

# Welfare reform and public justification

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## ABSTRACT

This paper investigates the conditions of political argument with regard to welfare legislation. It connects to the discussion on the role of ideas in political change but develops a new approach by investigating arguments in light of theories of public justification in a democratic society. The paper uses a recent Norwegian law as the case for studying how politicians frame their arguments for “mandatory activation,” meaning the policy that requires recipients to participate in work-oriented activities. The paper finds that Norwegian advocates of activation use a “justificatory narrative” that presents the new law as a form of paternalistic concern for the benefit recipients. It is argued that this justification can be understood as shaped by certain basic conditions of political viability.

## KEYWORDS

Public justification; welfare programmes; welfare reform; political viability; justificatory narrative

## 1. Introduction

This paper is about public justification as a political practice—that is, how politicians, officials, and other actors justify proposals and decisions to the public. Public justification is constitutively related to democratic politics, which involves an obligation to address citizens in their positions as both subjects and authors of the law. But political proposals and decisions will almost always be motivated by a range of reasons and aim to satisfy diverse interests. This raises a question concerning how proposals and decisions are framed to the public eye. What are the conditions of public justification under democratic institutions?

We will investigate this by way of an in-depth study of a recent Norwegian law that makes social assistance conditional on work-oriented activity. Social assistance is the final safety net of the Norwegian welfare state. This makes the threat of economic sanctions particularly controversial, seeing as there is no lower tier to which to relegate non-compliers. This also makes social assistance an interesting case of public justification.

The law is representative of the welfare reforms that are commonly referred to as “activation policies” (Eichhorst, Kaufmann, and Konle-Seidl 2008; Kenworthy 2010). Since the 1990s, there has been a movement across the board of traditional welfare states toward mandatory “activation” of the unemployed. In line with the recommendations of the OECD, laws are being passed to make benefit schemes geared toward labour-market participation, most prominently by making benefits conditional on taking substantive measures to become employed or employable.<sup>1</sup> While it is clear that the aim of the new legislation is to break with the so-called “passive” welfare state, it is not clear what constitutes the normative foundation for change.

The welfare state has been the focus of many innovative studies of policy change (e.g. Hecló 1974; Pierson 1996). However, some contributions have been accused of paying insufficient attention to “ideational processes” (cf. Béland 2005; This is an Accepted Manuscript of an article published by Taylor & Francis Group in Policy Studies on 5/11/2018, available online:

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Lieberman 2002). In particular, proponents of “discursive institutionalism” argue that both the substantive content and the interactive process of conveying ideas are crucial to understanding changes in welfare policy (see Carstensen and Schmidt 2016; Schmidt 2008, 2011). This form of institutionalism takes into account what policy actors “say to one another and to the public more generally in their efforts to construct and legitimate their policy programs” (Schmidt 2002a, 169). Legitimation is understood in terms of appropriateness—that is, whether reasons for policies are appropriately attuned to the values of a given community (Carstensen and Schmidt 2016, 324; Schmidt 2002b, 213).

However, much interpretive work remains to be done to articulate what this logic of appropriateness comprises. Why are some arguments considered appropriate and some not? While institutionalists often note that politicians rely on a “repertoire” of political ideas to which they can appeal (e.g. Béland 2005, 10), we are interested in how this repertoire is constructed into a *justificatory narrative*.<sup>2</sup> A narrative assigns political purpose to policies and highlights how certain values are realized. Some argue that policy narratives must rely to a significant extent on empirical knowledge claims and that they need to meet strict cognitive criteria of coherence and consistency with available information (Boswell, Geddes, and Scholten 2011, 2, 6). By contrast, we see narratives as more overarching and programmatic statements that are not directly dependent on detailed or very specific causal claims. The role of the narrative is to embed the measures in a broadly acceptable evaluative framework and this may arguably succeed with only a vague connection to causal relations. In this paper, we argue that there are certain identifiable constraints to public justifications in a democratic polity, which, in addition to the specific political tradition of the community, determine the viability of arguments and thereby the structure of the justificatory narrative. Here, we will draw on theories of public justification in political philosophy.<sup>3</sup>

By public justification, we mean acts of reason giving that are public in three respects: the reasons pertain to “public things,” such as laws; they are “presented in the public or by citizens acting publicly”; and they are addressed to “a public at large characterized by pluralism” (Chambers 2010, 894). The last aspect is important. To give a viable public justification, one has to take into account the fact of political disagreement and that this disagreement may be quite deep in the sense that citizens embrace incommensurable “comprehensive doctrines,” meaning conceptions of the meaning, value, and purpose of human life (Rawls 1993, esp. 58–65). When politicians, officials, and other political actors try to make legislation acceptable to a democratic political community and its particular self-understanding, they structure discrete normative considerations in a certain way.

Our aim is to give an account of how such a justificatory narrative (in our case, a narrative about mandatory activation) is shaped by viability conditions for public arguments. The idea is not to reveal the motivations for introducing the policy in the first place. Rather, we are developing an approach to interpreting political justification that emphasizes its performative nature; the practice of political justification is a matter of declaring the purpose of a law, and this subjects justificatory statements to distinct “felicity conditions” (Austin 1962). Although politicians may desire a law for various nonpublic reasons, they need to locate the law within a public space of reasons in order for it to succeed with its addressee. As Jon Elster has put this view,

there are certain arguments that simply cannot be stated publicly. In a political debate it is pragmatically impossible to argue that a given solution should be

chosen just because it is good for oneself. By the very act of engaging in public debate—by arguing rather than bargaining—one has ruled out the possibility of invoking such reasons (Elster 1986, 112–113).

