'The life course perspective was a concept that provided emancipation policy with new impulses. The old debates were dominated by 'individualization of the system of social security'. Since you were either an opponent or a supporter of "individualization", this debate was paralyzed. The life course perspective offered new opportunities'.

In summary, the interviews show that strategic reasoning was important with respect to the introduction of the new signifiers. The actors used the signifiers to promote their own body of thought. On the other hand, the signifiers affected the discourse in other ways also: they entailed a promise for change, served as inspiration for reform of the social security system and gave shape to a new, emerging discourse.

5.7   ANALYSIS OF THE TEXTS

The new signifiers popped up in a number of texts, reaching a peak around the year 2001. The heuristic questions that were introduced in the third section form the starting point for the analysis of eleven selected texts. The analysis was guided by the main research question that was formulated in section two: 'What was the role of the new signifiers, "life course" and "life course perspective" in the process of policy change?' Section 5.7.1 addresses the question how the selected texts were constituted. For this purpose the argumentation strategies of all texts were analyzed. As was explained in section 3, the texts that were selected for further analysis entailed, next to three basic texts, eight other texts that originated from five actors who presented different views on the 'life course perspective'. Section 5.7.2 and 5.7.3 investigate more in detail the argumentative strategies, nomination strategies and predication strategies that are used in these texts. As such section 5.7.2 reveals how the texts diverge. Section 5.7.3, on the other hand, points at some important convergences between the texts. Section 5.7.4 summarizes the main conclusions that can be drawn from the textual analysis.

5.7.1   *The constitution of reality in the texts*

In order to figure out which signifiers were constitutive of the text, the main claims made in each text were listed. The texts, first of all, appeared to deploy similar argumentative strategies: after a description of main social trends, existing institutions were problematized and proposals for institutional reforms were made. In fact, the claims could be categorized according to the following categories: *social trends* (and threats) such as aging, individualization, globalization, and the increased labor participation of women; *problematization of those trends*, involving an account of their expected negative consequences; *undesired reality*, enfolding an unattractive picture of a (static) future social system; and finally, *desired reality* in which we encounter a more dynamic social security system that is tailored to the described social trends. The argumentation strategy thus followed the structure of a 'narrative of control', which after telling what is going wrong, offers some possibilities of interference (Stone 1988). Section 5.7.2 examines in more detail what 'narratives of control' were told in the investigated documents.

The analysis of the argumentation strategies according to the aforementioned categories revealed that the signifier 'life course' was frequently present in all different types of claims. Moreover, in most cases the signifier 'life course' and related signifiers ('period of life', 'transitions' and 'life patterns') dominated the argument. The analysis of one of the three basic texts on life course policy, the CDA document, can serve as an illustration. Table 5.1 shows how the main claims in the text were listed according to the categories *social trends*, *problematization of social trends*, *undesired reality* and *desired reality*. In each category most of the claims included the words 'life course' or acquainted words, such as 'periods in life' or 'stages in life'. These claims were listed first. The second part of each category comprises the main claims in the text that did not refer to these new signifiers. The CDA document starts with a description of *social trends*. As the table shows, almost all 'social trends' refer to the emergence of a 'modern life course'. This 'modern' or 'changed life course' is problematized, because people have to combine more activities – work, care and education/training – in the same 'stage of life', which gives rise to 'financial, economic and emotional problems' (*problematization*). Most important, current institutions cannot accommodate 'modern life courses' as they are still tailored to the 'standard life course' (*undesired reality*). The document further designs some future social security institutions that address the diversity of labor participation and the preservation of employability during the entire 'life course' (*desired reality*).

The textual analysis thus shows how the world becomes meaningful from the perspective of 'life course'. From the textual analysis of the other texts similar conclusions could be drawn. That is, in most selected texts trends, threats and reform were approached in terms of 'life courses' or related signifiers, such as 'periods of life', 'life patterns' and 'transitions in life'.

Table 5.1 Argumentation strategies CDA (2001)

categories	Main claims in the text
Social trends	– increased prosperity has affected the **life course**; – although there is more time and space for different choices in the **life course**, people are still devoted to the values and norms that are attached to the existing institutions; in addition, a sense for community remains important; – in the modern **life course** the **stage** of family life remains dominant; – in the modern **life course** people combine more activities; – in the modern **life course** the division of roles between men and women is increasingly blurred; – compared to the traditional **life course**, the modern **life course** contains two extra periods; – modern society can be characterized with trends as globalization, technological developments and aging; – in modern society traditional religious and political barriers are removed and the emphasis has shifted to individual life designs.
Problematization of social trends	– because of changed **life courses** the interests of children and the interests of people in need of care are endangered; – because of a diversity in **life courses** and an increase in activities, 'leaves' have to be bridged; – families can be conceived as the losers within the **life course**; – in the **period of family life** people suffer a loss of income; this also affects the life of the children; – new **life courses** cause pressure to achieve and increased insecurity; – the overstrained labor market and the new **life course** cause problems in financial, economic and emotional realms; – a lot of women and men are not able to realize their desired family ideal; – the Dutch knowledge economy has a shortage of well educated people.
Undesired reality	– institutions are tailored to the standard **life course**; – labor market policy does not conjure up with developments in the **life course** (transitions, lifelong learning); – the social security system and collective labor arrangements are still tailored to the traditional **life course** as a result of which it is difficult to combine diverse activities during the life course; people are insufficiently protected; – the social security system is insufficiently tailored to the modern **life course**, particularly in regard of different labor patterns and the need for education; – the one-sided attention for female economic independency injures the desires with respect to the modern **life course**, in the period of family life in particular; – problems arise in case the government disposes of relations of mutual solidarity; – science was wrong to depict citizens as rational economic persons; – it was wrong to limit labor market policy to the realm of the factory.
Desired realities	– Institutions should become more tailored to increase the diversity of labor participation during the **life course** without dispersing the realm of income, career perspective and family; – Employability and education during the period in the **life course** that people participate in the labor market should become more and more important.

In addition to the analysis of argumentative strategies, the main nomination strategies and predication strategies in all eleven texts were categorized. This analysis revealed that terms such as 'life course perspective', 'modern life course', 'transitional labor markets' and 'perspective on labor patterns' were put into a chain of equivalences with words like 'modern', 'dynamic', 'diversity', 'free choice' and 'change'. A contrasting chain of equivalences was built among words such as 'traditional life course' and 'standard life course', which were associated with words like 'static', 'role patterns' and 'clear activities'. These specific forms of argumentation thus foregrounded the new and dynamic aspects of 'the modern life course'. Since the construction of these opposing chains of equivalences constituted both the desired system of social security and the undesired system of social security, the new signifiers gave new meaning to the signifier 'social security'. That is to say, the signifier 'social security' was now understood in relation to its effects on individual 'life courses'.

   In sum, from the analysis of the texts it can be concluded that the signifier 'life course' constituted a new world. Trends, problems, undesired and desired realities, including the undesired and desired social security system, became meaningful in relation to a new chain of equivalences that was established around the signifier 'life course'.

5.7.2   Different meanings of life course policy

The analysis of the eight texts that originated from five key actors revealed that, notwithstanding a similar constitution ('life course'), the texts differed in important aspects. That is, the identification of 'social trends', 'problematization of those trends', 'undesired realities' and 'desired realities' revealed five different 'narrative of control', which filled the signifier 'life course' with different meaning.

   Table 5.2 shows that five different narrative could be distinguished: the 'family life narrative', the 'diversity narrative', the 'emancipation narrative', the 'human capital narrative' and the 'new risks narrative'. Each of these narratives contained a different storyline and, accordingly filled the signifier 'life course perspective' with different meaning. The *family life narrative* problematizes the period in life during which one or two parents have to take care of their children because of a financial shortage. The problem can be solved in case time and money are redistributed during the life course. The 'life course perspective' thus refers to the 'income gap' that citizens experience during the stage of family life. The *diversity narrative* disputes the fact that social security institutions are still based on standard male life courses, while at the same time life courses of women have become more diverse. It is argued that social security institutions should anticipate on these diversified lives. Accordingly, the 'life course perspective' views and celebrates the diverse lives of women. The *emancipation narrative* argues for the facilitation of leave arrangements, which enhances the

female labor market participation. Within this narrative the 'life course perspective' involves the view on 'transitions' of workers between the spheres of paid work and care. The *human capital narrative* problematizes the depreciation of human capital in current social security system. According to this narrative, human capital is the key to labor participation. The 'life course perspective' refers to a perspective on the depreciation and investments in human capital during the life course. Finally, in the *new risks narrative* it is argued that it is inefficient to base the social security system on 'external risks', because it is clear in modern society to a great extent people are able to influence risks of unemployment and/or having children. Shifting the emphasis to manufactured risks (i.e. 'internal risks') will result in a stimulation of labor market participation. In this narrative the 'life course perspective' shows how life courses increasingly become the product of ones own choices.

Taken together the narratives told two different stories. On the one hand, 'the life course perspective' revealed how the labor market participation could be increased. On the other hand, the 'life course perspective' expressed the desire to increase the quality of life. As such, the narratives seemed to be partly continuous and partly discontinuous with the dominant social security discourse at that time. On the one hand, then, the narratives that argued for an increased labor market participation along with a more efficient social security system, 'human capital' and 'new risks', pursued the dominant social security discourse. On the other hand, the narratives 'family life' and 'diversity', which emphasized the quality of life would also entail the facilitation of the preferences of those who, for various reasons, prefer – in some periods in their lives – to spend their time with other activities than (only) paid work. These narratives thus endorsed the counter discourses. The narrative 'emancipation' occupied a middle position in this respect, as this narrative dealt with both the (desired) increased labor market participation and the issue of combining this increased labor market participation with care activities.

Table 5.2 Five narratives

Key signifier	Narrative	Meaning of the life course perspective
Family life	Parents are not (financially) capable of caring for their children; a 'family gap' is emerging. Therefore, a redistribution should take place of the peak load in time and money during the life course.	Perspective to view the income gap during the stage of family life
Diversity	Social security institutions are based on the standard male life course, whereas life courses (in particular those of women) and desires have become more diverse. These institutions should anticipate on the diverse range of activities that people (whish to) perform within one life period.	Perspective to view (and celebrate) the diverse life courses of women
Emancipation	Institutions of social security and labor market policy are insufficiently tailored to the increased labor market participation of women. Social security should be based on transitional labor markets that facilitate leave arrangements for both men and women.	Perspective to analyze the transitions of men and women between the spheres of paid work and care
Human capital	The current social security system stimulates the depreciation of human capital. Human capital is the key to the desired labor participation. A system of social security that is based upon investments in human capital should depart from a better spread of education, work, care and spare time over a life course.	Perspective to view the investments and depreciation of human capital
New risks	Although consciousness has grown that people can influence risks to a great extent, the social security system is still based on the idea of external risks. In regard of the growing importance of manufactured risks, the system of social security should be based increasingly on investment incentives and individual responsibility.	Perspective that enables one to view the life course as an individual product in which the individual makes her own risk based decisions

5.7.3   Convergence between the narratives

Despite the evident differences and – in some cases – incompatibilities between the new (policy) narratives that accompanied the introduction of the new signifier 'life course perspective', section 5.7.1 suggested that the introduction of this new signifier established a common vocabulary that constituted a common discourse. This section presents some additional convergences between the different identified narratives.

In the first place, as the analysis of predication strategies in Table 5.3 demonstrates, the different texts endorsed a similar construction of the subject. That is, the signifiers 'life course perspective' and 'life course' promoted new subject constructions that just slightly differed from the earlier rational calculating subject. To begin with, the two narratives that continued the former discourse – 'human capital' and 'new risks' – partly replaced and partly completed the picture of the calculating subject with a new type of rational acting subject. This newly constructed subject is, above all, capable of planning her entire life based on her preferences. As such, within the 'human capital' narrative the individual and/or the worker is constructed as a '*flexible entrepreneur*' that 'invests in her own capital and that of her children' and is *responsible* for dividing her income during the life course. The 'new risks' narrative which also constructs the individual/ worker as an '*entrepreneur* that works on her own competences', emphasizes in particular the relationship between this *entrepreneurship* and *risk behavior*, implying that the *entrepreneurial worker* must be viewed more and more as a *consumer* in the social security market. In addition, subjects who are not yet capable of making their individual life plan must be either 'empowered' to make autonomous decisions (Schippers 2001) or 'educated' through savings systems within the social security system (Bovenberg 2003).

Even the narratives that represented former voices of resistance – 'family life' and 'diversity' – endorsed this 'subject of choices' who continuously weighs her preferences against the expected costs. Then, according to the 'family life' narrative, the individual/worker 'must have *more choices* with regard to *investments* in family life and labor participation'. In addition the 'diversity' narrative emphasizes that individuals/workers need to balance their lives between '*their own interests and preferences* and those of their partner, children and others'.

Table 5.3 The construction of the subject in the different narratives

Narrative	Individuals/Workers
Family life	– live mostly in the realm of a family; – increasingly endorse the principles of emancipation, freedom of choice, and individualization; – must have more choices with regard to investments in family life and labor participation;
Diversity	– have a 'double loyalty' in their life course: their own interests and preferences and those of their partner, children and others;
Emancipation	– have an interest in more freedom of choice with respect to their own life course; – must be empowered to participate in the labor market;
Human capital	– need to be flexible; – behave as entrepreneurs; – must invest in their own human capital and that of their children; – are responsible for dividing their income during their life course;
New risks	– want to take more risks and responsibility for social risks; – need incentives to continue working and refrain from welfare facilities; – must permanently work on their competences; – must behave as entrepreneurs; – must be new consumers in transparent markets for care, education and social security.

Secondly, the new signifiers pointed to a shared discourse that 'Dutch people have always taken care of their children by themselves and that they desire to continue this way of life'. This discourse endorses part of the earlier criticism from both feminists and supporters of family policy, because it acknowledges the problem that accompanies the combination of paid work and unpaid care activities. As a matter of fact, all narratives more or less problematize the 'double tasking' of workers, usually women. The analysis of predication strategies revealed that 8 out of 11 analyzed documents, which included all distinguished storylines, endorsed this desire for having more time for bringing up the children. This is illustrated in a number of quotes in Table 4. Furthermore, the outcome of the research provides evidence that the introduction of the signifiers 'life course' and 'life course perspective' initiated some discursive interchange between former voices of resistance that appealed to family values and care tasks and the dominant social security discourse in the mid-1990s. For example, whereas in the mid-1990s PvdA and D66, parties in the governmental coalition between 1994 and 2002, had openly rejected family policy, in 2002 the facilitation of family life was one of the themes in the election campaigns of these parties (De Hoog and Hooghiemstra 2002).

The construction of a common '(responsible) subject of choices' and the desire 'to care for the children by ourselves' suggest that the signifiers 'life course' and 'life course perspective' not only constituted a new social security discourse, they also seem to have created a new space of representation in which the 'subject of choices' was joined with a 'Dutch desire to care for the children by themselves'. In this new space of representation it was possible to represent the potential beneficiaries of the social security system as both fellow citizens in need of collective support and as self-interested consumers. As such, the values of solidarity and efficiency were united in a common discourse.

Table 5.4 Care for children as a common discourse

'We all want to stay strongly involved in the upbringing of our children' (Leynse 2001a);
'Compared with other European countries the Netherlands is a country of people who combine different tasks' (Bovenberg 2003);
'The Dutch people strongly desire (at least partly) to take care of their children by themselves' (Ministry of Social Affairs and Employment 2002);
'Abolition of breadwinner facilities without creating new care facilities can endanger social cohesion' (SER 2001);
'The majority of the population still thinks that family situations where both parents work full-time are not preferable' (CDA 2001);
'People face a double loyalty, they have to be available for paid labor and for care' (Evenhuis 1999b);
'New slogan: 32 hours while retaining the kids' (Schippers 2001).

5.7.4   Main conclusions with respect to the textual analysis

The textual analysis revealed, first of all, that the signifiers 'life course' and 'life course perspective' constituted the texts. That is, in these texts the world is viewed from the perspective of the 'life course'. As a result, the signifier 'social security' now becomes meaningful in its relationship with these new signifiers. The textual analysis also revealed that the meaning of the 'life course perspective' depended on the partly incompatible narratives within which it was expressed. Whereas some of these narratives reflected the dominant social security discourse at that time, other narratives rather endorsed the counter discourses. The analysis thus suggests that this signifier 'life course perspective' was able to unite partly incompatible discourses. On the basis of the last part of the analysis it was concluded that a synthesis between the different narratives was also furthered because of the creation of a new space of representation in which the 'subject of choices' was joined with the 'Dutch desire to care for the children by themselves'.

5.8   The 'life course perspective' and the act of naming

How can we interpret the outcome of this study in the perspective of post-structuralist discourse theory? First of all, this study has demonstrated that, instead of merely being instruments of external persuasion, the new signifiers 'life course' and 'life course perspective' were constitutive of the construction of undesired and desired reality and consequently filled the signifier 'social security' with new meaning. The creation of a common vocabulary and the resulting interdiscursive communication between former dominant discourses and counter discourses seems to have created something new: the act of naming established a new perspective on social security, a perspective that created unity among a variety of discourses and counter discourses, which would address the need for an enhanced (individual responsibility for) labor participation in a way that did not negatively affect the quality of lives of individuals who preferred to participate in non-paid work activities.

The analysis further suggests that naming the desired changes 'life course' policy involved a catachretic name, because there was no other representation that could replace this new mode of social policy. This act of naming brought into being 'something' that had already been there in counter discourses, but that had not been properly worked out yet, for the lack of representation. The problem of connecting a finite number of words and the infinite number of things in the world was solved by transposing the signifier 'life course perspective' from the sphere of research practices to social security discourse. Following Laclau, it can be argued that this catachretic act of naming fostered new ways of reasoning that were essential for the production of 'new spaces of representation' that sustain new discourses and new coalitions. This new space of representation imagined a 'subject of choices' that prefers 'to take care of its own children'. Within this new space of representation a reformed social security system would both stimulate labor market participation and improve quality of life for all Dutch citizens. As such, values as solidarity and efficiency were united in a common 'life course based discourse'.

The case study also endorses Laclau's and Norval's ideas that the identification with new signifiers produces affect that contributes to policy change. First of all, actors could identify with the new signifiers, 'life course' and 'life course perspective', because they recognized that they provided a way out of their old discursive positions; they held a promise of something new. The signifiers appealed to 'aspect dawning', capturing a feeling of surprise or excitement that can be described by a sentence like 'now we have got it'. This first moment of surprise, seems to have provided the energy for the establishment of this discourse. In addition, Bovenberg's conflation of 'life course' with 'unity in diversity' provides evidence for the assumption that the act of naming responds to a subconscious desire for fullness. The fact that the new signifiers addressed formerly opposed nar-

ratives further supports this conclusion. That is, the new discourse was structured around the fantasy that increased labor participation and more time for care or leisure do not cancel each other out. The new rhetoric also closed the new spaces of representation that it just had created. For example, endorsing the fantasy that all subjects are driven by choices, alternative subject constructions were foreclosed. Thus the act of naming the new social policy 'life course policy' comprised a fantasmatic dimension which, as Glynos and Howarth have argued, provides a ground for critique.

In sum, as the new policy was called 'life course policy', the dominant social security discourse was constituted in a new way, containing both the former dominant discourse and the voices of resistance. The catachretic act of naming produced new spaces of representation within which (partly) incompatible goals and values were united. Actors identified with these new signifiers because they contained a promise, a way out of the old, dead-end discursive positions. Hence, this study suggests that the introduction of the new signifiers 'life course' and 'life course perspective' contributed to an important, albeit temporary, policy change in which the emphasis shifted from a policy informed by the values of the market to a work-life balance policy.

5.9   CONCLUDING OBSERVATIONS

Along with the analysis in section 9, some additional conclusions can be drawn from this study. First of all, this study has demonstrated that a discourse theoretical analysis of the use of rhetoric contributes to the explanation of policy change. This is not to say, however, that other approaches that are based on a 'post-positivist paradigm of explanation' are rejected.[14] The study rather suggests that a discourse analysis of rhetoric may be used together with other explanatory approaches, on the condition that their ontological assumptions are adjusted to discourse theory.

Secondly, some additional comments can be made with respect to catachresis. Whereas catachresis involves 'the use of a figural term when there is no literal term that can replace it', this study also showed that the transposition of a signifier from one sphere to another sphere leaves traces behind in the latter sphere. Indeed, it was possible to observe some convergences between the meaning of life course perspective in specific research practices and in social security discourse. In the first place, like social scientific life course research, the 'diversity narrative' and the 'new risks narrative' endorsed concrete individual persons as basic ontological categories.

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14   For example, Hajer's concept of storyline and discourse coalitions can also add to the explanation of the emergence of a life course discourse in the Netherlands (Eleveld 2013a).

Secondly, like recent Dutch life course research, the 'family life narrative' took the individual family as a basic ontological category. And finally, like economic life cycle research and the research on transitional labor markets, the 'human capital narrative', the 'emancipation narrative' and the 'new risks narrative' viewed the individual lives of men and women as 'transitions' between different domains. In addition, both the 'life course discourse' and the life course research practices were sustained by the same individualization discourse. This relationship between the meaning of the signifiers in the first sphere and the transposed (catachretic) sphere, needs to be developed further.

The case study further revealed that DHA provides useful tools for a poststructuralist rhetorical analysis. The analysis of the nomination strategies, predication strategies and argumentative strategies of the selected texts were in particular useful for the analysis of the constitution of the new discourse. In addition, the analysis of argumentation strategies proved to be helpful for deciphering (policy) narratives. As such, DHA might also be useful for interpretive policy analysis. Nonetheless, more methodological tools are needed to conduct thorough empirical research based on post-structuralist discourse theory, in particular, with respect to the relationship between affect and policy change. This paper therefore encourages scholars to engage in poststructuralist empirical studies to further develop empirical research methods.

In sum, though there is still a lot of work to be done to translate discourse theoretical concepts to less abstract methodological tools, the case of the emergence of Dutch life course policy has shown that discourse theory can certainly contribute to an explanation of policy change that is rooted in a post-positivist paradigm of explanation.

6 | Christians, feminists, liberals, socialists, workers and employers: The emergence of an unusual discourse coalition

Abstract

How can actors with very different views of the world around them reach an agreement on a new social policy? Around the turn of the century, a new approach to the social security system was introduced in The Netherlands: the 'life course perspective'. The approach was to anticipate how individuals organize their lives into working life and other activities such as education, care, and leisure. Various groups, such as proponents of family policy, workers, employers, feminists, and socialist, Christian and liberal parties endorsed this 'life course perspective'. This chapter investigates how the discourse about the new approach afforded an agreement on a politically controversial issue. A discourse-analytic methodology was adopted on the hypothesis that the central storyline of the discourse gives a broad sense of cohesion to the signifier and works like glue. Each actor could interpret the 'life course perspective' on their own terms, leaving it open to acceptance from different perspectives and thus allowing for an unusual coalition.

6.1   Introduction

Just after the turn of this century, the issue of a life course based system of social security arose on the Dutch policy agenda. The social security system was to be reformed into a 'life course based' system. This idea was shared by diverse groups, such as supporters of family policy; labor unions; employer unions; social-democrats, Christian and liberal political parties and feminists. This roughly meant that they agreed on a new social security system that should anticipate on the ways individuals prefer to distribute their time between work and other activities like care, education, leisure, etc. In 2006, the consensus on the life course perspective was followed by the introduction of the Life Course Arrangement, a new instrument of social security law. This chapter seeks to answer the question how the realization of an agreement on 'life course policy' can be explained as such diverse parties were involved.

New institutionalist approaches to policy analysis often experience difficulties explaining institutional changes, particularly with respect to social security policies (Hemerijck & Visser 1997; Pierson 2000; Powel & DiMaggio 1991). Therefore, new institutionalist theory increasingly turns to post-positivist policy analysis (Schmidt 2008). Scholars working within the field of post-positivist policy analysis particularly recognize the central role of values in the process of policymaking (Fisher 2003; Hajer and Wagenaar 2003). For such scholars, problems are not a given in the world waiting for policymakers to take action; instead, these problems are actively constructed in the form of narratives or storylines. According to Hajer (1995), an important function of a storyline is that it can both simplify the various aspects of a complex problem and facilitate different groups to read their own narrative in this storyline. As a result, a storyline not only suggests unity in complex situations, it is also able to create unity among different groups. In fact, the main property of a storyline is that 'it sounds right'. In case a number of actors in the context of a set of practices use a particular set of storylines a discourse coalition may emerge that can facilitate change.

This study demonstrates how, post-positivist policy analysis can contribute to the explanation of agenda setting and policy change. The hypothesis is that a broad discourse coalition could emerge, because different actors were able to read their own narrative into an appealing storyline on the life course perspective. Based on this assumption, the study seeks to contribute to a further development of research methods on the formation of discourse coalitions within texts, an approach that has so far remained rather undeveloped.

Drawing on Schmidt (2002, 2008) this study distinguishes between the 'coordinative' and the 'communicative discourse'. The construction of a discourse coalition takes place at the level of the coordinative discourse, which is located in the policy sphere and consists of individuals and groups, such as civil servants, elected officials, experts and organized

interest and activists, who are involved in the 'creation, elaboration, and justification of policy and programmatic ideas' (Schmidt 2008: 310). The coordinative discourse can be contrasted with the communicative discourse in that it operates in the political sphere in which various individuals and groups seek to convince the public. Whereas in countries with a single authority, such as France and the UK, the communicative discourse dominates, the coordinative discourse is particularly important in corporatist and multi-party countries such as The Netherlands where close consultations between different (small) parties are imperative in the decision-making process. In these multi-party countries the communicative discourse is made subordinate to coordinative discourse, because it could easily disrupt carefully construed compromises. A discourse coalition is, then, understood to be 'a coalition between different discursive positions within the coordinative discourse which aims to influence the policy agenda'.[1]

This study on the formation of discourse coalitions distinguishes analytically between different functions of narratives in the policy process. To enhance the potential revisability of the study (Wesley 2012), hermeneutic methods, which are commonly used in post-positivist policy analysis, are complemented with tools derived from Discourse Historical Analysis. Analysis of the results leads to reflections on the implications of this approach for a post-positivist policy analysis of discourse coalitions and considerations as to what extent other methods that are presented in this volume can contribute to the analysis.

6.2   Methodology: A post-positivist analysis of narratives

Post-positivist policy analysis is a term for a broad range of analytical approaches in the field of policy analysis, which seeks to move beyond an 'objectivist' concept of reality. Scholars working within this field primarily object to the positivistic claim that policy problems can be approached in a technocratic, pure empiricist way. Rather, policy problems are constructed in the form of narratives. For analytically purposes this section distinguishes between the following overlapping functions of policy narratives: they can reflect meaningful realities (*narrative as meaningful practice*); they can function as an argumentative strategy (*narrative as argumentative practice*); and they can generate social change (*narrative as transformative practice*).

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1   Note that this definition of a discourse coalition diverges from Hajer's definition which also takes the practices into account in which storylines are uttered.

Story telling is considered an important instrument to frame problems, because the elements of a specific story become related with a particular way of looking at these elements. An analysis of the narratives, expressed in different interpretive communities eventually reveals the underlying interpretive frames through which different meanings are expressed (Schön and Rein 1977, 1994; Yanow 2000). A policy frame selects and high-lights certain features of a policy problem while it ignores other features. In addition, a policy frame connects the salient features into a pattern that is coherent and easy to grasp (Schön and Rein 1977). Instead of identifying, the 'right' interpretation, the analyst should conceive conflicts between interpretive frames as an opening for a new understanding of the policy problem (Yanow 2000) or to reframe the policy problem (Schön and Rein 1994). The analysis of narratives as a reflection of meaningful realities thus enables us to comprehend how a discourse coalition is endorsed in differ-ent interpretive frames.

Although Schön and Rein argue that (policy) narratives can reveal the 'tacit' frames that underlie the problem settings, particularly in their later work, they do not strictly distinguish between narratives and frames (1994). This study follows Brandwein (2006) who proposes to separate baseline categories of thought from their interpretive products.[2] According to Brandwein, an interpretive frame consists of baseline categories of thought which can give rise to different narratives. Together, these ele-ments form the interpretive frame in which certain aspects of a policy prob-lem is highlighted while other features are ignored. In case the baseline cat-egories of thought are analytically separated from their interpretive products the process of interpretation comes to the fore.

In interpretive policy analysis, the analysis of frames requires first of all an articulation of the policy narratives that are presented in a policy text. Consequently, the analyst has to find out which baseline categories of thought give rise to these narratives. For these purposes the analyst has to engage in a hermeneutic analysis of (spoken) texts. This means that after a first interpretation of the text or interview, further analysis is required in order to check if the interpretation is (in-)complete or erroneous. In this process the analyst eventually interprets the texts in the context of other related texts, which may also be her own intent and thoughts. In fact, the analysts may go back and forth from text to context several times. This hermeneutic circle ends when further analysis does not lead to any new interpretation (Schwarz-Shea 2006, Yanow 2006).

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2   Also see Linder (1995).

In post-positivist policy analysis, narratives are not only considered as meaningful interpretations of reality, they are also deployed as argumentative strategies of policymakers (Fischer and Forrester 1993; Fischer 2003). Fischer, for example, argues that policymaking becomes like story telling. For him, 'finding or reconstructing the appropriate storyline is a central form of agency for the political actor' (2003: 88). For this reason he claims, that political conflicts are often due to disagreement about the basic storyline, or a competition between narratives and counter narratives. In addition, a policy narrative can appear in the quality of a narrative of decline or control (Stone 1988). In a narrative of decline attention is being put on the way things are getting worse and worse. In a narrative of control, while it is admitted that things are going bad, possibilities of interference are advanced. In this struggle on the basic storyline, policymakers can thus purposefully deploy these narratives.

Finally, narratives or storylines can affect the emergence of discourse coalitions and generate policy or even institutional change. In this respect Hajer challenges Sabatier (1988) who argues that policy change can be attributed to the formation of advocacy coalitions. For Hajer, in contrast, Sabatier fails to acknowledge that individual beliefs may be altered, because of the emergence of new central storylines (Hajer 1995). Hajer thus explicitly views narratives as transformative practices, that are capable of changing discursive positions.

6.3   THE DUTCH POLICY CONTEXT

The Dutch political system can be characterized as consensual, that is, the power over political decisions is distributed among different political party coalitions. From the Second World War on, the Christian democrats (CDA) were constantly present in governing coalitions. However, between 1994 and 2002, when the ideas on life course policy emerged from the coordinative discourse, The Netherlands were governed by the 'purple' coalition. This coalition consisted of the other two important political parties – the social democrats (PvdA) and the right-wing liberals (VVD) – and the relative small left wing liberals (D'66), leaving the Christian democrats in the opposition for years. Another feature of the Dutch system is that it is corporatist. Corporatism can be described as 'an empirical relationship between interest groups and the government that is based on exchange (influence for support), and on cooperation rather then competition' (Andeweg and Irwin 2002: 39, cited by Kuipers 2004: 51). Dutch society can be characterized as corporatist as governments cooperate with the labor unions and employer unions. The most influential labor unions are the social-democratic FNV and the Christian CNV, of which the FNV is by far the largest. The largest employers organization is VNO-NCW.

6.4   The selection of the data and the methods of analysis

The hypothesis that a broad discourse coalition could emerge, because different actors were able to read their own narrative into an appealing storyline on the life course perspective, led to the expectation that the vagueness of a central storyline of the 'life course perspective' facilitated the inclusion of various interpretive frames. Hence, the first step in the analysis was to find the central storyline. Second, the purpose was to figure out how the signifier 'life course perspective' was filled with *meaning* in different interpretive frames and related narratives. In a third step, the analysis shifted to the way actors assigned different meanings to 'the life course perspective'.

     With respect to the first step, the three most influential documents referring to the life course perspective were selected in order to construct its central storyline.[3] In the second step, a number of actors were interviewed about the way they interpreted the signifier 'life course perspective' and whom they thought contributed significantly to the meaning of the signifier and the introduction of the life course perspective in the coordinative discourse.[4] On the basis of those interviews, five key actors were selected who participated in the coordinative discourse.[5] In an attempt to capture the baseline categories of thought, the first two steps were inspired by the hermeneutic circle. This means that the researcher went back and forth to the interviews, the most important writings of the interviewees, other related documents and her own thoughts. However, whereas hermeneutic processes tend to be less transparent than other more quantifiable methods, it was decided to repeat the analyses deploying a method that could more easily be replicated by other researchers.

     This second method builds on Discourse Historical Analysis (DHA) developed by Wodak and others (Reisigl and Wodak 2009; Wodak et al. 1999).[6] DHA entails a detailed study of texts. Each claim that is made in a

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3   Research Institute for the CDA (2001), SER (2001), Ministry of Social Affairs and Employment (2002).

4   For this purpose the following actors were interviewed: Bovenberg (Crown- appointed member of the SER and advisor of CDA), Bijleveld (FNV), Cuyvers (Dutch National Family Council and advisor of CDA), Driessen (FNV), Dolsma (VNO-NCW), Evenhuis (Member of Temporary Expert Commission Emancipation and member of working group 'life course' D'66), De Geus (CDA minister of Social Affairs and Employment), Kastelein (CNV); Goudswaard (crown-appointed member of the SER), Leijnse (crown-appointed member of the SER), Schippers (Member of Temporary Expert Commission Emancipation), Slootweg (CNV); Van der Braak (VNO-NCW), Wierda (Public Official Sector Emancipation),

5   These actors were: Bovenberg, Cuyvers, Evenhuis, Leynse and Schippers (for details see former references).

6   Montesano-Montessori put the idea forward to apply DHA during a conversation we had in June 2010 in Amsterdam. also see Montesano Montessori (2009).

text needs to be studied and categorized. DHA formulates a number of heuristic questions for this kind of text analysis, of which the following three are relevant for this study:

1. How are persons, objects, phenomena/events, processes and actions named and referred to linguistically (strategies of nomination)?
2. What characteristics, qualities and features are attributed to social actors, objects, phenomena/events and processes (strategies of predication)?
3. What arguments are employed in the discourse in question? (Reisigl and Wodak 2009: 93).

This third heuristic question is further elaborated in a study on the construction of national identities in which Wodak et al. (1999) distinguish between strategies of justification, strategies of construction, transformative strategies and strategies of dismantling. These categories were adapted to the structure of the analyzed texts.[7] Deploying DHA, all claims made in selected texts originating from the key actors were categorized and analyzed according to the heuristic questions.[8]

A few additional notes need to be made with respect to the construction of the interpretive frames. First, the frames presented in Table 1 cannot be attributed to the individual selected key actors, as they are also entangled in webs of meaning. Second, the content of the publications of these key actors are richer than the interpretive frames seem to suggest. In addition, the frames were not jointly exhaustive of all possible constructions or necessarily the most salient. The purpose of these constructions, then, was not to categorize all possibilities, but to analyze the discursive position of the actors involved in the coordinative discourse.

The third purpose of this research involved the analysis of the discursive position of political parties, social partners, policymakers and interest groups who referred to the central storyline. After a quick scan, the following actors were selected: CDA, PvdA and D'66 (political parties); FNV, CNV and VNO-NCW (social partners); the Dutch National Family Council and insurance companies (interest groups);[9] and emancipation policy-

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7   The claims in the text were categorized in one of the following classes: social trends, problematization of social trends, undesired reality considering these problematizations, persons and entities contributing to these undesired realities, desired reality.

8   After having read their most important publications that referred to the 'life course perspective' (publications that also already informed the hermeneutic process), eight documents were selected that were most representative for the emergence of the 'life course perspective' became popular: Bovenberg (2001 and 2003), Cuyvers (1996), Evenhuis (1999a and 1999b), Leijnse (2001a and 2001b), Schippers (2001).

9   Insurance companies were primarily involved with the technical aspects of the Life Course Arrangement. Their role was less prominent in the generation of the 'life course perspective discourse'. Therefore this paper leaves the insurance companies out.

makers. Consequently, a number of articles, reports and pamphlets were picked out for further analysis.[10] To identify the interpretive frames that were used in these documents, a list of key signifiers was selected that could be attached to each separate interpretive frame.[11] After a signifier had been traced down, the meaning of the signifier in the specific context determined whether this signifier was related to one of the identified interpretive frames. In this way it was possible to determine how different actors assigned meaning to 'the life course perspective'.

6.5   RESULTS OF THE ANALYSIS

For scholars engaged in hermeneutic research it may be no surprise that the more 'transparent' DHA did not render salient results. On the other hand, DHA could provide more precise information regarding the argumentative structure of the storylines/narratives and the baseline categories of thought. This section provides a summary of the results.

