

Article

Welfare governance

CHRISTIN ACHERMANN

University of Neuchâtel, Switzerland

ANITA HEINDLMAIER

University of Vienna, Austria

SANDRA MANTU

Radboud University, The Netherlands

LUCA PFIRTER

University of Neuchâtel, Switzerland

Abstract

This article connects to broader discussions on governance and neoliberal individualisation and advances how activation policies push a focus on labour market participation no matter what the cost - leaving non-citizens vulnerable to exploitative working conditions and termination of their stay permits if they do not participate. This goes along with a responsabilisation of the 'poor migrant', individualising their failure to secure their living that provides crucial momentum to drive them out of the national territory. Pointing to the broader context of intersectional (especially gendered and racialised) inequalities, this contribution concludes that precarity (both material and status-wise) is one of the key results characterising the current welfare governance of non-citizens.

Corresponding author:

Christin Achermann, Centre de droit des migrations et Laboratoire d'études des processus sociaux, Rue Abram-Louis Breguet 1; 2000 Neuchâtel; Switzerland.

Email: christin.achermann@unine.ch

Critical Social Policy 2024, Vol. 44(4) 605–620

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DOI: [10.1177/02610183241273587](https://doi.org/10.1177/02610183241273587) journals.sagepub.com/home/csp

Keywords

activation, governmentality, precarity, responsabilisation, welfare governance

The governance approach to welfare

Our understanding of ‘welfare governance’ is based on Michel Foucault’s conceptualisation of governmentality, and its potential for critically examining hierarchies and power relations within welfare states (Foucault, 1997; Rose et al., 2009; Walters, 2004). Following Foucauldian ideas of governing and government, ‘governance’ refers to all forms of influence and knowledge through which to ‘conduct conduct’, be it the conduct of others or the self; or as Foucault phrased it: ‘techniques and procedures for directing human behavior. Government of children, government of souls and consciences, government of a household, of a state, or of oneself’ (Foucault, 1997: 82).

Foucault’s conception of the ‘government of the self’ (e.g., Bröckling, 2012; Inda, 2005; Rabinow, 2010) is of particular use in interrogating the constant (re)production of inequalities within European welfare states. Discussions situating the conduct of the self within the context of neoliberalism, characterised by the retrenchment of the state and a focus on the managerial imperatives of efficiency and rationality, form the basis of our investigation into welfare governance and its effects on non-citizens (see Kiely and Swirak, 2022). Neoliberalism’s emphasis on free markets, free trade, property rights, privatisation, and individual responsibility sees the state withdraw from the provision of social welfare while remaining the guarantor of the social, economic and political conditions that allow capital to operate freely. Through migration policies, states in the Global North are keen to open their borders for trade and forms of migration deemed beneficial to their economies, thereby reproducing forms of racialised capitalism based on colonial-style relationships and structured along gender (Bhambra, 2021; see keyword ‘Welfare State’). For Arun Kundnani (2021: 51), ‘race’ provides a ‘means of coding and managing the material boundaries between different forms of labour under neoliberalism: citizen and migrant, waged and unexploitable, bearers of entitlement and bare life’. This argument is based on the fact that neoliberalism produces its own distinctive structures of racial oppression that can be observed in state practices of policing the surplus populations produced by globalisation. Such practices may concern border and migration policies as well as social welfare, since in more radical readings of the relationship between capitalism and the welfare state, social welfare is seen as intrinsic to the functioning and reproduction of capitalism (Salomon, 2023). In this keyword, the term ‘migrant’ is used to underline the legal-administrative

status of people categorised as not belonging to the nation-state in which they reside (see introduction to the keywords).