Moreover, in providing public justifications, politicians establish the standards according to which policies and laws can be evaluated, and they themselves can be held accountable by the public. Mandatory activation has been seen as the expression of many kinds of political ideas. For example, it is argued that activation policies fit with fundamental conceptions of citizenship (Hoop 2014). One common claim is that the activation trend is a turn away from social justice and toward neoliberalism; good citizenship is made synonymous with being a self-reliant market actor (e.g. Soss, Fording, and Schram 2011). Others see the same trend as a realization of an idea of reciprocity between citizens (e.g. Paz-Fuchs 2008) that may have a liberal egalitarian (e.g. White 2003) or a communitarian (e.g. Eichenhofer 2015) backing. But liberal egalitarians (e.g. van Parijs 1995; van Parijs and Vanderborght 2017) and communitarians (e.g. Jordan 1992) have also criticized conditionality and defended an unconditional basic income.

In this paper, we bracket off the overall normative assessment of these policies. Through interviews and document analysis, we investigate a concrete case of mandatory activation and how politicians themselves reason about this policy. The legislative documents contain a repertoire of distinct pro-arguments—what we later introduce as a “justificatory set”—but how do the advocates of the law arrange them? And why do they choose this particular justificatory narrative?

## 2. Public justification

There are certain constraints on acts of public justification in a democratic polity. Theories of public reason in political philosophy have delineated four such constraints: accessibility, acceptability, impartiality, and equal respect.<sup>4</sup> We take these constraints to be not only ideal requirements but also to be operative in the practice of public justification. When arguing publicly for law and policies, there are some arguments that work better than others as public reasons, that is as arguments aimed at convincing a plurality of citizens with different interests and committed to different values. Of course, public deliberation is under pressure from mediatization and may deteriorate to manufacturing of opinion, but as long as there is a democratic system with some deliberative qualities the condition of publicity puts certain restrictions on the viability of justificatory narratives.

However, here it is important to distinguish between different parts of the public sphere. Arguably, constraints on public justifications apply more directly to the parliamentary setting and the so-called “strong publics” on which we are focusing than to the discourse in the broader public sphere.<sup>5</sup> Many different justificatory narratives may satisfy the constraints on public justification. To be successful, it is not enough that a certain narrative does not violate the constraints, it must also fit common meanings in a distinct political community and stir “civil passions” (Krause 2008). The felicity conditions we are describing are therefore not only of a negative and procedural kind, they also have a substantive dimension. In addition to being public, reasons must connect to current beliefs about what is right and fair in order to be viable.

Given that political justification addresses the public under conditions of pluralism, it is clear that the constraint of *accessibility* will have an impact on viability. This means that justifications have to appeal to publicly known facts and generally acknowledged principles. In other words, viable public reasons have to be

understandable and assessable to the whole political community. The cognitive demands implied by this constraint will, to some extent, depend on the type of legislation in question. The justification of controversial legislation must be especially clear in order to not be debunked by simpler counter-narratives (we will explain shortly why the circumstances of mandatory activation in social assistance makes legislation controversial).

Accessibility is analytically distinct from the constraint of *acceptability*. Reasons that are publicly understandable and assessable may have a different capacity to convince, generate, support, and find acceptance among the public. A justification that is deficient in this capacity will not achieve its purpose, which is to legitimate the decision to the public.

The public nature of political justification also introduces more substantive constraints on content. Jon Elster has argued that participants in public debates—for example, assembly debates—are forced by the fact of publicity to use *impartial* arguments (Elster 1986, 1995, 1998). Even if they are motivated by self-interest, they cannot argue successfully in public with reference to this interest. To be successful, public speakers have to appear to be committed to public interests and generally accepted principles. According to Elster, this is what separates arguing from bargaining and what generates a “civilizing force of hypocrisy,” provided the possible presence of genuinely impartially minded members in the audience. Similarly, White and Ypi (2011, 2016) have argued for a distinction between factionalism and partisanship. Parties must appear to be committed to the common good, as opposed to mere factional ends.

Finally, a public justification needs to address all citizens with *equal concern and respect*.<sup>6</sup> While the outcome of legislation will typically favour some groups, this cannot be justified by appealing to discriminatory reasons. When citizens are treated differently or singled out by a certain policy, public reasons for this must be in accordance with their equal status as citizens. This constraint also prohibits legislation from treating citizens as mere means to a political end that can reasonably be rejected. The respect due to citizens requires legislation to see the promotion of collective ends as restricted by individual rights. It is, of course, often inherently contentious what it actually means to address all citizens with equal concern and respect, but it belongs to what we may call “the moral grammar” of liberal democracies.

To these general requirements of a viable public justification, we can add some specific circumstances that apply to the justification of mandatory activation. First, mandatory activation involves the use of *coercion*, which is something that is in particular need of public justification. It puts recipients of social assistance in a “throtter” situation (Goodin 1998, 180–184). This means that an offer is combined with the threat of economic sanctions against non-compliers.<sup>7</sup> Second, mandatory activation affects some of the *worst off* citizens and is likely to be accused of “adding insult to injury.” Social assistance benefits are already means tested, and the use of economic sanctions must comply with the basic social right to decent living conditions.

Third, mandatory activation is based on the *behavioural assumption* that there are individuals among the recipients who are either unwilling to participate voluntarily in activation programmes or are unwilling to search hard enough to find ordinary work (Molander and Torsvik 2015). While merely *offering* training (or some other form of activation) to people without ordinary work may remain neutral with regard to motivation, there are no reasons for making such programmes *obligatory* without this behavioural assumption. Moreover, in order to defend the costs of running activation programmes, there must be a substantial fraction of benefit recipients who could find

work for themselves (or could improve their employability by participating in qualification programmes) but lack the will to work (or participate in qualification programmes).

The job of a justificatory narrative is to persuade citizens, including those who are directly and potentially affected, that political proposals and decisions are acceptable to them. With regard to mandatory activation, the challenge is to author a narrative that satisfies the general constraints in a way that fits the purpose associated with the social assistance scheme. The justification of activation is often measured according to whether it contains a “respectful view of [the] motivations” of citizens (Wolff 2004, 291). As we will see, the opposition interprets the new law as violating this constraint. We will then argue that the justificatory narrative actually offered by the advocates of the law can be understood as an attempt to address this accusation.