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10   The analyst gathered as much as possible documents originating from diverse actors that seemed to refer to the life course perspective. As the success of the storyline on the life course perspective reached its peak in 2001/2002, the focus was put on document that appeared before 2002. The most important/influential documents were selected for further analysis: Advisory Council Emancipation (1996); Balkenende [CDA] (2002), D'66 (2001and 2002), De Ley [VNO-NCW] (2001), Dolsma [VNO-NCW] (2004), CNV (1997), FNV (1993, 2001, 2003a and 2003b), FNV Women's Union (2001), Kastelein [CNV] (1997), Kastelein and Van Suijdam [CNV] (2001), Ministry of Social Affairs and Employment (2001), PvdA (1996, 2002a 2002b), Research Institute for the CDA (1997, 2000, 2001), Terpstra and Oostveen [CNV] (2001), Van der Braak [VNO-NCW] (2001), Westerlaken [CNV] (1996). Finally some Parliamentary Papers were selected for further analysis: PP 2000-01, 27 061 and No. 3; PP 1999-00, 27 061, No. 1-2.
11   For each interpretive frame different key signifiers were identified. *Family life*: income of a family, the costs of children, social and human capital of children, taking care for the children by yourself; *Human capital*: human capital, economic costs, employability, education, life long learning; *New risks*: new risks, manufactured risks, internal risks, external risks, distribution of responsibilities, saving for social security; *Emancipation*: (distribution of) paid work and care, labor participation of women, transitions of men and women, individualization of social security arrangements, human capital, economic independence of women. Taking care of the children by yourselves; *Diversity*: diversity, multiversity, quality of life, choice options, leisure, sabbatical, individualization of social security.

6.5.1   The story on the life course perspective

The following central storyline could be constructed:

> Different trends in modern society such as the increased labor market participation of women, individualization, aging and globalization have caused major transformations in individual life courses. In regard to these latter trends, changed life courses are also imperative. The institutions of social security are, however, insufficiently tailored to these demands and those (required) modern life courses, particularly concerning those stages of life in which workers have to combine different activities such as work, caring and education. In addition, people desire more balance and say in the way they distribute their time between these activities. This mismatch between, trends, desires and the system of social security can only be solved in case social policy is reconciled with modern life courses.

The structure of the central storyline shows how the storyline functions as an argumentative strategy. In the first place, the storyline offers a solution for current and expected problems. Second, the problems are constructed in a way that stresses the gravity of the problems. For example, the deployment of nominalizations, like 'globalization', 'aging' and 'individualization', make these problems look inevitable.[12] The storyline further appeals to some contradictory feelings. Whereas on the one hand, the storyline expresses fear of staying behind in the international economic competition, on the other hand, the storyline provokes anxious feelings about the loss of nationally cherished values, such as 'taking care of the care for the children by ourselves' and 'an enhanced quality of life'. At first glance, the storyline thus includes a narrative of control that is multi-interpretable.

6.5.2   One storyline, five interpretive frames

On the basis of the hermeneutic analysis and the Discourse Historical Analysis, the researcher constructed five interpretive frames (Table 1): 'family life', 'diversity', 'emancipation', 'human capital' and 'new risks. Each interpretive frame distinguishes between baseline categories of thought (appeals and warrants; the constructions of society and human being) and their interpretive products (problematization; solution; the meaning of the 'life course perspective'). It should be noted that the construction of the baseline thought categories should not be understood as essentialist fixed ideas, but as a contingent comparison between positions.

Table 6.1 demonstrates that the interpretive frames appeal to very different values, such as traditional family values; quality of life; equality between men and women; efficiency; and individual responsibility (fourth column). The dominant constructions of society and human being are also

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12   On nominalizations also see Fairclough (2003).

diverse. Though they picture in all instances human being as an 'autono-mous chooser', some frames construct human being either as a person whose preferences are primarily determined by the broader social context or as a person whose preferences are primarily determined by rational individual life plans. In addition, corresponding with the construction of human being, most frames tend to construct either a caring or an enterprise society. The baseline category of thoughts particularly reveals some contra-dictions between on the one hand 'family life' and 'diversity', and on the other hand 'human capital' and 'new risks'. The interpretive frame 'eman-cipation' seems to occupy a middle position in this respect.

Based on these different baseline categories of thought, each interpre-tive frame constructs its own narrative of control that can be viewed as a meaningful interpretation of the world as well as an argumentative strate-gy (second column). In addition, as is shown in table 6.2, DHA reveals sys-tematically that each narrative or frame constructs its own 'scapegoat' as it points at a distinct target group or entity that impedes the realization of the 'right' social system, or worse, profits from the current system, such as elite groups ('family life'), the elderly ('human capital'), the welfare recipient ('new risks'), men ('emancipation'), and the dominant discourse ('diversi-ty').

Table 6.1 further shows that the meanings of the signifier 'life course perspective' are embedded in the narratives. Each interpretive frame thus fills the signifier 'life course perspective' with different meanings (third col-umn): (1) it means that during the stage of family life, the income of house-holds decreases ('family life'); (2) it celebrates the increasing diverse life courses of women ('diversity'); (3) it problematizes the distribution of paid work and care activities between women and men ('emancipation'); (4) it refers to the investments and depreciation of human capital ('human capi-tal'); and (5) it refers to the way life courses increasingly become the prod-uct of ones own choices ('new risks').

DHA further reveals in detail other contradictions between the differ-ent frames (table 6.2). For example, an analysis of predication strategies in table 6.2 shows how the interpretive frame of family life challenges groups, such as 'the elite', 'social liberals' and 'the emancipation movement': groups that refer to the same central storyline. DHA also discloses some incompatibilities between the frames 'diversity' and 'emancipation'. The first frame openly attacks the emancipation model (and indirectly also the frames 'human capital' and 'new risks'), because in this model the availa-bility of women for paid work remains dominant.

Finally, with regard to the transformative function of narratives, DHA provides some additional results. This analysis particularly shows that sig-nifiers such as 'life courses' and 'life patterns' acquire a central place in claims concerning the construction of desired and undesired reality. In all frames those words seem to be constitutive for the new discourse, giving rise to a changed perspective on reality.

Table 6.1 Five interpretive frames

Interpretive frame	Narrative	Meaning of the life course perspective	Appeals and warrants	Dominant constructions of society and human being
Family life	Parents are not (financially) capable of caring for their children: a 'family gap' is emerging. Therefore a redistribution should take place of the peak load in time and money during the life course	Perspective to view the income gap during the stage of family life	Traditional family values	A caring society The autonomous chooser whose individual preferences are primarily determined by the broader social context
Diversity	Institutions of social security are based on the standard male life course, whereas life courses (particularly those of women) and desires have become more diverse. These institutions should anticipate on the diverse range of activities that people (whish to) perform within one period of life	Perspective to view (and celebrate) the diverse life courses of women	Quality of life; Freedom	A caring society The autonomous chooser whose individual preferences are primarily determined by the broader social context
Emancipation	Institutions of social security and labor market policy are insufficient tailored to the increased labor market participation of women. Social security should be based on transitional labor markets that facilitate leave arrangements for both men and women	Perspective to analyze the transitions of men and women between the spheres of work and care	Equality between men and women	A society that is both caring and enterprising The autonomous chooser whose individual preferences are partly determined by to the broader social context and partly related by rational individual life plans.

Interpretive frame	Narrative	Meaning of the life course perspective	Appeals and warrants	Dominant constructions of society and human being
Human capital	Current system of social security stimulates the depreciation of human capital. Human capital is the key to the desired labor participation. A system of social security that is based in investments in human capital would depart from a better spread of education, work, care and spare time over a life course.	Perspective to view the investments and depreciation of human capital	Efficiency	An enterprise society The autonomous chooser whose preferences are primarily determined by rational individual life plans
New risks	Although the consciousness has grown that to a great extent people can influence risks, the system of social security is still based on the idea of external risks. In regard of the growing importance of manufactured risks, the system of social security should be increasingly based on investments incentives and individual responsibility	Perspective that enables one to view the life course as an individual product in which the individual makes his/her own risk based decisions	Optimal combination of efficiency and justice; Individual responsibility	A fair enterprise society The autonomous chooser whose preferences are primarily determined by rational individual life plans

Table 6.2 Dominant nomination and predication strategies

Interpretive frame	Dominant nominations and predications	Nominations that are contrasted with dominant nominations
Family life	**The majority of the population** has a family life'; 'sustains a white legend of family life' (happiness, love, etc.);	**The elite, social liberals, emancipation movement** 'sustain the black legend of family life (suppression)'; 'proponents of the individualization of social security.
Human capital	**Women** 'female capital becomes scarce'; 'the worth of female capital has risen'; 'are emancipated'; 'master their own life course'; 'are better educated'; 'their position on the labor market has become more stronger';	**The elderly people** 'are too relaxed', 'have been profiting from the increased labor participation of women'; 'leave the labor market to early'; 'find their way to the system of social security'; make strong appeals on the solidarity of younger generations';
New risks	**The New Worker** 'bears the risks of the undertaking'; 'possesses more power then the traditional worker'; is a 'consumer of labor conditions'; 'makes choices that provoke risks'; **The individual** 'is able to make more choices in his life'; wants to take responsibilities for social risks; 'possesses more financial and social reserves to bear the consequences of the risks	**The welfare recipient** 'wants to work, but remains passive as a result of the system'; 'uses the social system whereas he does not need it'; 'assumes an appearance of reintegration activity in order to receive income';
Emancipation	**Women** 'are sometimes worker, sometimes self employed, sometimes exclusive mother and housewife, but often combine these functions'; participate not enough (hours) on the labor market'; 'want to participate more on the labor market'; 'have to fight against the image that they are predominantly mothers'; 'care too much';	**Men** 'want to work less'; 'are the most important problem in regard tot the emancipation of women'; 'think they must be permanently available for their work'; 'do not perform care tasks';
Diversity	**Women** ' Question the busy life'; ' can be viewed as pioneers in the developing trend towards more choices and more diversity in life courses'; do not take it for granted to be stuck in to a retrace of career, permanent education, overtime; and financial planning'; 'are more free to look for alternatives'; 'prioritize the quality of work'; women of 40 years and older seem more cheerful, open, curious, enterprising and more free than their male peers.	**Women according to the current debate** 'according to the current debate, women should take their economic independence more seriously'; 'according to this debate, women should choose for a standard life course'; 'for the "combination scenario" the availability for paid work remains dominant'; ' the current debate forcefully sustains the picture of one standard worker with care duties'.

6.5.3   Actors and frames

Table 6.3 demonstrates that most actors (political parties, social partners, interest group and policymakers) who endorsed the central storyline draw on one or two dominant interpretive frames. The actors involved thus assign different (dominant) meanings to 'the life course perspective'. In addition, in case those actors address more than one dominant frame, the baseline categories of thought seem to be compatible. On the other hand, it is remarkable that almost all actors somehow refer to at least three or more interpretive frames. This may indicate that they reconcile different values, and different constructions of the society and human being. Still, fundamental differences between the actors did not disappear as most actors explicitly reject one interpretive frame (fourth column).

Table 6.3 Actors and interpretive frames

Actor drawing on central storyline	Dominant interpretive frames	Important interpretive frames	Contested frames
CDA	Family life	Human capital, Diversity	Emancipation
PvdA	Emancipation, a combination of Human capital and New risks	Diversity, Family life	
D'66	Diversity	Emancipation, Human capital, Family life	New risks
Policymakers emancipation (1995-2001)	Emancipation, Diversity	Human capital, Family life, New risk	
VNO-NCW	Human capital and New risks	Diversity	
FNV	Emancipation and Diversity	Human capital	New risks
CNV	Family life	Human capital, Diversity	Emancipation
Family Council	Family life		Diversity

6.6   An explanation on the emergence of a discourse coalition

An application of the analytical distinction between different functions of narratives on the results of the analysis reveal first of all that the storyline on the 'life course perspective' contains an appealing narrative of control (*narrative as argumentative practice*). In addition, the signifier 'life course perspective' proves to carry different meanings. In the coordinative discourse these meanings are embedded in five, to some extent conflicting, interpretive frames (*narrative as meaningful practice*), containing diverse baseline cat-

egories of thought that give rise to different narratives of control (*narrative as meaningful and argumentative practice*). Most actors who endorsed the central storyline, deploy one or two dominant frames. The central storyline thus seems to have facilitated the formation of a life course discourse coalition between actors who hold diverging beliefs.

The results further show that actors themselves also refer to (partly) incompatible frames. This suggests that part of the success of the storyline can be ascribed to the fact that it addressed win-win situations, which enabled the actors to incorporate unfamiliar frames into their own body of thought: on the one hand, advertizing a more relaxed life; on the other hand, promoting an increase in labor participation; on the one hand encouraging the (collective) facilitation of more time and money to take care of the children; on the other hand holding individuals responsible for care tasks, which are now defined as manufactured risks. The central storyline thus facilitated the interchange of different interpretive frames (*narrative as argumentative and transformative practice*). Importantly, the discourse coalition not only united different groups, a discourse historical analysis of a number of key-texts also suggests that this coalition transformed the coordinative discourse, as reality was now viewed from the perspective of 'life courses' and 'life patterns' (*narrative as transformative practice*).

In sum, the findings seem to support the hypothesis that the discourse coalition could flourish because different actors (political parties, social partners, interest groups and policy makers) were enabled to read their own narrative in the storyline. The central storyline functioned as a cohesive glue uniting and mixing discursive positions in an attractive way that opened up possibilities for new agreements between diverse actors whose perspective on reality had altered.

6.7   Implications

This case study shows how a post-positivist policy analysis of discourse coalitions contributes to an explanation of the agenda setting process. An (analytical) distinction between the functions of the (policy) narrative proves to be useful and can be recommended for future research on discourse coalitions.

The study further demonstrates that the Discourse Historical Analysis provides similar results as the 'more subjective' hermeneutic analysis. On the other hand, DHA enables the analyst to be more precise and provides additional information with respect to the research on discursive change. Still, conclusions regarding changed discursive positions must be backed up by further research on the discursive position of the actors involved in the period before the signifier 'life course perspective' was introduced. In addition, notwithstanding the fact that that the rise of a discourse coalition may be an important condition for institutional change, it should be

acknowledged that the formation of a discourse coalition does not neces-
sarily result in institutional change. As a matter of fact, the 'life course per-
spective' discourse coalition failed to bring about major institutional
changes. That is, the Life Course Arrangement that was introduced in 2006
remained a rather trivial arrangement in the social security system, despite
proposals for an enlargement of this arrangement. Possibly, the success of
the storyline on the life course perspective also explains the failure of major
institutional change: concrete proposals with regard to a 'life course based'
social security revealed important differences of opinion between the
actors. Recall, in this respect, that a number of actors contested one inter-
pretive frame. There are also indications that agreement on the level of the
coordinative discourse was not translated into communicative discourses.
Yet, these hypotheses are also in need of further investigation.

The question can be raised if quantitative methods can further add to
the analysis of discourse coalitions. For example, Dahlberg & Sahlgren
(2012) show how quantitative methods can be useful for the investigation
of issue framing. In regard to the study of discourse coalitions, this method
can be interesting to sort out how and when words such as 'life courses',
life patterns, 'human capital', 'diversity', 'family gap' entered the dis-
course; how these words are interrelated with each other (within each
frame) and how they constituted the discourse of social policy in a new
way. In addition, this method seems particularly useful for the selection of
texts and a preliminary analysis of the discursive positions of the actors. On
the other hand, these methods fail to provide a more substantive picture of
interpretive frames (baseline categories of thought, mutual contradictions
and exclusions, etc.). Also, with respect to the argumentative structure of
policy narratives, qualitative contextual analysis of political and policy
texts remain necessary.

A different issue concerns the question to what extent discourse theory
based on Laclau and Mouffe (Montesano-Montessori 2012) can contribute
to the study of discourse coalitions. For example, it could be argued that
the signifier 'life course perspective' transformed to an empty signifier and
thus contributed to the rise of a discourse coalition (compare Griggs and
Howarth 2006). In my opinion, the concept 'empty signifier' is particularly
useful in the study of communicative discourses, as it explains how, on a
macro level of analysis, the union of diverse groups ('the population') is
sustained by their common identification with a new (empty) signifier (for
example 'democracy' or 'justice'). Concerning the analysis of the coordina-
tive discourse, however, I believe that the concepts of 'storyline' and 'dis-
course coalition' are more adequate. Second, it seems that the articulation
of an 'empty signifier' can be helpful for the explanation of political proc-
esses in a field that consists of antagonistic forces. In this case study, how-
ever, it was not possible to identify oppositional forces. The discourse coali-
tion could rather be characterized as inclusive: it attempted to address as
many identities as possible.

In conclusion, hermeneutic research and DHA are suitable methods for research on discourse coalitions. Future research could profit from a mix of quantitative approaches with a wider deployment of discourse analytical methods. In case a discourse coalition emerges in opposition to some other group(s), concepts and methods derived from discourse theory might also be considered.

7 | Equality or economic growth? Interpretive frames in emancipation policy between 1992 and 2007

Abstract

The post-positivist view on policy analysis – i.e. that policy change is not so much the result of the development of problems that can be determined objectively, but that these problems are constructed largely in policy narratives and frames – has by now become part of mainstream policy analysis. However, the exact relationship between frames, storylines, problems, data use, values, opinions and assumptions is not always crystal clear. Systematic analyses of this topic are hard to find in literature. One of the few exceptions is the work of Brandwein (2006). She separates values, opinions and assumptions within an interpretive frame from the interpretive products such as storylines and problematizations. This paper adds the selection and interpretation of data to her list of interpretive products and consequently examines the analytical potential of this extended version of Brandwein's model as it is used for the analysis of female labor market participation policy in Dutch women emancipation memorandums.

7.1   INTRODUCTION

The post-positivist view on policy analysis – i.e. that policy change is not so much the result of the development of problems that can be determined objectively, but that these problems are constructed largely in policy narratives and frames – has by now become part of mainstream policy analysis. However, the exact relationship between frames, storylines, problems, data use, values, opinions and assumptions is not always crystal clear. Systematic analyses of this topic are hard to find in literature.[1] One of the few exceptions is the work of Brandwein (2006). She separates values, opinions and assumptions within an interpretive frame from the interpretive products such as storylines and problematizations. Her model illuminates how a shift in values, opinions and assumptions in a certain policy area affects the way a policy problem is formulated in storylines. In this paper we examine the analytical potential of Brandwein's model as it is used for the analysis of female labor market participation policy in Dutch women emancipation memoranda. In addition, we aim to develop her model further by adding the selection and interpretation of data to the list of interpretive products.

   The emancipation memorandums are of particular interest for this study, because, since the first memorandum appeared in 1985, they have presented different selections and interpretations of data with regard to the issue of female labor market participation. At the outset these emancipation memorandums argued that the emancipation of women is obstructed, because labor and care tasks are divided unequally between men and women. In these memorandums we find a lot of data regarding the sharing of work between men and women. For example, the emancipation memorandum that was issued in 2000 presented so called 'life course data' which showed how much time men and women spent on diverse activities during their entire life course. Yet, by the year 2007 the life course data have completely vanished from the emancipation memorandum. In this year the new objective of a general increase in female (and male) laobr market participation is sustained by a different selection and interpretation of data compared to previous emancipation memorandums. Thus at first sight these memoradums seems to confirm Stone's statement that, in policy documents, data do not simply provide an objective representation of reality, but reveal a certain interpretation of the world out there (Stone 1988). This paper examines the extent to which Brandwein's extended model is able to further unravel the relationship between the selection and interpretation of data and the interpretive policy frames used in Dutch women emancipation memorandums.

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1   Linder (1995) is an exception to the rule.

This paper is structured as follows. Section 2 sheds further light on the insights from post-positivist policy analysis and, more specifically, Brandwein's frame analysis. In section 3 we indicate how we arrived at the selection of documents that was made. Sections 4 and 5 contain the results of the analysis of the policy documents. Based on these results, section 6 establishes connections between the body of opinions, assumptions and values, problematizations, the selection and interpretation of data, storylines and the emancipation policy's course. Finally, in section 7 we draw the main conclusions and paint a picture of the implications of our analysis for future emancipation policy.

7.2   Policy: frames, values, opinions, problematizations, narratives and figures

According to post-positivist policy analysis, it is impossible to create an objective representation of reality. Instead of approaching policy problems from a purely technocratic, empirical perspective, research into values and argumentation strategies should play a central part in policy analysis (Fischer 2003). This also means that problems cannot be considered objectively determinable circumstances that are awaiting the initiative of policymakers. On the contrary, it is assumed that they are constructed as part of policymaking.

In this regard, Schön and Rein (1977, 1994) have indicated the importance of problem definition in policy. They consider the process of problematization to be dependent upon the use of underlying frames that highlight, select or ignore certain characteristics of a problem. Furthermore, a frame assembles the various characteristics into a coherent entity. In other words: the specific frame provides the 'glasses' through which the policymaker looks at reality.

Post-positivist policy analysts also show that the specific problematization of a certain policy area is often communicated through a 'policy narrative' with which the policymaker tries to convince the reader of the seriousness of the problem (Fischer 2003; Hajer 1995; Stone 1988). Policymakers use policy narratives to tell what they think is going on; what problem we are dealing with; what the facts are and how they should be interpreted; how the problem can be solved and what consequences the intervention will have. Thereby, facts and values are usually mixed together. Stone (1988) distinguishes between the 'narratives of decline', in which things will get increasingly worse according to the policymaker if we do not intervene fast enough, and the 'narratives of control', in which she tells how an initially large problem can be made manageable through policy interventions. It is her opinion that conflicts about which policy to implement do not primarily concern the details, but instead can be traced back to disagreement on the dominant narrative.

Often, the policymaker will try to make his policy narrative more convincing by incorporating metaphors into the story. A metaphor can be described as the use of a familiar notion to represent a more abstract notion. Because metaphors can define complex matters with a single word, they are used to explain these complex matters to the public. In many cases a normative charge is connected with the metaphor, which confirms a certain policy direction. Stone takes the use of the word 'fragmented' as an example of a metaphor's normative action. Although at first glance this word seems to be a mere description of a certain situation, it is often employed as a call for reorganization. Therefore, metaphors not only work descriptively but also prescriptively and thus reflect the interpretive frames that underpin a certain policy (Fischer 2003; Schön and Rein 1977; Stone 1988; and Yanow 2000).

Figures may be considered as a special kind of metaphor. Stone (1988), for instance, states that numbers and statistics are used in policy documents to tell a story: they indicate which activities should be counted, what groups must be identified and what should be done with these groups. According to her, the use of data in policy can have a similar effect on the public as the 'frames' defined by Schön and Rein. After all, the specific use of data focuses the attention on a certain aspect of a policy area whereas other characteristics of the policy area receive little attention. In other words: counting a certain event, practice or group implicitly indicates that this event, practice or group is worth counting and therefore should be taken seriously. On the other hand figures and statistics are ambiguous, just like other metaphors, which leaves room to debate the interpretation of the phenomenon. Stone concludes that data do not simply provide an objective representation of reality. On the contrary, data are often used for both strategic purposes and subconscious manipulation of policymakers who determine *what* should be counted, *how* it will be counted and how the outcomes must be *interpreted*.

What coherence can be constructed between interpretive frames, problematizations, policy narratives and the use of data as a metaphor? For instance, neither the descriptions of Schön and Rein nor those by Stone make clear in what respects a policy narrative or data acting as a metaphor can be distinguished from a policy frame. An interesting suggestion on how to clarify these concepts is offered by Brandwein (2006). She argues that within an interpretive frame an analytical distinction can be made between baseline categories of thought (such as opinions, assumptions and values) and the interpretive product (such as problematizations and storylines). She poses that the baseline categories of thought categories give shape to diverging storylines. Thus, she not only distinguishes the manner in which reality is observed from the interpretation of this observed reality, just like Schön and Rein she also makes an analytical distinction between the way of viewing reality (baseline categories of thought) and the actions that are taken based upon it (interpretive products). Although Brandwein

does not address the relationship between the use of data (as a metaphor) and policy frames, based on her model and Stone's analysis we are of the opinion that data, just like storylines and problematizations, can be considered an interpretive product.

On the one hand, this makes problematizations, data and storylines indicative of the baseline categories of thought that correspond with the frame. On the other hand, along with the baseline categories of thought categories these interpretive products set the norm for the policy to be deployed. Table 7.1 shows the relationship between baseline categories of thought, problematizations, data and storylines within an interpretive frame.

Table 7.1 Interpretive frame

Baseline categories of thought	Interpretive products
Values Assumptions Opinions	Narratives Problematizations Data

7.3   Document selection

The emancipation memorandum of 1985 provided basic principles for the labor participation of women with the objective of enhancing their emancipation.[2] This memorandum forms the point of departure for the emancipation memorandums of later years. The central policy objective formulated in this memorandum is:

> 'to promote the development of the current society, where the gender difference is still institutionalized to such a great extent, into a pluriform society in which everyone has the possibility to acquire an independent existence, irrespective of their gender or civil status, and in which women and men can realize equal rights, opportunities, liberties and responsibilities' (p. 12).

Applied to the area of work and income, the 1985 memorandum aspires to stimulate both the overall participation in paid labor and the overall participation in unpaid labor (p. 23). In 1992 the next emancipation memorandum is published, the Emancipation Policy Plan (referred to hereafter as the 1992 memorandum)[3], which is followed in 1995 by Emancipation in Progress (referred to hereafter as the 1995 memorandum).[4] In the years thereafter, this emancipation memorandum is elaborated upon in annual

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2   PP 1984-85, 19 052, No. 1-2.
3   PP 1992-93, 22 913, No. 1.
4   PP 1995-96 24 406, No. 5.

policy letters (1996-2001).[5] The next emancipation memorandum that out-
lines the policy for several years is the *Multi-year Program Plan on Emancipa-
tion Policy* of 2000[6] (referred to hereafter as the 2000 memorandum). The
next year, following advice by the Social and Economic Council of the
Netherlands (SER), this memorandum is expanded on several points.[7] In
2006 the following multi-year emancipation memorandum is issued (Mul-
ti-year Policy Plan on Emancipation 2006-2010).[8] In 2007 the memorandum
is renewed (More Opportunities for Women, Emancipation Policy 2008-
2011, referred to hereafter as the 2007 memorandum).[9] The latest emancipa-
tion memorandum is the leaflet LGBT and Gender Equality Policy Plan
2011-2015.[10]

In this contribution we focus on four of the seven emancipation memo-
randums in which the labor market policy for women was developed after
1985: the memorandums of 1992, 1995, 2000 and 2007. Three memoran-
dums have been excluded, because (1) the memorandum is largely analo-
gous to a previous memorandum (2001 memorandum), (2) the multi-year
memorandum was soon replaced by a new multi-year memorandum (2006
memorandum) and (3) the memorandum was published after the study
was completed (2011 memorandum).

7.4   THE INTERPRETIVE PRODUCT: PROBLEMATIZATIONS AND THE USE
         OF DATA

The frame analysis started with the analysis of two important interpreta-
tive products, namely the problematization of the labor market participa-
tion of women and the use of data in the studied emancipation memoran-
dums. For this purpose all statements with respect to female labor market
participation were listed. Consequently only those statements were select-
ed, which problematized female labor participation and which, in the con-
text of the memorandum, could be labeled as 'salient problematizations'. In
addition, all data that were used with respect to the labor participation of
women – such as graphs, numbers and tables – were arranged in a number

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5   It should be noted here that the issue of female labor participation is also addressed in
     other advisory reports and memorandums. See, for instance: 'Possibilities of combining
     paid work and other responsibilities' (PP 1994-95, 24 332, No. 2); Ministry of Social
     Affairs and Employment (1995 and 1998); Advisory Council Emancipation (1996), Stip-
     ulations regarding financing career breaks (PP 1996-97, 25 477, No. 3; Memorandum on
     Labor and Care (PP 1998-99, 26 477, No. 2).
6   PP 2000-01, 27 061, No. 2. It should be noted here that between 1996 and 2001 emancipa-
     tion letters were issued annually, which are not included in the analysis.
7   Multi-year memorandum on emancipation policy (PP 2000-01, 27 061, No. 3).
8   PP 2005-06, 30 420, No. 2.
9   PP 2007-08, 30 420, No. 50.
10   PP 2010-11, 27 017, No. 74.

of overview tables. These data were classified in the following categories: female labor participation, women's economic independence, the division of labor between men and women, the desires with regard to the division of labor between men and women, and the desires with regard to child care. Although we were able to classify the majority of the statistical data into these selected categories, some (often 'loose') data did not fit into any of these categories. These data were not included in the analysis.

The results of the research into the problematizations and the use of data were arranged in five problem fields that partly encompass multiple policy memorandums, which are listed hereafter. For each problem field we have investigated if and how the manner of problematizing the labor participation of women and the use of data are interrelated and to what extent these interpretive products have produced normative storylines in emancipation policy. The outcomes of these analyses were at the basis of the interpretive products, are used in section 5 to construct the interpretive frames that informed emancipation memorandums between 1992 and 2007.

Table 7.2 Problematization female labor participation

Year	Problematization female labor participation
1992	a. 'The labor participation of women has increased, but too little progress has been made in other areas including the division of child care duties and other unpaid work between men and women' (p.2). d. 'Combining tasks [is] still a problem' (p.97). e. 'Despite these positive developments the work potential of women is still not being utilized optimally' (p.99).
1995	f. 'If men do not take on a larger part of the care tasks, greater participation of women in (..) paid labor will stagnate' (p.2). g. 'Although progress has been made, it turns out that the Netherlands is lagging behind as far as female labor participation is concerned (…) in comparison to the developments in the member states of the European Union' (p.4). h. 'The realization of social and economic independence of women is of great importance from an emancipatory perspective. Equally important is the utilization of the socio-economic potential of women in the national economy, the redistribution of paid and unpaid work between men and women, and the redistribution of responsibilities within the living unit' (p.4).
2000	i. 'Practice tells us that there are still relatively many women who do not earn enough and, therefore, are dependent upon 'the breadwinner' (p.4). j. 'It goes without saying that the balance between work and private life is important for both women and men (…). In practice, though, it is still mostly the women who perform the care tasks' (p.4). k. 'Furthermore, practice shows that many women do not easily progress to the higher positions that they are eligible for – they are hindered by the 'glass ceiling' (p.4). l. 'Within the European context, the Netherlands is at the back of the pack with regard to equal participation of men and women in the economy (…) The reason why the Netherlands is still performing poorly is that a large part of the women hold small part-time jobs that offer no economic independence and few prospects for promotion' (p.10).

Year	Problematization female labor participation
2000	m. '[for a better balance between work and private life] economic arguments can be provided. After all, greater female labor participation will result in a better use of productive abilities and talents and a broader basis for collective services that, also in view of the aging population, is a necessity' (p.10). n. 'Many women and men want a combination of work, care and spare time that is tailored to their needs. Standard patterns are increasingly experienced as being restrictive. Individual citizens are looking for fitting solutions that can be filled in differently depending on their life phase' (p.15).
2007	o. 'Female labor participation in hours and the number of women in top positions are amongst the lowest within Europe' (p. 10). p. 'In the past few years it has become increasingly clear that the participation of women is not so much a matter of redistribution as it is a question of combining tasks' (p. 10). q. 'Increased labor participation is necessary to be able to carry the burden of an aging population' (p.11). r. 'In summary, an increase of the labor participation in hours is desirable for two reasons. In addition to compensating for the effects of an aging population, it stimulates the economic independence of women. And that is an important prerequisite for emancipation' (p.22).

1992: The labor participation of women has increased, but the potential is still being utilized insufficiently.

The 1992 memorandum sets itself apart from the subsequent memorandums in that it describes the female labor market participation as 'increased' (see problematizations a and c) instead of 'lagging' (d, e, g, j, l, n, o and p). The 'increased' (1992) female labor market participation is supported by data regarding the participation of women in paid labor during the past 15 years in terms of percentage. The new assessment of the extent of female labor market participation from 1995 onwards proves to guide the specific selection of data. These memorandums, which have as their point of departure that the labor participation of women is lagging in comparison to that of men, contain more specific data regarding female labor market participation, such as the *number of hours* that women work and the labor participation of *women who have children*. These additions construct a different image of female labor market participation, because they highlight that female labor participation is still low compared to male labor participation. A striking detail in this regard is that these later memorandums emphasize that women with children often work less hours after childbirth whereas the 1992 memorandum, in contrast, states that the increased labor participation is most prominent amongst the group of married and cohabiting women between the ages of 25 and 55.

The presented data and the manner of problematization seem to be related to the labor market participation promoting instruments that are proposed. Whereas the dominant narratives in the memorandums of 1995 onwards emphasize the in necessary increase in labor market participation of *all* women, the narrative of the 1992 memorandum limits itself to *specific*

groups such as women re-entering the labor market and women from minority groups. Moreover, unlike in later memorandums, the 1992 narrative emphatically aims for a part-time labor participation.

1995, 2000 and 2007: Labor participation of women is low compared to that of men, because it is mostly the women who take on the care tasks.
As mentioned above, after the 1992 memorandum the problematization of female labor market participation shifts from 'increased' to 'lagging'. Based on the specific selection of data, such as 'counting' the labor participation of women with and without children, it is indicated where the (main) problem and the solution to the lagging female labor participation should be found: the care for the children hinders women to participate in paid labor. The problematization of combining work and care is interpreted in various ways, though. Whereas, as will be shown below, the memorandums of 1995 and 2000 consider the combination of labor and care to be a *goal* in itself, in light of the pursuit of equality between women and men, the 2007 memorandum considers it a *means* to increase female labor market participation.

1992, 1995 and 2000: Labor and care tasks are divided unequally between men and women.
The problematization of female labor market participation in terms of an unequal division of labor and care tasks between men and women takes center stage in the memorandums of 1992, 1995 and 2000 (see problematizations a, d, g and h). This manner of problematization recognizes that an increase in the labor market participation of women is not an isolated event, but is related to the time spent on care tasks. According to the narratives in these memorandums a redistribution of labor and care tasks between men and women contributes to a more equal relationship between women and men and as such enhances women emancipation. Thus, the second spearhead in the 1992 memorandum – increasing the possibilities for combining parenthood and paid labor – is linked to a structural redistribution of paid and unpaid work between men and women. Aside from this, with regard to female labor participation the 1995 memorandum focuses entirely on a 'more balanced division of paid and unpaid labor' (p.12). The 2000 memorandum further mentions the promotion of male care responsibilities as a sub-objective to 'create the conditions under which men and women in their private lives can arrive at different choices with regard to unpaid work' (p.21).

A redistribution of labor and care tasks between men and women is also considered to be of importance because of the – according to the memorandums of 1995 and 2000 – typical Dutch value of 'self-provided care':

> 'it is about a well-balanced division between self-provided care and paying others to perform care tasks. This scenario ties in well with the Dutch culture of bearing a major part of the care for children and the elderly' (1995 memorandum, p.5).

> 'The ample availability of part-time labor in the Netherlands also has an advantage: in addition to doing paid work there is more time available to care for children, loved ones or the broader living environment. This proves to be an essential aspect of Dutch culture' (1995 memorandum, p. 10).

In view of this dilemma of a desire for greater labor market participation of women, the appreciation of self-provided care and the objective of equality between men and women, the 1995 narrative forwards a 'combination scenario' as an important solution. This scenario focuses on a more equal division of unpaid work between partners on the one hand and refers to a balanced distribution of unpaid care tasks and paid care work on the other.

The problematization of female labor participation in terms of the division of labor and care between men and women is supported by the specific selection of data. In comparison to the 2007 memorandum, for instance, the memorandums of these years contain many data regarding the sharing of work between men and women, including information on the amount of time that men and women spend on care tasks. How these data are interpreted is important as well. For example, the explanatory texts mention that based on the presented information it can be concluded that the division of paid work and care between men and women is still not sufficiently equal. This conclusion is affirmed by data on opinion research with regard to the desired division of labor between men and women, which show that both men and women find it desirable that work and care tasks are shared equally by men and women.

The narrative in the 2000 memorandum links the existing division of labor and care tasks between men and women to the 'life course perspective' (l). According to this narrative, a life course-based approach of work and care tasks contributes to a better quality of life for both women and men, because – in contrast to what is the case with the existing division of labor – the various wishes (of women in particular) are taken into account. As such, the life course perspective also gives expression to the objective of 'diversity', which has been a central aspect of emancipation policy ever since the 1996 policy letter on emancipation. In this respect, the 2000 memorandum states:

> 'The policy will only be effective if the instruments take note of the differences between (groups of) people, as well as the various needs (time, income, space, activities) that correspond with people's life phase' (2000 memorandum, p.7).