With this keyword, we address how the welfare of non-citizens is governed through specific ‘government techniques’ (Lascoumes, 2004) that conduct people to conform to lifestyles which are hegemonically perceived as more productive; and how migration governance works in tandem with welfare governance to (re)produce intersectional inequality and precarity for certain groups. We discuss how this coupling materialises in specific forms of welfare governance, such as activation and workfare policies, responsabilisation, and passivisation. We show how these government techniques are supposed to conduct (poor) non-citizens’ behaviour with the aim of them being independent of state support. The general transformation of welfare states towards welfare benefits that are based on the activation of the recipients or on workfare policies, which expect a return service in the form of labour, has particular implications for poor non-citizens. Following this neoliberal government, policies need to be productive rather than repressive. Productive power is considered to be more apt in promoting effective government, ‘as subjects have to be free to be governed and to govern their own conduct’ (Kiely and Swirak, 2022: 29). Furthermore, we point to policies geared at the passivisation of non-citizens, rendering people economically passive to exclude them from work and welfare. The multiplicity of policy approaches implies that welfare governance and the connected neoliberalisation of welfare policies must be investigated in their disaggregated form (Rose et al., 2009), observable in the situated effects that state power bears for differently categorised (e.g., gendered, classed, racialised) individuals and for the working of the state itself.

Pierre Lascoumes (2004) underlines that the ‘conduct of conduct’ through government techniques is a way of exerting power, which in the present case is based on hegemonic ideas about the positivity of social policies. This makes them difficult to criticise (Tabin and Leresche, 2019) and obscures the fact that social rights support certain groups, such as citizens or men, rather than racialised non-citizens or women (Sainsbury, 1999; see keyword ‘Solidarity’). As individualised responsabilisation demonstrates, governing as a social process is not restricted to the state, but manifold actors, and the ties between them, can and do govern the way individuals and institutions think and act. This means that questions of orienting behaviour and political order and authority must be addressed beyond the institutionalist vision of the nation-state to also include, for instance, private actors, ‘the economy’, or civil society (see Alberti, 2021).

Understanding government as a wide range of subtle power relations within society allows us to analyse local particularities and global commonalities in transformations of welfare government and migration control. The utopian and moral character of the neoliberal order, Andrea Muehlebach

(2012) observes, aspires to produce a specific citizenry and, in turn, prevent unwanted forms of citizenry, such as those depending on welfare. The consequent 'neoliberal citizenship' emphasises individual responsibility and self-sufficiency. In this sense, 'active citizens' take responsibility for their own welfare and actively participate in the governance of society, while such participation needs to be assessed from an intersectional perspective. Consequently, welfare governance is not only about the provision of social welfare but also about shaping and regulating the behaviour and composition of the population according to neoliberal values and ideals structured along race and gender.

Activation and workfare

The primary self-declared role of European welfare states established in the twentieth century was to provide a safety net (Standing, 2007). As they moved away from that sole focus in the course of their neoliberal transformation (Greer, 2016; King, 1995; Morel et al., 2012), individuals no longer have an 'inherent right' to welfare. Rather, welfare access is conditioned and expected to be productive (Arts and Van den Berg, 2019: 67; Clarke, 2005; Dwyer, 1998). Different applications of this principle evolved: originating in the United States, workfare focuses on conditionality and the labour market attachment of benefit recipients that otherwise risk sanctions. Active labour market policies, originating in Sweden, move beyond conditionality by promoting claimants' skill development (Gallie, 2004; Peck, 2001). A 're-commodification' of labour (Offe, 1984) highlighting labour market discipline is taking place, inter alia via welfare reforms and changes in labour markets or industrial relations (Greer, 2016).

Nowadays, unemployment and minimum benefits for persons considered fit for work have the component to 'facilitate labour market integration'. Individuals need to be available for and meet the demands of the flexible labour market. If persons do not show enough effort, in the eyes of the administrator, to find work or make themselves employable, they risk sanctions – a way to discipline the unemployed into being active and responsible. Poverty and unemployment become individualised as a problem to be solved by the person in question; they are not perceived as structural problems that require state intervention (Borrelli and Bochsler, 2020). Together with the 'New Public Management' development, in which the efficiency of public service becomes important and citizens are viewed as 'customers' (Morel et al., 2012) and responsible for themselves, the activation paradigm has a profound impact on the persons concerned and influences their conduct.