### 3. The legal and political contexts

The main agents of the justificatory process that we are going to investigate are four Norwegian political parties. The parties have been selected because of their central and marked positions in the debate and decision-making process. The selection captures the main points of contention even though they were voiced in a broader party-political landscape.<sup>8</sup> In this section, we will give a brief outline of these parties and the legislative and institutional contexts for their disagreement.

The Norwegian social assistance scheme is run by the municipalities. Local frontline workers (mostly professional social workers) make discretionary assessments regarding the need for financial help, guidance, and follow-up.<sup>9</sup> The municipalities have long had the discretion to make social assistance conditional on some form of activation (cf. Social Service Act of 1991, § 20). However, there has been great variation between municipalities regarding the use of activation requirements. The government now wanted municipalities with infrequent use of activation requirements to be less lenient. The legislative proposal was to give § 20 the following content: “Activity requirements shall be made upon granting economic support unless there are strong reasons against it” (Proposition to the Storting 39 L [2014–2015], 140). This was to replace the earlier formulation, which said that activity requirements “can” be imposed. This proposition (which is the term for bill here) was the primary basis of the interviews we conducted.<sup>10</sup> Note that, in legal terms, “strong reasons” not to impose activation requirements sets a high threshold for exception.

The law does not specify in any detail what the relevant activation requirements should be, so there remains considerable municipal discretion concerning what activities to offer. Typical activities mentioned in the law proposition are job placement, training programmes, and the sending of job applications (Proposition to the Storting 39 L [2014–2015]). The municipalities also retain discretion regarding the nature of the sanctions for violations of the conditions. A reduction in benefits is the most discussed form of sanctioning, but the proposition also emphasizes that there are other options (such as altering the payment ratios).

The government at the time of this legal change is a minority right-wing coalition between the Conservative Party and the Progress Party.<sup>11</sup> The party platform of the Conservative Party (approved for 2013–2017) highlights inclusion in working life, the need to balance rights to welfare with duties to contribute, and the dangers of passivity for the individual. The platform of the Progress Party (2013–2017) emphasizes individual responsibility, strictness concerning benefits, and increased focus on welfare fraud. The parties share an ideology of individual responsibility that

is clearly traceable in the political argumentation that we discuss below. Their overarching concerns are geared to the project of making claimants able to take responsibility for their own fate.

Both the Conservative Party and the Progress Party have had the post of Minister of Labour and Social Inclusion in the process of changing the law. Hence, both parties are invested in its public justification. Furthermore, if one considers the legislative history of the Social Service Act, it is by no means surprising that these particular parties are primary advocates of this call for mandatory activation. When the municipal discretion to make social assistance conditional on work-oriented activity was introduced in 1991, it was a consequence of the pressure from these parties (cf. Terum 1996, 186–190). The fiercest opposition to activation came from the small but emphatic Socialist Left. Then, as now, it saw mandatory activation as a coercive measure with potential harmful effects for particularly vulnerable members of society (Terum 1996, 189).

The Labour Party was somewhat uncomfortably placed in the middle of this conflict. Lars Inge Terum's (1996) in-depth analysis of this party's attitudes toward the conditionality of welfare benefits in 1991 reveals deep tensions. On the one hand, the Labour Party has placed a strong emphasis on social rights and redistributive measures. On the other hand, its solidarity has mainly been with the working poor, and it has always emphasized a strong work ethic. As a kind of third way, the party endorsed a soft form of conditionality with discretion for the frontline staff; activation can be mandatory if there is a real educative or otherwise genuinely beneficial prospect for the individual (Terum 1996, 188).

#### 4. The justificatory set

In this section, we will identify a repertoire of distinct arguments in favour of mandatory activation—the justificatory set—and in the next we will turn to how the advocates of the new law arrange them into a justificatory narrative aimed at answering the opposition and making the law generally acceptable. In looking at the legislative documents that prepare the legislation in question, it is immediately clear that several distinct kinds of arguments are at play. With regard to the legislative proposal in question, we have sorted four kinds of arguments that can be found in various formulations in the legislative documents.<sup>12</sup> [Here](#) is an overview of the isolated arguments that are appealed to.

*Popular support:* Both the proposition and the white paper mention activation requirements as a means to increase the “legitimacy” of welfare institutions (Prop., 8, 42, 55; White Paper nr. 33, 2015–2016, 6, 45, 49). In this context, legitimacy means general citizen approval of expenditures for social assistance (this was confirmed in the interviews). The reasoning is that mandatory activation implies less free riding because social assistance becomes less attractive, which can lead to increased citizen support and willingness to pay. The issue of popular support is particularly salient with regard to social assistance because it is a selective welfare scheme, and these typically enjoy less popular support than universal welfare institutions (cf. Rothstein 1998). The opposition criticized the proposal for being driven by this kind of argument (as made clear in our interviews with the Labour Party and the Socialist Left).

*Economic efficiency:* The proposition highlights that it is a loss for society that people who can work do not work. The government is especially concerned about the proportion of young people who are not in employment, education, or training. The negative effects will be significant unless more people are included in working life. Mandatory activation is framed within the overarching motto that “modest change can

yield great rewards” (Prop., 130). Activation can reduce benefit expense by making people employable.

*Care*: In the recommendation, the majority coalition emphasizes how making demands on people is about “taking them seriously and treating them with respect” (Innst, 21). Failure to make demands is tantamount to giving up on people and letting them wane into harmful passivity. Similarly, the proposition claims that work-oriented activity is of intrinsic value for the person independently of its instrumental value in making people economically self-sufficient (Prop., 128). In addition, the white paper refers to research that claims that work is central for health and well-being (White Paper, 36).