In other words, the division of labor and care tasks between men and women must expressly take into account the diverging wishes of various groups as well as the necessity of generating sufficient income and the time that one can and wants to free up for the various tasks. It is important to consider these wishes and needs over the course of an entire life, because they can vary depending upon one's life phase.

Interestingly, 'the life course perspective' is supported by a new way of counting. Unlike in previous years, the 2000 memorandum provides detailed figures on the time that men and women in different age categories spend on labor and care tasks. They show that men and women between 25 and 34 years old spend the most time on paid labor, with the level for men being higher than for women. If we focus on time spent on unpaid labor the peak lies with the group of 35 to 44 year olds, with the level being higher for women than for men. After age 55, the time spent on paid and unpaid work decreases for both men and women. These numbers indicate what is needed in order to achieve 'a sustainable situation where as many people as possible can combine an economic independent existence with care responsibilities during their life course' (p.16).

2000 and 2007: Due to lagging female labor participation the economic independence of women is also lagging.
The (lagging) female labor participation is problematized increasingly from the viewpoint that women are less economically independent than men. This is true in particular for the memorandums of 2000 (f and j) and 2007 (p). However, the meaning of the notion of 'economic independence' seems to change. Whereas the 2007 memorandum expressly relates 'economic independence' to goals such as 'self-realization' and 'self-determination', in the 2000 memorandum the notion of 'economic independence' should be interpreted within the context of care responsibility. In 2000 it is stated, for instance, that the objective must be that 'as many people as possible can combine an economic independent existence with care responsibilities during their life course' (2000 memorandum, p.16).[11] In the 2007 memorandum this basic principle is given much less weight.

The increasing importance of economic independence is reflected in the manner in which data are selected. After all, only the memorandums of 2000 and 2007 present figures related to women's economic independence. These figures are interpreted in different ways, though. Whereas in 2000 it is noted that the share of economically independent women has *increased*, the 2007 document exclusively emphasizes the *lagging* economic independence of women, which supports that year's objective of 'increasing female labor participation in number of people and number of hours' (p.13).

2007: Female labor participation is too low, which is reason for concern in view of the future aging of the population.
In comparison with previous policy memorandums the lagging female

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11   Attention for 'care responsibility' in emancipation policy becomes visible for the first time in the policy letter of 1996, which states: 'besides individualistic principles, relational concepts must be given greater weight. For emancipation policy this means that social responsibility will get attention as a new dimension, in addition to equality and independence' (PP 1996-97, 25 006, No. 1, p. 14).

labor participation is problematized most strongly in the 2007 memorandum. In this regard, concerns over the aging population play an important role (o and p). The 2000 document also points at the problem of the aging population (k). However, in comparison with this memorandums the 2007 memorandum puts much more emphasis on the problem of aging.

The narrative in the 2007 memorandum uses the term 'aging' as a metaphor to describe with a single word a complexity of trends, facts and values that are used to set the course for the emancipation policy. 'Aging' gives expression to concerns about the shrinking working population in relation to the sustainability of the welfare state and the necessity of economic growth and thus confirms the need for greater labor participation. It is therefore no surprise that the 2007 memorandum not only presents the lagging labor participation of women as a point of concern, but that of men as well.

The importance of increased labor participation by both men and women is expressed in the selection of the data. For example, in 2007 we see for the first time that the 'degree of participation' of both women and men is compared to target figures developed by the SER, an economic advisory council of the government. Moreover, compared to previous years, more data are presented in this year that relate to the possibilities of professional child care. Another striking point concerns the wording of the research questions on the basis of which the data are generated. Whereas previously quoted research addressed the question if formal child care would be an acceptable care solution for children, the research presented in 2007 investigates the advantages of formal child care for the development of children. On the basis of these data, the memorandum presents measures that focus exclusively on increasing the parents' labor participation. In addition, in comparison with previous memorandums, these instruments are more geared towards facilitating professional child care.

7.5   SHIFTING FRAMES

An initial analysis on the basis of the problematizations and the use of data in the studied memorandums shows a shift of emphasis between the memorandums of 1992, 1995 and 2000 on the one hand and the 2007 memorandum on the other. Whereas the division of work and care between women and men plays a central role in the former memorandums, the latter memorandum problematizes the lagging labor participation of women (and men) exclusively from the perspective of concerns about the aging population. An important indicator for the presence of shifting policy frames is the new interpretation of the term 'economic independence' in 2007. Whereas the 2000 memorandum interprets the notion of 'economic independence' within the context of care responsibility, in 2007 we see that this concept is given meaning in relation to objectives such as 'self-realization' and 'self-determination'.

    In this section we further elaborate on the interpretive frame that forms
the basis for the 2007 memorandum by comparing the specific use of data
in the 2007 memorandum with the use of data in the memorandums of
1992, 1995 and 2000. Using the results of this exercise and the results pre-
sented in the previous section, we subsequently construct the most impor-
tant storylines (interpretive product) and the values and assumptions that
form the foundation for these storylines (baseline categories of thought).

Incentives instead of breaking existing structures
In the previous section it was shown how the specific manner of problema-
tizing the labor participation of women was linked to the method of data
selection and interpretation. Thereby, we touched upon how certain man-
ners of problematization were tied to certain values. For example, the
memorandums of 1992, 1995 and 2000 emphasized the value of 'self-pro-
vided care'. In contrast, the 2007 memorandum linked the objectives of the
emancipation policy to a value such as 'self-realization'. A further look at
the selection and interpretation of the data used in the 2007 memorandum
also reveals a different portrayal of mankind than the one presented in pre-
vious memorandums. Whereas the memorandums of 1992, 1995 and 2000
depict the individual as a person who lives in a (care) relationship with oth-
ers, the 2007 memorandum seems to be based in first instance on the image
of man as a 'utility maximizer'. This image comes to the fore in particular
when the data presented in the memorandums of 1992, 1995 and 2000 on
the one hand are compared to those presented in the 2007 memorandum on
the other.What is noticeable in the first place is that in 2007 a table is includ-
ed on the productive use of time (paid labor and care work) in order to
show that the *economic choice* between labor and spare time is gender
dependent. In 1992, 1995 and 2000, in contrast, data on the division of labor
and care are presented to spotlight the unequal division of labor and care
tasks between men and women. In 2007, the data on the division of labor
no longer have this function. Now it is shown that the usual economic
rational choice models do not suffice, because they are gender dependent.
On the basis of these data it is argued that these models should be adjusted,
in order to develop a more efficient set of instruments that stimulate wom-
en to participate in paid labor. This opinion is given further expression in
the presentation of data regarding the conditions under which women
would like to work (more). From these data the conclusion is drawn that
the remuneration forms an important incentive for women to accept (more
hours of) paid labor.
    The selection and interpretation of data in the 2007 memorandum
reveal, especially in comparison with previous memorandums, a new ratio
behind the emancipation policy: an increase in female labor market partici-
pation can only be achieved by coming up with the right 'incentives' or
'rewards' on the basis of which women decide whether or not they will
perform paid labor. This approach of the 'lagging' labor participation dif-

fers from the one that comes to the fore in the documents of 1995 and 2000. These memorandums consider the lagging labor market participation of women to be mostly a problem of existing structures, such as the existing division of roles between men and women. For instance, the introduction of the 1995 memorandum states that 'there are still impeding opinions and structures that hinder further progress. The stagnation that they cause is a reason for concern' (1995 memorandum, p.2). The policymakers were confronted with the task of breaking these structures, although they failed to make clear *how* these structures could be broken.

The diverging views on how to increase female labor market participation are reflected in the approach to the unequal pay of men and women. Whereas previous memorandums addressed the matter of inequality in pay between men and women within the framework of the unequal treatment of men and women, the 2007 document focuses on the effect of the unequal pay on the labor participation and economic independence. Based on these data, direction is given to the first sub-objective of the 2007 emancipation policy: *it should pay to work.*

Two policy narratives
In the studied memorandums, the manner of problematization and the use of data give direction to the policy. They support and flank various normative policy narratives. Based on the analysis presented in the previous section two dominant policy narratives can be constructed surrounding the problematization of female labor market participation. Whereas the first policy narrative takes center stage in the memorandums of 1992, 1995 and 2000, the second narrative dominates the 2007 memorandum. The first narrative goes along the following lines:

> 'Compared to men, the labor participation of women is lagging (although there is an upward trend [1992]). Increased female labor participation requires a change in existing structures, in particular regarding the unequal division of labor and care tasks between men and women. A positive effect of breaking these structures is that (over one's entire life course [2000]) it contributes to a better quality of life'.

The second narrative, which dominates the 2007 memorandum, is:

> 'Female labor participation is lagging. This is a serious problem in view of the aging population. The instruments should stimulate women to increase their participation in paid labor'.

The analysis shows that the storylines were constructed based on different sets of opinions, assumptions and values. Whereas the second storyline takes as its starting point the idea that man as a utility optimizing creature is being driven by incentives, the first storyline instead depicts man as a social creature. Her position in society depends on the relationship that she has with other people. The consequence is that, in contrast to the second

storyline, behavioral change (increased labor participation) cannot only be achieved by a change in incentive structure, but also would require certain structures to change first.

Other differences regard the values underlying both storylines. Whereas the first storyline takes values such as 'equality', 'self-provided care', 'balance in life' and 'diversity' as its point of departure, the second storyline is primarily based on values like 'economic growth' and 'self-realization'. The values, assumptions and policy narratives are summarized in the interpretive frames in table 7.3.

Table 7.3 Shifting interpretive frames

Year	Baseline categories of thought		Interpretive products
	Values	*Opinions/assumptions*	*Storylines*
1992 1995 2000	Equality Self-provided care Quality/balance in life Diversity (2000)	Man is a social creature. her position is determined by her relationship with others in society	Greater female labor market participation requires a change in existing structures, in particular with regard to the division of labor between men and women. Moreover, a different division of labor will contribute to a better quality of life.
2007	Self-realization Economic growth	Man is a utility optimizing creature and can be driven by incentives. She lives in a society that is focused on economic progress	Female labor market participation is lagging. This is a serious problem in view of the aging population. The instruments should entice women to increase their participation in paid labor.

7.6   SYNTHESIS

The analyses presented in this contribution underscore the insights from post-positivist policy analysis that the interpretive frame that is used to view reality determines the course of emancipation policy. More specifically, Brandwein's suggestion to separate the interpretive product from the baseline categories of thougt delivers enlightening insights in research into shifting frames. It turns out, for example, that a *comparable* set of values and assumptions forms the basis for *different* interpretations of female labor market participation ('increased' in 1992 and 'lagging' in 1995 and 2000) and to either or not problematize labor market participation in terms of the 'life course perspective'. On the other hand, the analysis shows that *compa-*

rable problematizations, such as the problematization of the female labor market participation against the backdrop of the 'aging population' and the 'lagging economic independence' (in 2000 and 2007) are prompted by *different* sets of values and assumptions. Thus, the analytical separation between baseline categories of thought and interpretive products also shows that the meaning of certain terms, such as economic independence, is related to the interpretive frame in which they are used.

Creating this analytical separation also makes clear how values and assumptions are being 'packaged' in interpretive products. After all, as it turns out, on closer inspection even a seemingly objective element such as a data set is not so much an objective description of the status quo of a certain policy area but more so an indication of underlying values and assumptions. For instance, baseline categories of thought determined whether data were chosen regarding the division of labor between men and women (1992, 1995 and 2000) or data regarding the incentive structure (2007). Thus, the study illustrates that the policymaker uses a specific set of values and assumptions to determine *what* is relevant to count (and what is not) and *how* it should be counted. At the same time numbers and statistics are ambiguous, as has become clear from the interpretation of the data on the economic independence of women: comparable figures can be interpreted in different ways, depending upon the interpretive frame in which they are presented.

Finally, the analysis shows that besides baseline categories of thought and the way of problematization, the selection and interpretation of data also shape the policy course in norm-setting storylines. It was shown in section 4, for instance, that there is coherence between the selection and interpretation of data related to the extent of female labor market participation and the importance attached to a *generic* increase of women's labor market participation. Moreover, it is striking that the memorandums of 1995 and 2000 contain many data on the division of labor between men and women, possibly during an entire life course (2000), whereas the 2007 memorandum contains more data about professional child care. This data selection is congruous with the directions in which solutions are being sought in the memorandums (see section 4).

However, an analysis of the way in which the norms of emancipation policy are established also shows the limitations of Brandwein's model at the same time. For instance, it remains unclear *what* elements within the interpretive frame determine the direction of emancipation policy. It is our opinion, though, that these limitations are inherent to the analytical separations that are made by her model. After all, based on a post-positivist approach it is impossible by definition to separate facts and values. The intertwining of these elements hinders an unambiguous cause-result relationship as is preferred in positivistic analyses. On the other hand, Brandwein's model does make it clear that baseline categories of thought determine and give meaning to the interpretive products. Therefore, it can be

concluded from the analysis that the remarkable shift in emancipation policy can be attributed primarily to a change in baseline categories of thought. At the same time it should be noted that interpretive products also play their 'own' role in the policy success or failure. For instance, the persuasiveness of the interpretive products is of great importance for the success of the policy. It could be suggested, for example, that the 2007 emancipation policy was not just inspired by changed baseline categories of thought, but that the change was facilitated by the lack of convincing policy narratives in the previous memorandums about the possibility to actually alter existing structures through policy.

7.7   IMPLICATIONS

The majority of the actors involved in the materialization of emancipation policy will be, in our opinion, well aware of the fact that new policy is not only realized as a consequence of the availability of new data, but that policy, the specific problematization and its use of data also change because new political objectives get priority, which alters the perspective from which the policy area in question is viewed. However, using an extended version of Brandwein's model, we have tried to make this implicit knowledge explicit and systemize it. As was shown in section 7.6 this model contributes to a more systematic post-positivistic analysis of policy frames as it separates values and assumptions from the interpretive product such as storylines, problematizations and the use of data.

The analysis made visible that the policy frame in the emancipation memorandums has shifted over the past year, which affected the problematizations and use of data in these memorandums. Values and assumptions such as 'economic growth' and 'utility maximizer' seem to have replaced values and assumptions from previous interpretive frames like 'equality', 'diversity' and 'the social individual who lives primarily in a (care) relationship with others'. Relationships that so far were considered to be part of the 'social domain', such as the relationship between men and women and parents and their children, have increasingly become 'economized'.[12] Probably a proposal for a public insurance for the finance of care leaves will not get much support within this new frame.[13] From the perspective of a policy frame that is focused on economic growth, then, 'care', just like having children, will be considered a 'manufactured' and therefore uninsurable risk (Leijnse et al. 2003).

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[12]   This relationship between the 'economization' of the social domain and (the thinking on) social security has been addressed previously by one of the authors (Eleveld 2009, 2010).

[13]   For example, the proposal of trade union FNV (2010) for a public insurance of the finance of care leaves did not get much response.

   We are of the opinion that the consequence of continuing the course that was set in the 2007 memorandum will be that emancipation policy – specifically the part that regards female labor market participation – will develop towards a general labor market policy (Labor Participation Committee, 2008) that, in view of the 'aging population' will point continuously to the necessity of increased labor market participation of both women and men. Whether or not it is desirable that (this aspect of) emancipation policy will thus render itself obsolete in the future is another, primarily political, question. Answering this question requires one first and foremost to contemplate the place, function and social importance of care.[14]

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14   The latest emancipation memorandum, which was not included in this study because it was issued after completion of this contribution, continues the trend of 2007. The lagging labor participation of women is problematized primarily from the perspective of labor market shortages, which are considered cause for concern in view of the aging population (p. 10). Another striking aspect of this memorandum is that women's emancipation (and female labor market participation) receives little attention in comparison with other years. Women's emancipation is incorporated in gay and lesbian emancipation policy, for instance. The decreased attention is reflected in the use of data. Hardly any data are presented that regard female labor participation: the fact *that* no figures are calculated indicates that women's emancipation has less priority than in previous years.

Part III

The Establishment of the Life Course Arrangement

8 | Discourse Theory on Ideas and Policy Reform: the Case of the Life Course Arrangement

Abstract

How do new policy ideas enter the dominant policy discourse and how do they manage to change these discourses and policy practices? Ideational analysis tends to emphasize the role of intentional acting policy actors. Instead, this paper draws on poststructuralist discourse theory, which focuses on subconscious processes while reemphasizing the role of structures at the same time. Using this theoretical perspective, two purposes are being served. On the one hand, this study further develops discourse theoretical poststructuralist concepts as methodological tools for policy analysis, which, in a way, challenges the claim that was recently made by Hay that 'postmodernist perspectives (…) largely disavow[s] explanation as the privileging of one subject position over others' (2011: 171). On the other hand, by applying these concepts to the case of the introduction of individual savings arrangements in the Dutch collective social security system, this paper offers a refreshing perspective on processes of policy change and permanence.

8.1   Introduction

In 2006 the Life Course Arrangement (LCA), a fiscally facilitated individual savings instrument for the financing of leave, was introduced in Dutch social security law. This arrangement, as well as the amendments to it that were proposed thereafter, shows that the idea of individual savings accounts for social risks has become firmly established within the Dutch policy discourse. These developments are, however, puzzling in the context of the long Dutch tradition of collective social security arrangements, which rather seems to confirm the well-known new institutionalist claim that social security institutions tend to remain stable during long periods of time (Pierson 2001). Moreover, with respect to corporatist societies like the Netherlands in particular, the argument has been put forward that labor unions tend to slow down major social reforms (Hemerijck and Visser 1997; Kuipers 2004).

A plausible explanation for emerging ruptures in the collective social insurance system has been offered in ideational analysis. Scholars in this field of analysis have argued that the availability of new ideas may cause existing structures to alter (Cox 2001; Hay 2002; Blyth 2002; Schmidt 2002). How then, according to ideational theory, do new ideas such as the notion of individual savings arrangements actually change existing institutional structures? According to Béland and Cox (2010), who provide an interesting overview of current themes in ideational analysis, most ideational analyses of changes are agency-centered, that is:

> '[w]hat things change and how they change are all the result of what people choose to do in response to the world in which they find themselves (…) these choices are shaped by the ideas people hold and debate with others. These ideas, in turn, are based on interpretations people have of the world and of those around them'
> (Béland and Cox 2010: 12).

For an idea to be successful, '[t]he idea must capture the attention of actors who advocate for it and successfully use it to influence the observed outcome' (2010:13). Béland and Cox thus foreground the role of intentionally acting agents.

Scholars in the field of ideational analysis also point at some unsettled issues in this field of policy analysis. In the first place, having decoupled ideas from interests, ideational analysis still insufficiently explains *why* policy actors identify with those new ideas (Hay 2010). A second, related problem concerns the fact that ideational analysis cannot explain how ideology affects people's choices, since this impact is not measurable (Béland and Cox 2010). Thirdly, as Schmidt (2008) argues, it often remains unclear how policy actors move from ideas to action. She therefore asks for more attention to collective and structural processes to explain the process of policy change and permanence. Nevertheless, following philosophers like Searle

and Habermas, Schmidt still foregrounds the role of intentionally acting (situated) agents who seek to enforce changes through discourse.

This focus on intentionally acting agents struggling with ideas has been challenged in poststructuralist approaches to policy analysis. For example, Finlayson (2007) holds that ideational analysis has wrongly examined ideas instead of arguments, viewing argumentation strategies or rhetoric as merely instrumental to policy goals. Instead, he has argued for an analysis of the constitutive function of rhetoric. Others have pointed at the role of fantasy in the process of policy change and permanence (Glynos and Howarth, 2007). This paper suggests considering some discourse theoretical solutions for the aforementioned issues in ideational analysis as a result of which it becomes possible to provide an account of *why* actors identified with certain new ideas and *how* these ideas were sedimented within existing social structures.

As will be shown in the study on the establishment of the LCA, poststructuralist discourse theory offers a refreshing perspective on policy analysis as this approach focuses on the constitutive role of rhetoric, subconscious identification processes and the role of conflict and resistance in processes of change and permanence.

An outline of discourse theoretical approaches is provided in next section. The first empirical sections, sections 5 and 6, show how a new perspective emerged in the Dutch social security discourse: the life course perspective. Section 7 examines how in an atmosphere of conflict, disagreement and compromise, these new ideas ultimately resulted in a political decision on the establishment of the LCA. The last empirical sections (8-10) reveal how, despite the continuous struggles and conflicts in the policy process, the idea of an individual savings arrangement managed to take root in the social policy discourse.

8.2   Discourse theoretical approaches to change

Let us first consider the discourse theoretical distinction between the *ontic* and the *ontological* level of analysis. Whereas the *ontic* refers to a particular domain or phenomenon, the latter concept refers to the categorical preconditions for such objects and their investigation. That is, in order to understand processes of change and permanence we should first study the *ontological* preconditions of the objects. As Glynos and Howarth argue, on a micro level of analysis the study of rhetoric can be helpful to gain an understanding of these categorical preconditions, because rhetorical patterns 'shape our language use and meaning in non-conscious ways' and, accordingly, give shape to the *ontological* preconditions of the *ontic* objects (Glynos and Howarth 2007: 75). This implies that, instead of viewing *rhetoric* as merely instrumental to policy goals or ideas, *rhetorical* arguments themselves can be constitutive of new ideas (Finlayson 2007).

Norval's concept of 'aspect change' sheds further light on the relationship between rhetorical arguments and the constitution of new ideas. She uses Wittgenstein's example of the rabbit/duck picture to explain her point. As she argues, the moment in which a subject suddenly discovers a picture of a rabbit, which she earlier regarded as a picture of a duck, comes with surprise; unexpectedly, the subject has discovered a new aspect. At the same time, however, the subject notices that the picture has not changed. In other words, in the new perspective, continuity and discontinuity occur. This is what Norval calls 'aspect change': seeing the duck now differs from the moment before the rabbit was discovered (Norval 2007). *Rhetorical* moves may thus, within a general frame of continuity, cause people to see things in different ways and generate change accordingly.

Within discourse theoretical studies the concept of *dislocation* is used to explain changes on the level of the state. *Dislocationary moments*, may entail the effects of an economic crisis, processes of commodification, bureaucratization or globalization (Laclau 1990: 52-65). According to Laclau and Mouffe (1985), the experience of a *dislocationary event* causes subjects to see the contingent basis of sedimented social practices. They suddenly realize that things are not necessarily the way that they are. As a result, signifiers are no longer fixed to a particular meaning and begin to float. These floating signifiers are only partly stabilized when they are successfully incorporated into dominant discourses, capable of a new fixation of meaning.

Yet, as Glynos and Howarth argue persuasively, a dislocation does not necessarily generate change. That is, change can only be expected if a brief glimpse of the contingent basis of social practices causes people to challenge (the norms underlying) social practices (2007: 121-124). In this situation equivalential chains between different particular demands can be constructed against the current *hegemonic regime*. As a result, this regime may be overthrown and a new *hegemonic regime* is established. For example, during Thatcherite populism the antagonisms constituted around dislocationary processes of bureaucratization were constructed around two poles: the people, which included everyone defending traditional family values and the freedom of enterprise, and their opponents: the state and their subversives such as feminists, blacks and young people (Laclau and Mouffe 1985: 170). In contrast to these *logics of equivalence*, the *logics of difference* seek to keep different elements separate and autonomous, causing relatively small institutional changes (Glynos and Howarth 2007: 141-145). The *logics of difference* dominate when different demands are fulfilled such as, for example, in the modern welfare state (Laclau 2005: 78). Still, as Laclau argues, within a hegemonic regime we can find *both logics of equivalence and difference*.

In recent years, insights of Lacanian psychoanalytics have been added to this interplay between logics of equivalence and difference. Discourse theoretical scholars have argued that *fantasies* are essential to the process of social change, because they sustain existing or emerging discourses.

To them, the subject identifies with new fantasies because he or she is an internally split subject who is constantly seeking new fullness (Stravrakakis 1999; Laclau 2005; Glynos and Howarth 2007). Glynos and Howarth mention two kinds of fantasmatic dimensions in policy narratives: the 'beatific dimension' of *fantasy*, which 'promises a fullness-to-come once a named or implied obstacle is overcome', and the 'horrific dimension' of fantasy, which 'foretells of disaster if the obstacle proves insurmountable' (2007: 147). In some instances fantasmatic logics are closely related to political logics. For example, the *logics of equivalence* may create ontological links between different demands through the construction of an enemy within, such as 'the Muslim minorities.' The construction of the *logics of difference*, on the other hand, can be sustained by a *fantasmatic narrative* in which an enemy without is created that takes away the national identity, such as 'globalizing forces.'

Hence, discourse theorists as Glynos and Howarth hold a different concept of the subject than scholars in the field of ideational analysis. They probably agree on the interpretive idea that social agents always find themselves 'thrown into' a system of meaningful practices (Bevir and Rhodes 2005). However, whereas, in poststructuralists theory structures are always incomplete, they can never fully determine the identity of these agents. According to Glynos and Howarth, then, 'the whole point of poststructuralists theories of language and human subjectivity is to problematize the idea of a fully-resent subject *and* a fully constituted linguistic structure' (2007: 78). Thus deconstructing the structure/agency opposition, Glynos and Howarth centralize the role of power and ideology with respect to the (always 'lacking') constitution of social structures and new forms of life. To them, individuals only turn into (acting) subject, to the extent that they experience a lack of identity which drive them to identify with new signifiers or narratives.

In summary, whereas in discourse theory the emergence of new hegemonic regimes is primarily caused by the construction of new *chains of equivalences and differences*, at a lower level of policy analysis change may occur because of the identification with new (constitutive) *rhetoric*. Yet in both cases *fantasmatic* identifications determine the speed and the direction of new policies.

8.3   Methodology

The empirical sections present a historical narrative on the establishment of the idea of individual savings arrangements in the Dutch policy discourse. To operationalize the rather abstract discourse theoretical concepts I designed a four steps research method. In a first step I formulated the following guiding questions:

1. How can former and new social law practices and discourses be characterized?
2. How and why were these new practices and discourses installed?
3. Why was there a lack of resistance of political subjects who embrace other values, such as solidarity and equality?

In a second step almost 40 key actors in the policy process were interviewed, including (former) ministers, political representatives, representatives of social partners, officials and political advisors. These semi-structured interviews were completed with the readings of secondary literature. The interviews and the readings were, in the first place, helpful for the characterization of social law practices and discourses and the presence of fantasmatic narratives. They, amongst other things, revealed the impact of the introduction of the signifiers 'life course' and 'life course perspective' had on the social security discourse. Therefore, the three most influential documents referring to these signifiers were selected for a textual analysis. In addition, the interview data served as guidance for the selection of a 8 other texts for textual analysis. Finally to study the discursive change within the most powerful political party, 3 additional texts were selected for textual analysis.

    A third step involved the analysis of the selected texts. Whereas Glynos and Howarth have not developed methodological tools themselves for textual analysis, I looked for suitable discourse analytical tools which are developed in other approaches. Discourse Historical Analysis (DHA) seemed to be useful in this respect (Wodak, et al.1999). DHA entails a detailed study of texts. Each claim that is made in these text needs to be studied and categorized. For this kind of text analysis DHA formulates a number of heuristic questions. Of these, the following three were of interest to this study:

1. How are people, objects, phenomena/events, processes and actions named and referred to linguistically (strategies of nomination)?
2. What characteristics, qualities and features are attributed to social actors, objects, phenomena/events and processes (strategies of predication)?
3. What arguments are employed in the discourse in question (Reisigl and Wodak, 2009: 93)?

Wodak, et al. (1999) use the third heuristic question to analyze the construction of national identities. As such, they distinguish between strategies of justification, strategies of construction, transformative strategies and strategies of dismantling. For this study these analytical categories were adapted to the structure of the analyzed texts.

    Together with the data from the interviews and the analysis of secondary literature, the (textual) analysis of argumentative strategies was also

helpful, to figure out the 'beatific' or 'horrific' dimension in the narratives. In addition, I took the presence of incompatible elements as a rule of thumb to trace fantasmatic dimensions in those narratives.

In a fourth step I analyzed the social conflict that preceded the establishment of the LCA for the ways different identities (social groups) were either connected or kept separate. As such I sought to figure out how *chains of equivalences and difference* affected discourses and practices.

8.4   Policy context

The Dutch political system can be characterized as consensual, i.e. the power over political decisions is distributed among different political party coalitions. From the Second World War onwards, the Christian democrats (CDA) have been a constant presence in governing coalitions. However, between 1994 and 2002 the CDA sat in the opposition benches and the Netherlands were governed by the other two important political parties – the social democrats (PvdA) and the right wing liberals (VVD) – and the relatively small left wing liberals (D66). During its time in opposition, the CDA refurbished its political position. One of the new ideas they came up with in 2001 concerned the 'life course perspective'. Based on this, they designed a new social security system that included a partly collective and partly individual savings facility (Research Institute for the CDA, 2001). When the Christian democrats re-entered the government coalition in 2002 as the biggest political party, they sought to materialize their ideas on a life course based social system. In 2010, after four subsequent governmental coalitions dominated by the CDA, the Balkenende IV cabinet was succeeded by a CDA-VVD coalition headed by VVD leader Rutte.

With respect to the Dutch system's corporatist elements, the influence of the unions is channeled in two important ways. First of all, the government must consult the tripartite Social Economic Council (SER) on every important socio-economic policy change. Secondly, twice a year the social partners united in the Labor Foundation discuss the terms of employment for the coming year with the central government. The most influential labor unions are the social democratic FNV and the Christian CNV, of which the FNV is the largest by far. The largest employers' organization is VNO-NCW.

8.5   The emergence of the idea on the 'life course perspective'

Dutch social security law has changed during the last decades. These changes can be characterized as a slow transformation from a system informed by notions of equality and solidarity to a system that is increasingly influenced by the values of freedom of choice and individual responsibility. Moreover, since the middle of the 1990s, next to the individual responsibility discourse,

the social security system is increasingly affected by the discourse that cele-
brates the introduction of marketization processes. At the same time, these
dominant discourses are also challenged in counter discourses, which,
object the increasing infiltration of the logic of the market into the social sys-
tem. Other counter discourse emphasize the misrecognition of the worker
as a 'worker with care tasks'. In addition other discourses.

Around the turn of the century, several dominant discourses and coun-
ter discourses are united in a discourse coalition that is formed around the
theme of the 'life course perspective'. Generally speaking, this new per-
spective expresses the idea that in our current day and age all people,
women in particular, are combining more and more activities in their lives.
As a result, there is a need for more flexibility and possibilities to take a
break, especially during the 'rush hour of life when parents combine differ-
ent tasks: taking care of their children and their own parents, making a
career for themselves, and engaging in training and education. This dis-
course coalition consists of a variety of groups, including the CDA, PvdA,
D66, supporters of family policy and feminists. The labor unions FNV and
CNV also support this new idea. For the Christian CNV, the life course idea
fits in well with its affiliation with a family friendly social policy. For the
FNV, on the other hand, the new concept of the 'life course perspective' not
only expresses its new attention to the position of female workers, it also
facilitates its shift towards individual responsibility, which had started in
the mid-1990s.[1]

A Discourse Historical Analysis of a selection of key texts from 2001-2002
shows that the new signifiers 'life course' and 'life course perspective' estab-
lish a new world view: the world is now interpreted in terms of either 'stand-
ard' or 'modern' life courses, Whereas 'standard life courses' are associated
with 'traditional', 'the past' and 'static', 'modern life courses' are related to
words such as 'dynamic', 'free choice' and 'change'. Other key signifiers in
the studied texts, such as 'risk' and 'social security', become meaningful in
relation to these new signifiers. For example, 'risk' is no longer considered
an external event that could happen to any individual; 'risk' is now viewed
as an event that is dependent on individual 'life course decisions'. Instead of
being a new argument in a political struggle over ideas, the study thus sug-
gests that the 'life course perspective', above all, facilitates a new way of see-
ing. Social security is now perceived in the perspective of an individual life
course, which enables the view that individuals can anticipate future events.

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1   For example, a document from 2003 where the FNV defends a 'life course based social
     policy, states: 'the labor market needs a culture change, workers should save and deal
     with time in a more conscious way. This culture change also presupposes that workers
     take their responsibility' (2003a:15). FNV respondents maintain that this emphasis on
     individual responsibility had already started in the 1990s. In this regard, also see this
     quote from a 1995 document by the FNV on social policy: 'Workers are increasingly (…)
     capable to make their own choices and to bear responsibility' (FNV 1995: 24).

The data from the interviews support the conclusion that the new way of looking at things provokes enthusiasm amongst involved policy actors. That is, for them the idea on the 'life course perspective' provides a way out of existing, deadlocked discussions on future social security design. Addressing win-win situations, the new signifiers reconcile different, formerly opposing, perspectives: advertising a more relaxed life style on one hand and promoting an increased labor participation on the other; encouraging the (collective) facilitation of more time and money for the caretaking of children on one hand and holding individuals responsible for care tasks on the other.

Participants in this new 'life course discourse coalition' draw diverse designs of a future 'life course based' social security system that, above all, attends to the 'rush hour of life'. Most designs involve a mixture of collective and individual savings, which enable workers to take time off in order to take care of their children and/or their parents, to take educational leave or to enjoy a sabbatical (Research Institute for the CDA: 2001; PvdA: 2002b; D66: 2001; FNV Women's Union: 2001).

8.6   CHANGED IDEAS: THE AGING SOCIETY NARRATIVE

After 2002, when the Netherlands is hit by an economic crisis, the discourse coalition alters in important ways. The impact of the economic crisis on governmental policy is clear: the Balkenende II cabinet, a coalition of CDA, VVD and D66 that soon will be named the 'reform government', forcefully argues that the slow economy is seriously threatening the Dutch welfare state. The aging society narrative adds to the expressed concerns. According to this narrative, the economic crisis compels the state to foster a higher and longer labor participation of the citizens to ensure a stable financial basis for the welfare state. This narrative particularly dominates the governmental discourse in the years between 2002 and 2005. In this period the slogan of the Balkenende II government is: 'we cannot lose any more time (..) Big efforts are necessary to prevent definite future catastrophes from happening' (Van der Steen 2009, p. 310). In this context, the Balkenende II cabinet presents far-reaching social reforms, among which the gradual abolishment of the fiscal facilitation of early retirement provisions.

The economic crisis and the aging society narrative seriously affect the discursive position of one of its most important *and* most powerful defenders, the CDA. A Discourse Historic Analysis of CDA documents from between 2001 and 2005 reveals this impact.[2] Whereas in 2001 the signifier

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2   The following documents were compared for this study. On the one hand the Research Institute for the CDA (2001) and Balkenende (2001) and on the other hand the Research Institute for the CDA (2004) and Balkenende (2005).

'life course perspective' refers to the decreasing quality of life, resulting from the lack of time and money for family life and leisure, a few years later, the signifier 'life course perspective' is, conversely, invoked to show how people can enhance their labor market participation. This discursive shift also affects the party's ideas on life course policy. Whereas the CDA initially designs a partly collective 'life course insurance' that is tailored to the reconciliation of work and family life in particular, in 2004 the Christian democrats argue for a comprehensive individual (savings) arrangement, a precautionary arrangement that encourages overall labor participation. It is believed that after a period of 10 to 20 years to reach full maturity, the LCA will become the starting point for an individualized social security system.

The aging society narrative also affects the deliberations between the labor and employers' unions in the SER, which had been asked to design a 'life course based social system' some months earlier.[3] As one interviewee reported: 'Instead of talking about workers' desires to take care of family, the discussions in the SER on a 'life course based society' rather addressed the theme of the 'aging society (…). The general idea was that the collective money that was stuck in existing traditional social security arrangements could be used in a more productive way'. Above all, the discussions in the SER reveal a major controversy between the biggest employers' union, VNO-NCW, and the biggest labor union, the FNV. Although, as argued in the previous section, the FNV increasingly endorses 'individual responsibility' as one of the basic principles in social security arrangements, the labor union is also afraid to lose 'old collective rights'. Among other things, the union fears that a life course based system will threaten workers' unemployment rights in the long run. On the other hand, VNO-NCW, a strong advocate of further flexibilization and individualization of social security arrangements, supports an exclusively individual savings scheme for the financing of leave. The continuing disagreement between the FNV and VNO-NCW severely obstructs the proceedings in the SER. In May 2003, the SER deliberations are stopped. According to the official annual report of the SER for 2003, this was due to the reforms announced by the Balkenende II cabinet. Most respondents, however, believed that further SER negotiations were blocked because of the ongoing disagreement between the social partners. Moreover, as will be argued in the next section, the disagreement between two former supporters of the 'life course perspective' seems to have been the first sign of a slow dissolution of the 'life course perspective discourse coalition.'