De facto, such policies and practices often reproduce 'low pay-no pay cycles' (Shildrick et al., 2012). Welfare claimants are pushed to accept any employment to 'avoid sanctions or simply to escape the humiliating and

exhausting benefit systems' (Alberti, 2017: 2). This results in no sustainable labour market participation, and mainly the avoidance of welfare benefits. Still, persons are affected differently, and non-citizens are particularly vulnerable because they are not considered to be full members of the solidarity group of the nation-state in which they reside (see keyword 'Solidarity'): bureaucracies are part of racist structures, migrants' social networks may be less developed, their legal status may be threatened by the receipt of benefits, or they may have an inferior power position in relation to their employers and can encounter difficulties in making their voices heard. Gendered and racialised discrimination in the labour market exacerbates such dynamics.

States aim, on the one hand, to have a cheap workforce to fill certain jobs involving low wages and poor labour conditions and hence make use of global social inequalities. Migrants are often 'willing' to accept these precarious jobs in the secondary labour market, inter alia due to their 'temporary attachment' to the labour market (Piore, 1979: 39). For instance, women migrants in particular are overrepresented in atypical, low-wage employment within EU Member States (European Commission, 2021), showing an institutionalised form of precarity structured along gender, social class, race and nationality. Such persons may also be illegalised migrants (see Piore, 1979). On the other hand, states question the belonging and deservingness of migrants (Borrelli and Bochsler, 2020: 369), and introduce barriers regarding the receipt of welfare, residence, or free labour market access (Lafleur and Mescoli, 2018; Lindberg, 2020) – hence also bringing in a dualisation of welfare (Borrelli and Bochsler, 2020). As a consequence, migrants find themselves in a 'circle of precarity' (Alberti, 2017; Shildrick et al., 2012) between precarious work and precarious welfare (Arts and van den Berg, 2019).

Workfare and exclusion from welfare (for welfare chauvinistic policies, see keyword 'Solidarity') are examples of how migration control intersects with welfare governance to 'force' – or conduct – people to stay active in the labour market. Yet, exclusion from welfare can also take the form of keeping migrants on flexible and insecure contracts. Companies can make strategic use of highly flexible and insecure forms of employment, such as temporary work, allowing them to transfer the burden of economic uncertainty to migrant workers (Meardi et al., 2012), while temporary migrant workers also have fewer or no welfare entitlements because they cannot meet the eligibility conditions, such as prior duration of work within the state of destination. The Dutch meat industry and distribution sector rely mainly on EU workers who are employed via flexible and short-term contracts to prevent them from switching to a more secure employment status that would entitle them to social protection. Upon becoming unemployed (such as during the COVID-19 pandemic), these workers lose their job as well as the medical insurance and accommodation that are tied to their employment contract. As a result, their vulnerability and dependence on their employers increases (Berntsen and Skowronek, 2021).

Activation can also have an outward orientation; persons can be directly (Rodriguez, 2010) or indirectly directed to emigrate and take up employment in another country (Roos, 2021), often following gendered and racialised labour market logics (see Debonneville, 2021). Emigration can therefore be a form of welfare governance, offering a form of transnational activation. States may rely on emigration as a buffer for welfare and labour market policies that may, in the long run, have negative consequences, such as labour shortages or an underfunded welfare system (Blauberger et al., 2023; Bruzelius, 2021).

The interplay between capital, using precarious forms of employment, and welfare states imposing activation and workfare policies results in precarious situations that affect poor non-citizens in particular ways, while being further stratified along gender and race.