*Justice*: Activation is described as a tool for “balancing the rights and duties of recipients”(Prop., 8; White Paper., 6). Citizens who receive a benefit from the state have a duty to contribute to the process of becoming self-sufficient. We call this the justice argument because it concerns what it is fair to demand of citizens. The imposition of sanctions for violations is claimed to be part of the more general fairness of working life. In the recommendation, the majority coalition claims that a reduction in benefits for failure to comply with activation requirements is fair because this makes social assistance more like ordinary work: “One gets a deduction in salary if one does not show up for work, and it is only fair that this goes for social benefits as well” (Innst., 21).

These arguments are just adduced summarily in the documents. We are neither told how they fit together nor given much material for interpretation.<sup>13</sup> We therefore asked both the opponents and the advocates of the new law to explain the status of the various arguments of the justificatory set. We had access to eight central politicians from the political parties introduced in the previous section and we interviewed them in the months before the law was enacted. The interviewees were contacted as representatives of their party and were either members of the Storting’s Standing Committee on Labour and Social Affairs or part of recent/current political leadership in the Ministry of Labour and Social Affairs. Hence, all the interviewees had large so-called “information power” (Malterud, Siersma, and Guassora 2016). They constitute a source of direct insight into the reasoning of the political parties. We did not ask them to interpret the documents but rather to explain how the freestanding arguments figure in their overall justification for the proposed new law. We also probed for their priorities: What is the main justifying consideration? This produced the justificatory narratives that we will discuss in the next section.

##### 5. The justificatory narrative

The new law of mandatory activation has been considered controversial for reasons that go far beyond the empirical question of whether this policy actually gets more people into long-term employment. For example, in its consultation paper, the free legal aid clinic Juss-Buss argued that economic sanctions may be in violation of human rights, given that benefit levels are already low. In addition, it argued that the law expresses prejudice against recipients and that it fails to respect their right to due process.<sup>14</sup> The political opposition did not merely oppose the content of the law; they also attack the form of reasoning that they see as driving the legislation. For many years, the Norwegian public debate on mandatory activation has been discussed in terms of the need to “get up in the morning.” This is a way of conceptualizing the problem that the current opposition rejects. They interpret the new law as a form of populism that lacks both respect and empirical adequacy:

I perceive the drive toward mandatory activation lately as a form of political rhetoric that leads to stigmatization; it is a way to create a political agenda that shows muscle. But maybe it is not so positive for those in question in the end. (Labour Party 1)

The Progress Party believes that we can just restrict access here, and then we will have more ready workers who sign in every day, and that is just nonsense. (Labour Party 2)

The signal effect of mandatory activation is a major consideration in the current political landscape. And that is because being strict is considered positive in many environments ...that you are, in a way, saying “You cannot just come here and sponge off others.” And then you create an image that we have a big problem with welfare fraud and free riding and that people are getting more than their rights. And that is not the case. (Socialist Left 1)

So, according to the opposition, the legislation is driven mainly by a suspicion of abuse and expresses and reinforces prejudices about recipients of social assistance. However, it should be noted that the previous “red-green” coalition government stated in a white paper delivered in 2006–2007 that mandatory activity is a “cost” to recipients that helps discriminate between those who are actually in need and those who have other opportunities and that such measures thereby may strengthen the popular trust in welfare institutions (White Paper nr. 9, 2006–2007, 179). In contrast, the white paper issued by the right-wing coalition had toned this kind of rhetoric down. The idea of activation as a form of hassle appears to lose political currency. Below (section 6), we will discuss how this can be understood in the light of the approach to public justification that we have outlined.

When asked to clarify the point of mandatory activation for social assistance recipients, the advocates of the new law were clearly familiar with all the arguments of the justificatory set, and they appeared ready to account for how they fitted together in a justificatory narrative. A striking feature of all of their accounts is the heavy reliance on the argument of care. Activation measures are, in large part, instituted in the name of the recipient’s own interests. The following quotes show how the advocates of the new law answer when asked an open question about the purpose of activation policies in general:

The point of activation policies is to prevent people from involuntarily becoming passive benefit recipients. (Conservative 1)

One of the positive results of setting conditions concerning activity or something else is that one has to have a focus on the individual and follow up. (Conservative 2)

I believe there are several reasons. We’ve been through them. But something that is often underestimated is that I believe this is also about showing individuals respect. (Progress Party 1)

My essential idea, my main point, is that we need to commit the municipalities with regard to professional social work. Right? If you are going to have a duty to activate, then you are also requiring the municipalities to facilitate close follow-



up to have something meaningful to offer. (Progress Party 2)

The focus is immediately drawn to how the addressees of the increased demands are rewarded in terms of avoiding passivity and receiving attention. Other kinds of winnings are often treated as welcomed by-products.<sup>15</sup> For example, the rewards of reduced public expenditures are downplayed. The argument about economics is considered important, but it is not the main rationale, nor is it seen as being on a par with paternalist concerns. We asked whether the politicians would support this law even if it were a net cost to public budgets.

Yes. But it won't be. That is, it is impossible to get that calculation to produce a deficit in terms of public expenditures. But the most important thing is that the individual human gets the follow-up he or she has a right to. (Conservative 1)

Yes. Absolutely. Because of the individual. (Progress Party 1).

Both parties insist that activation will, in fact, reduce social assistance expenditures. Indeed, many find this feature to be an intrinsic part of the paternalist argument; the requirement of activation is good for the recipient partly because it enables him or her to contribute economically to society. People need to feel like participants in the larger cooperative enterprise.