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3   In 2001 the former 'purple government' had asked the SER to sketch the options for a life course based social security system. Its advice should focus on the division of responsibilities between individuals, social partners and the government in particular.

8.7   Disagreement, antagonism and compromise

In the summer of 2003, as the economic situation is getting worse, the government decides to speed up the intended abolition of the fiscal facilitation of early retirement arrangements.[4] In addition, the government announces grand reforms in existing public disability and unemployment insurance schemes. Following strong protests from the labor unions, the social partners are allowed to negotiate the conditions for the abolition of the fiscal facilitation of early retirement arrangements and the establishment of the LCA in the Labor Foundation.

The deliberations in the Labor Foundation start in the spring of 2004. The FNV and VNO-NCW have not solved their earlier disputes and thus find themselves back in the same antagonistic positions. Moreover, the announced abolition of the fiscal facilitation of early retirement drives the social partners further apart. Whereas the FNV seeks to preserve the early retirement provisions, VNO-NCW, which shares the fears of a tight labor market, tends to support most of the governmental plans. As the negotiations are progressing with great difficulty, Minister De Geus of Social Affairs and Employment (SAE) responds to the call of the labor unions to allow workers to withdraw savings from the proposed LCA to finance early (full-time) retirement. The minister, however, does not give in to the FNV's demand to allow workers to save within the LCA on a collective basis. Yet, in a later phase of the negotiations, the minister does permit the partial continuation of collective early retirement insurance on the condition that workers are allowed to opt out of the collective insurance scheme. For the FNV and CNV opting out is not an option, though; in their opinion, 'opting out' would destroy the collective system. Since the FNV and CNV do not foresee any acceptable agreement, they cause the negotiations to collapse. The government, in turn, announces that the reforms are carried through without consulting the social partners any further.[5]

The labor unions are furious, now that the government has explicitly rejected them from the policy process. As an ultimate act of resistance, they call for a big social demonstration in October 2004. The labor unions definitely are not the only ones opposing the government. They are joined by a minority of the employers' unions that share their opinion that the government is increasingly marginalizing the role of the social partners in the policy process. In addition, the unions are joined by all kinds of other groups, including the entire left wing political opposition, which – like the unions – oppose further retrenchments of the welfare state. Calling for a reformed solidarity system, the new chain of equivalences channels a generally felt

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4   In September 2003, this intended abolishment and the introduction of the LCA are translated into two enactments: PP 2003-04, 29 208, No. 3 and 29 210, No. 3.

5   PP 2003-04, 29 760, No. 3.

anger against the harsh Balkenende government. The call for the demonstration covers the demands of different groups, such as the demands of those who, like the unions, defend the preservation of the present collective social security system, the demands of students (against the increase in college fees), refugees and other members of ethnic minorities (against exclusion), tenants, users of public transport, environmentalists and other opponents of the Balkenende cabinet. The formation of a new chain of equivalences is clearly described by Van der Braak, a staff member of VNO NCW: '[the announced demonstration] increasingly becomes a political demonstration that can be characterized as a people's front: Left, the labor union and the street against the right-wing government' (2006: 85). The establishment of these chains of equivalences thus definitively thwarts the former life course perspective discourse coalition'.

Interestingly, the emerging chain of equivalences also seems to have covered up the internal disputes within the FNV, where an internal struggle had been going on between (mainly) male staff members defending traditional pension rights and those wanting social reforms that would facilitate female labor participation.[6] Whereas the life course perspective merged the interests of female workers, who wanted to reconcile work and family life, with the interests of male workers, who rather strived for earlier pensions and a shortened work week, the proceedings in the Labor Foundation, on the other hand, drove male and female interests further apart. Interviewees reported that the FNV's female rank and file in particular disagreed with linking the design of an LCA to the abolition of the fiscal facilitation of pre-pensions. Yet, at the protest march in October 2004 in Amsterdam, which turned out to be the biggest social protest march ever with 300,000 people marching against the Balkenende II cabinet, the internal differences within the FNV are set aside. Both male and female staff members report about the euphoric atmosphere during the protest march and frame the protest as a successful act of resistance against the government and its individualization policy. Above all, according to them, the protest march put the labor union back on the map.

At the beginning of November 2004, only a few days after the Labor Foundation of new negotiations between the labor unions and the government, the parties come to an agreement. According to the respondents present at the negotiations, the fast agreement is due to the brute killing of controversial filmmaker Theo van Gogh by a Muslim fundamentalist on the second of November. The negotiating parties now realize that they have a common national responsibility and that their mutual quarrels need to be settled. They agree on some important adjustments to the proposed reforms of the disability insurance as well as on some transitional early

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6   This disagreement within the FNV was confirmed by further research in the archives of
      the Institute of Social History.

retirement provisions and amendments to the proposed LCA, which compensate for the abolishment of the collective early retirement arrangements. The parties thus decide to introduce an individual savings instrument in social security law that not only facilitates workers to save for leave during the 'rush hour of live', but that also enables workers to compensate for the loss of the fiscal facilitation of early retirement arrangements.

The new agreement is praised extensively in the media channels of the FNV and CNV, which celebrate the outcome of the November negotiations as a triumph for the labor unions. One would almost forget that most reforms of the Balkenende II cabinet are still carried through. In this respect, De Geus, Minister of SAE, reported that the cabinet decided to let the unions celebrate their victory now that the government had finally got their approval for further reforms: 'We said to each other: "Okay, let it go, they have the flowers and we have the signatures"' (interview, 2009). As a matter of fact, even some interviewed union representatives admitted that the unions' positive framing concealed the fact that the material outcome was not entirely positive for them. However, for them it was not so much the material results that mattered. Above all, the protest march had put the labor unions back on the map. The involved ministers even maintained that the labor unions would not have been able to come to an agreement with the government without the manifestation. According to them, the unions felt more secure after the protest march had taken place: it enabled them to make concessions to the government.

Despite the fact that the parties decide that the LCA will take the form of an individual savings arrangement instead of a compulsory collective facility, which would have been the FNV's preference, the 2004 compromise also marks the start of important efforts on the part of the FNV to make the LCA a success. As a result, a great number of collective agreements that are agreed upon in the following years contain specific regulations with regard to the LCA, particularly in support of the elderly workers. FNV chairwoman Jongerius even claims that despite much expressed skepticism the FNV forms a 'coalition of the willing' because, according to her, the LCA is potentially the most innovative regulation that the Balkenende cabinets have brought forth.[7] Nevertheless, the FNV accepted a compromise containing elements that it had strongly opposed to just a month earlier. How was this possible? The study suggests that the Balkenende gov-

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7   Jongerius at an LCA promotion meeting of insurance company Aegon at 19 November 2007 in Amsterdam. In this respect it should not be forgotten that, some years earlier, FNV had already embraced the 'life course perspective', including the idea of individual savings facilitation. Moreover, even in 2003, in the midst of the disagreement between the labor unions and employers' unions a small group of representatives of both parties, the so-called 'Balie group', had been working on a proposal to reform the social security system based on partly individual, partly collective individual savings arrangements. Their design would become a source of inspiration for future proposals.

ernment effectively decoupled the different demands, as it addressed the
most important demand of the unions that was not included in the call for
the demonstration, namely (the idea of) regaining influence in the policy
making process. This enabled the government not to give away too much
with respect to the other demands. The government thus successfully cut
across the established chains of equivalences and restored the peace in the
corporatist society.

8.8   The LCA: 'a monstrous design'

The events preceding the political decision on the LCA, as well as the
involvement of other stakeholders in the policy making process, to a great
extent determine the final design of the LCA. First of all, as we saw in last
section, the labor unions successfully argue to use the LCA as an early
retirement facility. Secondly, the CDA pays a price for its new equivalent
relationship with right wing liberal party VVD. VVD chairman Zalm, who
is also a finance minister in the Balkenende II-III cabinets and a strong
opponent of 'subsidies on spare time.' only accepts the introduction of the
LCA on the condition that workers will not be allowed to save part of their
wages in the popular 'wage savings arrangement' at the same time. Look-
ing back, Zalm admits that he had hoped that the LCA would fail, because
of the workers' habit to save money in the wage savings arrangement
(interview, 2009). A third stakeholder influencing the final LCA design are
the private insurers. In contrast to minister Zalm and the labor unions, the
private insurers support the CDA's ideas as they envision, above all, a prof-
itable market and further individualization and privatization of social
security. The CDA, in turn, views the private insurers as tactical allies,
because they can promote the new arrangement in the market. The private
insurers are particularly successful with their lobby for an exclusively pri-
vate execution of the LCA instead of a partly collective one, which is what
the labor unions would have preferred.[8]
     The details of a future LCA are further elaborated by the Departments
of SAE and Finance. Some officials at the Department of SAE are very dis-
appointed by the fact that, compared with a leave facility that they devel-
oped a year earlier by commission of the Balkenende I cabinet, the idea has
shifted from a facility that enables the combination of work and care activi-
ties to an early retirement arrangement. They wonder how workers with a
low income in particular, are able to save enough money to finance leaves

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8   Another successful lobby concerns the lobby to outsource the monitoring of the proper
       use of the LCA, as it is decided that the government and employers will carry out these
       tasks. Indeed, one official argued regarding some of the LCA's preconditions that too
       much had been given away to the insurers.

in the period when they have young childeren. Hence, to these officials the underlying idea of the leave arrangement has changed profoundly. In addition, officials at both the Departments of SAE and Finance further foresee a negative impact of the aforementioned compromise between CDA and VVD. Officials working at the finance department also principally question the governmental interference with private savings in case of market failure. According to them, the fact that workers at that moment do not save for leave simply means that there is no need for it. Perhaps most importantly, almost all interviewed officials reported that they were rather skeptic about the possible effects of the LCA on labor participation. Some of them argued that the whole idea of the life course perspective concerned a kind of belief, namely the belief that workers participating in the LCA would participate longer in the labor market.[9] One of the interviewed officials summarized the discontent as follows: 'We all felt that we had to deal with a monstrous design.'

8.9   Proposed extensions of the LCA and renewed resistance

A year after the introduction of the LCA in 2006 no more than 5% of the workers is saving part of their wages in this arrangement, most of them for the purpose of early retirement. With the objective of making the arrangement more attractive to workers, the new Balkenende IV cabinet agrees on a number of modifications. They concern, amongst others, integrating the LCA with the aforementioned wage savings arrangement, the extension of its scope of application to the self employed, and the possibility to withdraw money from the account to finance periods 'in between jobs' and the start-up period of a new company. A year later, the Labor Foundation launches similar proposals (Labor Foundation 2008). A few months after the Labor Foundation report is published the Labor Participation Committee, which was installed to advise on labor market reforms, presents plans for a mixed individual and collective savings arrangement modeled on the LCA, with which periods of unemployment can be financed. The proposed scheme partly replaces existing collective social security arrangements (Labor Participation Committee 2008).

    In the same year the Departments of SAE and Finance are ordered to design various workable options that respect the 2007 coalition agreement. They extensively discuss the following two options:

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9   In the governmental debate in November 2004 the cabinet exposed itself as a firm believer, because it said to expect that the life course arrangement would have a behavioral effect on workers and employers (PP 2004-05, 29 760, No. 10).

1. The LCA is regulated under the income tax law (instead of the wage tax law) in order to include self-employed workers. People are only allowed to take out money as an income substitution in case they choose not to do paid work, but to dedicate their time to (unpaid) care activities or training activities instead or when they decide to finance a period between two jobs or the start-up of a company.
2. As in the first option, the LCA is regulated under the income tax law, but there is no control with regard to the purpose of withdrawals.

However, both options are declined for a number of reasons. Not only are they too expensive, they are also connected with too many goals. Some interviewees reported that at that time it seemed that new goals were formulated constantly for an existing, instrument, the LCA. First, the LCA had to be tailored to finance leave for care and educational activities. Later on, the LCA additionally had to address the demand for a pre-retirement arrangement. Then, according to the last proposals, the LCA also had to cover periods of unemployment and help employees to set up their own company. One interviewed official explicitly blamed the 'technocratic hobbyists' for the unfruitful discussions at the departments: 'what had started with a small problem, the reconciliation of work and family life, had grown totally out of control'. In addition, some interviewed officials doubted the desirability of extending the scope of application to include the self employed because, according to them, the self employed tend to care for themselves by definition. For example, one official said: 'Is this really a problem? Can you imagine the streets to be full of people demanding a life course arrangement for the self employed?'

With regard to the first option, which showed great similarities with the proposals by the Labor Participation Committee, the involved officials further raised some practical objections. Most importantly, the tax authorities would not be capable of controlling the specific use of the withdrawals. Regarding the second option, there were doubts if participants were really going to use their savings for relevant goals that would facilitate a long working career, such as financing leave for the purpose of care and education. As one respondent argued: 'Why would they not use the savings to finance consumer goods, such as a caravan?' According to these skeptical officials, the proposals had no longer anything to do with the objective of public social insurance.

As a result, despite the intentions of the Balkenende IV cabinet and the advice of the social partners and the Labor Participation Committee, it is decided not to extend the LCA for the time being. Apart from the objections of the officials against the coalition plans, the more ambitious plans of the Labor Participation Committee are opposed by the labor unions that fear that these plans might destroy the existing system of collective social insurance. The elaboration of the new plans is also postponed because of the (financial) crisis of 2008, which shifts the attention of the government and

social partners from individual savings arrangements towards the problems of insolvent companies and the danger of long-term unemployment.

8.10 THE FUTURE OF INDIVIDUAL SAVINGS ARRANGEMENTS IN THE SOCIAL SECURITY SYSTEM

At the time of the interviews, in 2009 and 2010, most of the interviewed key actors were rather pessimistic about the future of the LCA. Some of them refer to the technical details of the arrangement, such as the non-accumulation verdict that resulted from the VVD-CDA compromise.[10] A second set of arguments reveals that the respondents identify themselves as 'non-believers': they do not believe that the LCA will either solve the 'rush hour of life' or the problems of the tight labor market.[11]

The expressed pessimism with respect to the LCA does not imply, however, that the idea of individual savings arrangements in the field of social security vanishes from the policy discourse. In contrast, after two quiet years the Rutte cabinet (CDA-VVD) announces a 'vitality plan'.[12] This plan contains a new savings arrangemment, the 'vitality arrangement', that has to replace the LCA in 2013. The vitality arrangement is first and foremost presented as an arrangement that sustains a longer labormarket participation, which is necessary in the face of aging society.[13] Like the 2007 and 2008 proposals, the vitality arrangement allows workers – including the self employed – to withdraw money from their individual account during periods in which they are 'between jobs' in order to stimulate 'the transition from job to job'. Since the social partners have launched similar ideas a few years before (Labor Foundation 2008), it comes as no surprise that they support this proposal, albeit on the condition that it remains possible to use the instrument for financing early retirement.[14]

By the year 2011, thanks to the aging society narrative, the idea of an individual savings arrangement has thus definitely shifted from an arrangement for the 'rush hour of life' to a scheme to facilitate 'work-to-work transitions', obviously connecting the idea of an individual savings arrangement with the traditional collective unemployment insurance.

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10   These concerned the non-accumulation rule and the prohibition of exclusive employers' contributions to participants in the life course arrangement.
11   A final set of arguments concerns issues of presentation and promotion of the LCA.
12   Letter of the Minister of SAE, 4 July 2011.
13   See 'National Reform Program 2011 The Netherlands (addition to PP. 2010-2011, 21 501-20, No. 531), PP 2010-2011, 30 413, No. 157 and 2011-2012, 33 003, No. 3).
14   PP 2010-11, 30 413, No. 157.

8.11   A DISCOURSE THEORETICAL APPROACH TO IDEAS AND POLICY CHANGE

Reflecting on the rhetorical rediscription presented in the previous empirical sections, this section seeks to answer the question how and why new ideas on individual savings arrangements affected Dutch social policy.

First of all, we saw that in the 1990s some counter discourses increasingly challenged the existing logics of the social security system (solidarity, breadwinner system, etc.). Put otherwise, a gap seemed to have been opened up between the term social security and its meaning. This gap was soon filled up with the terms 'life course' and 'life course perspective'. Actors could easily identify with these new signifiers, because they responded to a *fantasmatic* demand for a new fullness in a discursive field that was increasingly immersed with counter discourses. As such, new names united former dominant discourses and counter discourses.

In addition, instead of being just one idea, strategically proposed by policy actors, this paper argues that in the process of deliberation the new terms constituted a new world view, which confirms Finlayson's claim that the process of argumentation cannot be separated from the formation of a consensus. Thus new *rhetoric* changed the categorical pre-conditions of the social security discourse and as such changed the existing discourse.

Following the 2003 *dislocationary events*, the economic crisis and the announced cutbacks in social expenditure, *chains of equivalences* were constructed between different demands against the hegemonic neoliberal policy of the Balkenende II regime. This process was sustained by a strong *fantasmatic* aging society narrative, which expressed the fear that the stable Dutch welfare state would soon decline if no measures were taken to expand the labor supply. The aging society narrative also profoundly altered the meaning of the 'life course perspective' within the context of hegemonic neoliberal regime, putting the emphasis on individual precautionary measures that enhance labor participation. Now former partners in the 'life course discourse coalition' had become antagonists, the question can be raised how the introduction of the LCA was secured?

The study suggests, first of all, that the government effectively decoupled different demands. That is, the unions, which wanted first and foremost to re-establish their position as a serious party were given the credits of the victory in negotiations, as a result of which the government could cut across the established *chain of equivalences* and restore peace in the corporatist society. The working of the *logics of difference* thus allowed the government to go on with their neoliberal program, including the introduction of an individual LCA. The study further suggests that the working of the *logics of difference* was reinforced by fears for both an aging society and Muslim fundamentalists, which, according to the involved policy actors, urged them to collectively take a stand for a stable Dutch welfare state. Thus creating an enemy without, the working of *fantasy* effectively sustained the *logics of difference* that maintained the unity of neo-liberal government.

On the other hand, the working of the *logics of difference* also seems to have contributed to the failure of the LCA, i.e. the decoupling of demands also implied that the government gave in to some of the labor unions' demands. For example, the LCA could now be used effectively as an alternative for collective pre-pension arrangements. Secondly, attending to the VVD's demand of maintaining the wage savings arrangement as a separate arrangement further weakened the LCA.

Another important factor inhibiting a successful LCA concerns the position of policy officials who, positioning themselves as 'non-believers,' seemed to have hindered a further extension of the LCA. The counter discourses that were invoked by their 'silent resistance' against the *hegemonic* policy regime that increasingly constructed the subject as a self responsible life planner, reveals the always existing *lack* in social structures. Moreover these counter discourses seem to have been sustained by the public, seeing the low degree of participation in the arrangement.

Yet, despite the silent resistance of both the public and the officials, the idea of individual savings arrangements has been firmly established in the Dutch policy discourse. How was this possible? The poststructuralist discourse theoretical approach answers this question in three steps. First of all, the 'life course perspective' enabled a new way of seeing. Social security was now perceived in terms of individual life courses, which opened up the possibility of introducing individual savings arrangements in the traditional collective system of social insurance. Secondly, the working of the *logics of equivalence* and *difference* secured the support of the labor unions for this novel arrangement. Thirdly, due to the identification with a strong *fantasmatic* aging society narrative that continued to nourish the urge for social reforms, different forms of (silent) opposition were effectively resisted.

8.12   Conclusion

This study showed that a discourse theoretical approach is able to overcome some problems that are raised within ideational analysis. Firstly, the study explained how ideas altered and why policy actors could identify with those new ideas. The study further showed that research should not focus on how policy actors move from ideas to action. In fact, ideas cannot be separated from actions; ideas emerged and altered because of the use of rhetoric, discursive interactions, (fantasmatically based) identification processes and the working of the logics of equivalence and difference, which are all processes that are largely beyond the control of intentionally acting individual policy actors. However, whereas the subject is constantly looking for new fullness, she seems to be present all the time. Hence, paradoxically, individual actions of 'situated agents' seem to be just as important for explaining policy change as in ideational approaches.

The failure of discourse theory to present a full blown alternative to more conventional approaches to the analysis of policy change seems to be due to the fact that despite its empirical ambitions, the discourse theoretical explanatory concepts are mostly presented on a philosophical level of analysis. As a result, to a great extent, it remains unclear how to apply the abstract discourse theoretical concepts on the analysis of policy change. Moreover, these concepts seem to be designed for a macro level of analysis in particular.

In order to make the discourse theoretical approach more suitable to the analysis of policy change this study recommended the deployment of tools that are developed within DHA. Still, discourse theory is in need of further methodological development. For example, how do political logics operate in concrete policy situations, where differences and equivalences between identities are not as outspoken as in South Africa, a country which Howarth and Glynos often use to explain the working of political logics (2007: 141-145)? To answer this and other questions, this study encourages other scholars to engage in (empirical) policy studies that are based in post-structuralist discourse theory.

9 | Conflicting baseline categories of thought and the demise of the life course arrangement

Abstract

How is it possible that the life course arrangement has failed to become the flagship of social security reform in the Netherlands? A comparison with the Belgian TC and a discussion of the proposed extensions to the life course arrangement show that part of the answer to this question can be found in a clash between the sets of values, assumptions, normative claims and views of society and the individual underlying the life course arrangement and the existing social security system, respectively. The author reaches the conclusion that for a social security reform to be successful the baseline categories of thought underlying these reforms must either correspond with the baseline thought categories on which the existing system of social security was founded or with the baseline categories of thougt of current trends in society.

9.1   Introduction

Shortly after the turn of the century, various parties seemed to agree that social security law should be reformed towards a system that was 'life course proof'. The pressure on the 'rush hour of life' had to be relieved, and the time spent on work, education and care needed to be distributed more evenly over the course of an individual's life. In this regard, the life course was expressly considered to be the product of individual choices. This meant, at least to most parties, that a shift towards a life course-proof social security system would be accompanied by a corresponding shift from collective decisions and responsibilities to individual ones. In 2006 the Life Course Arrangement (LCA) was introduced. Using this scheme, employees can save up part of their gross salary (fiscally facilitated) for the purpose of financing future work leave. The advocates of the life course concept saw the life course arrangement as a first step towards a life course-proof social security system.

In 2010 the life course based thinking seems to have died a silent death. Only 6% of employees participate in the life course arrangement[1] and attempts to extend the scheme's material and personal scope of application have so far been unsuccessful. In literature, the life course scheme's lack of success is related primarily to the way in which individual choices are being made. Based on economic studies, for instance, it has been argued that employees prefer to choose arrangements that require them to make as few active choices as possible (the so-called 'default option') (Kremer 2005; Van Rooij and Teppa 2008). Also, citizens would not be very much inclined to save up money voluntarily (Bovenberg 2008). Consequently, the current LCA would be geared insufficiently to the choice behavior of employees. In addition, studies have shown that the scheme is not attractive to many employees, because of its lack of immediately tangible financial incentives (Anker Solutions 2007). The inclusion of an alternative incentive structure would improve the scheme (Van Bijnen 2006). Furthermore, many have pointed at the way in which the LCA came into being, stating that the scheme's coherence and purposiveness were lost in the process.

This contribution takes a somewhat different approach. Unlike the literature discussed here, the question of why the LCA so far has not developed into the intended rush hour scheme, let alone into an instrument of social security reform, is not being treated exclusively from the point of view of individual choice considerations or the scheme's origination story but primarily from the perspective of conflicting baseline thought categories. This term refers to the conflict between different combinations of values, assumptions, normative claims and views of society and the individual underlying the social security system and the LCA, respectively.

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1   It should be noted, though, that in 2009 the total amount deposited in life course accounts rose for the first time since the scheme's inception in 2006 (source: Statistics Netherlands).

Brandwein uses the category of baseline categories of thought for a systematic analysis of interpretive frames in policy texts (Brandwein 2006). According to her, a clear distinction can only be made between the frame through which one views reality and the way in which this observed reality is then described in meaningful texts if baseline categories of thought, such as opinions, assumptions and views of the individual and society, are distinguished from the interpretive product, such as the problematization of a certain policy area and policy narratives. Translated to social security law, Brandwein's concepts imply that instruments of social security law and the corresponding clarifying law texts – the interpretive product – can be distinguished from certain norms, values and images of man and society on which they are based.

The idea of 'conflicting baseline thought categories' originated after reading a paper by a Belgian political scientist on the social discourse that preceded the introduction of the Time Credit scheme (TC), the Belgian equivalent of the LCA (Vanderweyden 2002). As it turned out, the Belgian social discourse showed striking similarities with the Dutch life course discourse. However, the results of these discourses – the TC and the LCA – differ quite dramatically. First of all, the TC is much more popular.[2] Moreover, compared to the LCA the Belgian scheme is much more rooted in the values of solidarity and mutual rights and obligations, which are values that are also underlying Belgian and Dutch social security law. These insights led me to construct a new perspective on the life course saving scheme's success and failure factors based on an articulation of the baseline categories of thought against the background of both schemes' origination stories.

The first step in this process is taken in section 2. A legal comparison between the LCA and the TC shows that the LCA, in contrast to the TC, is not so much based on the value of solidarity but primarily takes voluntariness and individual responsibility as its points of departure. In other words, based on a comparison with the TC the striking characteristics of the LCA are highlighted. The second part of the section investigates how the distinctive values, normative claims and assumptions relate to the schemes' origination stories. Subsequently, a discussion of proposed extensions to the LCA in section 3 provides a further specification of the previous articulation of thought categories. In section 4 the results from sections 2 and 3 culminate in the question to what degree the phenomenon of 'conflicting baseline categories of thought' can hinder the reform of social secu-

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2   In 2007, for instance, 15 000 female participants in the life course arrangement indicated that they were planning to use the credit to finance their maternity leave. In the same year, 40 000 women between 25 and 49 years old took leave under the TC, the majority of whom probably used it for maternity leave. It should be noted, though, that these figures can only be compared to some degree because in one case it concerns the number of people taking leave (TC) whereas in the other case it concerns the number of people saving for leave (life course arrangement).

rity law. In the final section, this argument leads to the conclusion that social security reform can only be successful if the baseline categories of thought underlying the reform proposals either correspond with those on which the existing systems were founded or with with the baseline categories of thougt of trends in society.

For the analysis, amongst other things, use was made of interviews with actors who were involved in the discussion surrounding the (extended) LCA.

9.2 A comparison between the LCA and the Belgian time credit system

This section aims to make clear the limited role of the LCA as a rush hour scheme by comparing it with the popular TC. To do so, first of all the baseline categories of thought will be articulated based on a legal comparison with the TC. Subsequently it is investigated how the schemes' origination stories relate to the values underlying both schemes.

9.2.1 Both schemes compared

The LCA and TC are compared to one another with regard to their place in law, leave entitlement, compensation during leave, duration of leave, employment protection and accrual of social security entitlements.

The situation in law and circle of entitled persons
The first difference regards the place in law where leave provisions are stipulated. The LCA is covered by the Work and Care Act (Wazo) and the Wage Tax Act. The fact that the LCA is regulated in law at two different places, has consequences for its personal scope of application. A distinction can be made, for example, between those who are *entitled to participate* in the LCA (art. 7:2 Wazo), i.e. everyone who performs labor by virtue of an employment contract under civil law or by statutory appointment (art. 1:1 Wazo), and those who are *allowed to participate* in the LCA (art. 2 through 5b Wage Tax Act 1964). In deviation of the first group, the latter group also includes people who do not work based on an employment contract or by statutory appointment, such as welfare recipients and people who are working based on a 'fictitious labor relationship'.

Unlike the LCA the TC is not regulated by formal law, but via a generally binding collective labor agreement (cao No. 77, referred to hereafter as cao) that applies to all employees that are bound by a work contract under private law as well as employees who work for wages but without work contract under the authority of another person, with the exclusion of people who are employed in public bodies. In addition, certain employee categories can be excluded from the scope of application of the collective labor agreement on the basis of sectoral agreements (art.1 cao).

Leave entitlement

Regarding the entitlements connected to the LCA and TC, the following differences catch the eye. Only an *entitlement to participate in the scheme* (see above, art. 7:2 Wazo) and no *general entitlement to leave* is connected to the LCA.[3] Nevertheless, according to the government, the employer cannot simply deny a request to grant leave. Good employership (art. 7:611 CC) entails that the employer in the case of a request for unpaid leave must weigh both his own interests and those of the employee.[4] Good employership may play a role in the future with regard to employees who have been with the company for a long time and can be temporarily replaced without too many problems.

In contrast to the LCA, the TC does include a *general leave entitlement*. Since January 1st 2010 the condition is attached that an employee must be employed for at least two years before he or she can request leave. Previously, this term was set at one year. It should be noted, though, that this general leave entitlement does not apply to companies with ten employees or less. In that case, the entitlement is subject to permission by the employer. In addition, if more than 5% of employees are absent at the same time, the employer has the right to deny a leave request. Moreover, the employer is permitted to apply rules of preference on which grounds requests in connection with care leave or parental leave, respectively, can be granted preference over other leave objectives (art. 4.2.2 cao).

Compensation during leave

An important difference regards the compensation (financing) during the employee's leave period. In contrast to the LCA, the TC entitles the participants to monthly benefits of € 453.28 gross upon full-time leave if they have been employed between two and five years and of € 604.38 in cases of employment for more than five years.[5] These benefits are funded from social contributions, supplemented with government subsidies. Moreover, certain sectors or companies can grant additional premiums. Furthermore it can be noted that, in addition to the TC, Belgian law includes the right to thematic leave. Such types of leave are granted for a maximum of three months for the purpose of specific goals such as parental leave and care leave. In that case the monthly supplemental benefits are € 726.85 gross. In the Flemish Region the benefits can be further increased by a monthly allowance of roughly between € 50 and € 150 if the leave is taken for the purpose of care or education.

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3   An amendment to entitle the employee to take leave unless this conflicts with an important business or employment interest, was rejected (PP 2004/05, 29 760, No. 19).
4   PP 2004/05, 29 760, D, p. 37.
5   These figures apply as of September 1st 2010.

In contrast to the TC, no benefits are paid under the LCA. The participating employee must fund her own leave by depositing part of his wages in a life course account or life course insurance. Although it is permitted to agree by collective labor agreement that the employer will contribute to the LCA, she will have to pay an equal amount to non-participants in that case. Furthermore, the LCA includes limited collective funding through the application of fiscal rules and the granting of a tax rebate for each year that a participant has saved funds under the LCA. In 2011 this life course leave rebate is € 201. Moreover, apart from a fiscal rebate for parents, unlike in Belgium there is no entitlement to benefits during parental leave under Dutch law; (partial) leave funding is arranged in only very few collective labor agreements.[6]

Leave period
Under the TC an employee is allowed to take full-time leave for a maximum period of one year. In case of a collective labor agreement at the sectoral level, the leave period can be extended to a maximum period of five years. In most sectors, this entitlement is extended to two, three or five years. The establishment of a maximum term is obviously connected to the fact that the employee is entitled to benefits during the period that she is taking leave under the TC. No maximum leave period is stipulated in the LCA. If an employee wants to finance her leave via the LCA, it is up to the employer and employee to determine in mutual consultation how long the leave period will be. The LCA does set a maximum to the savings balance, though. This maximum is 210% of the last salary. Thus, the employee can take a three-year leave at 70% of his last salary.

Employment protection
The LCA and TC differ significantly when it comes to employment protection. If an employee takes life course leave under Dutch law he does not receive any extra protection against dismissal. In contrast, the Belgian scheme offers specific employment protection from the time that the leave is announced in writing up until three months after the leave has ended. During this period the employer can only dissolve the labor agreement on urgent grounds that are unrelated to the exercised leave entitlement. In that case, the burden of proof rests on the employer. If she fires the employee in violation of these rules, she will owe an additional compensation equal to six months salary (art. 5.2 cao No. 77). Furthermore, in contrast to the LCA the TC guarantees the employee that she can return to her former position upon return after leave (art. 5.1 cao No. 77).

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6   In 2009, this was the case for only 4% of all collective labor agreements. As a result, it concerns only 7% of the total number of employees covered by collective labor agreements that are studied in the standard sample survey (Ministry of Social Affairs and Employment 2009: 53).

Accrual of social security entitlements

Finally, the differences in accrual of social security entitlements are worth mentioning. Under Dutch law, the duration of someone's benefits entitlement are calculated based on the employee's work pattern prior to taking (life course) leave. However, this only applies during the first 18 months of unpaid leave. An employee who takes leave under the TC, accrues social security entitlements throughout the entire leave period.[7] It should be noted, though, that under the TC in many cases a maximum leave period of only one year is allowed.

Conclusions

Table 9.1, which summarizes the main differences between the LCA and the TC, shows that in comparison with the TC the LCA can be characterized as an individual scheme that is hardly backed by any collective guarantees. The TC, on the other hand, features many more aspects of solidarity and also seems to be embedded to a greater degree within the existing system of social security with regard to the granting of employees' rights. Thus, more so than the LCA the Belgian scheme seems to be founded on the value of solidarity and the value of mutual rights and (to a lesser extent) obligations (Debacker, De Lathouwer and Bogaerts 2004: 5). In contrast, the LCA is based on individual responsibility and voluntariness.

Table 9.1 Characteristics of LCA and TC

LCA	TC
Work and Care Act and Wage Tax Act	Generally binding collective labor agreement
No leave entitlement	Leave entitlement
No maximum period	Maximum leave period of 1 to 5 years, depending on sectoral agreement
Individual arrangement	Benefits
Funded primarily by the individual participant. In addition: government subsidy (fiscal facilitation) and sometimes employer's contribution	Funded by social contributions, supplemented with government subsidies
No employment protection	Employment protection
Accrual of social security entitlements for a maximum of 18 months	Accrual of social security entitlements throughout the entire leave period
Leave objective is unrestricted	Leave objective is unrestricted, but in some cases care and education receive additional facilitation

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7   Royal Decree of 21 January 2003 (Belgium).

9.2.2   *One life course discourse, two schemes*

It is an interesting puzzle: how is it possible that a similar life course discourse in two comparable countries resulted in two very different schemes? This question cannot be answered within the scope of a single paper, let alone in a single section. Yet, I would like to make a few suggestions here.

First of all, it can be put forward that there has been a popular career break scheme in place in Belgium since 1985 that shows similarities to the TC on a number of points. In this sense, the TC could simply be considered a follow-up to the career break scheme. Another point that I would like to give further attention here concerns the way in which the life course discourse was connected to a division of responsibilities. In the Belgian debate, for instance, the emphasis was put not so much on the individual responsibility for life course decisions; instead, the discussion was oriented more strongly towards the question how equal access to jobs and income could be achieved. Values such as equality and solidarity took center stage in this regard. 'Reconciling the interests of employers and employees' was the main theme of the debate.

Contrastingly, after the turn of the century the Dutch life course discourse focused increasingly on individual responsibility for so-called life course decisions, such as having children, keeping up one's work skills, and taking a temporary break during 'the rush hour of life'. By placing responsibility for this with the individual employee, the labor participation – measured across an entire life course – was thought to increase in the end. Another important difference concerns the manner in which the schemes eventually came into being. Whereas the TC was supported by the most important political parties and can be considered to be a collective product of the employers, employees and government, the introduction of the LCA was marked by commotion. In first instance this manifested itself in a conflict between government parties CDA, VVD and the employers on the one hand, and the left-wing opposition parties PvdA, SP, Groen Links and the unions on the other, with the latter opposing the further 'demolition of social security'. This conflict culminated in 2004 in a mass demonstration and was clearly manifested in the clashing visions about how to shape the LCA. Whereas the government and employers were of the opinion that the LCA should be an individual scheme, the left-wing opposition foresaw a more collective realization of the scheme. Government parties CDA and VVD were divided as well. Whereas the CDA was a fervent advocate of the LCA, its coalition partner VVD did not see much in a provision like this. Instead, VVD minister Zalm put himself forward as a personal defender of the popular wage savings arrangement and designed the current anti-cumulation rule, which stipulates that one cannot participate concurrently in the LCA and the wage savings arrangement. As a result, this political compromise was that the success of the LCA was frustrated at an early stage.

Based on a comparison between the origination stories of the TC and the LCA, the hypothesis can be formulated that a new scheme is more likely to be embedded in the existing social security system if the social discourse seeks to connect with the values underlying this system and if the scheme is supported by the actors who traditionally play an important part in shaping social security. In the final section this hypothesis will be elaborated upon.