Responsibilisation

As a technique of government, responsibilisation expects individuals to be active and entrepreneurial members of society that govern their own life according to ideals of ‘good neoliberal citizens’ (Juhila et al., 2017; Rose et al., 2009); that is to say, flexible, cosmopolitan, entrepreneurial and autonomous from welfare (Walsh, 2011). This technique produces particular effects and expectations for non-citizens who must conform to the norm. It implies financial self-sufficiency and market participation, both hallmarks of the neoliberal subject, which additionally have a strong gender dimension (see Shutes and Walker, 2018). Women were traditionally conceived of as ‘dependents’ and as such having access to welfare (Ingold and Etherington, 2013). This nevertheless clashes with the activation policy’s reliance on individuals, thus conducting women into the labour market. However, activation policies target paid labour and thereby devalue unpaid labour such as care work. Thus, women find themselves confronted with ‘conflicting responsibilities’ related to paid and unpaid work (Andersen, 2020: 430; for the situation of lone mothers see Pulkingham et al., 2010). Often, unpaid work is not redistributed between men and women following women’s participation in the labour market; rather, it is redistributed among women, with migrant women taking over (precarious) household or care work (e.g., Kofman and Raghuram, 2015). This work is linked to employment forms (e.g., undeclared work, self-employment, posting of work) that render migrant workers ineligible for (certain) social benefits, hence leaving them in a precarious situation related to both work and welfare. At the same time, they basically finance the care system of states, and leave vacancies in their states of origin, resulting in ‘global care chains’ (Aulenbacher et al., 2021; Hochschild, 2000). Finally, due to the ‘gendered “processing” through the social security and activation

systems', women are pushed into feminised jobs, reproducing gendered labour markets and economic inequalities (Ingold and Etherington, 2013: 621), intersecting with racialized discrimination by both bureaucracy and the labor market.

Despite labour shortages at all skill levels in European states (Minderhoud, 2022), migration policies are overall designed to encourage highly skilled and highly paid migrants to come and settle while seeking to dissuade low-skilled and low-wage migrants (Cerna, 2016; van Houtum and Pijpers, 2007). Migration law is premised on the idea that states have a right to control the entry and residence of non-citizens on their territory (Torpey, 2000), which entitles them to select and give preference to categories of migrants that are deemed 'safe', 'worthy', or 'trusted' (Bigo and Guild, 2005). In turn, this requires categorising and hierarchising migrants' rights and 'conducting the conduct' of those accepted to ensure that they are and remain responsible welfare subjects. Thus, migration law can be seen as a technique to govern access not only to territory but also to the welfare state, which is viewed as a public good under threat of abuse and misuse from persons lacking entitlement and deservingness (see keyword 'Solidarity' and discussions on welfare chauvinism; Careja and Harris, 2022; Freeman, 2009; Martinsen and Vollaard, 2014).

Such governance is shaped by colonial legacies and racialised hierarchies. Nadine El-Enany (2020) refers to UK migration laws as acts of colonial seizure and violence, while E. Tendayi Achiume (2019) questions more generally the racialised dimension of migration laws that seek to prevent 'the poor' from entering the Global North's wealthy and allegedly generous welfare states. Furthermore, the neoliberal logic of individual responsibility obscures the often racialised and structural nature of social inequality by transforming it into an individual failure. Racialised individuals become scapegoats for neoliberalism's creation of 'surplus populations' with little market value (Kundnani, 2021), whose exclusion from global mobility is justified by their lack of the 'right' nationality, skills or financial worth.

Visa policies and waivers are examples of how migration control can be used to select self-sufficient migrants and thus protect the welfare state from potential claimants. In the EU, to obtain a Schengen short-stay visa, applicants must provide evidence of financial means. Steffen Mau et al. (2015: 1210) document a 'global mobility divide' whereby visa waivers are increasingly distributed among the OECD and rich countries, leading to inequality between citizens of the "Global North" and the "Global South" in terms of mobility rights'. Vezzoli and Flahaux (2016) show that colonial history and migration regimes are equally important for understanding visa policies.

Family migration illustrates how states expect migrants to meet income thresholds before they can sponsor family members (Christou and Kofman, 2022). Receiving social benefits disqualifies migrants from sponsorship

because they are seen as not having sufficient resources. Language and civic integration tests can also function as responsabilisation mechanisms (Kostakopoulou, 2010) to ensure that the family members allowed entry will not end up draining the welfare state. Bonjour and Duyvendak (2018: 882) show how the subject of Dutch civic integration policies is the ‘migrant with poor prospects’, who is a racialised, classed and gendered construct ‘so radically exclusionary that it allows for denial of any state responsibility for migrants’ emancipation’, producing shifting conceptions of social justice.