Preventing passivity. That is what I think our duty is. And then we have to make some demands. Because I see making demands as actually caring and respecting the person you are making demands on. (Conservative 1)

Being part of working life or contributing with something is incredibly important for us as humans. (Conservative 2)

How does concern for the individual compare with the interests of society as a whole? That is a fifty-fifty because these things hang together. Getting people into activity and hopefully into a job is good for the individual, but it is, of course, also good for society. Society saves money on this. (Progress Party 1)

My ideology is that one of the greatest liberties you can give a person is the liberty of being self-supported. You are not given this by being passivated. (Progress Party 2)

The overarching justificatory position is one of enabling; activation policies are an alternative to just paying a sum of money and leaving people to themselves. Furthermore, the economic aspect was also nuanced by some of the interviewees. As the next quote shows, the idea is not necessarily that savings on social assistance reduce the total public social budget, but rather that the budget is used in a way that includes more people in working life, which is considered a good in itself and not necessarily a great source of revenue:

This calculation does not permit us to say "Look, we are going to save so much money on social assistance." No, we might have to put the money we save there into subsidy schemes in order to get these people with lower productivity into working life. But then, they will become employees and tax payers and will get

into a system. So you can't think "Yes, we'll take that money and build roads." No, we might have to use them in a whole different way. Instead of paying it as social assistance, we'll have to use it as wage subsidies in companies. But then, we will experience getting more people into working life, more will have a workplace to go to, more will have increased self-confidence, and more will have the good feeling that "I'm contributing to this society." (Conservative 2)

However, this enabling discourse does not change the fact that policy is bound up with a strategy of restriction; the policy makes activation *mandatory* and thereby sends a message to those who do not want to work.

This should at least send a signal to those who have alternatives to social assistance that this alternative is not that you get money and then we'll leave you alone. (Conservative Party 2)

This sends a signal that, yes, in Norway, we have a safety net that helps you the day you have problems, but you can't expect to just live off others without contributing. It takes effort on the part of the individual. You will get the opportunities, but you have to contribute. (Progress Party 1)

As we have already seen, the advocates of the new law are clear that it is intended both as a means of delivering more help and as a way of sending a signal to those who have other alternatives. But would they agree that the new policy is a "throtter" (cf. Goodin 1998, 180–184)—that is, both a threat and an offer? Although the advocates of the law acknowledge that sanctions and restrictive measures are part of the activation duty, they are mostly careful to avoid talk of threats.

Is it the threat effect or the quality of activity that is effective in getting people into work? Then I'll just say, because you use the words "threat effect," [that] I do not think this is a...But it is correct that when, for example, [the municipality of] Drammen introduced the activation duty, some fell away because they suddenly had to show up. (Conservative 1)

The media presented this as a very hard, cowboy-like language [...] "Now one has to get up in the morning," and "Now one has to do this and that," and "Now one will be whipped around." I do not support that kind of rhetoric. But the media loves to make these kinds of front pages. (Progress Party 2)

This further illustrates the tendency among advocates of the new law; talk of restriction and enforcement is stifled in comparison to the enabling vocabulary. To some extent, the Progress Party represents an exception to this avoidance of enforcement. The party highlights the fairness norms of general working life and refuses to see social assistance as an exception to this logic:

If you do not show up for work, should you get the same pay as those who show up for work? This is the foundation that the whole Nordic model is built on. So I do not understand why suddenly in that setting, for that benefit, things should be different. (Progress Party 2)

The Conservative Party does not disagree with this; it simply does not want to

emphasize the justice argument to the extent that the Progress Party does. For example, the argument of reciprocity (that it is fair to demand something in return for a benefit) is almost treated as foreign currency in this debate—valid but only useful when exchanged for care for the individual.

Yes, that reasoning is completely logical to me. It is just not my first priority [in terms] of arguments. But it is a completely logical argument. (Conservative 1)

Overall, the Conservative Party is more consistent in downplaying other arguments in favour of the argument of care. This can be further illustrated by how the interviewees view the importance of the argument of popular support. The Conservative Party is somewhat hesitant:

People think this is important, as you can see from the reactions that come as a consequence of that kind of rhetoric [referring to the expression “getting up in the morning”]. While I believe the main emphasis in the reasoning about this is on helping people and finding back to routines in their lives and to not go as passive welfare recipients, because that is harmful. But yes, I think this will contribute to increased legitimacy. (Conservative 1)

Contrastingly, the Progress Party embraces the argument of popular support more directly:

You need to have enduring legitimacy for welfare schemes; so, I believe, for example, that the state has a responsibility to show that it works to a greater extent. And I believe the legitimacy of these schemes is extremely important, because the more legitimacy you have in the welfare schemes, the less stigmatizing they are to receive. So it is in the interest of all. (Progress Party 1)

But even those who wholeheartedly acknowledge the argument of popular support do not want to speak of activation as a matter of imposing costs on people who do not want to work:

*Is it a matter of will?*

For the individual? You could say that, but I believe that if they have been passive for a long time, it just gets harder. That is typical. (Progress Party 1)

Similarly, the Conservative Party wanted to speak of how the old system actively makes people dependent, as opposed welfare schemes being abused by rational egoists:

My experience with this field so far is that yes, there are some who try to trick the system, but the system also tricks many people. (Conservative Party 1)

We have now seen how the advocate parties reason with the arguments of the justificatory set. The interviews show that politicians have a relatively clear idea of the meaning and significance of distinct considerations. The favoured narrative is one of care; this is a way for society to help those in need. It is by no means evident why this should be the case.

## 6. Why this justificatory narrative?

Through our interviews, we have gained a public justification that was not available in the formal legislative material. The justificatory narrative was essentially this:

Too many citizens are involuntarily becoming passive recipients. By making work-oriented activation mandatory, we try to help them out of a potentially harmful situation and give them a chance to contribute to society. This is something society owes them. It is to care about them. Economic efficiency is a positive by-product and popular support will increase, which is mainly important with regards to making the scheme less stigmatizing.

This narrative was fairly stable in both parties in favour of the law. While all the discrete arguments of the justificatory set were acknowledged as valid in some sense, both parties gave the argument of care a foundational role. This argument has a “paternalist” character because the reason for making activation measures mandatory is to promote the recipient’s own good.<sup>16</sup> When we recounted a version of this narrative to the opposition it was remarked that it appeared tailored to fit a certain public context:

I think you have talked to people who believe that it is somehow more correct to speak of the individual....But I think the individual concern can definitely be defended, maybe more than the economic concern. (Labour Party 2)

Although the opposition claimed the government parties had motives that diverged from their public justification, they acknowledged the merits of the narrative. What comparative advantages are there to this narrative, then? Why do politicians not simply point to the potential economic rewards? Why do they not stick to the idea that it is unfair that some get something for nothing? Would it not be easy to simply argue that the public expects this kind of strictness and that democratic sensitivity thereby requires it?