9.3   A TRAILER FUNDED BY SOCIETY?

The previously formulated starting points for the LCA can be specified further based on the proposals that were made to extend the scheme. These proposals (including the 2007 coalition agreement) focused on the expansion of both the personal and material scope of application of the scheme (Labor Participation Committee 2008; Social and Economic Council 2006; Labor Foundation 2008). It was proposed, for instance, to extend the scope of application to include the self-employed without personnel. Other proposals concerned extending the spending possibilities to include financing the periods 'in between jobs' and funding the start-up of entrepreneurship. It is noteworthy that most extension proposals seem to be geared primarily to facilitating a new type of employee, whereas the rush hour problems are taking a back seat. Seen from this perspective, the pure employee is becoming increasingly rare and is being replaced gradually by the post-modern 'new worker', who is sometimes an employee and sometimes an entrepreneur and in any case will act increasingly as an 'entrepreneur of herself'. One could say that the extension proposals to the LCA highlighted a new view of the individual, even more pronounced than the previous life course discourse: that of the citizen/employee as an entrepreneur.

It might not be entirely coincidental that this shift in the discourse about the renewal of social security from rush hour problems to the 'new worker' is also reflected in the manifestos that were published by the so-called Balie group in the past few years. In these manifestos, a variety of representatives of employees and employers as well as thinkers of various political persuasions give their vision on the future of social security. Whereas in 2005 the first Balie manifesto (Leenders, Kuijpers and Rottenberg 2005) expressly pays attention to the combination of work and care, in 2009 the second Balie manifesto (Beukema, De Glas and Kamps 2009) addresses the emancipation of the employee. According to the latter manifesto, the employee is showing herself more and more often to be an entrepreneur who wants to break free from the restrictive bonds of compulsory collective insurance for the benefit of more individual forms of social security.

The stream of ideas regarding extensions to the LCA was halted for the time being by the 2008 Leave Memorandum.[8] According to the memorandum, the monitoring issue played a prime role in this regard. Indeed, interviewed officials asserted that the question was raised how one can monitor if a self-employed person without personnel uses her withdrawal from the LCA to finance leave of work. In addition, a more principal matter was addressed in the discussion on extending the LCA. As one of the interviewees argued, by extending the personal scope of application to include the group of self-employed persons the LCA was under threat of being transformed into an 'inflated wage savings arrangement'. After all, an extension such as this implies the transfer of the LCA from Wage Tax to Income Tax, as a result of which the LCA in principle could also be used to finance consumer goods like a trailer. Therefore, based on the official elaboration of the 2007 coalition agreement, some officials at the Ministry of Social Affairs posed the question wether or not an extended LCA such as this still had anything to do with social security. In other words, they doubted if the government should subsidize a scheme in case its social or public importance is unclear.

In my opinion, the above reasoning leads one to believe that a 'conflict between the baseline categories of thought' underlying an extended LCA and social security law, respectively, have played an important role in the failure of the extension proposals. In this respect, one can think of the discrepancy between the image of the citizen/employee as an entrepreneur and the principle of voluntariness on the one hand and the value of (compulsory) solidarity between, for example, people with children and people without children on the other hand.

9.4   THE REFORM OF SOCIAL SECURITY LAW AND CONFLICTING BASELINE CATEGORIES OF THOUGHT

The principal question then arises to what degree the phenomenon of 'conflicting baseline categories of thought' may hinder a reform of social security law. To answer this question, a closer look will be taken at the assumptions underlying the (extended) LCA.

In the discourse surrounding the LCA it has been argued that, indirectly, participation in the LCA would contribute significantly to labor participation. After all, the LCA enables the employee to take work leave, as a result of which she will get the possibility during this leave to take care of

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8   PP 2008-09, 26 447, No. 42. The current government again has plans to extend the life course arrangement. The new scheme, which unites the life course arrangement and the salary arrangement, will be given the name 'vitality scheme'. The cabinet has promised, by the way, that the current life course arrangement will remain in force in 2011.

her children, educate herself or possibly take a break. This will prevent this person from claiming social benefits and/or leaving the job market prematurely. In other words, this argument is based largely on the assumption that the employee will act as an entrepreneur of herself. After all, she has the freedom to save up for work leave and subsequently also has the freedom to decide for what purpose the leave will be taken. In section 3 we saw that this assumption regarding the employee's behavior was given an even more central role in the proposed extensions to the LCA. The question whether or not this assumption is correct seems to be a crucial point in the discourse about social security renewal. After all, if the extended LCA is not used for communal purposes such as increasing labor participation, to what degree should this scheme then still be financed with collective means? In this regard, think of the example of the collectively financed trailer. Would not it have been more logical to assume that the employee would use his collectively funded savings for consumer goods as well?

'Conflicting baseline categories of thought' do not have to pose a problem for social security law reform, though. For example, a conflict between the baseline categories of thought underlying the LCA and the existing social security system could reflect a transitional situation, That is, the values of solidarity and mutual rights and obligations and the corresponding social views of man could be in the process of becoming gradually replaced by new values, assumptions and views of man: individual responsibility, voluntariness and the citizen/employee as an entrepreneur. The life course saving scheme's lack of success, however, seems more of a confirmation of the permanence of the former values and ideas. Social scientific theory confirms that dominant norms on which institutes such as the social security system are based, only change gradually (Pierson 2000).

In addition, it could be suggested that a system of social security that takes voluntariness and an enterprising citizen/employee as its points of departure can only function properly and thus contribute to the public interest if these baseline categories of thought correspond to the behavior of individual citizens. Although entrepreneurship is certainly not foreign to the modern citizen, the average employee does not seem to behave (yet) as an entrepreneur of himself.

9.5 Conclusions

This contribution has attempted to look at the failure of the LCA as a 'rush hour scheme' and instrument of reform for social security from the perspective of 'conflicting baseline categories of thought'.

A comparison with the successful Belgian TC showed that, unlike the TC, the LCA is not embedded in social security law. The embedding of the TC in existing social security law seems to be connected to the harmonious manner in which the scheme came into being. In stark contrast, the LCA's

origination story was characterized by political conflicts. Based on the analysis I would like to defend the proposition that a social security reform that is founded on an alternative set of thought categories can only be successful if this renewal is supported widely and with conviction by the political actors involved.[9]

In this contribution it has also been argued that a social security system founded on voluntariness and an enterprising citizen/employee can only function properly and thus contribute to the public interest if these points of departure correspond with the behavior of the individual employee. I believe that at this moment (still) a large discrepancy exists between both areas. This discrepancy will decrease, though, if the logic of the market is expressed increasingly in social life. In that case the employee may consider himself increasingly to be an entrepreneur of himself, corresponding with the picture that was painted in the second Balie manifesto (Eleveld 2008, 2009). Also, it is not unlikely that in such a situation any reform proposals that are based on the image of the enterprising citizen/employee can expect broader support. Changing baseline categories of thought and political support therefore seem to be intrinsically interconnected and play an important role in reshaping social security.

The current state of affairs, however, does not correspond (yet) with the situation described above. Based on the example of the Belgian TC, a rush hour scheme seems to be more effective if such a scheme is embedded in current social security law, which is founded on the values of solidarity and mutual rights and obligations. In view of the intended cutbacks, however, a (real) equivalent of the TC will not be easily accepted in Dutch social security law.

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9   On this topic, also see Habermas (1996).

Part IV

Governmentality and the Construction of the New Worker

10 | Configurations of liberal governmentality: continuities and discontinuities in classical and neoliberal discourses

Abstract

This contribution intends to add to Foucault's considerations on liberal configurations of security and freedom and deepen them. Comparing two Dutch discourses on social security: the discourse surrounding the Poor Law in the mid-nineteenth century and the life course discourse, the paper observes both continuities and discontinuities between the two discourses. Discontinuity is expressed primarily in the specific subject constructions. Unlike the poor law discourse, the life course discourse constructs an active and enterprising subject whose prime objective is to invest in herself and in her children. On the other hand, however, the contrasts between the classical liberal and neoliberal discourse turn out to be less marked. In both discourses the now is colonized by the future, which mean that they both emphasize saving behavior and long-term thinking, possibly encouraged by schooling and education. It is argued that with respect to modern designs of social security law, current neoliberal use of behavioralist techniques refine analyses of neoliberal government, according to which individuals are (solely) forced to be free and live their life in terms of risk management.

10.1   Introduction

Foucault's lectures at the Collège de France 1977-1979 are still current on liberalism as a modern form of *governmentality*. Thanks to their English translations, namely *Security, territory, population* (named STP hereafter) and *The birth of biopolitics* (referred to as BB hereafter), these have recently been brought to the attention of a wider audience again. In these series of lectures, Foucault argues that the classical liberal *governmentality* from the nineteenth century and the neoliberal *governmentality* from the second half of the twentieth century have in common that they both address the relationship between 'security' and 'freedom'. At the same time, both forms of liberal *governmentality* can be clearly distinguished from one another. Where classical liberal government tried to create a free space in which subjects are enabled to pursue their own interests as much as possible, neoliberal government is primarily characterized by government interventions that focus on the environment of the free acting individual.

This contribution intends to add to Foucault's considerations and deepen them, based on a study into Dutch configurations of liberal *governmentality*. The research focuses on the degree of continuity and discontinuity between two Dutch discourses on social security the discourse surrounding the Poor Law in the mid-nineteenth century and the life course discourse, a relatively recent innovation in the thinking on social security. The choice for these discourses was based on the following considerations. First of all, both discourses concern social security, a theme that plays an important role in BB. Secondly, we can trace back the discourses to the liberal eras that Foucault distinguishes, namely the time of classical liberal government in the nineteenth century and the time of the advent of neoliberal government in the second half of the twentieth century. Thirdly, just like in BB, the main characters in the discourse are mostly liberal economists.

Classical liberal forms of *governmentality* were studied previously by other authors. It has been argued, for instance, that pauperism – a symptom of illness, crime and political threat – posed a major problem for the nineteenth century 'laisser-faire' government. A solution to this problem was sought in deploying philanthropy. This made it possible to impose rules of conduct on the interface between private initiatives and government intervention in order to stimulate self-sufficiency (M. Dean1999: 128; Donzelot 1979: 55-56).[1] *Governmentality* literature, however, is best known for its analysis of neoliberal government. O'Malley (2004), for instance, contrasts subject constructions at the time of classical liberal government with neoliberal subject constructions. According to him, both classical lib-

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1   Other *governmentality* studies into classical liberal forms of *governmentality* include, amongst others, Dean (1995), Ewald (1991) and Procacci (1991).

eral and neoliberal government propagate an 'uncertain future'. However, whereas citizens in the nineteenth century were mainly told to take precautionary measures to be able to cope with future misfortune, according to O'Malley we encounter a more positive approach to an 'uncertain future' under neoliberal government; an approach that offers citizens, in contrast, chances to develop entrepreneurship and creativity. The word 'risk' now no longer refers to the chance of an uncertain incident that can be covered through insurance technology, but is given meaning primarily as 'an opportunity to create prosperity' (O'Malley 1996: 204). O'Malley's analysis ties in with other *governmentality* studies that argue that neoliberal *governmentality* increasingly constructs the citizen into an entrepreneur of the self, a risk manager who must live his life in terms of choices and whose identity is determined by the rationality of the market (M. Dean, 1999; Rose, 1999; Rose and Miller, 1992). This contribution will reflect upon the above findings in *governmentality* literature.

The argument is organized as follows. First of all, a summary is presented of Foucault's analysis of liberal *governmentality* in STP en BB. In sections three and four, the differences and similarities between classical liberal government and neoliberal government are unraveled based on a comparison of the Dutch discourse on the Poor Law in the mid-nineteenth century and the life course discourse in the early 21st century. The concluding sections analyze how the Dutch discourses relate to the continuity and discontinuity between classical and neoliberal forms of liberal *governmentality* described in BB and the *governmentality* literature mentioned above.

10.2   FOUCAULT ON LIBERAL GOVERNMENT

In STP and BB, Foucault analyzes liberal government as a modern form of *governmentality* that earns itself a place alongside other types of power – sovereignty and disciplinary power – in the eighteenth century. According to Foucault, the roots of *governmentality* can be traced back to the sixteenth century. In this era, the government's attention shifts more and more from expanding the territory to the prosperity and happiness of the people. *Governmentality* originates as a new form of government, defined by Foucault as:

> 'The ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this specific, albeit very complex, power that has the populations as its target, political economy as its major form of knowledge, and the apparatuses of security as its essential technical instrument' (Foucault 2007: 108).

The central elements in this definition are population, political economy and security (2007: 110), which according to Foucault also form the foundation for contemporary configurations of *governmentality* (2007: 354). The

relation to sovereignty and disciplinary power, forms of power that remain in existence concurrently with *governmentality*, is expressed in the concept of 'security'. Unlike sovereignty, *governmentality* does not focus on orders and bans or, like the discipline, on regulations, inspections and surveillance. In contrast, it 'regulates natural events' on the basis of the security dispositive (2007: 46-47).

The term 'security' needs some clarification here. This word has a broader meaning than *sécurité*, which was used by Foucault. Whereas security in the sense of safety is indicated by *sûreté*, *sécurité* refers to the future-oriented management of risks (Foucault 2007: 65). According to Foucault, modern forms of *governmentality* do not primarily concern the prevention of events (*sûreté*) but regard insuring the natural economic processes (*sécurité*) (2007: 353). Thus we see that, according to Foucault, under the influence of the work of economists like Bentham and Smith, the classical liberal government in the eighteenth and nineteenth century creates a free space, so to speak, wherein the *subject of interest* does his or her own 'natural' thing, so that the individual interests automatically converge with the interests of others thanks to the *invisible hand*. Consequently, the most important question for liberal *governmentality* becomes how to guarantee such a free space without the 'natural movements' being hindered by government interventions; too much and too little government are continuously being weighed against each other (2008: 63).

Subsequently, Foucault discusses the crisis of liberal *governmentality* in the second half of the twentieth century. Whereas on the one side the expanding welfare state offers a basis of security from which the people can act freely within the economic force field, on the other hand the free space is in danger of being undermined by new welfare state institutions: the ever extending social security system is increasingly showing itself as 'the other face of freedom' (2008: 65). According to Foucault, alternatives for the large welfare state are presented by representatives of neoliberal movements. German Ordo-liberals and American neoliberals advocate a new configuration of freedom and security. The Ordo-liberals are of the opinion that if there are any social politics at all, their sole function should be to facilitate optimum economic participation by the citizens. Furthermore, they pose that the homo economicus is not a natural fact that originates automatically because of the free exchange of desires and interests (*man of exchange*), but that this phenomenon (*man of competition*) must be protected and created (2008: 147). The notion of the competitive, enterprising citizen is further expanded in the concept of 'human capital'. According to the American neoliberals, economic growth can only be safeguarded by investing in human capital (2008: 225-233). The people are expected to work on their competences continuously, in order to increase their value. This implies that matters that were considered part of the social sphere up until then, such as marrying and raising children, are being ruled increasingly by the rationality of the economy (2008: 268).

Neoliberal governmentality therefore reflects a different relationship between freedom and security than previous forms of liberal *governmentality*. Whereas under classical liberalism the use of freedom is a necessity in order to ensure the economy's natural processes, the preconditions of which are guaranteed by the government (2007: 48-49), contrastingly, freedom and security seem to mutually influence one another under neoliberal rule. The free acting citizens are continuously stimulated to work on their own competences, so that they can successfully compete with others. This varies from creating competitive mechanisms in cohesion with the construction of a social security that is related to economic politics (Ordo-liberals)[2] to the construction of a system of negative taxes (French liberals).[3] The American neoliberalism is the most radical in this regard: matters that so far have been considered part of the social sphere are now being analyzed in an economic manner, so that they are not only visible as an economic rationality but at the same time become a (new) economic rationality.[4] Consequently, the laisser-faire principle is transformed into a *do-not-laisser-faire government*: instead of refraining as much as possible from intervening in order to let the economic processes take their natural course, the government must actively stimulate these processes in all of their facets. In the words of Foucault

> 'In classical liberalism the government was called upon to respect the form of the market and *laisser-faire*. Here [in neoliberalism], *laisser faire* is turned into a *do-not-laisser-faire* government, in the name of a law of the market which will enable each of its activities to be measured and assessed'. (2008: 247).

An important difference between neoliberal *governmentality* and other forms of power is, according to Foucault, the insight that neoliberal *governmentality* does not act on the individual itself, as the sovereign or disciplinary power does, but on the environment of the individual. He explains the functioning of the neoliberal government paradigm using the American

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2   According to the Ordo-liberals, the objective of social politics is not the redistribution of welfare, but the creation of conditions that stimulate competition. First and foremost, social politics must warrant the participation of each individual in the economy. This implies that social security not so much guarantees the insurance of all citizens against social risks, but that it only has to ensure that individuals are being enabled to insure themselves against risks. This makes the regulating mechanism that of an entrepreneurial society (2008: 146-148).

3   A system of negative taxes entails that citizens with a (very) low income, instead of having to pay taxes, are entitled to receive a certain amount from the state. An advantage of such a system is that little control mechanisms are required, in contrast to the freedom undermining bureaucratic set of instruments of the welfare state. Partly thanks to this minimum protection, above the minimum income supplied by the tax system the free economic game of competition and enterprise can be brought to full fruition (2008: 203-207).

4   On this topic, also see Gudmand-Høyer and Lopdrup Hjorth (2009: 122).

neoliberal vision on drug-related crime as an example. Research done by liberal economists Eatherly and Moore, for instance, shows that drug crime should not be battled by simply punishing the criminal and focusing the attention on the reprehensible act of crime itself, but by influencing the market price of drugs. A policy such as this requires knowledge of how the price of drugs is determined. With (long-term) addicts the demand for drugs turns out to be completely inelastic; they are prepared to pay any price. Among potential new drug users, on the other hand, the demand for drugs is elastic. They can be persuaded to experiment with drugs as long as they do not cost too much. Based on these behavioral expectations, says Foucault, it can be argued that an effective policy to lower the drug crime rate should focus primarily on dealing with the small-scale drug trade in the environment of new users, so that the price of drugs for this group will go up. In contrast, a restrictive policy with regard to the drug trade as a whole will be counter-productive. After all, a policy such as this will lead to an overall increase of the drug price and the formation of monopolist drug cartels that will push up the prices even further. Ultimately this will result in an increase in crimes by addicts, who are willing to pay almost any price (2008: 256-259).

Based on the work of the American liberal economist Becker, Foucault then argues that the current (neoliberal) economic analysis no longer exclusively relates to the economic actions of individuals, but to any form of rational and non-rational actions. Becker proves, for instance, that even 'irrational households' respond in a systematic manner to changes in their environment, such as price increases (Becker 1962). The new approach to economy proposed by Becker shows a paradox, according to Foucault. Whereas classical liberal economists were of the opinion that the individual had to be left alone as much as possible, in order for their self-interest to converge with the general interest, the homo economicus appears in Becker's definition as an individual who responds systematically to changes in the environment, and consequently becomes a manageable individual: 'From being the intangible partner of *laisser faire*, homo economicus now becomes the correlate of a governmentality which will act on the environment and systematically modify its variables' (2008: 270-271).

Foucault thus shows that freedom and security affect each other in yet another way under neoliberal government. Freedom of acting is a precondition for effective interventions because only then can systematic, predictable reactions be expected on which neoliberal *governmentality* can anticipate. The consequence of this multi-layered relationship between freedom and security is that biopolitical processes are being intensified.[5] After all, both the construction of the citizen as an entrepreneur of the self and the

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5   According to Dean (2010), biopolitics must be considered a by-product of neoliberal
      government.

application of methods derived from behavioral economy result in the fact that the government gets involved in an increasing number of aspects of concrete life. Thus, biopolitics extend into a vast array of phenomena: not only life, health, life expectancy and birth rate, but also competition, consumption, dangers, education, enterprise, family life, freedom, human behavior, interests, rights, risks and work.[6]

10.3   CLASSICAL LIBERAL GOVERNMENT AND THE PROBLEM OF PAUPERISM

The discourse surrounding the realization of the Dutch Poor Law in 1854 was analyzed on the basis of the parliamentary discussions about the act and on a number of publications on the subject that appeared around 1850.[7] Firstly, the analysis shows an important similarity with Foucault's discussion of classical liberal *governmentality*: attempts are made to govern the (poor) people without marring the laisser-faire principle. A good example of this is the thinking of laisser-faire economist De Bosch Kemper.[8] This section will put the emphasis on his work from 1851, in which he reflects upon the future government of the poor.

The influence of the laisser-faire thinking on De Bosch Kemper is evident in his analysis of economic crises. According to De Bosch Kemper, economic crises can only be prevented by 'cautious politics and home economics'. This implies that the state should focus primarily on keeping peace and order, and for the rest must 'let things run their natural course as much as possible' (1851: 276). Most laisser-faire economists advise against fighting poverty through 'charity', since this 'artificial' intervention would only promote the laziness of the workman.[9]

In the discourse on the Poor Law, alongside the laisser-faire thinking, we also find the body of thought of the English economist Malthus. According to Malthus, the growth of the population should keep pace with the increase in production. Several followers of Malthus' teachings advise against helping the poor; after all, this would lead to population expansion without an accompanying production increase. Furthermore, the discussion is dominated by fears that an expanding class of paupers will increase

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6   Also see Gudmand-Høyer and Lopdrup Hjorth (2009: 125).
7   The following publications were included in this study: Ali Cohen and De Sitter (1854), Blaupot ten Cate (1851), De Boer (1850), De Bosch Kemper, (1851), De Bruyn Kops (1851), Donkersloot (1849), Grevelink (1850), Luttenberg (1851), Mees, (1844), H.W. Tydeman, J. Heemskerk & J.W. Tydeman (1850), H.W. Tydeman, J. Heemskerk & J.W. Tydeman, (1852). In addition, secondary literature was used: Boschloo (1989), Melief (1955), Van der Voort (1998).
8   Boschloo argues extensively why De Bosch Kemper can be ranked amongst the laisser-faire economists (1989: 89-103).
9   See, for instance, De Bosch Kemper (1851: 205). Furthermore, Grevelink uses the motto 'freedom above all' to improve the life standard of the poor (1850: 109).

the chances of revolutionary upheaval. De Boer poses, for instance, that poor relief should limit itself to the poor: 'the old of age, handicapped, sick and so on, who are physically incapable of earning a living'. The poor must be distinguished from the paupers, a group that is described by De Boer as:

> 'the increasing number of people in the lowest classes of society who have [insufficient or] no means of living at all, and who continue to pine away partly or fully at the expense of their more well-to-do fellow citizens, creating ever more new offspring, in danger of sinking deeper and deeper as time goes by, a number that will continue to increase if material help will be expanded, and now in many countries within Europe has grown into a population that shocks the tranquility of the states, yes, even threatens to overthrow the foundations of societies. This illness, this sickly condition of the states is borne from completely different causes.' (1850: 3-4).

According to De Boer, the growing group of paupers poses a threat to society. Just like Malthus he is of the opinion that charity is undesirable; paupers may only be helped on the grounds of 'principles derived from nature' (1850:134), with which he alludes to pushing back poverty through a natural decrease in the number of paupers due to sickness and food shortage.

Using Malthusian analyses such as these, various authors defend the point of view that the role of the state should be limited to keeping peace and order. Some of them, however, including De Bosch Kemper, also see in this a justification for limited 'charity' by the state (De Bosch Kemper 1851: 284; Blaupot ten Cate 1851: 10; De Bruyn Kops 1851: 50). Their reasoning is that by providing the most necessary support to the impoverished population the safety of the other citizens can be guaranteed. After all, in the absence of such a scheme 'cause is given (…) for malicious practices and begging that, whether performed involuntarily or as a means of livelihood, are most pernicious for the morality, for the society and even for the public safety'.[10] An important condition for the entitlement to monetary support is the offering of labor. Thus, labor no longer has a disciplinary function but is primarily considered an incentive for performing economic activities (De Bosch Kemper 1851: 292; Mees 1844: 209).

The general tenor in the literature that was studied, however, remains that one should be very cautious with supporting the poor. The most important critics of the Poor Law, the majority of the laisser-faire economists and influential people in religious circles, are of the opinion that poverty is caused mainly by the subjective characteristics of the poor (De Bruyn Kops 1851:15; Donkersloot 1849: 26; Ali Cohen and De Sitter 1854). For instance, De Bosch Kemper argues that lagging production is not so much the result of a lack of raw materials, but rather of a lack of 'laboring' that is caused by a lack of schooling and basic moral principles among the work-

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10   Blaupot ten Cate during the parliamentary discussions on the bill to regulate the poor relief (supplement to the Nederlandsche staatscourant 1853-1854, p. 782).

ers, amongst other things (1851: 155-156). Seeing that production is a necessity to achieve wealth, the cause of the poverty should be sought primarily with the poor themselves:

> 'In the very lowest class of society a lethargy and laziness is present that keeps one from working. If something is earned, a large part of the wages are spent on liquor; in the absence of thrift, people will continue to live on carelessly in the prospect of the relief for the poor' (1851:174).

Based on this view of the poverty problem it is no surprise that its solution is also sought with the poor themselves. In almost all reflections on a future poor law a 'moral uplifting of the poor' is advocated.[11] The exception on the principle of freedom that this requires is justified, according to the economist De Bruyn Kops:

> 'The principle of freedom causes infinitely more bad than good [if it is] introduced in a poorly developed and immoral population (…). For that reason, the more one approaches freedom, the more the intellect must also be developed as an essential component for advancement; and a population only deserves freedom as its morals improve' (1851: 16).

De Bosch Kemper even contributes personally to the spreading of a moral education. In 1851 he sets up the foundation 'De Vriend van Armen en Rijken' (The Friend of the Poor and Rich), for instance, and in the same year a weekly publication appears that gives life tips and offers advice about, for example, offering and requesting work via the so-called 'weekblaadje' (a sort of employment agency) and depositing money in a savings account (Boschloo, 1989: 99).

The publications studied also name a number of elements that can contribute to increasing the morality: education, religion, house calls and patronage. Patronage refers to the protection of the poor by a 'civilized (rich) citizen' who also takes care of the moral development of this person and/or family. Often, a link is made between moral development and religion. Some Members of Parliament argue, for instance, that support by the church is superior to care by the state, because charity by the church is accompanied by an uplifting of the soul.[12]

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11   See the publications listed in footnote number 7.
12   Mackay argues, for example, during the parliamentary discussions on the Poor Law that charity by the church should have preference over charity by the state, because the church gives "with discipline". With this he means that the church 'lessens poverty by improving the poor' (parliamentary discussions on the bill to regulate the poor relief, supplement to the Nederlandsche staatscourant 1853-1854, p. 812). In this regard, also see De Kempenaer: 'When the needy in that class (...) get support from the state, they will not care about this spirituality, they will continue to move in their earthly circles and neglect to join a congregation' (p. 803). Thorbecke, on the other hand, is of the opinion that the poor should be supported because they are poor and not because of the moralizing influence of the church (p. 884).

In addition, some authors are of the opinion that house calls and patronage are excellent tools for teaching the poor the virtue of saving (Donkersloot 1849: 63; De Bosch Kemper 1851: 266 and H. W. Tydeman, Heemskerk & J.W. Tydeman 1852: 101). This notion ties in with the objective of savings and loan banks in those days, which were often founded on philanthropic principles. These banks were not primarily interested in capital formation, but mostly in teaching the lower classes thriftiness, self-control and precaution (Van der Voort, 1998: 457). De Bosch Kemper pays specific attention to premarital saving. According to him it is useful and sensible for children to continue living in their parental home until the age of thirty-five, so that they have some more time to work and save up money before having children (1851: 268). Furthermore, this will help the poor to 'control the stimulus of sensuality', which will decrease overpopulation and, as a result of this, poverty (1851: 196). Moreover, Donkersloot proposes to hold out a reward for those who marry no sooner than after they have turned thirty and can also show proof of thrift and good conduct (1849: 40). He underpins his proposition with a calculation of the amount that a citizen (male or female) could save up before marriage between ages eighteen and twenty-eight (1849: 55-56). Once married, both men and women are supposed to continue doing paid labor (1849: 20, also see Luttenberg 1851: 64).

In the mid-nineteenth century the problem of poverty is not ascribed entirely to the subjective characteristics of the poor, though. Thorbecke, who is responsible for the first draft of the Poor Law in 1851, has the opinion that poverty is also the result of economic powers.[13] He thinks that those who are not supported by 'economic measures' (read: laisser-faire policy) should not perish due to want. It is, therefore, 'the obligation of a civilized state' to prevent this from happening as much as possible (Melief 1959: 189). Tydeman, an authoritative economist in the period preceding the heyday of the laisser-faire thinking in the Netherlands, agrees with this analysis. He argues that unemployment (and poverty) can also be caused by bankruptcies, individual crisis and failed market speculating (H.W. Tydeman, J. Heemskerk & J.W. Tydeman 1850: 9-10).[14] Although Tydeman calls for charity by the state, based on this analysis, he shares the opinion of the laisser-faire economists that the position of the poor can be improved significantly through education, schooling and civilization (H.W. Tydeman, J. Heemskerk & J.W. Tydeman 1850: xiii).

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13   Parliamentary discussions on the bill to regulate the poor relief, supplement to the Nederlandsche staatscourant, 1853-1854, p. 949.

14   In this regard, Tydeman seems to be ahead of his time. This insight would only gain a firm foothold in the late nineteenth century. The work of Luttenberg also provides a different view. He argues that there is no overpopulation, but rather an unequal distribution of prosperity (1851: 39 and onwards).

The analysis of the discourse on the Poor Law shows that the laisser-faire economists were major advocates of moral philosophy. In addition to the incentives produced by the workhouse, which no longer served primarily as an instrument to discipline the poor, moral philosophy was for the laisser-faire economists the only option to bring the poor to increasing her productivity or to performing any productive activities at all, for that matter, through which she could contribute to the economic welfare.[15] They meant that compulsory house calls to educate the needy about morals, saving and education were justifiable exceptions to the principle of freedom. Boschloo therefore argues that the laisser-faire economists and (confessional) anti-revolutionaries find common ground in their shared objections against government intervention: a true 'monstrous alliance' was formed (Boschloo 1989: 71). The Poor Law of 1854 largely fulfilled the wishes of this monstrous alliance. After all, the role of the government in executing the law was smaller than had previously been advocated by Thorbecke. In addition, the act left room to link support for the poor to their moral uplifting (which was often taken care of by the church).

10.4   Neoliberal government and the life course discourse

Elements from the discourse surrounding the Poor Law make a reappearance in the debate on the life course policy in the early stages of the twenty-first century. Just as was the case in the nineteenth century discourse, saving, long-term thinking and the importance of education are advocated in the life course discourse. On the other hand, the life course discourse also deals with the creative and enterprising citizen. In 2006, the life course discourse is given shape in the form of the life course arrangement, a new form of saving within the social security system. For a proper understanding of the life course discourse and the functioning of this arrangement as part of liberal *governmentality* we will have to delve deeper into its intrinsic logic (M. Dean 1999: 21-22). To do so, two lines of investigation were followed in this study. Firstly, a number of basic articles and reports were studied, which were published on this topic around 2001.[16] In addition, the work and thinking of one of the founders of the life course discourse, the economist Bovenberg, was analyzed.[17] The main focus has been put on the second line of investigation.

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15   On this topic, also see Boschloo (1989: 45, 73).
16   The most important of these are Evenhuis (1999b), Leynse (2001a), Leynse (2001b), Leynse et al. (2002); Ministry of Social Affairs and Employment (2002), Research Institute for the CDA (2001), Schippers (2001) and SER (2001).
17   The emphasis is on Bovenberg (2003, 2006 and 2008), and Bovenberg and Van de Klundert (1999). In addition, I have used my own interview material from 2009.

Shortly after the turn of the century, the life course discourse becomes very popular. The discourse is dominated by the thought that trends such as an aging population and globalization require increased labor market participation: both men and women must be optimally employable in the labor market. To make this happen, the individual employee should distribute the time that she spends on work and other activities, such as care and education, more efficiently over the course of her life. The prime responsibility for an optimum expenditure of time is put on the employee himself. This (new) distribution of responsibility is connected with a new way of thinking about risks. For instance, a number of life course thinkers, such as Bovenberg and Leynse, are of the opinion that it is incorrect in the current day and age to consider risk as an exclusively external event. Following Giddens (1994, 1999), they argue that risks are becoming more and more internal in nature, which means that the citizens themselves exert increasing influence on whether or not these risks will occur. This is true in particular for new risks such as having children and the necessity of education and training (employability) (Bovenberg 1997; Leynse 2001a; Leynse 2001b; Leynse, Goudswaard, Plantenga & van der Toren 2002). Therefore, in order to remain optimally employable in the labor market, the employee needs to take the necessary precautions himself.

Bovenberg is one of the main advocates of (life course) arrangements within social security. He argues that a life course arrangement can finance extra time for the formation of the human capital of the working adults as well as their children (2001: 77). Young people between ages eighteen and thirty ('the playtime of life') in particular should be stimulated to put money aside for the family phase (2006: 7-8). According to Bovenberg, the modern life course brings together a number of problems. The increased labor participation of women, for instance, may lead to neglect of the future human capital. This development is enhanced by the decreasing fertility amongst more highly educated women. After all, children's capacities are often closely related to those of their parents (2008: 605).[18] Policy that takes the individual life course as a point of departure responds to these developments. In that manner, says Bovenberg, insight is provided into how the distribution

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18   The decreased fertility of women is actually a problem that is addressed more often within the context of the life course discourse. For instance, the emancipation memorandum of 2006 states: 'The life course approach is connected with a demographic awareness: preventing that the increasing labor participation negatively affects the birth rate figures' (PP 2005-06 30 420, No. 2, p. 25). In the emancipation memorandum of 2000 the life course approach is tied to the 'combination model', a model that is contrasted with the 'outsource model'. According to the memorandum, the disadvantage of the latter model is 'the high average age at which Dutch women have their first child and the increasing childlessness amongst more highly educated women' (Parliamentary papers II 1999-00 27 061, Nos. 1-2, p. 20). Moreover, see the remarks in the clarification of the Childcare Provisions Act (PP 2005-06 30 479, No. 6, p. 5) and the most recent Family memorandum (Jeugd en Gezin programmaministerie 2008: 24).

of time and money across life can benefit both the fertility of women and the investments in the human capital of children and (older) employees.

According to Bovenberg, the formation of human capital is not only promoted by teaching professional skills, but also by teaching non-cognitive skills such as social skills, skills to create stable relationships, work ethics, self-discipline, self-control, mutual respect, a sense of standards, and virtues (2001: 77, 2008: 600: 614). Although this list is reminiscent of previous analyses regarding the growing influence of economic values on social relationships within neoliberal government, Bovenberg sets himself up as a fierce opponent of the advancing economization of society. In his opinion this development is counterproductive, because it is accompanied by an erosion of social standards of conduct. Seeing that man is only rational to a limited degree, he thinks that the economization of the social sphere will actually contribute to a disruption of the market (1999: 852, 2008: 615). Therefore, for Bovenberg the formation of human capital is intrinsically connected with the acquisitions of social standards. Human capital does not only regard the ability to learn, but also the ability to let the needs of others prevail over those of your own and the ability to think long-term. Bovenberg poses, for instance:

> 'You can only become a human being if you think about others, too. In this regard there is no paradox between individuality and collectivity. Ultimately, this is about the Christian faith: God is one, but also diverse. (…) That is why the idea of the life course must be part of a broader cultural offensive that educates people on social life. (…) Thus, this is not so much about a new social security scheme but about a new perspective on life where people invest in themselves, their personal health and their relationships. And where they realize that they not only possess human capital, but social capital as well.'[19]

Bovenberg thus makes a connection between the seemingly opposing aspects of 'individuality' and 'collectivity' and therefore also between 'human capital' and 'social capital'. According to him, the life course arrangement is an important instrument for making this link, because it stimulates people to build up both human and social capital. Above all, this makes the life course arrangement part of a 'broader cultural offensive' wherein people are given a better understanding of long-term thinking and thinking about others.

These opinions are reflected in a number of concrete proposals that Bovenberg makes. With regard to the social integration of low-educated migrants and their children, he advises to combine an obligation to work for women with programs that contribute to the development of the human capital of their children (2008: 614, 631). In addition, he calls for the introduction of a 'life course' curriculum as part of economy class in high school, where teenagers are taught to consciously take care of the design of their

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19   A.L. Bovenberg, personal communication, 3 March 2009.

own life course. After all, acquiring human capital is not something that will happen automatically. Proper education and schooling are becoming increasingly important for making the right economic choices, such as the choice for a partner, marriage, children and a profession (2006).[20] Saving up money is also something that does not come naturally, says Bovenberg (2008: 615-616). Because people only have limited rationality they should be helped in this regard through an institutional embedding of arrangements, such as the life course arrangement. According to him, trade unions and employers' organizations are suitable in particular to offer people a helping hand when it comes to long-term thinking.[21] Moreover, citizens can be coaxed to participate through the introduction of tax breaks or can be forced to do so via compulsory arrangements. Another option is the introduction of defaults, which make that the citizen will save automatically unless she actively indicates to refrain from participation.