This general restrictive policy orientation collides with the need for workers in the secondary labour market discussed above, producing contradictory effects and precariousness for migrants and their families. Anna Triandafyllidou (2022) explains how state preference for temporary and circular migration schemes is linked to the idea that it allows destination countries to avoid the social and economic ‘costs’ of settlement. What links these two fields is the idea that migration is acceptable as long as migrants do not become a burden or a threat to the welfare of the destination state. Therefore, migration law is designed to award temporary migrants (e.g., seasonal workers in agriculture) fewer rights, including social rights, thereby forcing them into precariousness for long periods of time (Piper and Withers, 2018). EU labour migration law is highly fragmented depending on the type of work performed and operates a questionable link between temporariness and entitlement to social rights, whereby seasonal workers enjoy a much more limited right to equal treatment in respect of social rights than highly skilled migrants, for example (Verschuere, 2018).

Finally, activation and responsabilisation can work together to produce exclusionary effects and precarity. The effects implied by activation strategies are exacerbated for non-citizens who rely on state support since, unlike welfare-dependent citizens, non-citizens risk deportation (Borrelli and Bochsler, 2020). Non-citizens’ deportability – or their insecure residence status – is used as a government technique to reduce welfare expenses by either ‘activating’ non-active non-citizens into work or by expelling them (Achermann et al., 2023). It is the non-citizen’s responsibility to find another job. Registration with the employment office can be terminated if the person refuses a certain number of job offers or does not speak the language well enough, for example (see Mantu, 2014 for EU citizens), opening the door to deportation.

Passivisation

The discussion on the previous two government techniques suggests that states invest in policies aimed at the activation of welfare dependents and

the responsabilisation of persons more generally; moreover, for working-age persons, a passive attitude towards work is perceived to be problematic and opposed to the idea of the responsible and productive citizen. As regards non-citizens, and especially the arrival and stay of asylum seekers, an opposite technique of welfare governance is frequently used, rendering individuals passive to prevent them from receiving national welfare until a legal decision is taken concerning their asylum claim. Once a person is found to have a legal right to be present in an EU state, activation and responsabilisation officially kick in. However, regarding those awaiting a decision or whose claim has been rejected, passivisation via exclusion from work and welfare is used as a technique of deterrence. To this end, European states have engaged in efforts to reduce the number of people who reach Europe to claim asylum, as well as curtail their rights if successful in reaching the EU (Gammeltoft-Hansen, 2014).

Policies of deterrence and exclusion from rights build on the categorisation of asylum seekers as potentially ‘bogus’ (Kmak, 2015) and of asylum as a social, political and economic ‘problem’ (Mayblin, 2014) that requires firm policies. The link between asylum and welfare is negatively portrayed and asylum-seeking is associated with unjustified claims of ‘economic migrants’ wanting to ‘abuse’ welfare support and therefore drain public finances (Guild and Bigo, 2010; Lavenex, 2006). Referring particularly to male asylum seekers from outside of Europe, such stereotypes follow specific gendered and racialised logics (see Wyss, 2022). Excluding asylum seekers (either waiting for a decision or having been rejected) from or restricting their access to work and welfare is meant to disincentivise them from coming in the first place or to force them to return (Mayblin, 2016; Squire, 2009; Thielemann, 2012).

In the EU, asylum seekers’ access to the labour market can be denied while their asylum applications are ongoing and once the application is rejected, hence bringing them into forced passivity (Directive 2013/33/EU). The effects of these policies are well documented as producing welfare dependence, destitution and vulnerability (Costello and O’Cinnéide, 2021). The legal prohibition on work makes asylum seekers dependent on basic welfare, which most European states are obliged to provide to destitute people, or forces them into the informal labour market. Here, they constitute a source of cheap labour, vulnerable to exploitation, with little to no entitlement to social rights and no alternative pathway to secure residency status. Ilker Ataç (2019) shows how, in relation to providing shelter to rejected asylum seekers, the inclusive principles of social policy and welfare meet head on the logic of migration control and generate conditional welfare entitlements based on deservingness through vulnerability or performance.

We view passivisation as linked to the contradictory policy objectives of EU states in the fields of migration, labour markets and welfare/social policies.