As we have seen, the opposition claimed that the main driver behind the new law was suspicion of welfare fraud. Although a concern about popular support was acknowledged by the advocates of the law, it was not seen an appropriate candidate for carrying the plot of the justificatory narrative. Insofar we as we can speak of a relative decline in importance compared to earlier political discourse, it is worth considering how being a right-wing coalition may affect the “implicatures” (Grice 1975) of the narrative. That is, the viability of the narrative will not depend merely on what it literally says but also on what is taken to be implied given its author. The ideological commitments of the right-wing coalition are already known to be geared to strictness and deterring fraud, so a narrative that relies heavily on the popular support argument may create an exaggerated impression of suspicion of claimants. By contrast, social democratic parties are ideologically invested in a comprehensive welfare state and associated with redistributive measures, thereby making their talk of the need for popular support more a way of steering the defense of social rights away from erring too far on the side of kindness

The argument of economic efficiency refers to a clear political desideratum—namely, reduced, or at least more targeted, public spending. Fiscal concerns are widely held to be an important driver of social assistance reform in many countries (cf. Lødemel and Gubrium 2014, 337). But this argument needs to be handled carefully in public justification because the target group of this legislation belongs to the worst off (in the sense of lacking employment and being dependent on the final safety net of the

welfare state). It is not considered politically legitimate to impose conditions on social assistance recipients primarily to reduce budgets. In order for the argument of economic efficiency to work, it must at least work in tandem with the argument of justice, because this means that budgets are not cut by violating the social rights of citizens. Rather, budgets are cut by reducing the alleged unfair free riding.

If one were to take the policy literature that supported the workfare reforms of the 1990s as indicative of a justificatory narrative, one would expect the argument of justice to be much more pronounced. Communitarians and “third way” thinkers highlighted the need for rights to be balanced by responsibilities (cf. Etzioni 1993; Giddens 1998; Miliband 2005). Relatedly, activation has also been justified as a way of counterpoising a perceived “right to be lazy.”<sup>17</sup> This argument has been part of Norwegian political discourse as well, but it does not play the lead role in the current justificatory narrative. There is reason to believe that this is related to the justificatory setting. It is one thing to argue on a general basis that social assistance should track only those who truly need help; it is another thing to impose conditions on concrete individuals with the explanation that they are not trusted to do their cooperative duties as citizens. This will raise objections in terms of stigmatization and thereby implicitly invoke the norm of equal respect. Such objections will be more pronounced in a relatively egalitarian society such as the Norwegian.<sup>18</sup> The care argument may avoid such objections and relieve the advocate of the policy from the possible uneasiness that comes with publicly expressing suspicion against a group of citizens.

How does this analysis transfer to welfare contexts where more clean-cut justice narratives have proved viable by appealing to a duty to reciprocate? For example, a commentator has observed that in the UK “both Labour and Coalition ministers have insisted that there is a culture of work shyness or welfare dependency among unemployed claimants” (Dunn 2014, 4).<sup>19</sup> Naturally, the condition of equal respect may warrant narratives couched in terms of desert if there is clear evidence of pervasive freeloading. However, talking about the unemployed as “skivers” or “scroungers” will count as unacceptably humiliating in any context where there is broad public recognition of structural and non-volitional causes of unemployment. Our analysis of the political viability of narratives does not apply to contexts where ad-campaigns can successfully portray the unemployed as lazybones on their couch.<sup>20</sup>

As we have seen, both the argument of economic efficiency and the argument of justice may be viewed as displaying an illegitimate attitude when transposed to the setting of public justification. While seemingly on a par with the argument of care in the legislative documents and on party platforms, the resulting narrative—which is a response to a call for justification—places the arguments of economic efficiency and justice in the background. In terms of the basic constraints of political viability (which we discussed in section 2), there are four advantages of the narrative of care.

First, the narrative is sufficiently accessible; it does not presuppose a complex or overly controversial theory. The idea that “to make demands is to care” resonates with familiar ways of thinking about being sincerely engaged in the fate of others.<sup>21</sup> The fact that making demands is only one of many modes of caring is not a serious problem in this context because it is, at least, a recognizable form.

Second, it appeals to acceptability for those directly affected. It does not justify activation as a means to something beyond the direct interests of those who are the worst off in the society. The argument is not that recipients must make themselves more worthy of sympathy or figure as symbols of deterrence; rather, it is that they should get better help and more attention. In this way, the narrative helps explain that the law is about humanitarian concern.

A third advantage is how this narrative responds distinctly to the constraint of impartiality. A genuinely impartial decision does not punish innocents for some political end. Even if it were an otherwise legitimate end (e.g. economic efficiency), it would be a way of discounting the full political community. This relates to an information problem that is inherent in mandatory activation; how does one know that one is targeting the right group (Molander and Torsvik 2015)? The new law on mandatory activation will not merely constrain the freedom of the unwilling; it will also affect persons who cannot get ordinary work, persons who (due to different psychological and social circumstances) cannot “pull themselves together” even if they are not unwilling to work, and persons who would find work without taking part in mandatory activation schemes. This could appear to impose unreasonable burdens on some and, hence, appear to be not fully impartial. But this possible consequence did not worry the authors of the narrative of care. Despite their lack of interest in determining the quality of activation measures or the nature of sanctions (this responsibility is delegated to the municipalities), the advocates mainly frame activation as a valuable opportunity, as opposed to a form of hassle. Therefore, arguments in terms of “punishing innocents” have little traction in their view.