In summary, Bovenberg and other life course thinkers such as Leynse seem to connect the life course discourse with a changing notion of risk: risks are more and more often considered to be internal. Therefore, citizens must be spurred on increasingly to invest in themselves (and their children). Thus, the life course discourse ties in effortlessly with the neoliberal discourses that Foucault is referring to. On the other hand, Bovenberg's plea for a cultural offensive is reminiscent of the nineteenth century discourse surrounding the Poor Law. Above all, Bovenberg intends to promote the long-term thinking, so that the limited rational employee will take preventative measures in a timely fashion. According to him, the principle of freedom of choice must be safeguarded by the institutional design of new rules. A remarkable detail is the similarity between Bovenberg and a number of nineteenth century thinkers who encourage youngsters between around eighteen to thirty years old to put aside means for the family phase of their lives. However, in contrast to these nineteenth century thinkers, the danger that investments in the human capital may be at the expense of female fertility is an important point of concern for a life course thinker such as Bovenberg.

10.5   Liberal government: (changing) relationships between freedom and security

A comparison between the poor law discourse and the life course discourse gives the following result. First of all, it turns out that in the nineteenth century the 'natural course of economic processes' is ensured by the 'moral and

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20   By now, the life course topic has been introduced in economy classes at high school and college prep.

21   On this topic, also see the advisory report of the Labor Participation Committee (2008), to which Bovenberg made an important contribution.

spiritual uplifting' of the population. This task is mostly left to the church and private persons. Direct government interventions only relate to keeping peace and order. This objective is also served by the promotion of saving behavior, long-term thinking and family planning. Using these central (security) technologies, the classical liberal government incorporates the threatening mass of paupers into the self-created domain of freedom. In a different form, the latter technologies make a reappearance in Bovenberg's life course discourse. Although the citizen is stimulated primarily to act as a manager of her own life course (freedom and security affect one another), with regard to her family planning in particular, citizens who do not (yet) exhibit this desired behavior must be helped to do so through schooling, education, societal interventions and the introduction of compulsory saving schemes. Insofar as these intentions are actually turned into practices,[22] the increased freedom of choice is accompanied by the expansion and intensification of technologies that safeguard security. Thus, in both discourses the biopolitical phenomenon of family planning is rationalized as a problem of liberal government. Also in another way there seems to be continuity: in both discourses the citizen's behavior is governend within the context of an, albeit changing, relationship between freedom and security.

Furthermore, the comparison shows that uncertainty regarding the existence of the homo economicus is not only present in contemporary (neoliberal) thinking, but that there were doubts in the nineteenth century as well if the general interest would be served automatically by the creation of spaces and freedom – and the functioning of the invisible hand. For instance, the laisser-faire economists were of the opinion that the citizen needed quite a bit of work before she would be capable of acting as a true homo economicus. The individual human capital of a large part of the poor first had to be increased considerably before it would be possible at all to release these citizens in a productive way into the free game of economic powers. The importance of moral philosophy could not only be found in the safeguarding of the 'natural course of economic processes'. Economists also recognized that moral philosophy could contribute to the economic growth in a more direct manner. When it comes to this, the poor law discourse shows parallels with the investments in human capital encouraged by the neoliberal discourse. In this respect, the results from this study seem to differ from both the argument in BB and the *governmentality* studies.[23] On the other hand, other neoliberal trends that are described in BB are confirmed by this study. For instance, it is stated in BB that neoliberal economists, unlike classical liberal economists, were of the opinion that the state

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22 Examples are the design of the life course arrangement and the introduction of life course classes in economic education.

23 In *governmentality* literature there is a one-sided emphasis on philanthropy's preventative function.

should be actively involved in constructing the economically competitive subject. This distinction was also found in the study: whereas in the poor law discourse the laisser-faire economists, supported by confessional parties, wanted to keep the state at bay in favor of involvement by the church and private persons, we see that in the life course discourse government of the modern citizen is attempted through a statutory life course arrangement and other institutional constructions.

Summarizing, it can be said that there are both continuities and discontinuities between the two discourses. Discontinuity is expressed primarily in the specific subject constructions. Unlike the Poor law discourse, the life course discourse constructs an active and enterprising subject who lives first and foremost in order to invest in him/herself and in his/her children. On the other hand, the contrasts between the classical liberal and neoliberal discourse turn out to be less marked than the *governmentality* literature under review wants to make us believe. In both discourses the now is colonized by the future: saving behavior and long-term thinking, possibly encouraged by schooling and education, are important elements that are used in an attempt to secure the citizen's optimum economic participation.

A point of discussion is the specifically Dutch design of liberal *governmentality*. The Christian/Calvinist thinking that is characterized by an interplay between individual interests and the care for others plays a prominent role in both discourses. Could this justify the conclusion that, in addition to the French, German and American (neo)liberal constructions described by Foucault, we have found evidence of a typically Dutch form of liberal *governmentality*? In the twenty-first century the 'monstrous alliance' between confessional parties and the liberal economists still seems to be current, for instance. To verify the suggestion of a specifically Dutch form of 'Christian liberal *governmentality*', further research into the advent and development of the Dutch neoliberal *governmentality* is required. After all, there is more to Dutch neoliberalism than just the life course discourse.

10.6   Concluding observations

This concluding section aims to highlight the current govermental use of behavioral techniques with respect to the modern design of social security law. According to some scholars engaged in *governmentality* studies, under neoliberal or 'advanced liberal' government individuals no longer have the freedom to choose; they are forced to be free and live their life in terms of choices or risk management (M. Dean 1999; Rose 1999; Rose and Miller 1992), a strategy that can also be seen in the life course discourse. These scholars have, for instance, pointed at the neoliberal trend of turning compulsory social insurance into non-compulsory insurance. In this manner, individual citizens themselves can choose the product that best fits their personal circumstances. In contrast, it is evident from BB that Foucault

does not just view neoliberalism as a discourse in which subjects are constructed who work on themselves – processes of *subjectivation* (Milchman and Rosenberg 2009). He also argues that neoliberalism actually deems the (irrational) homo economicus to be *manageable*, because she responds to incentives in a systematic way.

In this regard, Foucault's analysis is a precursor to the articles on behavioral economics that were published in the nineteen eighties, most notably by Tversky and Kahneman.[24] In the last few years, there has been renewed attention for the insights of behavioral economics. First and foremost, this movement points at people's limited rationality and makes proposals for steering the choice process of individuals towards the most rational choice. The merits of behavioral economics are discussed extensively in the popular American book *Nudge* by Thaler and Sunstein. According to these authors, in order for the (free) individual to make the 'right' decision she must get a *nudge* in the right direction. Based upon these insights it is suggested with regard to the design of healthcare or pension insurance, for instance, to make the selection process easier by applying *default* options. This means that a rational (pre-programmed) option applies to citizens who do not make a choice. Earlier we saw that Bovenberg proposed to compensate for the citizen's limited rationality by applying *default* options and introducing tax breaks. Others advocate the application of *framing* techniques to 'seduce' the citizen to make certain choices (Nijboer 2009).

At the end of BB, Foucault concludes that liberal government ultimately is about 'how to model government, the art of government, how to [found] the principle of rationalization of the art of government on the rational behavior of those who are governed' (2008: 312). The homo economicus is therefore no *atom of freedom* but a specific subject, which has enabled a form of government based on the principles of economy. In the end, liberal *governmentality* is founded on the rationality of the 'governed' (2008: 271). This is true as well for the construction of *nudges*, which are also based on (rational) systematic behavioral patterns of citizens. Thus, the current behavioral economic *nudge* seems to have replaced the moral *nudge* of the nineteenth century. Bovenberg's work, however, shows that the application of insights from behavioral economics and (Christian) morality can show many similarities

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24   Foucault argues, for instance, that Becker's analysis of the manageable subject provides insight into the possibilities of further integrating the economic analyses with the behavioral techniques that were developed by Skinner and Castel.

PART V

MAIN FINDINGS, CONCLUSION AND OUTLOOK

11 | Main findings, conclusion and outlook

This study started with the hypothesis that the establishment of the idea of individual savings schemes in the traditional collective Dutch social security system can be explained by the rise of new hegemonic discourses that increasingly compel citizens to behave themselves as self responsible life planners. Consequently the research was guided by the following central question:

> **How can the establishment of the idea of individual savings systems within the Dutch traditional collective system of public social security law be critically explained?**

In addition, four sub questions were formulated:

> **1. How can a poststructuralist model for critical explanation of changes in Dutch social security law be designed?**

> **2. How can social law be evaluated using justice based criteria?**

> **3. How can the establishment of the Life Course Arrangement be critically explained?**

> **4. How does the Life Course Arrangement function as a new governmental technology in the perspective of (neoliberal) governmentality?**

11.1 THE THEORETICAL SUB QUESTIONS

The theoretical sub questions 1 and 2 were answered in chapters 2, 3 and 4. The first first theoretical question was addressed in chapters 2 and 4. Based on Glynos and Howarth's logics model and drawing on different post-structuralist and post-positivist concepts these chapters designed a post-structuralist explanatory framework. Following Martin Heidegger this

explanatory framework distinguishes between 'ontical' phenomena and their 'ontological' preconditions. Change emerges as a political response to a dislocationary event in which one views the radical contingency of sedimented practices. Also, the use of rhetoric may cause people to see things differently. According to discourse theory, then, rhetoric shapes the ontical phenomena and practices. In recent years, insights of Lacanian psychoanalytics have been added to discourse theoretical explanations of social change. Central to this thinking is the rejection of the idea that the human subject is a conscious, intentional and reflexive individual. That is, political contestation only takes place to the extent that the subject experiences a lack of identity, which drives it to identify with new signifiers. In chapter 4 this discourse theoretical approach was completed with insights from Michel Foucault's work and post-positivist policy analysis.

The proposed explanatory model consists of three central concepts: *social logics* (the characteristics of existing discourses and practices), *political logics* (the characteristics of political practices that emerge after the experience of a dislocationary event) and *rhetorical logics* (rhetoric and narratives people identify with to cover over their experienced lack; these logics determine the speed and direction of transformation processes).

With respect to the second theoretical question special attention was paid at the critical dimension of this framework. Chapter 3 showed how political philosophical reflections substantively improved the normative argumentation in social law. This chapter proposed to use the arguments developed within egalitarian liberal political philosophy to evaluate the labor obligation under the Dutch Work and Welfare Act (WWB). Whereas Rawls' interpretation of the reciprocity principle seems to reject this labor obligation, the chapter argued that this obligation is affirmed by Stuart White's approach on the condition that a collective participation fund with individual drawing rights is created, such as a collectively financed Life Course Arrangement. In chapter 4 it was, however, argued that in the face of moral pluralism, democratic theories that endorse plurality concepts of the good should be preferred over substantive justice concepts such as those forwarded by Rawls and White. Therefore, this chapter investigated to what extent Habermas' deliberative democratic theory is able to provide for evaluative criteria for law reform. It was concluded that, despite the fact that Habermas' concept of justice will not enable us to evaluate piecemeal law reforms, his democratic principle generates fairly concrete criteria to evaluate the legitimacy of law. That is, based on Habermas' democratic theory the degree of deliberation in the public sphere may indicate the legitimacy legal reforms. Yet, it was further argued that Habermas, like Rawls, does not adequately take power relations into account. In poststructuralist terms: they both fail to acknowledge the *political* moment inherent in the centrality of rationality in current dominant ideas, which tend to suppress other (non-rational) voices. Nevertheless, chapter 4 argued that their theories may be considered one interpretation that belongs to a struggle between

different (justice) discourses. Drawing on a poststructuralist ontology chapter 4 advocated a critical approach which spotlights the *political* moment. Following Glynos and Howarth, critique was conceptualized as a way to 'highlight the constructed and political character of social objectivity (2007: 11). Consequently, the chapter discussed the work of poststructuralist theorists, such as Michel Foucault, Ernesto Laclau, Chantal Mouffe, William Connolly, Aletta Norval, Jason Glynos and David Howarth which provided some interesting leads. It was concluded that, despite the fact that justice based evaluations may be forwarded in a discursive struggle, a poststructuralist inspired normative/ethical critique, rejects these kind of evaluations, because they do not resonate with a poststructuralist based 'democratic ethos of engagement'.

In the final part of chapter 4 several questions were formulated which guided the explanatory and critical empirical research. This concluding section summarzes the results of this research. First of all, sections 11.2 and 11.3 answer the two empirical sub questions. Next, section 11.4 answers the study's main question. Finally, section 11.5 presents an outlook.

11.2   A CRITICAL EXPLANATION ON THE ESTABLISHMENT OF THE LCA

For a *critical* explanation of the establishment of the LCA this section follows the analytical steps that were formulated in chapter 2: problematization, retroductive explanation, persuasion and critique. The first three steps will be addressed in section 11.2.1. The fourth step is presented in section 11.2.2.

11.2.1   *A persuasive narrative on the emergence of the LCA: an articulation of logics*

Chapter 4 identified four questions that guided the problematization stage (first step) with respect to the emergence of the LCA:

1. How can these new practices (the LCA as a new practice of social law) be characterized?
2. Where did these practices originate from?
3. How and why were these new (regimes of) practices introduced?
4. Why was there a lack of resistance of political subjects who embrace other values, such as solidarity and equality, such as solidarity and equality?

In a second step, the moment of retroductive explanation I further elaborated upon these questions and identified the relevant *social*, *political*, and *rhetorical logics* by going back and forth between the phenomena investigated and the various explanations offered. The result of this analysis is

presented in this subsection, which articulates the relevant *logics* in a *persuasive narrative* that explains the establishment of the LCA in Dutch social security law (third step).

1. *How can these new practices (the LCA as a new practice of social law) be characterized?*

The juridical comparison of the Belgian time credit scheme and the LCA revealed that, whereas the time credit scheme is based on the values of solidarity endorsing collective rights and duties, the LCA is primarily based on the values of individual responsibility and voluntariness. As a result, the time credit scheme is much more embedded in existing social security law than the LCA (chapter 9), which is governed by the *logics* of the self responsible life planner, in particular with respect to the planning of family life (chapter 10). How was it possible that an arrangement governed by these contrasting *logics* could emerge in Dutch social security law?

2. *Where did these practices originate from?*

To answer this question, we need to go back to the shifts that took place in the social security discourse in the 1990s. Whereas at the beginning of the 1990s the logics of the Dutch social security system could be characterized by its emphasis on collective rights and obligations based on solidarity, due to a *dislocation* caused by the publication of the Buurmeyer report in 1993, social security was increasingly infiltrated by the logics of the market. At the end of the 1990s, a few counter logics had emerged. Supporters of family life expressed the view that the social security system insufficiently addressed family life. In addition, feminists argued that the social security system wrongly depicted the average worker as a worker without care tasks. A third *counter logic* originated from those who resisted the increasing infiltration of the *logics* of the market into the social system. As a result, ongoing *discourses* and *practices* were being questioned and a gap opened up between the signifier 'social security system' and its meaning (chapter 5).

This gap was soon filled with new *rhetoric*. 'Life course' and 'life course perspective' became the new terms in the social security discourse and functioned as *exemplars* that, like a dislocationary event, facilitated a glimpse of the universal, of another way of doing things. In other words, the term 'life course perspective' made people 'see things' in a novel way (chapter 5). Due to the working of other *rhetorical logics*, such as the construction of the 'life course perspective *storyline*' (chapter 6) and the deployment of *numbers as a generative* metaphor (chapter 7), different voices of resistance established a new dominant *discourse coalition*, adressing both former dominant discourses and former counter discourses. Nonetheless, it was the *cathacretic act of naming* the new desired policy 'life course' policy that constructed a new space of representation that enabled the reconciliation of previously opposed *logics*. Within this new space of representation a reformed social security system would both stimulate labor market partici-

pation and improve the quality of life for all Dutch citizens. In fact, the new 'life course based *logics*' encouraged a work-life balance uniting the values of 'efficiency' and 'solidarity'. These signifiers provided a way out of dead-locked discursive positions, holding a promise of something new. Actors identified with them, because they captured a feeling of surprise or excite-ment. Identification with the new signifiers was also facilitated because they responded to a subconscious desire of fullness. That is, the new *dis-course* was structured around the *fantasy* that increased labor participation and more time for care or leisure do not cancel out each other (chapter 5).

An important 'condition of the possibility' of these new *social logics* could be attributed to the invention of new technologies within the *practice* of social scientific research. That is, the invention of statistics enabled the development of 'life course research' that, in contrast to previous social studies, was able to construct reality from the point of view of the individu-al whose individual decisions have an impact on herself and the world around her. These *practices* left traces behind in the new *logics*, which imag-ined a reformed social security law that would be able to address different individual life courses (chapter 5).

3. How and why were these new (regimes of) practices introduced?
After 2003 'the life course perspective' became increasingly articulated with the *fantasmatic* aging society narrative that expressed the fear that the stable Dutch welfare state would soon decline if no measures were taken to expand the labor supply. Consequently, in addition to being considered a solution to the problems experienced during the 'rush hour of life', the 'life course perspective' was now explicitly associated with the need for higher labor participation and the individual responsibilization of social risks. Furthermore, following the 2003 *dislocationary crisis* and the announced cut-backs in social expenditure, *chains of equivalences* were constructed between the labor unions, the leftist political parties and other interests groups against the Balkenende II regime and its supposed allies (most employers' organizations). As a result, after 2003, former partners in the life course *dis-course coalition* became antagonists (chapter 8).

The labor unions, which felt that they had been increasingly excluded from the policy making process, were able to re-establish their position as a serious negotiating party thanks to the successful protest march in 2004. Allowing the unions to celebrate the protest march exuberantly, the gov-ernment could largely disregard the labor unions' other demands, such as the preservation of a collective social insurance system. Moreover, the *logics of difference* enabled the government to decouple most of the demands of their antagonists. Hence, the differences between the *logics* governing the LCA and the time credit scheme were largely due to their distinct genesis. Whereas the introduction of the time credit scheme was accompanied with harmonious deliberations between the main political parties and social partners, the establishment of the LCA was surrounded with conflict and

resistance. The *logics* governing the LCA were further influenced by the aging society *narrative*, which fundamentally changed the meaning of the term 'life course perspective' (chapters 8 and 9).

4. Why was there a lack of resistance of political subjects who embrace other values, such as solidarity and equality?

Despite the fact that the establishment of an individual savings arrangement was strongly resisted by the labor unions, which preferred a collective savings arrangement, the decoupling of demands effectively broke the chain of equivalence that was constructed against the neoliberal measures of the Balkenende government. Yet the construction of the *chain of difference* also contributed to the failure of the LCA. For example, due to the demands of the labor unions the LCA encouraged workers to save up for their early retirement instead of using the LCA for the purpose of care, education or sabbatical leave (in order to stimulate a longer labor market participation). In addition, the need to attend to the VVD's demand of maintaining the wage savings arrangement as a separate arrangement, further weakened the LCA. Finally, the new *hegemonic policy discourse* that was sustained by the strong aging society *narrative* further surmounted the 'silent resistance' against the hegemonic regime that could be encountered among the policymakers who positioned themselves as 'non-believers'. These policymakers rejected the dominant policy discourse that was governed by the logics of the self responsible life planner. This resistance by the policymakers seems to have been sustained by the workers. Seeing the low degree of participation in the arrangement, these workers do not (yet) seem to consider themselves to be such an individual (chapter 8). Thus, the presence of *counter logics* revealed the 'lack' in social structures.

In conclusion, the establishment of the LCA can be explained by a combination of *social logics* (the invention of statistics, the development of life course research), *rhetorical logics* (the *cathacretic act of naming*, the 'life course storyline', the 'life course based *discourse coalition*', the aging society *narrative*) and *political logics* (the *logics of equivalence and difference*).

11.2.2   Critique

The fourth analytical step involves the category of critique. As was argued in chapter 4 this study takes a 'democratic ethos of engagement' as its point of departure. For the purpose of a systematic presentation of critique, this section first answers that were formulated in chapter 4 and that guide a *critical* analysis:

1. Did the discourse that preceded the emergence of this law reform suppress certain voices that left behind a sense of injustice?
2. What forms of resistance could be distinguished during the lawmaking process of this law reform and afterwards?

3. To what extent did different forms of resistance succeed in overcoming forms of exclusion?
4. To what extent has the emergence of this law reform been fostered by ideological identifications?
5. What subjects were constructed and/or presupposed by this law reform?
6. What kind of alternative social law designs are imaginable that enable an ethos of engagement that is open to alteration?

1. Did the discourse that preceded the emergence of the LCA suppress certain voices that left behind a sense of injustice?

Starting in the 1990s the dominant social security *discourse* suppressed certain voices that were uttered in *counter discourses*. Yet, due to the 'life course perspective' *rhetoric* these previously suppressed voices could be heard and taken seriously within the dominant social security discourse. A new *discourse coalition* emerged that, as chapter 6 showed, represented both the voices of the dominant *discourse* and the voices of the former *counter discourses* (chapter 5).

Subsequently, as revealed in chapter 8, the 'life course *discourse coalition*' dissolved and the meaning of the signifier 'life course perspective' fundamentally changed within the CDA discourse. Whereas in 2001 the signifier 'life course perspective' referred to the decreasing quality of life resulting from the lack of time and money for family life and leisure, a few years later the signifier 'life course perspective', conversely, was invoked to show how people can enhance their labor market participation. This discursive shift was important since the CDA was the leading political party at the time and one of the few parties still believing in 'life course policy'. As a result of this discursive shift, by the year 2005 'life course policy' was understood within the context of the 'human capital *narrative*' and the 'new risks *narrative*' in particular, suppressing the voices of those who endorsed the 'diversity *narrative*' and, to a lesser degree, the voices of those who endorsed the 'family life *narrative*' and 'emancipation *narrative*'. It is important to note that these voices also represented the *counter logics* in the 1990s (chapter 8).

Did the suppression of these voices leave behind a sense of injustice? In my opinion it certainly did. Illustrative of the new *hegemonic discourse* is the direction emancipation policy has taken since 2006. Emancipation policy is a policy field that, more so than other fields, is concerned with the interests of women, who are still the primary care takers at home. Yet, even emancipation policy is now dominated by an *interpretive frame* that is informed by economic values. Consequently, when it comes to this issue emancipation policy can hardly be distinguished from general labor market policy and thus threatens to eradicate itself. What has happened to the voices of those who believe that women do not simply want to copy the lives of the average man, who devotes most of his adult life to paid work activities? Within

the *hegemonic* social security *discourse* voices demanding more time for non-paid work activities, such as care activities, tend not to be heard (chapter 7). The available terms in this new *hegemonic* social security *discourse* that largely draws on the 'human capital *narrative*', the 'new risks *narrative*' and the related 'aging society *narrative*', are derived from economic oppositional concepts such as 'internal' and 'external risks'. Whereas the decision to have or not have children basically depends on one's own (internal) choice, the risk of care taking must not necessarily be covered within this system. Then, in the terms of this discourse, the collective social security system is meant to cover 'external risks' exclusively.[25] The transformation of the Dutch social security discourse thus shows that in case economic terms are transferred to the social security discourse, other voices that speak a different language addressing non-economic values, like the voice of Nora in *The Doll's House*, tend not to be heard.

2. *What forms of resistance could be distinguished during the LCA lawmaking process and afterwards?*

Chapter 8 provided evidence for diverse forms of resistance during the lawmaking process. After the dissolution of the 'life course *discourse coalition*', the proposed individual LCA sharply contrasted with previously proposals of a 'life course based social security system' that in most cases entailed a combination of individual and collective savings systems. The new individual LCA was, first of all, resisted by the labor unions. They wanted first and foremost that the LCA compensated for the loss of the fiscal facilitation of early retirement. Indeed, the social conflict in 2004 was dominated by anger over the retrenchment of the welfare state in particular. From this perspective the big demonstration could be seen as a demonstration against all social reforms of the Balkenende government including the introduction of the individual LCA, which confirmed the shift to individual responsibility in social security law.

Another source of resistance originated from the VVD, the CDA's coalition partner, which principally opposed the 'subsidy on spare time'. However, for the VVD the introduction of the LCA was not a big enough issue to break with the CDA. Instead, VVD accepted the LCA as long as the CDA would not touch the popular wage savings arrangement, which seriously weakened the LCA.

More serious resistance could be found among the officials who had to expand the LCA into a workable arrangement. Presenting themselves as non-believers they disagreed with the CDA's assumption that the LCA would contribute to an increased labor market participation. They not only critizised some technical aspects of the arrangement, they also resisted the dominant policy regime that increasingly constructed the subject as a self

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25   On this issue also see note 12, chapter 1.

responsible life planner. This resistance to the LCA seems to have been sustained by the workers who were permitted to save under the LCA. Seeing the low degree of participation in the arrangement, these workers do not (yet) seem to consider themselves to be such an individual (chapter 8).

3. *To what extent did different forms of resistance succeed in overcoming forms of exclusion?*

Chapter 9 showed how the labor unions were able to re-establish their position as a serious party in negotiations thanks to the demonstration in 2004. Thus the labor unions succeeded at least partly in overcoming earlier exclusion of the policy making process. The study did not provide evidence of other forms of resistance that succeeded in overcoming forms of exclusion.

4. *To what extent has the emergence of the LCA been fostered by ideological identifications?*

In section 11.3.1 it was argued that the gap that appeared between the signifier 'social security' and its meaning was filled with new *rhetoric*, which covered up the social contingencies. The 'life course perspective *storyline*' told the story of a modern society that is characterized by trends of individualization, globalization, aging and increased female labor participation. The deployment of nominalizations like 'globalization', 'aging' and 'individualization' made these problems seem inevitable. The *storyline* further appealed to some contradictory feelings. Whereas on the one hand the *storyline* expressed the fear of staying behind in international economic competition, on the other hand the storyline provoked anxious feelings about the loss of nationally cherished values such as 'providing care for our children ourselves' and 'an enhanced quality of life'. In response to these fears, the 'life course *storyline*' promised the prospect of a fullness – a life course based system – that adequately addressed the 'dangers' that accompanied the genesis of modern society. Thus the 'life course perspective *storyline*' was structured around the *fantasy*', that the desired system could unite incompatible elements. That is, a life course based social security system would both increase (female) labor market participation and preserve the (relatively large) amount of time that people could spend on caring for their children. In doing so, the desired policy would be able to contribute to a further internationalization of the Dutch economy as well as cherish the Dutch national values (chapter 6).

The new terms of 'life course' and 'life course perspective' did not just encourage an *ideological* identification with a *fantasmatic storyline*. They also facilitated a new way of 'seeing', which instead of covering over social contingencies opened up new possibilities, extending the range of possible interpretations of the concept of 'social security' (chapter 5). Therefore, in my opinion the identification with the new signifiers should not be interpreted as a purely ideological identification.

In contrast, identifications with the aging society *narrative* must be interpreted as purely *ideological* identifications. After 2003, the aging society *narrative* started to dominate the social security *discourse*. Like the 'life course perspective *storyline*', this narrative contains a 'beatific dimension'. That is, prospective fullness – a stable welfare state – can only be reached if citizens participate more and longer in the labor market. This *ideological* identification not only contributed to the establishment of the LCA in 2006, it also overcame new forms of (silent) resistance and fostered new proposals on individual savings arrangements in social security law (chapter 8).

A final important ideological identification concerns identification with new subject constructions. This issue will be examined next.

5. What subjects were constructed and/or presupposed by the establishment of the LCA?

Chapters 5 and 6 showed that the 'life course perspective *discourse coalition*' constructed a singular subject of choices. In chapter 10 it was further noted that, apart from constructing an active enterprising subject that lives to invest in herself and her children, 'the life course *discourse*' anticipated the fact that the desired 'homo economicus' does not exist in reality. Therefore, the LCA was also designed to encourage and create the homo economicus. Thus, both the 'life course perspective discourse' and the LCA constructed and/or encouraged the construction of a specific subject, while other subject constructions were foreclosed.

6. What kind of alternative social law designs are imaginable that enable an ethos of engagement that is open to alteration?

Drawing in particular on Foucault, Connolly and Norval, Chapter 4 stated that a democratic ethos of engagement entails:

– a care for the other that presupposes a care for the self, since without a care for the self one is not able to care for the other;
– an openness to the other, independent of a moral order and free from state politics, operating outside existing truth systems;
– the endorsement of multifarious life styles;
– a questioning of prevailing institutions and practices of governance, including all kinds of reason giving such as rhetorical argumentation, non-verbal and passionate elements.

With respect to future social law designs, a democratic ethos of engagement thus implies first and foremost an openness to other repressed voices that appear in various forms. This does not imply that the lawmaker simply 'listens to the people' and translates the voice of the people into law. Instead, a democratic ethos of engagement involves a genuine openness to questioning, responses, negotiations, challenges and disruptions, involving all kinds of reason giving. This openness goes beyond simply following the

rules within existing democratic institutions. Thus, social rights that are needed to enable people to care for themselves should not be dictated, but have to emanate from the people themselves while remaining open to alteration. In this respect there are no 'natural' rights, but as Zerilli has argued convincingly '[t]here is only the practice of freedom, of making political claims that question (…) [and] set the terms of that questioning' (2005: 177).

A basic income system that goes further than Stuart White's proposal that was examined in chapter 3 responds to some preconditions of a democratic ethos of engagement, because this system ensures all citizens of a basic income to care for themselves and for others, regardless of their political or cultural identity.[26] Yet, from the perspective of a democratic ethos of engagement, this system presents a feasible social law design as long as it is forwarded by the citizens themselves. Therefore, it was argued in chapter 4 that alternative designs and interpretations are not imperative but must be understood as proposals, which can be put forward in a political struggle. Indeed, a basic income system that is designed at the state level, such as the French negative income tax described by Foucault in 'Birth of biopolitics' (2008) (chapter 10), has the appearance of being contaminated with hegemonic neoliberal politics.

Having said this, I do think it is useful to figure out a substantial alternative social law design which comes closer to a democratic ethos of engagement than current social law. In view of the level of prosperity in the Netherlands, a basic income system combined with a genuine access to health insurance would, in my opinion, present a feasible alternative for (at least) part of the existing social security system. It would enable most citizens to care for themselves, which would also enable them to care for and be open to others. More than current system of social security this system would allow suppressed voices to make themselves heard. Without a need to accept any full-time job, no matter how harsh it is or how little perspective it offers, and without being submitted to degrading practices at social welfare offices, people can express themselves more easily, questioning, challenging, negotiating and disrupting current practices. It should be noted, though, that my proposal does not serve the purpose of equality. Instead, a democratic ethos of engagement implies that claims to equality are context dependent and preconditioned upon freedom practices. This means that social law instruments involving unrestricted rights to a basic income and health insurance primarily serve to facilitate these freedom practices.[27] However, as stated before, this proposal must be perceived as just one proposal in a political struggle, then 'law reforms should come

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26   Stuart White's proposal involves a temporary right to a basic income.
27   It should be noted that it is not my intention here to repeat the discussion on a basic income system. I only argue here that a basic income system combined with a genuine access to health insurance is perhaps one of the few social systems that practical sustains a democratic ethos of engagement.

from those (…) who seek to resist [the] exercise of authority' (Foucault 2007d: 317).

Conclusion

This critical reflection on the emergence of the LCA has touched upon some interesting issues.

First of all, this section revealed a paradox. While the new signifiers 'life course' and 'life course perspective' and the *storyline* that gave meaning to these signifiers covered up social contingencies, they also functioned as *exemplars* that enabled actors to view the contingencies of current law *practices*. Thus, the identification of these signifiers reflected two sides of the same coin. On the one hand, the *rhetoric* on life courses enabled a new way of seeing, furthering discursive interaction between existing dominant *discourses* and *counter discourses*; on the other hand, regarding the *fantasmatic* 'life course perspective *storyline*' and the construction of a singular subject of choices, the new *rhetoric* closed the open spaces that it had created. From the perspective of a democratic ethos of engagement the use of the 'life course *rhetoric*' can therefore be both applauded and rejected.

Secondly, the emergence of the LCA can be criticized, because the political process clearly suppressed some voices that in an earlier stage endorsed the broad *discourse coalition*, namely the voices of those who supported the diversity *narrative* and, to a lesser degree, the voices of those who supported the family life and emancipation *narratives*, leaving one with a feeling of injustice. Whereas by the year 2005 'life course policy' was understood within the context of the 'human capital *narrative*' and the 'new risks *narrative*', voices demanding more time for non-paid work activities such as care activities tended not to be heard. Addressing the value of a caring society, these voices spoke a different language that exceeded the *hegemonic discourse*.

Thirdly, at first sight the introduction of the LCA did not meet with much resistance. However, this was probably due to the fact that the attention was drawn to the abolition of the fiscal facilitation of early retirement. Yet, regarding the construction *of chains of equivalences* in 2004, the big demonstration may be viewed as a demonstration against all reforms of the Balkenende government, which reflected a shift from the value of solidarity to the value of individual responsibility. This presumed resistance against the LCA is confirmed by the silent resistance coming from the departments and the public. In addition, coalition partner VVD openly expressed a dislike of the LCA. On the whole, the establishment of the LCA can be criticized for neglecting the desires of a substantial part of the people. Whereas the 2001 life course *discourse coalition* could have been a starting point for a further development of ideas in dialogue with the people, following the dissolution of the *discourse coalition* the LCA was elaborated without much further external consultations, except for the relatively strong involvement of insurance companies.

Fourthly, my proposal regarding a basic income system combined with a genuine access to health insurance illuminated some other points of *critique*. First of all, whereas both the LCA and my proposal aim to anticipate a plurality of desires, for the LCA this concern with a plurality of life forms etc. is aimed at advancing the governmental objective of increased labor participation. Instead, in my proposal the plurality of identities and cultural forms are valued on their own merit. Secondly, unlike the LCA my proposal seeks to overcome dominant truth concepts, such as the concepts of 'internal' and 'external risks'. Thus, the proposal serves first and foremost as a genuine access to freedom *practices* that enable people to speak for themselves and care for themselves and others. This proposal can be contrasted with the LCA, which actively seeks to construct a self responsible life planner as a new governable subject. The next section addresses this issue in a more comprehensive way.

11.3   The Life Course Arrangement as a new governmental technology in the perspective of (neoliberal) governmentality

This section answers the last sub question, i.e. how the LCA functions as a new governmental technology in the perspective of (neoliberal) governmentality. This question was addressed in chapter 10, which presents a comparison between the 19th century poor law *discourse* and the life course *discourse*.

The comparison of these *discourses* demonstrated that both the 'poor law discourse' and the 'life course *discourse*' express uncertainty regarding the existence of the homo economicus. There were doubts if the general interest would be served automatically by the creation of spaces and freedom – and the functioning of the invisible hand. Both discourses therefore endorse forms of liberal government that entail certain configurations of both freedom and security. That is, they both tend to colonize the now by the future: saving behavior and long-term thinking, possibly encouraged by schooling and education, are important elements to secure the citizen's optimum economic participation in both discourses. The LCA, then, is to be understood as a new instrument of government that, instead of presupposing the homo economicus, is primarily designed to stimulate the citizen to act as a manager of her own life course, in particular with regard to family planning. Thus, the LCA must not only be viewed as a governmental instrument that is informed by the value of freedom of choice, but must first and foremost be considered an elaboration of a liberal configuration of both freedom and security.

It was also argued that, insofar as the axis of freedom is foregrounded, the LCA can be considered an encouragement of the technologies of the self that are integrated into structures of coercion and domination. These tech-

nologies of the self are to be distinguised from the *practice* of autonomous attitudes outside existing truth systems and can, therefore, be criticized from the perspective of a democratic ethos of engagement.

11.4   CONCLUSION

The study largely confirms the hypothesis that the establishment of the idea of individual savings schemes in the traditional collective Dutch social security system can be explained by the rise of new hegemonic discourses that increasingly compel citizens to behave themselves as self responsible life planners. Yet, because of the methodological framework that was elaborated in chapter 2 we are now able to answer the main question more in detail.