The legal treatment of asylum seekers and their exclusion from the right to work and social benefits, depending on the success of their legal claim to be present, illustrates the incongruities of these policies that seek to govern migrants' conduct. For asylum seekers, passivity is imposed because the state aims to remove a perceived pull factor – work or social benefits – whereas for rejected asylum seekers, forbidding them to work has the objective of preventing them from forming any links with the host state to regularise and make legitimate claims to their presence. Closing access to benefits aims to make their life unbearable through destitution and precarity, with the ultimate aim to incentivise 'self-deportation' (see keyword 'Banishment').

Conclusion: governing the poor through precarity

Workfare, responsabilisation, and passivisation are government techniques supposed to conduct welfare and the population with the aim of them being independent of state support. While we mostly focused on the legal and classed category of poor non-citizens, this neoliberal logic applies, in principle, to the government of the entire population. However, depending on certain intersecting categorisations and markers of difference – such as nationality, class, gender, race or age – individuals face different impacts. Hence, while it is important to be sensitive to the legal status of a person, we should also consider other, cross-cutting differentiations to avoid reproducing ideas of homogenous and equal groups of citizens vs non-citizens (see Anderson, 2015). At the same time, 'using migration as a lens through which to study contemporary society and politics' (Anderson, 2015: 196) allows us to see specific government techniques. As such, two parallel processes intertwine in the governance of poor non-citizens: exclusionary measures and attitudes towards those who do not belong (non-citizens) on the one hand, and towards non-workers accused of idleness on the other (Anderson, 2015: 191). Together, they forge a strong idea of undeservingness to benefit from the limited public good of welfare.

The effect of neoliberal responsabilisation is exacerbated through its intertwinement with migration control: migrant welfare beneficiaries who are considered to not take enough responsibility for finding a job and sustaining themselves not only face pressure and consequences from welfare authorities but, furthermore, risk deportation. Consequently, the examples outlined in this keyword highlight how the logic of migration control (exclusion of those deemed not useful or a burden) and welfare (inclusion for those in need) lock horns to produce what Marry-Anne Karlsen (2021) calls 'precarious inclusion' in the welfare state. Applying this concept beyond the case of irregular migrants, for which Karlsen used it, allows us to highlight the 'complex interplay between [...] formal exclusion from the nation-state and

[migrants'] (limited) access to certain services aimed at ensuring their bodily survival' (Karlsen, 2021: 5). Due to the intersection between migration control and welfare, however, 'inclusion itself is precarious, that is, insecure and unpredictable. The inclusive practices thus protect exposed life and expose it at the same time' (Karlsen, 2021: 5). Material- and status-wise, precarity is one of the key results that characterises the current welfare governance of non-citizens.

Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research was supported by the nccr – on the move funded by the Swiss National Science Foundation grant 51NF40-182897.

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Author biographies

Christin Achermann is Professor of Migration, Law and Society at the University of Neuchâtel and a project leader within the National Centre of Competence in Research (NCCR) – on the move. Her socio-legal research revolves around the multi-level and differentiated processes of migrant inclusion and exclusion through the implementation of migration law.

Anita Heindlmaier is a postdoctoral researcher at the Department of Sociology at the University of Vienna. She received her doctorate in political science from the University of Salzburg. Her research interests include free movement of persons and migration, social policies and labour conditions. Heindlmaier's work has appeared in, amongst others, the *Journal of Ethnic and Migration Studies*, the *Journal of European Public Policy*, and the *Journal of European Social Policy*.

Sandra Mantu is Assistant Professor of Migration Law at the Faculty of Law, of the Radboud University in the Netherlands and co-managing editor of the *European Journal of Migration and Law*. Sandra's research and teaching focuses on EU citizenship, free movement of persons, equality, welfare state, gender, and nationality law.

Luca Pfirter is lecturer at the Laboratoire d'études des processus sociaux at the university of Neuchâtel. His research interests concern contemporary forms of governing doubts in upholding hierarchies and differentiations between humans; as well as elaborating connected processes of b/ordering.

Address: Centre de droit des migrations et Laboratoire d'études des processus sociaux, Rue Abram-Louis Breguet 1; 2000 Neuchâtel; Switzerland

Email: christin.achermann@unine.ch