Conceivably, the three other arguments of the justificatory set could be made into narratives that satisfy these constraints. Perhaps some alternative narrative would even fare better with regard to some of the constraints. Even though we do not foreclose that possibility, we hold that they will not succeed as well in the overall assessment, and this is primarily because of the fourth constraint—equal respect—to which the narrative of care is especially suited.

The constraint of equal respect is met by highlighting the law as an enabling or liberating measure while toning down the restrictive aspect. The narrative thereby has the clear “semiotic” advantage of not communicating suspicion. As opposed to claiming that the old scheme was vulnerable to “moral hazard problems” (cf. Røed 2012) because it gave people an incentive to remain unemployed, the argument of care is that recipients deserve more aid to enable them to achieve the self-confidence and willpower necessary to find work. There is a clear moral difference between being described as a potential free rider and as someone who is worthy of better follow-up. In the latter case, the recipients are considered victims of *akrasia*—weakness of the will—not as people who are not willing to work. That they do not actively search for work or are unwilling to take part in activation programmes is seen as a result of circumstances—personal or external—that have impaired or deformed their will. Their perception of reasons for finding work has allegedly been clouded by a lack of self-confidence or by unwholesome habits.<sup>22</sup> It is not their choice to be out of work, and they need help to implement their aspiration to get into work. This way of arguing corresponds to “soft paternalism” (Feinberg 1986, 12); public authorities are not overruling people’s ends or ambitions but, rather, are helping them see their “true ends” more clearly and providing them with certain means to realize them.

But is this narrative completely unproblematic with regard to political viability then? There are some potential difficulties. We will mention two and explain why they are not as damaging as the ones facing the other possible narratives.

First, the narrative of care may be criticized from a liberal point of view for being “perfectionist” because it is guided by a specific work-centred conception of the good life (Henning 2009; van Parijs and Vanderborght 2017, 99–100). However, this objection is hardly voiced in public discussion, where the value of work and having a job is more or less taken for granted. All relevant parties subscribe to the overall strategy of welfare-to-work.<sup>23</sup> The disagreement mainly concerns which *means* are

most appropriate in order to achieve the goal of labour market inclusion. This possible liberal drawback is, therefore, not relevant in this justificatory context. On the contrary, given the shared perception of the value of work, the narrative of care has the advantage of being considered purely humanitarian as a way of caring for some of the worst off. This narrative of care also appears to resonate with the political and administrative system tasked with executing the law. The consultation responses from the municipalities and the local social assistance offices are mostly positive to both the content of the new law and its justification in terms of care for social assistance claimants. In addition, a new study of Norwegian caseworkers finds that their attitudes and strategies align with the care narrative of the government parties (Gjersøe, Leseth, and Vilhena, 2018).

The second potential difficulty with the narrative of care is that relies on a deficit model of the claimants. The directly affected ones may not accept being described as people in need of education or having their weak will repaired by institutional incentives. This seems to be a minor problem in terms of viability for two related reasons: first, the group is unorganized and too weak to be heard in the public sphere, and second, the narrative's description of the predicament of recipients of social assistance may respond well to the majority opinion. In general, what is most compelling about the narrative is how it frames mandatory activation as a matter of finally doing something for the claimants. It links mandatory activation to a discourse of enabling, which plays a prominent role in Norwegian social policy, and thereby avoids the association with deterrence and strategies for separating the deserving from the undeserving.

## 7. Conclusion

This paper has uncovered the justificatory narrative that is offered for mandatory activation in the Norwegian social assistance scheme. We found that advocates of the new law acknowledged all the arguments of the justificatory set derived from legislative documents, but they were careful to frame these in what we have called the narrative of care. This focus on the argument of care diverges from the narrative attributed by the opposition, which centred on the argument of popular support. It is also a different narrative from the justice-oriented philosophy of welfare reform associated with communitarianism and third-way thinkers. Moreover, it is markedly opposed to the focus on economic efficiency that appears central to international policy organizations. Talk of "threat effects" (OECD 2013, 110) is shunned.

It can be strategically advantageous to include all of these kinds of arguments in legislative documents without a clear narrative. Such documents are often the result of compromise, and they need to address a range of distinct audiences, so their lack of value priorities and settled purpose may be intentional. But as we have shown, the call for a public justification creates the need for a more coherent story. When advocates are asked to clarify the point of the law, they converge on a narrative where the priorities are more clearly articulated. Perhaps the emerging narrative of care simply reflects genuine political convictions that have guided the legislation all along. Nevertheless, we have argued that there are also constraints of political viability that favour the narrative of care.

The aim of this paper was not simply to investigate how mandatory activation is justified but also to bring out how the logic of political viability favours a specific mode of reasoning. While this reasoning will typically take a context-dependent manifestation, its underlying logic of appropriateness is influenced by basic constraints familiar from theories of public justification. Skeptics will see the resulting

justificatory narrative as a mere polished veneer put up to disguise the real operative reasons. But no matter what level of sincerity lies behind the narrative, it has the inevitable consequence of giving normative authority to a specific set of considerations and possible objections. For example, indications that mandatory activation fails to integrate social assistance recipients in nonexploitative work relations would count decisively against the policy. Appeals to other effects, such as reduced welfare spending, declined free riding, or increased public support, have less normative force due to the narrative of care that has been offered. In this way, the narrative creates a more determinate sphere of answerability. Talk may be cheap, but public justification is not.