First of all, the study clearly showed that the LCA, which can be characterized by the values of individual responsibility and voluntariness, forms a sharp contrast with the Dutch social security system, which is still dominated by solidarity based systems of rights and obligations, despite an increasing influence of the *logics* of the market. Yet, the *rhetorical* and *political logics* that accompanied the introduction of the LCA did have an impact on the *logics* of the current social security system. First of all, compared to the social security system's former *logics*, the current social security *logics* tend to be based more strongly on family needs.[28] Secondly, and in the context of this study more importantly, after the introduction of the LCA the idea of more comprehensive individual savings systems in the field of social security law is still present in the social security *discourse*. Social security *logics* are penetrated increasingly by the *logics* of the 'self responsible life planner' that, as argued in chapter 8, have facilitated the acceptance of a new individual savings scheme for risks that have been covered traditionally by collective insurance, such as unemployment.

How can we explain these changed *logics*? Chapter 8 summarized the main factors that contributed to the growing acceptance of individual savings systems in the following way. First of all, the *cathacretic act of naming* the desired policy 'life course policy' enabled a 'new way of seeing'. Social security was now perceived in terms of individual life courses, which opened up the possibility of introducing individual savings schemes in the traditionally collective system of social insurance. Secondly, the working of the *logics of equivalence and difference* secured the support of the labor unions for the introduction of an individual life course arrangement, despite the fact that the LCA did not facilitate collective savings. Thirdly, due to a strong *fantasmatic* aging society *narrative* that continued to nourish the urge for social reforms, different forms of (silent) opposition were effectively

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28   See section 5.7.4.

resisted. This interaction of *rhetorical* and *political logics* thus paved the way for a future social security system that, despite a long-term emphasis on collective rights and responsibilities, is increasingly informed by the logics of the 'self responsible life planner'.

The second issue that we must address in this section is the question of how to be critical regarding these changed social logics. From the perspective of a democratic ethos of engagement, the idea of the establishment of individual savings systems in social security law can be criticized in a similar way as the establishment of the LCA in section 11.2.2. This does not mean, however, that this study disavows the introduction of individual savings arrangements. To repeat the argument that was put forth in this section with respect to future social law designs, a democratic ethos of engagement implies first and foremost an openness to other repressed voices that can appear in various forms. This involves a genuine openness to all kinds of questioning, responses, negotiations, challenges and disruptions that go beyond simply following the rules within existing democratic institutions. Hence new social law, including proposals for an individual savings scheme, should not be dictated but emanate from the people themselves and remain open to alteration.

Finally, I want to raise some points of concern with respect to the logics of the 'self-responsible planner'. It was argued in chapter 10 that rather than presupposing the individual to be a self responsible life planner the LCA stimulates or guides the citizen to act as a manager of her own life course. In doing so, the LCA constructs this 'self responsible life planner'. In chapter 9 the point was made that the emergence of this new subject also depends upon wider social transformations that actually sustain these subject constructions. That is, future individual savings schemes covering social risks will only be successful to the extent that the average worker comes to experience herself as an active responsible life planner. However, as has been pointed out in governmentality literature, these new logics may also induce new forms of suppression, because citizens who are not able to conform to this new ethos of the self responsible life planners may be subjected to the classical exercise of governmental power. As a result, the population will be divided along new lines: the independent, self improving, rational life planners, and the excluded ones who lack these abilities to a greater or lesser extent (M. Dean 1999: 131-148; Dean 2007: 76, 102-129; Rose 1999: 265, 270). These latter persons may be increasingly subjected to disciplinary measures such as Work First programs that were examined in chapter 2. Thus, even if the introduction of a system of individual savings accounts in public social security law reforms emanate from the people themselves, we must remain open to the voices of those people who do not see themselves as self responsible life planners.

11.5   Outlook

This last section discusses some implications of this study for a further development of a poststructuralist based critical explanation of policy change and law reform. In addition, some methodological and theoretical points of discussion will be raised. Finally, it is considered to what extent this study contains transcending elements that allows us to formulate more general questions and hypotheses for comparative research.

I hope that this study has shown that it is possible to provide a *critical* explanation of policy change that is rooted in poststructuralist discourse theory. Nonetheless, the study also faced some important problems. One of the problems I encountered in the operationalization of the research question concerned the lack of developed research methods within discourse theory. Using methods derived from Discourse Historical Analysis (DHA) this study aimed to contribute to a further methodological development of discourse theory. Yet, more methodological tools are needed to conduct thorough empirical research based on poststructuralist discourse theory with respect to the relationship between affect and policy change in particular. This study, therefore, encourages scholars to engage in poststructuralist empirical studies for the further development of empirical research methods.

The study also touched upon some methodological difficulties. One issue that was mentioned in chapter 8 concerns the way in which Glynos and Howarth conceptualize the notion of agency. According to them, the subject only emerges in response to a fantasmatic demand for a new fullness. Yet, whereas the subject is constantly looking for new fullness, she seems to be present at all times. This raises the question as to how their concept of agency differs from concepts of the individual that we can encounter in post-positivist approaches to policy change. Moreover, this concept of human agency also seems to be responsible for the paradox that was observed in chapter 5 and further elaborated upon in section 11.3.2, namely that the identification with new signifiers may on the one hand cover up social contingencies and on the other hand facilitate us to see contingencies. Thus, identification with new signifiers may at the same time foster ideological critique and be welcomed because of its ethical implications. This research therefore recommends to rethink the distinction between ideological and ethical action.

Another issue concerned the relationship between the meaning that was given to the life course perspective in specific research *practices* and in the social security discourse. In chapter 5 it was recommended to rethink the relationship between the meaning of the signifiers in the first sphere and the transposed (*catachretic*) sphere.

Chapter 2 designed a poststructuralists analytical model for the explanation of policy change This model incorporated some concepts that are developed within post-positivist policy analysis. Chapters 6 and 8 also referred to some new institutionalist concepts. Chapter 6, for example, used the concepts of coordinative discourse and communicative discourse that Vivian Schmidt (2002, 2008) introduced. The coordinative discourse dominates in corporatist and multi-party countries such as the Netherlands where close consultations between different (small) parties are imperative in the decision-making process. On the other hand, the communicative discourse is more important in countries with a single authority, such as France and the UK. This discourse operates in the political sphere in which various indivdiduals and groups seek to convince the public. Thus these concepts help to demarcate the most important area of research. Table 11.1 shows, that it is also possible to draw some parallels between Schmidt's concepts and the concepts used in poststructuralist discourse theory. Whereas the communicative discourse mainly concerns the political sphere, notions such as *dislocation*, *empty signifier* and *logics of equivalence* become central analytical concepts. The coordinative discourse, on the other hand, refers to the policy sphere. Consequently, concepts like *aspect dawning*, *storylines* and *discourse coalition* become more important.[29] This implicates that the study of policy change in the Netherlands, where the coordinative discourse is important, requires us to analyze the construction of storylines, discourse coalitions and the working of aspect dawning and aspect change. This study recommends future policy studies that contribute to a fruitful conceptual exchange.

Table 11.1 Parallels between the concepts used by Schmidt and Poststructuralist discourse theory

Communicative discourse	Coordinative discourse
Political sphere	Policy sphere
Dislocation, resistance	Aspect dawning, aspect change, small blockages
Empty signifier	Storylines
Logics of equivalence and difference	Discourse coalition

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29   See also section 6.7.

Since this study focused on explaining the emergence of the LCA, the attention was somewhat drawn away from the question why the first ideas on a 'life course based social system' were not further developed. Chapter 5 suggested that the 'life course perspective storyline' in fact covered up diverging views on the future social security system. In addition, in chapter 8 it was argued, that the 'life course *discourse coalition*' dissolved because the establishment of new *chains of equivalences* cut across the former life course *discourse coalition*. The chapter further suggested that the conflicts in the SER between labor unions and employers' organizations definitely blocked the design of a new 'life course based system'. These explanations seem to confirm the new institutionalist claim that social security systems tend to remain stable during long periods of time, in particular in countries with strong corporatist structures such as the Netherlands. I would, however, like to add a discourse theoretical explanation. As we saw in chapter 4, discussing the work of Norval, change is not only preconditioned upon a first moment of surprise in which things are seen in a different way (*aspect dawning*), change is also in need of a (repetitive) rediscovery of this initial moment of surprise (*aspect change*). The *name* 'life course perspective', however, only seems to have contributed to *aspect dawning*. That is, whereas the new *name* functioned as an *exemplar* that provided inspiration for something new, a way out of deadlocked discursive positions, the *exemplar* failed to constitute new *practices* in which a new perspective on social security could be iterated. An example of *practices* such as these would concern the establishment of a working group consisting of specialists, policymakers, politicians and citizens where new life course based perspectives on the social security system could be further discussed and elaborated upon.

This chapter imagined an alternative social law design that enables an ethos of engagement that is open to alteration. The proposed basic income system seems to be the only design that practically might sustain this ethos of engagement to some extent. A less ambitious goal would be to propose an alternative savings scheme, which, more than the LCA, responds to the different narratives that were told within the 'life course *discourse coalition*'. In addition, as was argued in chapter 9, this savings scheme should be more embedded in the current social security system, which, like Stuart White's proposal involves a savings scheme that is, at least partly, financed on a collective basis.[30] Notice, however, that this savings scheme does not neccessarily resonate with a democratic ethos of engagement.

　　Finally, the question could be raised to what extent this study contains context transcending elements. Is it, for example, possible to formulate more general questions and hypotheses for comparative research? In chapter 2 it was argued that *political*, *fantasmatic* and *rhetorical logics* are formal

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30　　See in this respect also the proposal by Eleveld and Heeger-Hertter (2012).

constructs that can account for a variety of historical contexts. *Social logics*, in contrast, are context dependent constructions that can only move to other contexts on the condition that the analyst explicitly creates new links between the contexts. This study has shown how the *cathacretic act of naming* contributed to the formation of a *discourse coalition* that induced a new way of seeing and ultimately laid the groundwork for the establishment of the idea of an individual savings scheme in social security law. Based on this outcome, in comparable (multiparty and corporatist) countries where the coordinative discourse dominates (instead of the communicative discourse) the hypothesis may be tested that policy change or at least discursive change is dependent upon the introduction of new signifiers (*exemplars*) that make people 'see things' in a new perspective. If this hypothesis is confirmed in a specific situation, further research should focus on the extent to which the new name has been integrated in certain *practices*. A last proposal for further comparative study concerns the impact of the aging society *narrative* on policy change. It was argued in this study that proposals on individual savings systems were sustained by the aging society *narrative*. Since the dominance of this *narrative* is not confined to the Netherlands but is spread across Europe, the relationship between the aging society *narrative* and proposals for individual savings schemes in the field of social security could be further investigated in a comparative study.

Samenvatting

Een kritisch perspectief op de hervorming van het Nederlandse socialezekerheidsrecht

De casus van de levensloopregeling

Inleiding

Het Nederlandse socialezekerheidsrecht is veranderd in de loop der jaren. Na een proces van opbouw na de Tweede Wereldoorlog lijkt het systeem van sociale zekerheid zijn voltooiing te bereiken in het midden van de jaren 70. Precies op dit hoogtepunt zien we dat het systeem geleidelijk aan wordt afgebouwd en hervormd. Collectieve verantwoordelijkheden verschuiven steeds meer in de richting van het individu. En mede door de Europese gelijke behandelingsrichtlijnen wordt het zogenaamde kostwinnermodel in het socialezekerheidsrecht geleidelijk afgeschaft ten gunste van individuele regelingen. Na de verschijning van het rapport-Buurmeijer uit 1993 wordt de uitvoering van de sociale zekerheid ingrijpend op de schop genomen. Zo verschuift de verantwoordelijkheid voor arbeidsongeschiktheid naar de werkgevers en werknemers. Tegelijkertijd wordt in het socialezekerheidsdiscours het belang van economische prikkels in de vormgeving van het socialezekerheidsrecht steeds meer benadrukt. Burgers worden in dit discours niet meer zozeer gezien als passieve consumenten van overheidsbeleid, maar als calculerende burgers die zorgvuldig afwegen welke strategie hen het meeste voordeel oplevert.

Deze verschuiving van waarden als gelijkheid en solidariteit naar waarden als keuzevrijheid en individuele verantwoordelijkheid wordt in feite belichaamd door de levensloopregeling die in 2006 wordt geïntroduceerd. De levensloopregeling is een individuele spaarregeling waarmee werknemers in staat worden gesteld om op een fiscaal voordelige manier te sparen voor de financiering van arbeidsverlof. De levensloopregeling verschilt in belangrijk opzicht van het traditionele socialezekerheidsrecht. In de eerste plaats vindt er niet zozeer een herverdeling van middelen plaats tussen rijke en arme werknemers, maar profiteren de werknemers met hogere inkomens meer van deze regeling dan de werknemers met de laagste inkomens. In de tweede plaats ziet deze regeling met name op zogenaamde 'nieuwe risico's' zoals het risico van het combineren van arbeid en zorg en het risico onvoldoende geschoold te zijn voor de eisen van de huidige arbeidsmarkt (employability). In de derde plaats is de levensloopregeling niet alleen gerelateerd aan sociale risico's; de regeling faciliteert net zo goed bepaalde 'lifestyle keuzes', zoals de keuze om een wereldreis te maken.

De eerste voorstellen voor uitbreiding van de levensloopregeling die in 2007 en 2008 verschijnen, wijken in een nog grotere mate af van het bestaande collectieve socialezekerheidsrecht. Deze voorstellen zijn voor een belangrijk deel geïmplementeerd in de vitaliteitsregeling die in 2013 de levensloopregeling vervangt. Aan de vitaliteitsregeling mogen ook niet-werknemers, zoals zelfstandigen en ZZP'ers deelnemen. Een implicatie van deze uitbreiding van de persoonlijke werkingssfeer is dat de regeling ook gebruikt kan worden ter financiering van de periode tussen twee banen in en de start van een bedrijf. Met de vitaliteitsregeling lijkt het idee van individueel sparen niet meer weg te denken uit het traditionele collectieve socialezekerheidsrecht.

Hoofdvraag

De vraag die dit proefschrift tracht te beantwoorden is hoe de inbedding van het idee van individueel sparen in het traditionele Nederlandse collectieve socialezekerheidsrecht op een kritische wijze kan worden verklaard. Enerzijds gaat het hierbij om de empirische vraag naar de totstandkoming van een belangrijke wijziging in het socialezekerheidsrecht. Hoe kon bijvoorbeeld een dergelijke wijziging tot stand komen, terwijl institutionele theorieën betogen dat juist verzorgingsstaatinstituties slechts geleidelijk veranderen. Anderzijds gaat het om een normatieve beoordeling van deze verandering. Wat vinden we er eigenlijk van dat in het socialezekerheidsrecht een verschuiving plaats vindt van collectieve naar individuele verantwoordelijkheid? Is dit bijvoorbeeld, zoals Anthony Giddens meent, een onvermijdbaar gevolg van de moderne samenleving waarin de klemmende banden van de traditionele samenleving zijn vervangen door het vrijheidszoekende, zelfreflectieve individu? Of moeten we met Michel Foucault concluderen dat burgers tegenwoordig meer beperkt worden in hun vrijheid dan voorheen, omdat ze in toenemende mate worden gedwongen om zich te gedragen als een rationele verantwoordelijke levensplanner? In deze studie is er voor gekozen om de hoofdvraag te beantwoorden vanuit een poststructuralistisch discourstheoretische ontologie, op grond waarvan onze werkelijkheid wordt geconstitueerd door machtsrelaties. De gevolgen van deze keuze voor de methodologische en theoretische aspecten van het onderzoek komen hieronder verder aan de orde.

Methodologische en theoretische aspecten van het onderzoek

De hoofdvraag wordt beantwoord in een negental hoofdstukken. Hoofdstukken 2, 3 en 4 zijn daarbij van theoretische en methodologische aard. In hoofdstuk 2 wordt een overzicht gegeven van een aantal poststructuralistische en postpositivistische benaderingen in de beleidsanalyse. Het uit-

gangspunt in dit hoofdstuk wordt gevormd door Jason Glynos en David Howarth ontwikkelde model 'Logics of Critical Explanation'. Dit kritische en verklarende onderzoeksmodel is tot nu toe het meest uitgewerkte onderzoeksmodel dat gebaseerd is op de poststructuralistische discourstheorie. Kenmerkend van dit model is dat er, in navolging van Martin Heidegger, een onderscheid wordt gemaakt tussen het ontologische en het ontische. Het ontologische vormt als het ware de bestaansvoorwaarde voor de fenomenen en praktijken zoals we die ervaren. Volgens de discourstheorie kunnen fenomenen en praktijken veranderen als gevolg van een 'dislocatie' waardoor de werkelijkheid plotseling anders wordt ervaren. Anders gezegd, tijdens de ervaring van een dislocatie verkrijgt men zicht op de ontologische bestaansvoorwaarden: men ontwaart de radicale contingentie van gesedimenteerde praktijken. Voorbeelden van dergelijke 'dislocaties' zijn economische crises en verregaande bureaucratisering. Verandering kan evenwel pas ontstaan indien deze gewaarwording een politieke dimensie krijgt. Een belangrijke voorwaarde voor verandering is dus dat het zicht op de radicale contingentie van sociale praktijken mensen beweegt om tot actie over te gaan.

Inzichten in veranderingsprocessen kunnen ook gegenereerd worden door een analyse van retorische patronen. Volgens de discourstheoretische benadering geeft retoriek immers vorm aan de ontologische voorwaarden van de ontische fenomenen en praktijken. Je zou ook kunnen zeggen dat binnen het discourstheoretische perspectief retoriek constitutief is voor onze fenomenen en praktijken. Psychoanalytische inzichten vormen daarnaast een belangrijk verklarende factor in discourstheorie. Uitgaande van het idee dat het subject zich op onbewust niveau incompleet voelt, wordt betoogd dat het subject door (ideologische) identificatie met nieuwe praktijken, ideeën, of betekenaars (retoriek) deze incompleetheid of dit gemis tracht te overwinnen.

In hoofdstuk 2 wordt het poststructuralistisch discourstheoretische verklaringsmodel voor sociale verandering aangevuld met een aantal concepten die zijn ontleend aan onder andere het werk van Michel Foucault en de postpositivistische of interpretatieve beleidsanalyse, zoals 'beleidsverhalen' en 'discourscoalities'. Het model bestaat uit de volgende eenheden van onderzoek: 'social logics' (karakterisering van bestaande discoursen en praktijken), 'political logics'(karakterisering van politieke praktijken die ontstaan na een dislocatie) en 'rhetorical logics' (karakterisering van gebruikte retoriek en verhalen waarmee de snelheid en richting van veranderingsprocessen verklaard kan worden). In dit proefschrift zijn deze eenheden van onderzoek leidend voor de verklaring van verandering.

Het kritische aspect van het verklaringsmodel wordt uitgewerkt in de hoofdstukken 3 en 4. In hoofdstuk 3 wordt betoogd dat in de Nederlandse sociaalrechtelijke literatuur weliswaar veelvuldig een normatieve term als rechtvaardigheid wordt gebruikt, maar dat niet helder is wat nu maatstaven van rechtvaardigheid zijn. Voorgesteld wordt daarom om ten rade

te gaan bij de politieke filosofie en, nog preciezer, bij de egalitair liberale politieke filosofie die de in de sociaalrechtelijke literatuur genoemde basis-waarden als 'ongelijkheidscompensatie' en 'bescherming van de werkne-mer' nog het meest lijkt te steunen. Vervolgens wordt aan de hand van het egalitair liberale wederkerigheidsconcept de (rechts)vraag beoordeeld of aan uitkeringsgerechtigden een werkverplichting mag worden opgelegd. In het hoofdstuk wordt geconcludeerd dat het antwoord afhangt van het toegepaste egalitair liberaal wederkerigheidsbegrip. Als we afgaan op John Rawls' concept van wederkerigheid, dan zal een dergelijke werkver-lichting verworpen moeten worden. Stuart White's opvatting van weder-kerigheid laat aan de andere kant zien dat een arbeidsverplichting wel is toegestaan op voorwaarde dat de basisinstituties van de samenleving rechtvaardig zijn. Aangezien dit nooit (perfect) het geval kan zijn, zullen er regelingen getroffen moeten worden die in ieder geval kwetsbare bur-gers beschermen. White stelt voor om een gedeeltelijk basisinkomen in te voeren, waarmee burgers in ieder geval tijdelijk kunnen ontsnappen aan slechte arbeidsomstandigheden en waarmee ze wellicht zelfs in staat zijn om betere omstandigheden af te dwingen. Een voorbeeld van een derge-lijke regeling zou de levensloopregeling zijn, op voorwaarde dat deze rege-ling op collectieve wijze wordt gefinancierd.

Terwijl hoofdstuk 3 laat zien hoe met behulp van de politieke filosofie de normatieve argumentatie in de juridische literatuur sterk kan worden verbeterd, wijst hoofdstuk 4 op een aantal tekortkomingen van dergelijke argumentaties. In de eerste plaats zien we dat rechtvaardigheidstheorieën zich vaak op een (te) hoog abstractieniveau bevinden voor de bepaling van concrete evaluatieve maatstaven. Daarnaast wordt betoogd dat het moreel pluralisme een probleem vormt voor algemeen geaccepteerde rechtvaar-digheidstheorieën. De voorkeur zou daarom moeten worden gegeven aan democratische rechtvaardigheidstheorieën waarin moreel pluralisme juist het uitgangspunt vormt. In aansluiting daarop wordt in dit hoofdstuk onderzocht in hoeverre op grond van Jürgen Habermas' deliberatieve democratische theorie evaluatieve criteria ter beoordeling van hervormin-gen in het socialezekerheidsrecht kunnen worden geformuleerd. Een theo-retische beschouwing laat zien dat Habermas net als Rawls zijn theorie baseert op een Kantiaans mensbegrip, waardoor in feite bepaalde (niet rati-onele) communicatievormen van het deliberatieve proces worden uitgeslo-ten. De relatie tussen macht en het rationele mensbeeld wordt daardoor onvoldoende belicht.

Het tweede deel van hoofdstuk 3 laat zien hoe dit thema wordt geadresseerd in het werk van Michel Foucault, Ernesto Laclau, Chantal Mouffe, William Connolly, Aletta Norval, Jason Glynos en David Howarth. Deze poststructuralistische denkers hebben met elkaar gemeen dat ze het (niet bewust ervaren) 'politieke' moment ('the political') onder de aandacht brengen als gevolg waarvan nieuwe praktijken kunnen worden geïnstal-leerd. De onderkenning van het belang van het 'politieke' voor de door ons

ervaren werkelijkheid, wil overigens nog niet direct zeggen dat het een theorie van rechtvaardigheid zoals die van Rawls onbruikbaar is. Integendeel, zoals Mouffe aangeeft, kan zijn theorie worden ingebracht in de strijd tussen verschillende interpretaties van rechtvaardigheid en deze van een taal voorzien waarmee verschillende interpretaties van het gelijkheids- en vrijheidsideaal tot uitdrukking kunnen worden gebracht. Echter uitgaande van 'een democratisch ethos van engagement', dat in dit hoofdstuk wordt geformuleerd op basis van het poststructuralistische werk van Foucault, Connolly, Norval, Glynos en Howarth, wordt geconcludeerd dat dit rechtvaardigheidsconcept moet worden verworpen. Het democratisch ethos van engagement bevat de volgende elementen:

– Een erkenning van de radicale contingentie van sociale relaties.
– Een ontvankelijkheid voor onrechtvaardigheid en praktijken van verzet en strijd.
– Een op vrijheid gebaseerd ethos waarin wordt getracht om te ontsnappen aan dominante waarheidsconcepties.

Binnen dit democratische ethos van engagement krijgen theorieën van rechtvaardigheid de betekenis van een imaginair construct, waarmee het subject tracht zijn interne incompleetheid te overwinnen. Het recht krijgt daarnaast enerzijds de betekenis van een praktijk dat gericht is op de realisering van bepaalde waarden of idealen (het pragmatische gezichtspunt). Anderzijds is het recht een vorm van macht die om die reden ook wordt bestreden. Dit betekent ook dat het recht net als macht nooit 'totaal' wordt. Als het gevolg van strijd en verzet, is het recht voortdurend aan verandering onderhevig. Het komt daarom ook nooit helemaal in de greep van de normaliserende macht dat, volgens een bepaalde lezing van Foucault's werk, zo karakteristiek is voor het sociaal recht. Integendeel. In het proefschrift wordt daarentegen betoogd dat op grond van Foucault's werk de stelling verdedigd kan worden dat het sociaal recht de ontwikkeling van een 'gede-individualiseerde' veranderlijke ethiek kan en zou moeten bevorderen.

   Aan het eind van hoofdstuk 4 wordt op grond van de methodologische en theoretische bespreking een aantal vragen geformuleerd die richting geven aan het onderzoek. Deze vragen zijn gebaseerd op een viertal analytische stappen die zijn geformuleerd in het tweede hoofdstuk: problematisering, retroductie, overtuiging en kritiek. Daarnaast worden de gehanteerde onderzoeksmethoden geïntroduceerd. Ten behoeve van het onderzoek zijn allereerst bijna 40 sleutelactoren geïnterviewd die betrokken waren bij de totstandkoming van de levensloopregeling en de plannen tot de uitbreiding van de regeling. De geïnterviewden betreffen onder andere (toenmalige) ministers van Sociale Zaken en Werkgelegenheid en Financiën, vertegenwoordigers van de belangrijkste politieke partijen, adviseurs van deze partijen, vertegenwoordigers van de belangrijkste werkgevers- en werkne-

mersbonden, vertegenwoordigers van andere relevante belangengroepen (particuliere verzekeraars en de gezinsraad) en ambtenaren. Daarnaast zijn op basis van deze interviews 11 sleuteldocumenten geanalyseerd die van belang waren bij de ontwikkeling van het levensloopidee. Deze documenten zijn geanalyseerd met behulp van methoden die zijn ontleend aan de Historische Discours Analyse. Andere relevante documenten zijn geanalyseerd met behulp van frame analyse. In twee gevallen is de methode van vergelijking gehanteerd. In hoofdstuk 9 wordt de Nederlandse levensloopregeling vergeleken met het Belgische Tijdskrediet. En in hoofdstuk 10 wordt het levensloopdiscours vergeleken met het negentiende-eeuwse discours dat vooraf ging aan de Armenwet.

De resultaten van het onderzoek

Nadat in de hoofdstukken 2 tot en met 4 een aantal theoretische en methodologische aspecten van de centrale vraag aan de orde zijn geweest, concentreren hoofdstukken 5 tot en met 10 zich op de empirische beantwoording van de hoofdvraag. De nadruk ligt daarbij op de ontstaanswijze van de levensloopregeling in het Nederlandse socialezekerheidsrecht. Op basis van deze hoofdstukken wordt de centrale vraag beantwoord.

Hoofdstuk 9 laat zien hoe in de levensloopregeling de waarden van individuele verantwoordelijkheid en vrijwilligheid zijn omgezet in specifieke wettelijke voorschriften. Daarmee onderscheidt de levensloopregeling zich van het overige socialezekerheidsrecht. Toch hebben de 'rhetorical logics' en de 'political logics' die de introductie van de levensloopregeling vergezelden ook haar sporen nagelaten in de logica die ten grondslag ligt aan het huidige socialezekerheidsrecht. Zo blijkt uit de voorstellen tot uitbreiding van de levensloopregeling dat het idee van individuele spaarsystemen ten behoeve van traditioneel collectief gedekte sociale risico's, zoals werkloosheid, steeds meer wordt geaccepteerd in het socialezekerheidsrecht.

Hoe kan deze groeiende acceptatie worden verklaard? Hoofdstuk 5 laat zien hoe, door het gewenste beleid 'levensloopbeleid' te noemen, een nieuwe blik op de werkelijkheid kon worden gecreëerd. Zoals eerder vermeld kan in discourstheorie het gebruik van nieuwe retoriek een belangrijke rol spelen in veranderingsprocessen. Indien bestaande woorden worden (her)gebruikt in een nieuwe context om iets te duiden waar tot dan toe geen naam voor bestond, spreekt men ook wel van catachrese. Dit was in feite wat er gebeurde in de het socialezekerheidsdiscours rond de eeuwwisseling. Door de introductie van de woorden 'levensloop' en 'levensloopperspectief' in een nieuw discours veranderde de betekenis van andere woorden en daarmee het zicht op de werkelijkheid. Je zou ook kunnen zeggen dat de nieuwe woorden de uitwerking hadden van een dislocatie: als gevolg van de introductie van de nieuwe woorden kregen de betrokken

actoren zicht op de contingentie van gesedimenteerde praktijken. Een bij-
komend effect was dat het woord 'sociale zekerheid' nu betekenis kreeg
tegen de achtergrond van het 'levensloopperspectief'.

Het succes van het levensloopverhaal kan ook verklaard worden aan
de hand van de uiteenlopende denkframes waarin het woord 'levensloop-
perspectief' betekenis kreeg. Doordat het 'levensloopperspectief' op een
steeds andere wijze kon worden uitgelegd, kon het op een relatief breed
draagvlak rekenen (hoofdstuk 6). Als gevolg hiervan werd in het socialeze-
kerheidsdiscours, meer dan voorheen, de nadruk gelegd op individuele
capaciteiten om te anticiperen op toekomstige gebeurtenissen. Van belang
was verder dat het levensloopverhaal en de daarin gebruikte nieuwe woor-
den 'levensloop' en 'levensloopperspectief' appelleerden aan een onbe-
wuste wens tot compleetheid. Het leek nu mogelijk dat tegengestelde
waarden, zoals efficiency en solidariteit, verenigd konden worden in een
systeem gebaseerd op een balans tussen (betaald) werk en privéleven,
waarin de wensen van een verhoogde arbeidsmarktparticipatie en meer
tijd voor zorg elkaar niet uitsluiten. In hoofdstuk 7 wordt daarnaast
betoogd dat het aantrekkelijke levensloopverhaal werd versterkt door een
bepaald gebruik van data in beleid. In die zin kunnen data, net als verhaal-
lijnen en beleidsframes, worden opgevat als een interpretatief product.

Een tweede verklaring voor de groeiende acceptatie van individuele
spaarsystemen in het socialezekerheidsrecht betreft de werking van de
'political logics'. Hoofdstuk 8 laat in dit verband zien hoe steun voor een
individuele levensloopregeling, die voorbij ging aan de door de bonden en
linkse oppositie gewenste collectieve spaarvormen, kon worden gewaar-
borgd. Terwijl de vakbonden en hun bondgenoten in 2004 gezamenlijk
optrokken tegen de door regering Balkenende II voorgestelde neoliberale
hervormingen in het socialezekerheidsrecht, doorbrak de regering het
oppositionele blok door op sommige punten toe te geven aan de vakbon-
den. De corporatistische verhoudingen waren hersteld, waardoor een klei-
ne institutionele hervorming, namelijk de introductie van een individuele
levensloopregeling, kon worden gerealiseerd.

Het vergrijzingsverhaal, dat met name in de periode na 2002 in belang
toenam bleef vervolgens voeding geven aan een gevoelde noodzaak tot
verdergaande sociale hervormingen. Een individuele spaarregeling zou
bijvoorbeeld beter in staat zijn om de nieuwe risico's op een vroegtijdig
verlaten van de arbeidsmarkt (zorg en veroudering van kennis en vaardig-
heden) dan het bestaande systeem van collectieve verzekeringen Hiermee
komen we op een derde verklaring voor de groeiende acceptatie van indi-
viduele spaarsystemen in het socialezekerheidsrecht. Het vergrijzingsver-
haal bleek krachtiger te zijn dan de weerstand tegen een individuele spaar-
regeling in de sociale zekerheid.

Samengevat verklaart dit onderzoek de inbedding van het idee van
individuele spaarregelingen in het socialezekerheidsrecht aan de hand van
drie factoren: de introductie van nieuwe namen in het socialezekerheids-

recht waardoor een nieuwe blik op de werkelijkheid kon worden gecreëerd ('rhetorical logics'), de werking van corporatistsche mechanismen ('political logics') en de kracht van het vergrijzingsverhaal ('rhetorical logics').

Voor een kritische verklaring van de inbedding van het idee van individuele spaarregelingen in het socialezekerheidsrecht reflecteert het proefschrift op het 'democratisch ethos van engagement' dat werd geïntroduceerd in hoofdstuk 4. Het onderzoek laat op dit vlak in de eerste plaats een paradox zien. Terwijl de woorden 'levensloop' en 'levensloopperspectief' en het ideologische levensloopverhaal waarin deze woorden betekenis kregen, het zicht op sociale contingentie vertroebelden, laat het onderzoek aan de andere kant zien dat deze nieuwe namen de actoren ook juist in staat stelden om de contingentie van het bestaande socialezekerheidsrecht te ontwaren. Identificatie met deze nieuwe namen illustreren aldus twee kanten van dezelfde munt. Aan de ene kant faciliteerde de retoriek over levenslopen een nieuwe manier van kijken naar het socialezekerheidsrecht, en bevorderde het een discursieve interactie tussen bestaande dominante discoursen en counter discoursen; aan de andere kant, werd door de retoriek gelijktijdig de nieuwe ruimte toedekten die ze zojuist had gecreëerd. Dit gebeurde onder andere door een ideologische subjectconstructie. Het levensloopdiscours construeerde een autonoom subject dat voortdurend eigen keuzes maakt en wil maken. Vanuit het perspectief van een democratisch ethos van engagement kan het gebruik van levenslooprhetoriek dus zowel worden toegejuicht als verworpen.

In de tweede plaats wordt het ontstaan van de levensloopregeling bekritiseerd, omdat de discursieve posities die deel uitmaakten van de discourscoalitie in het latere politieke proces niet of nauwelijks meer een rol speelden. Het gaat hierbij met name om het diversiteitsverhaal en in mindere mate om het gezinslevenverhaal en het emancipatieverhaal. Nu in 2005 het levensloopbeleid hoofdzakelijk werd begrepen in de context van het verhaal over het menselijk kapitaal verhaal en de nieuwe risico's, konden andere geluiden niet meer gehoord worden. Immers degenen die aandacht vroegen voor meer tijd voor niet-betaald werk zoals zorgactiviteiten, spraken in een andere taal dan de taal van het hegemonische discours. Het miskennen van deze geluiden laat een gevoel van onrechtvaardigheid achter.

Een derde punt van kritiek verwijst naar de diverse vormen van verzet. Zo kan de demonstratie uit 2004 worden opgevat als een verzet tegen alle sociale hervormingen van de regering-Balkenende waarin de waarde van solidariteit werd vervangen door de waarde van individuele verantwoordelijkheid, inclusief de introductie van de individuele levensloopregeling. De lage deelname aan de levensloopregeling en de houding van de betrokken ambtenaren wijzen daarnaast op vormen van (stil) verzet tegen de (uitbreiding van) de levensloopregeling. In zijn algemeenheid kan de totstandkoming van de levensloopregeling worden bekritiseerd, omdat de wensen van een belangrijk deel van de burgers werd veronachtzaamd. Terwijl in 2001 de levensloopdiscourscoalitie het startpunt had kunnen zijn voor een

verdere ontwikkeling van ideeën in dialoog met de burgers, werd de levensloopregeling nadat de discourscoalitie uit elkaar was gevallen, uitgevoerd met een sterk verminderd draagvlak

In de vierde plaats is een betoog voor een individuele spaarregeling in het socialezekerheidsrecht waarin de aandacht voor diverse levensvormen ten dienste wordt gesteld van een verhoging van de arbeidsparticipatie, iets wezenlijk anders dan een regeling waarin de diversiteit aan leefvormen als zodanig de grondslag vormt voor het socialezekerheidsrecht. Alleen in het laatste geval kan in beginsel gesproken worden over een democratisch ethos van engagement. Het sociaal recht moet immers niet alleen worden opgevat als een machtsvorm, maar kan ook toegang bieden tot vrijheidspraktijken. Dit betekent dat het sociaal recht ook ten dienste kan staan van de formatie van het ethische subject dat boven al moet worden opgevat als een veranderlijk en niet-eindig subject. In dit licht dient mijn voorstel van een basisinkomen in combinatie met een algehele toegang tot een ziektekostenverzekering begrepen te worden: een sociaalrechtelijke regeling die algehele toegang biedt tot vrijheidspraktijken waardoor mensen in staat worden gesteld om voor zichzelf en voor anderen te zorgen en voor zichzelf te spreken. Een dergelijke regeling moet worden onderscheiden van een levensloopregeling dat ziet op een zelfverantwoordelijke levensplanner, zoals wordt beargumenteerd in hoofdstuk 10.

Slotbeschouwing en toekomstig onderzoek

Empirisch onderzoek gebaseerd op een poststructuralistisch discourstheoretische ontologie staat in feite nog in de kinderschoenen. Discourstheorie beschikt nog altijd over onvoldoende ontwikkelde onderzoeksmethoden. Dit onderzoek heeft evenwel laten zien dat methodes ontleend aan de historische discoursanalyse dat is ontwikkeld door Ruth Wodak goed bruikbaar zijn voor dergelijk onderzoek. Hiermee hoop ik een aanzet te hebben gegeven voor toekomstig discourstheoretisch onderzoek waarin het gebruik van de Historische Discours Analyse verder wordt ontwikkeld.