## Notes

1. The OECD defines activation strategies as policies that seek “to bring more people into the effective labour force, to counteract the potentially negative effects of unemployment and related benefits on work incentives by enforcing their conditionality on active job search and participation in measures to improve employability, and to manage employment services and other labour market measures so that they effectively promote and assist the return to work” (2013, 132).
2. We borrow the term and parts of the accompanying conceptual structure from Rainer Forst (2015, Ch. 3).
3. For good overviews, see the entry on “Public Justification” in the online Stanford Encyclopedia of Philosophy and Gaus (2003).
4. See Greenawalt (1995), Gaus (1996, 2011), Chambers (2010), Wall (1996), and Zoll (2016, Ch. 7.1.).
5. For the constraints on arguments in formal political institutions compared to the discourse in civil society, see Habermas (2006). See also Mansbridge et al. (2012).
6. See Ronald Dworkin (1977, 179–183, 277) and his well-known distinction between “equal treatment” and “treatment as equals.” For a discussion of this principle, see Gosepath (2004, Ch. 3).
7. More precisely, a throffer can be defined as follows: A threatens B by proposing to make B worse off relative to some baseline; A makes an offer to B by proposing to make B better off relative to some baseline. If B does not accept A’s offer, he will be no worse off in the relevant baseline position. In the case of a throffer, B will make A worse off than in the relevant baseline position, if B does not accept A’s offer. See Wertheimer (1987, 204).
8. The Christian Democrats were positive, but did not have a representative in the Storting’s Standing Committee on Labour and Social Affairs nor did their arguments deviate clearly from the government position. The Liberal Party was lukewarm and in an interview with us its representative in the Committee supported it as an experiment. The Centre Party opposed the suggestion mostly for the same reasons as the two opposition parties we discuss below (Labour Party and Socialist left) but with a greater emphasis on the value of municipal autonomy and frontline discretion.
9. For detailed studies of how this scheme developed in relation to the introduction of more rights-based social insurance benefits, see Bradshaw and Terum (1997) and Lødemel (1997). The former highlights how Norwegian social assistance is similar to analogous schemes in other “small, communitarian, affluent and homogenous countries,” while the latter compares Norwegian “residual” social assistance with the more “institutionalized” British version.
10. Later, due to negotiations with municipalities, the government decided to start with young people. The new clause in the Social Service Act says that frontline



workers shall make social assistance conditional on work-oriented activity for those under 30 (Social Service Act, § 20 a., added by law 20 December 2016, in force from 1 January, 2017). 11. While the Conservative Party is similar to other parties of the same name, the Progress Party needs some explanation (here, we draw on an encyclopedia entry by Jupskås and Garvik [2017]). The party ideology is a mixture of right-wing populism and economic liberalism. This is the first government coalition that it is a part of, and it had originally built its political name as a protest movement in the name of the people against the established parties. The party wants to lower taxes and yet spend more money on health care, crime, and infrastructure (which is made possible due to its willingness to spend more of Norway's oil revenue than other parties). The focus on lowering taxes, which was the original platform (1973), has, over the past three decades, been overshadowed by an increased anti-immigration stand. See also Jupskås (2016) on "how the Progress Party (almost) became part of the mainstream."

12. The following parliamentary documents make up our sources: the Proposition to the Storting (Prop. 39 L [2014–2015]), the Recommendation to the Storting (Innst. 208 L [2014–2015]), and the White Paper (White Paper, 33 [2015–2016]).

13. But see Molander and Torsvik (2015) for a normative assessment of the comparative merits of the arguments of a similar fourfold justificatory set.

14.

[https://www.regjeringen.no/contentassets/483f8241d65d4572824aa5d0f334fc5b/m\\_jussbuss\\_aktivitetsplikt.pdf](https://www.regjeringen.no/contentassets/483f8241d65d4572824aa5d0f334fc5b/m_jussbuss_aktivitetsplikt.pdf).

15. In an op-ed, the Minister of Labour and Social Inclusion from the Conservative Party spoke of economic savings as a "nice by-product" (VG, 2016.11.14.).

16. A very much cited definition of paternalism is the one by Gerald Dworkin, here cited in the last version: "X acts paternalistically towards Y by doing (or omitting) Z if and only if: (1) Z (or its omission) interferes with the liberty or autonomy of Y; (2) X does so without the consent of Y; (3) X does just so because doing Z will improve the welfare of Y (where this includes preventing his welfare from diminishing), or in some way promote the interests, values, or good of Y" (Dworkin 2013, 29). For the first version, see Dworkin (1972).

17. In a much-quoted interview, Gerhard Schröder did argue publicly against the "right to be lazy": "Wer arbeiten kann, aber nicht will, der kann nicht mit Solidarität rechnen. Es gibt kein Recht auf Faulheit in unserer Gesellschaft!" ["Those who can but will not work cannot expect solidarity. There is no right to be lazy in our society!"] (Bild, 2001.4.6). This created much controversy in Germany (see the discussion in Kaufmann [2013, ch. 4]). However, this has not prevented academics from arguing along the same lines (e.g. Eichenhofer [2015, 133, 141–142]).

18. On Norwegian (and Nordic) egalitarianism, see Blomquist and Moene (2015).

19. We thank an anonymous referee for the journal for pressing us on this topic.

20. <http://www.conservativehome.com/thetorydiary/2012/12/cchq-launches-attack-ad-inmarginal-constituencies-hardworking-families-vs-people-who-dont-work.html>.

21. "To make demands is to care" was originally a slogan for the Liberal Party in Sweden (Dahlstedt 2008). In Norway, it was the title of an op-ed published shortly before the law in question went into effect (VG 11.14.2015), signed by the Conservative's Minister of Labour and Social Inclusion.

22. In this regard, their account of the volitional structure of recipients resonates with the account of akrasia given by Scanlon (1998, 39–40). As he describes it, akratic actions are not cases in which rational judgment is hijacked by some desire. Rather,

the capacities for judgment themselves are malfunctioning. In line with this, recipients are portrayed by politicians as lacking a clear-sighted judgment on what they should do.

23. In Norway, since the early nineties, it has been called “arbeidslinja,” (“work line”) which is another expression that was borrowed from Sweden. The welfare state shall provide a safety net for those who unwillingly are separated from the labour market, but first do what it can to prevent that people able to work end up living on public benefits. According to a white paper delivered by the social democratic government in 1994-1995 welfare schemes should be “designed, dimensioned and organized” to support the goal of getting as many as possible into work (White Paper 35 [1994-95]).

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