Op een meer theoretisch niveau geeft het onderzoek aanleiding tot het verder doordenken van het handelende subject binnen discourstheorie. Volgens de inzichten van de discourstheorie verschijnt het subject slechts wanneer ze wordt gedreven door een onbewuste wens tot compleetheid. Nu subjecten evenwel voortdurend bezig zijn om interne compleetheid te bereiken, rijst de vraag in hoeverre in praktische zin dit discourstheoretische subject concept nog afwijkt van het subjectconcept van postpositivistische benaderingen. In beide opvattingen kan verandering immers tot stand worden gebracht door het handelende subject. Het verschil tussen beide opvattingen lijkt met name af te hangen van het antwoord op de vraag of de beslissing om te handelen wordt gemaakt op een bewust of een onbewust niveau.

In het verlengde van deze beschouwing van het subjectconcept kan de vraag gesteld worden in hoeverre het ideologische en het ethische handelen van elkaar kunnen worden onderscheiden. Uit het onderzoek blijkt namelijk dat identificatie met nieuwe betekenaars niet alleen kan leiden tot het afdekken van sociale contingentie (ideologisch handelen), maar ook juist het zicht op sociale contingentie (ethisch handelen) bevordert. Dus zowel het discourstheoretische subjectconcept als het door Glynos and Howarth gemaakte onderscheid tussen het ideologische en het ethische handelen verdient nadere theoretische verdieping.

Het onderzoek laat verder zien dat concepten die gebruikt worden in de postpositivistische beleidsanalyse behulpzaam kunnen zijn bij een poststructuralistisch discourstheoretisch onderzoek naar beleidsverandering. In toekomstig onderzoek zal het gebruik van deze postpositivistische concepten verder kunnen worden uitgewerkt voor poststructuralistisch discourstheoretisch onderzoek. Hierbij kan gedacht worden aan de toepassing van het begrip discourscoalitie in de discourstheorie.

In het onderzoek is de nadruk gelegd op de verklaring van het ontstaan van de levensloopregeling. Dit had tot gevolg dat er minder aandacht was voor de vraag waarom de eerste ideeën over een levensloopbestendig systeem van sociale zekerheid niet verder zijn ontwikkeld. Hoofdstuk 6 liet zien dat deze ideeën breed werden gedragen doordat het levensloopverhaal verschillende interpretaties toeliet. Bij meer concrete uitwerkingen kwamen evenwel de onderlinge geschillen naar boven. Op grond van de analyse van hoofdstuk 8 kan in aanvulling hierop worden betoogd dat de corporatistische structuur van het Nederlandse sociale systeem de ontwikkeling van een levensloopbestendig systeem sterk heeft vertraagd. Een hieraan gerelateerde verklaring kan ontleend worden aan het werk van Aletta Norval. Met de termen 'aspect dawning' en 'aspect change' geeft zij aan dat verandering niet alleen afhankelijk is van een eerste moment van 'verrassing', waarin de normale gang van zaken ineens op een andere wijze wordt beschouwd ('aspect dawning'). Voor verandering is meer nodig. Bovenal moet dit initiële moment van verrassing telkens worden herhaald om daadwerkelijke verandering te initiëren ('aspect change'). In de casus gaf de term 'levensloopperspectief' weliswaar inspiratie tot verandering en tot het creëren van iets nieuws, waarmee een uitweg kon worden gevonden uit vastgelopen discussies, het nieuwe woord constitueerde echter geen nieuwe praktijken waarin een nieuw perspectief op sociale zekerheid kon worden herhaald en daarmee daadwerkelijk verandering bestendigen.

Tot slot kan de vraag gesteld worden in hoeverre dit onderzoek contextoverstijgende elementen bevat. Kunnen we bijvoorbeeld op basis van dit onderzoek meer algemene vragen en hypotheses formuleren ten behoeve van vergelijkend onderzoek? In hoofdstuk 2 werd gesteld dat contextoverstijgende elementen met name te vinden zijn in de formulering van 'political logics' en 'rhetorical logics'. Naar aanleiding van de casestudie zou de hypothese getest kunnen worden dat de introductie van nieuwe namen die

worden herhaald in door die namen geconstitueerde praktijken, met name verandering veroorzaakt in landen waar de 'coordinative discourse' overheerst (hoofdstuk 6). Dergelijke landen zijn corporatistische staten en meerpartijenstaten waar het beleidsdiscours wordt gedomineerd door ambtenaren, gekozen politici, experts en georganiseerde belangengroepen. Daar tegenover staan landen waar juist het politieke discours op de voorgrond staat waarin het gaat om het overtuigen van het brede publiek ('communicative discours'). Het onderzoek suggereert dat in deze landen de introductie van nieuwe betekenaars in het socialezekerheidsdiscours minder effect zal sorteren. Daarnaast is het zinvol om, in het verlengde van dit onderzoek na te gaan in hoeverre het vergrijzingsverhaal van invloed is op de ontwikkeling van ideeën en de daadwerkelijke introductie van individuele spaarsystemen in het socialezekerheidsrecht van andere Europese staten.

Appendix to Chapter 4 (1)
List of interviewees

All most all interviews were conducted face to face. In some cases the interviews were conducted over the telephone (t) and in one case the interviewee responded via the e-mail (e). The names of the interviewees are followed with a description of the relevant occupation(s) during the emergence of the LCA and the discussions on the extension of the LCA. The occupation(s) are followed by the place and date of the interview.

E.J. van Asselt – Member of the research institute for the CDA. Den Haag, 12 December 2007.

J. Becking – Policy official FNV. Amsterdam, 19 March 2009.

A.L. Bovenberg – Crown-appointed member of the SER; advisor of the CDA; scientific Director of Netspar (economic research). Den Haag, 20 March 2009.

JL.W. Bijleveld – Policy official FNV; member of the SER. Amsterdam, 31 March 2009.

S.A. Blok – Member of the Second Chamber VVD. Den Haag, 18 May 2009.

P. Cuyvers – Staff member of the Dutch National Family Council; advisor of the CDA. Leiden, 21 December 2007.

I. Dollen – Policy officer Department of Finances. Den Haag, 13 March 2009.

F.C.A.M. De Leeuw – Director commercial services Aegon (insurance company); chairman sector life, Insurer Unions (Verbond van Verzekeraars), Utrecht 6 July 2009.

L. De Bruyn – Policy advisor Insurers Union (Verbond van Verzekeraars) Den Haag, 17 March 2009.

A.J. De Geus – Minister of Employment and Docial Affairs CDA. Paris, France, 28 April 2009.

L.J. De Waal – Chairman of FNV. Amsterdam, 10 January 2008.

G. Dolsma – Teamleader VNO-NCW; member of the SER; advisor of the CDA. Den Haag, 10 March 2009.

C.C.H.J. Driessen – Senior policy advisor FNV; member of the SER. Amsterdam, 20 February 2009.

C.H.S. Evenhuis – member of Temporary Expert Commission Emancipation (TECENA); Member of working group 'life course' D'66. Den Haag, 14 April 2009.

K.P. Goudswaard – Crown-appointed member of the SER; professor applied economics. Leiden December 20, 2007 and April 9, 2009.

H.J. Groenendijk – Policy official Department of Employment and Social Affairs. Den Haag, 9 February 2009.

A.J.M. Heerts – member of the board of CNV; Vice chairman FNV; participant Baliegroep I; member of the Second Chamber PvdA (since 2006). Den Haag, 22 March 2010.

A.J. Jaunusch – Policy official Department of Employment and Social Affairs. Den Haag, 5 February 2009.

A. Jongbloed – Director-general FNV bondgenoten. Leiden, 30 June 2009 (t).

M. Kastelein – Senior policy advisor CNV; Member of the SER; Advisor of the CDA. Gouda, 26 June 2009.

H.M. Kapelle – Director Aegon adfis (insurance company), professor of fiscal pension law. Amsterdam, 28 May 2009.

T.W. Langejan – Director General Department of Employment and Social Affairs; Leading negotiator in the Labor Foundation deliberations in 2004; Director General for Fiscal Policy (since 2008). Utrecht, 26 February 2010.

F. Leynse – Crown-appointed member of the SER; person charged with forming a new government (2003); member of the First Chamber PvdA. Utrecht, 5 March 2009.

G. Maas – Chief savings Rabobank Netherlands; chairman working group 'credit finances' Dutch Banking Union (Nederlandse Vereniging van Banken) Eindhoven, 6 June 2009.

J. Pijpen – Vice-chairman abvakabo FNV. Amsterdam, 20 December 2007.

L. Rigter – Policy official FNV. 3 June 2009 (e).

K. Roozenmond – Vice-chairman FNV. Den Haag, 15 June 2009.

J. Sap – Policy official Department of Employment and Social Affairs; member of Second Chamber Groen Links (since 2008). Leiden, 12 March 2009 (t).

J.J. Schippers – Member of the Temporary Expert Commission Emancipation (TECENA); Professor emancipation and labor economics. Leiden, 2 June 2009 (t).

E.J. Slootweg – Senior policy advisor CNV; member of the SER. Utrecht, 6 March 2009.

M.C.A. Smilde – Member of the Second Chamber CDA. Den Haag, 2 February 2009.

D. Terpstra – Chairman of CNV. Leiden, 12 December 2007 (t).

J. Timmerman – Policy official Department of Employment and Social Affairs; Policy official Department of finances Den Haag, 13 February 2009.

J. Thunnissen – Director-General Tax Authorities. Den Haag, 19 June 2009.

W. Van der Braak – Director Social Affairs VNO-NCW; member of the SER; negotiator in the Labor Foundation deliberations in 2004. Den Haag, 12 March, 2010.

L.B.J. Van Geest – Director Financial Economic Politics Department of Finances; involved in the Labor Foundation deliberations in 2004; General Director national budget department of finances (since 2008). Den Haag, 11 February 2010.

R.A. Vermey – Member of the Second Chamber PvdA. Den Haag, 6 July 2009.

J. Visser – policy official FNV; member SER. Amsterdam, 20 February 2009.

J. Van der Werf – General director Aegon (Insurance company). Amsterdam, 23 April 2009.

E. Wierda – Policy official Sector Emancipation. Amsterdam, 12 July 2011.

G. Zalm – Minister of finances VVD. Amsterdam, 15 July 2009.

Appendix to chapter 4 (2)
Interview themes

The answers of the interviewees were summarized according the following themes:

Political process

1. Meaning of the 'life course perspective' in the social security discourse.
2. Strategic use of the 'life course perspective' in the social security discourse.
3. Discursive changes within CDA with respect to 'life course policy' (mid 1990s-2004).
4. Discursive changes within FNV with respect to the individual responsibility of employees (1990s – 2008).
5. Influence of VVD on the development of life course policy during the governmental coalitions with CDA (2002-2007).
6. Influence of the aging society discourse on the negotiations on the new governmental coalition in 2003 (Balkenende II).
7. Discursive changes with within SER with respect to 'life course policy'.
8. Conflict between SER members during negotiations on life course policy 2003.
9. Reactions on governmental plans with respect to the abolition of the fiscal facilitation of early retirement.
10. Proceedings with respect to negotiations within the Labor Foundation in 2004.
11. Formation of chains of equivalence between different parties preceding the 2004 demonstration.
12. Disagreement within FNV with respect to the abolition of the fiscal facilitation of early retirement and the introduction of the Life Course Arrangement.
13. Framing of the 2004 demonstration.
14. Implications of the assassination of Theo van Gogh for the November 2004 agreement.
15. Framing of the November 2004 agreement.
16. Restoration of the 'poldermodel' after the November 2004 agreement.

Policy process

17. Translation of a policy concept to a concrete arrangement.
18. Proceedings with respect to the Verlofknip (2002).
19. Believers and non-believers within the LCA policy discourse.

20. Debating the design of the LCA: an individual or a collective savingss-
    cheme.
21. Debating the design of the LCA: wage tax or income tax.
22. Influence of other stakeholders (other than the social partners) on the
    design of the LCA.
23. Attempts to promote the LCA.
24. Attempts to extend the LCA after the 2007 coalition.
25. Ideas with respect to a savings arrangement for the risk of unemploy-
    ment.
26. Proceedings and opinions with respect to the Labor participation com-
    mittee 2008.

Opinion on the LCA

27. Opinion on the failure of the LCA.
28. Positive aspects of the LCA.
29. The future of the LCA.

Appendix to chapters 5 and 6
Argumentation strategies

Table 1 Argumentation strategy SER (2001)

Categories	Main claims in the text
Social trends	– during the **life course** people desire to have more choices regarding work, care, education and spare time; – personal preferences change during the **life course**; – the position of labor has changed in the **life course** of people, in particular with respect to the **classical pattern** of a fulltime working breadwinner; – during a **life course** people, alternate fulltime work and part-time work and periods of shorter or longer breaks; this is true for women in particular; – education is a question of life long learning, this implies that the demand for education is spread over a whole **life course** in a knowledge society; – **varied life patterns** come into existence where **periods of paid labor** are alternated with **periods of leave**, education and care; – main social trends: internationalization, computerization; demographic changes, individualization; wealth and ethnic diversity; – the influence of trends on lives of people should not be exaggerated (myths); for instance, most people still live in families; – freedom of choice in the sphere of labor conditions has increased; work becomes a consumption good; – workers increasingly prefer entrepreneurship; – the labor market is tense; – women increasingly participate on the labor market; – people increasingly prefer individual social security provisions; – social risks increasingly become manufactured risks;
Problematization of social trends	– due to changed **life courses** tensions may emerge between the demand for workers and the realization of personal desires; – a lot of people experience a deficit in education during their **life course**; – in **the period of family life**, labor market participation is not attractive; – workers are confronted with a **period in life** in which they earn little, because they spend much of their time taking care of their children; – **lifetime labor productivity** lags behind potential labor productivity; – increased diversity of **work patterns** and flexibility of labor organizations may affect the productivity of the organization negatively; – combination of work, care, education and spare time often results in 'combination stress'; – temporally leaves and a decrease of the workweek has negative repercussions for the career of women; – abolition of bread winner facilities without creating new care facilities may endanger social cohesion; – the worker experiences a pressure of work; – workers who leave the labor market experience difficulties reentering the labor market;

Categories	Main claims in the text
Undesired reality	– during the **life course** the demand (of workers) and supply (of institutions) is unbalanced, because the institutions are tailored to the sequence of education, work, and free time; – the system of social security (and the fiscal system) is built upon the standard worker, the standard **life course** of men and the standard **life course** of women; as a result, elderly people are not stimulated to engage in paid work; the possibilities of entrepreneurship cannot be exploited fully, individual choices are not enough facilitated and welfare recipients are not stimulated to get themselves educated; – viewed from a **life course perspective**, the institutions of the labor market do not pay sufficient attention to the **life time labor productivity**; – labor market institutions are not tailored to counsel self-employed workers – workers and employers are insufficiently stimulated to engage in education activities; – labor market policy does not pay enough attention to qualitative work aspects;
Desired realities	– labor patterns are viewed from the perspective of the (work) **life course**; – viewed from a **life course perspective**, education policy should be put in a perspective of 'life long learning', 'employability' and an 'orientation on the demand site' instead of the supply site; – labor patterns are situated in a **life course** perspective; therefore they are strongly related to time; – careers should be spread over entire **life courses**; – viewed from the perspective of changed **life courses** obstacles for the development of individual **life courses** should be removed; – social law should be tailored to the diversity of labor patterns during the **life course**; – current choices should not inhibit future choices; – incentive structures should be enhanced to encourage labor market participation; – social interests and company interests should be balanced; – early investments in human capital are necessary, such as preschool and childcare.

Table 2 Argumentation strategy purple government (Ministry of Social Affairs and Employment, 2002)

Categories	Main claims in the text
Social trends	– last decades Dutch citizens have had more possibilities to flesh out their individual **life courses**; – modern **life course** can be characterized by five periods; – in modern **life course** people combine activities in all **periods**; – in modern **life course transitions** are made between different areas; – in last 25 years the **standard life course** has changed into a **varied life course**; – due to changed **life courses** the social need for knowledge and a life long learning has become more important; – main social trends: individualization; acceptance of contraception; higher life expectation aging; knowledge economy; multicultural society; – people want to make their own choices and they also want to take responsibility for their choices; – women are better educated than before and they increasingly participate in the labor market; – men want to extend there activities beyond paid labor; – people leave the labor market earlier; – investments in human capital have become more important; – despite changes, there is also stability: most people are still willing to pay collective premiums for social security and health and most people prefer stable contracts;
Problematization of social trends	– modern **life course** carries some challenges: people work less, as a result of which investments in human capital have become less attractive; and it becomes increasingly difficult find support for collective provisions and facilities; – **the bridge of one sphere of life to another sphere of life** does not always allow for a two-way traffic; – in the **third period of life**, 'the rush hour of life', financial and time pressure are high in families with children; this can affect their health; – **transitions** are increasingly expensive regarding the earning potentials and the loss of social security rights; – for a lot of people the care for sick family is a heavy burden; – some groups are not well enough educated; – students complain that education programs are exclusively focused on knowledge;
Undesired reality	– citizens feel themselves trapped within the arrangements of the welfare state, which are based upon the standard **life course**;

Categories	Main claims in the text
Desired realities	– the **life course** is not so much a new policy area, it is rather a perspective to see how social problems are connected; – the challenge is how, from a **life course** perspective, citizens can be offered more possibilities to flesh out their individual lives; – people must be enabled to uphold their employability during their entire **life course**; – during the entire **life course** people are economic independent; – labor participation should be enhanced during the entire **life course**; – the collective safety net should be tailored to the modern **life course**; – time and money should be spread during life as a result of which people are enabled to combine work, education and care activities in all **periods of life**; – the **transition** to the fifth **period of life** must be prolonged; – the quality of life should be enhanced; – life long learning is necessary for full participation in the labor market and society; – people must be stimulated to become self employed; – people should be enabled to combine paid labor with care activities, whilst time for care activities must be slightly protected; – the government should provide coherent facilities for children.

Table 3 Argumentation strategy 'family life narrative' (Cuyvers 1996)

Categories	Main claims in the text
Social trends	– in individual **life courses** a new pattern emerges according to which **stages** succeed each other and alternate; – individual **life courses** are dominated by the family; – modal citizens increasingly adhere to the principles of emancipation, freedom of choice and individualization; – family relations are increasingly modernized;
Problemati-zation of social trends	– in modern **life course** stages with and without children are increasingly separated; – **modern life** course the 'family gap' increases; – the distribution between labor time and money is out of balance; – the desires of the majority of the population to combine tasks is not ful-filled; – the problem of the peek load affects entire society; – due to the traditional systems, modal families increasingly encounter problems;
Undesired reality	– current social system is still based on traditional family relations; – current representations of the family is not in line with the actual situa-tion; – influential groups prevent the establishment of family policy; – cutbacks and individualization measures affect families with children negatively;
Desired realities	– distribution of care and labor between family members during different **stages of the life course** should be revised; – modern social system should improve the distribution of the burdens during the **life course**; – the modal citizen in his modern **life course** still needs the classical pro-tection of the 1950s; – modernization of relationships should not focus on the creation of new **standard patterns**, but on freedom of choice in which investments in the family are equally valued as labor market participation; – the modern family integrates the roles of the individual, the partner and the parent.

Table 4 Argumentation strategy 'diversity narrative' (Evenhuis 1999b)

Categories	Main claims in the text
Social trends	– **life courses** are becoming increasingly diverse; – next to the **standard life course**, a **life course** with a double loyalty has been developed; – within the **life course** with a double loyalty the availability for paid labor is weighed against other aspects of life, this is also true for an increasing number of men; – nowadays well educated women also follow the standard **life course**; – life quality becomes increasingly important; – nowadays it is taken for granted that every individual must combine paid labor with care activities; – labor market is tight;
Problemati-zation of social trends	– women who do not pursue a work career at a young age and a growing group of young workers question the over-full life that the standard **life course** imposes, which, amongst others things, causes stress and burn out;
Undesired reality	– the standard **life course** is still based on paid labor and male lives; – the standard **life course** is anchored in social norms and values under-pinning diverse institutions; – women are faced with problems that are caused by many implicit or explicit age limits and strict uniformity in **life courses**; – social policy that is not tailored towards the growing diversity in **life courses** could easily cause a split between, on one hand, low educated women and, on the other hand, men and the group of ambitious, well educated women; – persons who leave the standard **life course** face unpredictability in terms of social protection, career opportunities and pensions as a result of which inequalities between men and women continue; – new policy measures rather look like emergency solutions whereby financial and company interests outweigh individual preferences;
Desired realities	– a number of **life course models** can be constructed as an art of 'new diversity standards'; – future bills should consider diverse **life courses**; – The concept of a diversity of **life courses** nonetheless implies that avail-ability for the labor market remains important; – a diversity of **life courses** means that individuals gain more freedom to decide how to balance their availability for paid labor and care; – **life courses** should be treated equally in labor law, social security and in the fiscal system; – labor market policy should not be directed at elderly people but at the ones who must leave the labor market to perform care tasks; – the social security position of people who reenter the labor market should be improved.

Table 5 Argumentation strategy 'emancipation narrative' (Schippers 2001)

Categories	Main claims in texts
Social trends	– because of the '**destandardization' of life courses**, individuals increasingly desire to make **transitions** to other spheres; – labor market is tight; – last decennia the differentiation of labor participation of women has increased; – labor market participation has become more important in individual lives;
Problemati-zation of social trends	– **transitions** between different domains and between different segments of the labor market is often a 'one way traffic' and/or only opened up for a limited amount of groups; – from the viewpoint of welfare theory it is worrisome that a lot of individuals and households are not able to realize their preferred amount of working hours; – women do not sufficiently participate on the labor market; – differentiation of women is a problem for emancipation policy that thus far only considered one type of woman;
Undesired reality	– in respect to current policy every **transition** from and to the labor market is attached to a separate policy area – the arrangements of the welfare state confirm the pattern that women are responsible for care; – (in regard of tight labor markets) the distribution of paid labor and care cannot be considered as just a private problem anymore; – current activation policies do not consider the combination of paid labor and care – employers and men believe they must be constantly available for work – the image exists that women are primarily (potentially) mother; – the uneven distribution between unpaid care between women and men is due to the fact that men do not perform care functions
Desired realities	– social policy should depart from a **life course perspective of transitions**; – social policy should consider the diversity of roles that men and women can, must and want to play during their **life courses**; – a two way traffic of **transitions** on the labor market should be created; – a **life course perspective** of **transitions** also means that all individuals transit towards the labor market; – Emancipation policies should be directed at men, because they are the main problem.

Table 6 Argumentation strategy 'human capital narrative' (Bovenberg 2003)

Categories	Main claims in texts
Social trends	– **life courses** have changed; – the **life course** has been extended with two new stages; – human capital lasts longer, because health improvements has lengthened the **life course**; – workers engage in other activities outside paid work **during their life**; – investments in human capital (of children) have become more important; – human capital ages quickly; – the supply of women capital has grown; – the responsibility for inactivity has increased;
Problematization of social trends	– in the **stage of family life** the income falls (family gap); – for working parents the **stage of family life** presents the 'rush hour of life; – a **longer life expectancy** has not yet been translated into a **longer life span** of human capital income risks; – people are insufficiently educated; – involuntarily unemployment has become less well verifiable, as a result it is increasingly difficult to insure this risk; – the poverty among children increases; – because of the increased labor market participation of women, there are less people available to take care of the elderly people;
Undesired reality	– imperfections on the capital market prevent young parents from distributing their time during the **life course** in an optimal way; – pension systems are not tailored towards **modern life courses** – the social security system is not able to address new risks in the **middle stage of life**; – the labor market is not sufficient flexible for elderly people; – social security systems insures old risks too well; – people without (productive) children profit from those who raise children; – people are not encouraged to invest in human capital;
Desired realities	– in modern **life course** parenthood demands public support; – the worker bears primarily responsibility for the distribution of income during the **life course** – the employer should encourage the sustenance of human capital and he/she should facilitate the workers to gear their work hours to other activities in specific **stages of life**; – **life long learning** during the **life course** should be stimulated; – collective insurances should be transformed to an individual savings scheme in the form of a **life course** arrangement; – young people should be allowed to use pension savings for the finance of parental leaves, this also contributes to labor market **transitions** in the **modern life course**; – young people are encouraged to prepare themselves for the **period of family life;** – time for leisure and finances are being transferred from the **senior period in life** to the busy and expensive **period in life**; – most people are able to bear individual responsibility for temporarily income reductions and for the investments in human capital; – human capital should be maintained in order to avoid workers leaving the labor market; – savings elements in the social security system encourages the incentives for middle and higher incomes to participate in the labor market; – social security arrangements which insure human capital, such as pensions, parental leave, care leave and education should be integrated

Table 7 Argumentation strategy 'new risk narrative' (Leynse 2001-1)

Categories	Main claims in texts
Social trends	– we make more combinations and **transitions between different ways of spending time**: labor, housework, care, educations and other activities; – **life long learning**, employability, variation of work have become more important; – new social trends: the emergence of the knowledge economy; computerization; individualization; internationalization; demographic changes; – nowadays we encounter risks and responsibilities in a different way: whereas in the early days we conceived of risks as exogenous events; nowadays we also view the endogenous elements; – demand for both low skilled and high skilled labor grows; – individualization has not resulted in a complete mix of activities; – paid work has changed; – the new worker must increasingly behave himself as an entrepreneur; – social skills have become more important for the new worker; – paid work should be fun, and it should fit with our character; – secondary labor conditions have become more important;
Problematization of social trends	– the **stage of life** in which children are not yet able to learn work and play on their own is correctly called the '**rush hour of life**'; – as a result of increased combinations of activities, the boundaries between work and private have become blurred. This gives rise to more stress, one of the most important risks of the moment; – this intensity of combining activities can result to sickness and an inability to work: an enormous depreciation on human capital; – flexibility can result in job insecurity;
Undesired reality	– institutions of social security labor relations, care and education follow the standard **life course** model, have standard production schemes, are based on standard types, and follow the traditional male-female patterns in labor and care; – the fiscal system is modeled on the standard **life course** model – the old social contract induces inactivity and eliminates free choice; – institutions of social security results in welfare dependency and discourage investments in ones own human capital; – current institutions do not produce right incentives; – institutions do not fit with current economy that is based on human capital; – institutions are related to either the worker or the entrepreneur; hybrid possibilities are not acknowledged; – institutions do not encourage job rotation nor entrepreneurship; – people aged 50 years and up are not encouraged to invest in their human capital;
Desired realities	– get rid of standard **life course** patterns within institutions; – social security and capital fundings should be independent of the **stage of life**; – households should be accommodated in the '**rush hour of life**'; – the new social contract should reckon with the concurrence of risk and free choice; – social policy should cherish our human capital; – institutions should take the desires of the new worker into account; – classical distinctions between worker and entrepreneur should be loosened; – institutions should maintain social cohesion and solidarity within society; – social institutions should encourage the elderly to work longer; – The social security system should enable or empower workers.

Table 8 'Life course perspective' and citations

we do not want: 'a **new standard pattern**'
but: 'accommodate the desires of the modern family that values an adequate distribution of time over the **life course**' (Cuyvers 1996)
we do not want: '**standard life course patterns** within the institutions'
but: "accommodate the desires of the 'new worker', which means that the system of social security should be made independent of the **stage of life**" (Leynse 2001-1)
we do not want: 'a **standard life course** that is based on the average male life course'
but: 'a **diversity of life courses**, meaning that more attention should be paid to the quality of life and the life course with a double loyalty' (Evenhuis 1999b)
we do not want: 'a **standard life course** that entails a waste of human capital and the insurance of old risks'
but: 'the accommodation of the modern, flexible economy that invests in human capital, endorses a spirit of enterprise and in which the worker is primarily responsible for the distribution of income during the **life course**'(Bovenberg 2001, 2003)
we do not want: 'to offer 'black Fords''
but: 'a **life course perspective on transitions**, meaning that individuals are empowered to actually make transitions in their lives' (Schippers 2001)

Appendix to chapter 8 (1)
Discursive shift within CDA

Table 1 Discursive shifts in the writings of Balkenende (2001-2005)

	'Groen over Paars (2001)	Bilderberg conference (2005)

Trends	– negative consequences of seven years purple government:
	  * introduction of market processes
	  * individualization
	  * sole focus on labor market participation and reduction in tax burdens;
		– we have got more and better facilities, and more spare time;
		– industrial society has been transformed into a network society;

Problematization of social trends	– the policy of the purple government has resulted in the overheating over the economy, resulting in shortages on the labor market; – Trust in the working of the market has decreased; – the purple government has wrongly emphasized 'maximum labor participation' instead of an 'optimal labor participation', which also addresses unpaid activities and spare time;	– the economy is still slow; – whereas in 1960 the Dutch worker made the most working hours in Europe, nowadays, the Netherlands scores the number one position on the list of the countries with the shortest work hours;
Justification for a desired reality	– people think there has been too much individualization; they care for basic values, the quality of society and security, recognition, respect and protection in an insecure world; they care for moments of rest in the domestic sphere; – people experience stress in their private lives; it has become increasingly difficult to combine work, care and spare time; – the danger of the economization of social life that everything is measured in economic terms and that values also get economized	– due to the aging process, an increased labor market participation has become essential for our economy; – the main problem will be a limited supply of good educated and trained workers;

	'Groen over Paars (2001)	**Bilderberg conference (2005)**
Desired reality	– a communitarian society; – the form of family policy; – humanity and quality of society; – addressing problems caused by stress and the issue that people have to spend more time and pay more attention to each other; – optimum labor participation instead of maximum labor participation: volunteer labor for society also counts	– everybody who can work, has to work; – workers have to engage in life long learning; – workers must be flexible; – prioritization of entrepreneurship: reduction in tax burdens; – market parties will be involved with respect to public insurance;
Life course perspective	– life course policy: people should be able to make more choices in their lives that fit with the specific period of life.	– in order to work more hours the distribution of time between paid work and other activities (care and study) should be enhanced; – this means a new social economic system should be based upon the individual life course; – we have to go from early retirement schemes to life course (implying that people have to become more active).

Table 2 Discursive shifts in the reports of the research institute for the CDA (2001-2004)

	Druk van de ketel (2001)	**Zekerheid op maat (2004)**
Trends with respect to changed life courses	– people combine more activities in the modern life course and the roles of men and women have become less clear; – regarding the period of parent-hood, the modern life course has become standard as well;	– individual life courses are increasingly diverged and it is increasingly difficult to demar-cate the stages of life in the net-work society
Problemati-zation of social trends	– new life courses cause pressure to achieve, a pressure of work and insecurity; – families can be perceived as the losers within the life course;	– our prosperity is in danger, because of the worsened eco-nomic position of Europe and aging society; – individuals must constantly invest in themselves: a social divide emerges between low and high educated citizens;
Undesired reality with respect to the life course perspective	– current social security system is still tailored to the traditional life course as a result of which it is difficult to combine diverse activi-ties; – people are insufficiently protected; – labor market policy does not con-jure up with developments in the life course: transitions, life long learning, etc.;	The social institutions are still based on the classical life course perspective of industrial society of last century which covers risks instead of preventing those risks from arising in the first place;
Desired reality with respect to the life course perspective	– institutions should become more tailored to the increase of the diversity of labor participation during the life course without dispersing the realm of income, career perspective and family.	– the institutions must endorse a life course perspective which means that the they should encourage precautionary mea-sures and labor participation.

Appendix to chapter 8 (2)
The November 2004 agreement

The labor unions loudly celebrated the outcomes of the November 2004 agreement. Yet, tables 1a and 1b show that it is doubtful if the outcome of the November agreement really improved the position of the workers compared to the last compromise proposal in May 2004 which induced the social demonstration in October 2004.

Table 1a Most important differences between last compromise proposal (Star deliberations May 2004) and the agreement of November 2004

Last proposal 18th of May 2004	Agreement 5th of November 2004
Fiscal facilitation of pre-pensions starting at the age of 62,5 on the condition of the possibility of opting out.	Abolition of fiscal facilitation of pensions before the age of 65;
Savings in the life course arrangement up to 150% of last wage. The government is prepared to negotiate further on a higher maximum.	Savings in the life course arrangement up to 210% of last wage;
	Extra possibilities to make collective agreements on the transfers of pensions-savings to finance leave before the age of 65;
	An extra fiscal reduction in the life course arrangement (yearly €183).

Table 1b Opinion on the outcome of the November agreement 2004 for the labor unions

The November agreement was better than the earlier compromise proposal	The November agreement was comparable to the earlier compromise proposal	The November agreement was worse than the earlier compromise proposal
2 staff members of FNV 1 Key-official	1 staff member of FNV 1 staff member of CNV 1 staff member of VNO-NCW 1 key-official 1 representative of CDA	1 staff member of CNV 1 staff member of VNO-NCW 1 staff members of the union for private insurances 2 ministers
3	5	5

Table 2 Factors inhibiting a successful LCA according to the respondents

Technical aspects – anti-accumulation regulation between the life course and the wage savings arrangement; – employers who agreed to contribute to the life course arrangement as part of terms of employment, were obliged to pay the same to all workers, whether they participated or not in the arrangement; – the administrative burdens were put on the shoulders of the employers; – workers had the right to save in the LCA, but did not have the right to take a leave; – workers with low income profit less from the LCA than workers with high income;
non-believers – the life course arrangement is not the right instrument to solve the problem of the 'rush hour of life'; – the LCA does not contribute to an increased labor participation; – politicians are not convinced that the LCA is a good arrangement; – people do not feel that the arrangement brings them something;
Representation and promotion – the representation in the media of the LCA had become negative; – the government has not promoted the LCA enough; – people distrust the government, they are not sure that the LCA will stay.

Appendix to chapter 9
Balimanifest 1 (2005) and
Balimanifest 2 (2009)

Table 1 Argumentation strategies used in Balimanifest 1 (2005) and Balimanifest 2 (2009)

	Baliemanifest 1 (Leenders, et al 2005)	**Baliemanifest 2 (Beukema, et all 2009)**
Undesired developments	The Balkenende government has curtailed the social security system.	Current social security arrangements offer neither self employed nor employees on a fixed term contract sufficient protection.
New trends	The modern life discourse is more diverse compared with the traditional life course.	The differences between the employee and the self employed decrease rapidly.
Relationship between new risks and the public interest	Whereas for society choices with respect to education and care have become very important, they cannot be perceived anymore as exclusive private affairs. The government should therefore extend current public social security with an insurance for care and education.	New risks accumulate at the bottom of the labor market where mostly low educated people are in need of more protection; the government should guarantee the protection of these workers.
Key concept	Life course: paid work has now a central place in the life course of the people.	Emancipation: at this moment workers and employers are being patronized by the government which does not provide sufficient security;
Desired reality	The social security system should enable people to alternate between different roles in decisive stages in their lives.	Workers should emancipate and become more autonomous.

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Curriculum vitae

Anja Eleveld was born on 29 July 1966 in Veendam, the Netherlands. In 1984, she began to study cultural anthropology at Utrecht University and in 1987 she started to study public administration at the University of Amsterdam. She conducted her graduate research in central Mexico where she stayed 10 months in the period between November 1988 and August 1989. Anja obtained a doctorandus degree in both studies in 1990. After graduation Anja worked as a social worker and welfare officer. In 2000 she completed a bachelor's degree Social Work at the College of Higher Education in Driebergen. In September 2005 Anja began to study labor law at the University of Amsterdam. After she completed her master's degree cum laude in June 2006. Anja started working as a PhD fellow at Leiden University's Department of Social Law within the framework of the research programme Reforming Social Security – funded by Stichting Instituut Gak in October 2006. During those years she attended a summer school at the University of Essex and did a PhD course at the Copenhagen Business school. Her research has been published in both Dutch and international journals and edited books. From March 2011 until September 2012 Anja worked as a policy officer at the Dutch Council for Refugees. Since September 2012 she holds a position as postdoctoral researcher and lecturer at VU University Amsterdam.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2011 and 2012:

MI-189 M.R. Bruning, M.P. de Jong, T. Liefaard, P.M. Schuyt, J.E. Doek & T.A.H. Doreleijers, *Wegwijs in het jeugdsanctierecht. Onderzoek naar het juridisch kader voor de zwaarste jeugdsancties in theorie en praktijk,* Nijmegen: Wolf Legal Publishers 2011, ISBN 978 90 5850 621 4

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