

The contractualisation of the citizen

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CBS 2009

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Tendencies towards contractualisation

	Internal	External
Individual	Manager contracts Employee-development contracts Supervision contracts	Social contracts Parent contracts Arrangement schemes
Organizational	Internal contract management	Put out to tender Partnership

New types of contracts

- Pupils contracts
- Social contracts
- Family contracts
- Youth contracts
- Suicide contracts
- Alcohol contracts
- Marriage contracts
- Health contracts
- Immigrant contracts...

How have these contracts arisen?

What are their form?

What do they put on play?

Claim

- The inner self-relationship of the citizen has become an object of public management

Contracts for dinner

- Niels Dueholm, Children- and familymanager: “We want to have the opportunity to reduce the social security benefit given to families with criminal children. For example, you could make a contract that the child shouldn’t be in public areas after 10pm. If the family cant observe this very simple and reasonable rule, the result might be a reduction in the social security benefit (...) “A family contract can have a provision saying that the family must eat together at least once a day and talk about what have happened during the day. The assignment is to talk through what the young one is doing and experiencing. This would be a help to re-conquer the parenthood.” (Ib 2002)

Family contracts in Vojens

- “Its about volunteer contracts and when something is volunteer then it can be giving notice to terminate immediately and without consequences (...). The purpose of the contracts is to get hold of your life. For example in relation to a serious drug or alcohol abuse, where it can be difficult to remember your birth-control pill. That’s why it can be suitable to get a contraceptive device implanted. We have to have more fixed agreements with the parents. Its about parents that time after time let their children down – and that we simply cant look at without taking action. The parents must to a higher degree feel their obligation towards their children. And we do reach far into the private life when the contract is making a demand not to have too many partners. But we do this with the children in focus. Too much inconstancy is bad for the children. Everyone involved in social work knows this – if they don’t they must be going through life blindfolded.” (Socialrådgiveren 24/01:3)

Introductory questions

- How has it become possible to say things like that?
- What kind of logic of power do these two quotes imply?
- What in ... is a contract in this context?

Social politics and the self

Period	1966-1983	1983-1989	1989-2002
Form of problem	Problem-intervention	Mastering of environment	Self-mastering
The relevance of the self	Active reception	Individual-in-collective	Self-in-relation-to-one-self
Help	First order help	First order help	Second order help

Second order help

Help

Not help

Help

- Re-establishing self-esteem
- Motivation to self-motivation
- Supervise the client to formulate his own problems
- Focus on resources
- Resign from the role of the case officer
- Participation
- Mobilizing the influence on your own life
- Co-observation with the client
- Focus on the inner welfare

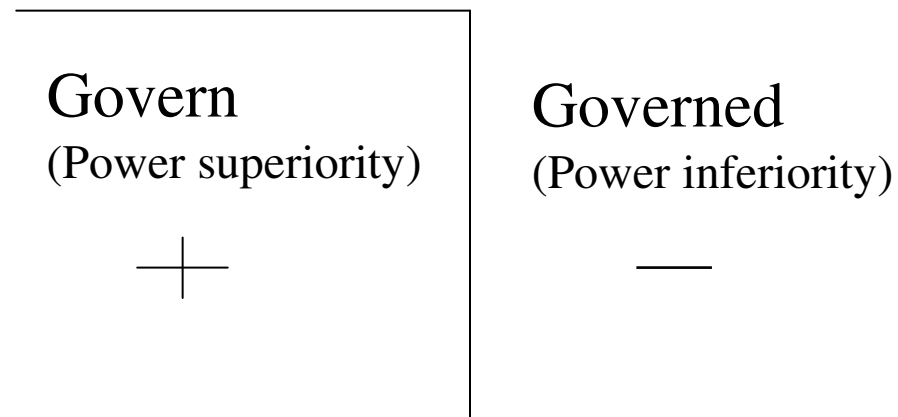
Not help

- Pacifying case work
- Focus on problems
- Defining the clients problems
- Help based on the case officers idea of a client
- Help based on the case officers overall look
- Help which only reduces the external poverty

The power

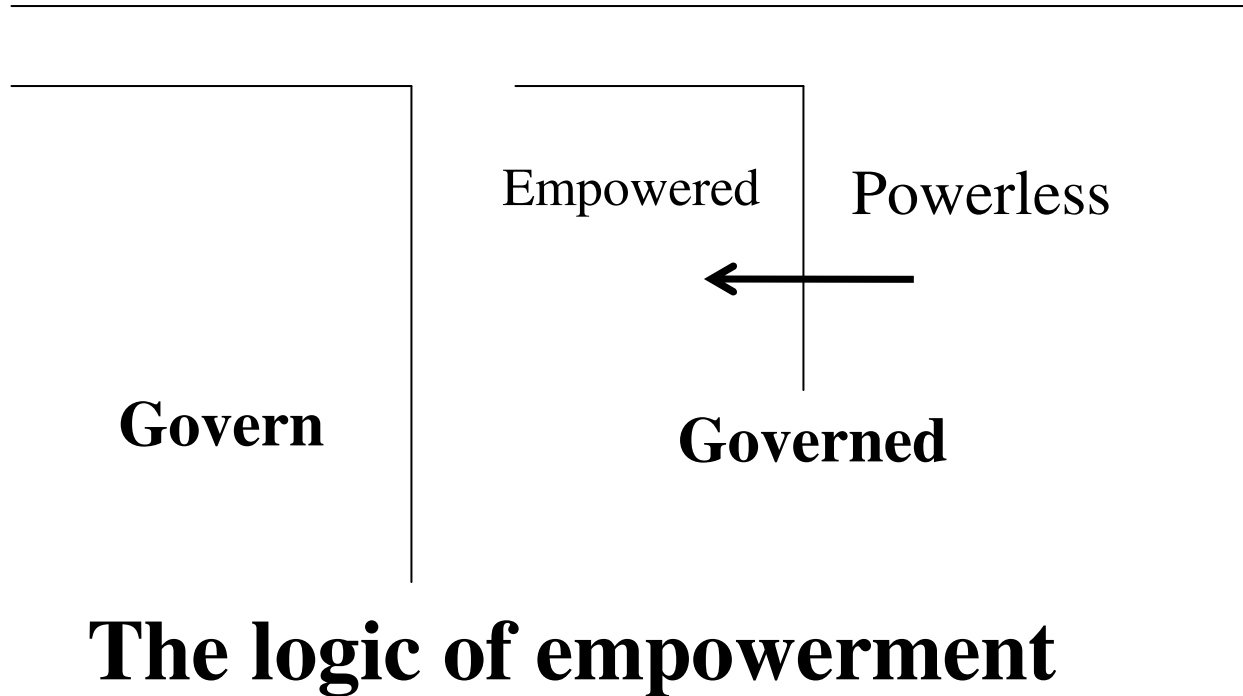
- The social worker discover him self as power
- The power gets in its own way

The logic of power



1. Power depends on the absence of force
2. Power works through insecurity of governed regarding the intentions of the governing
3. Power presupposes the inferiors freedom

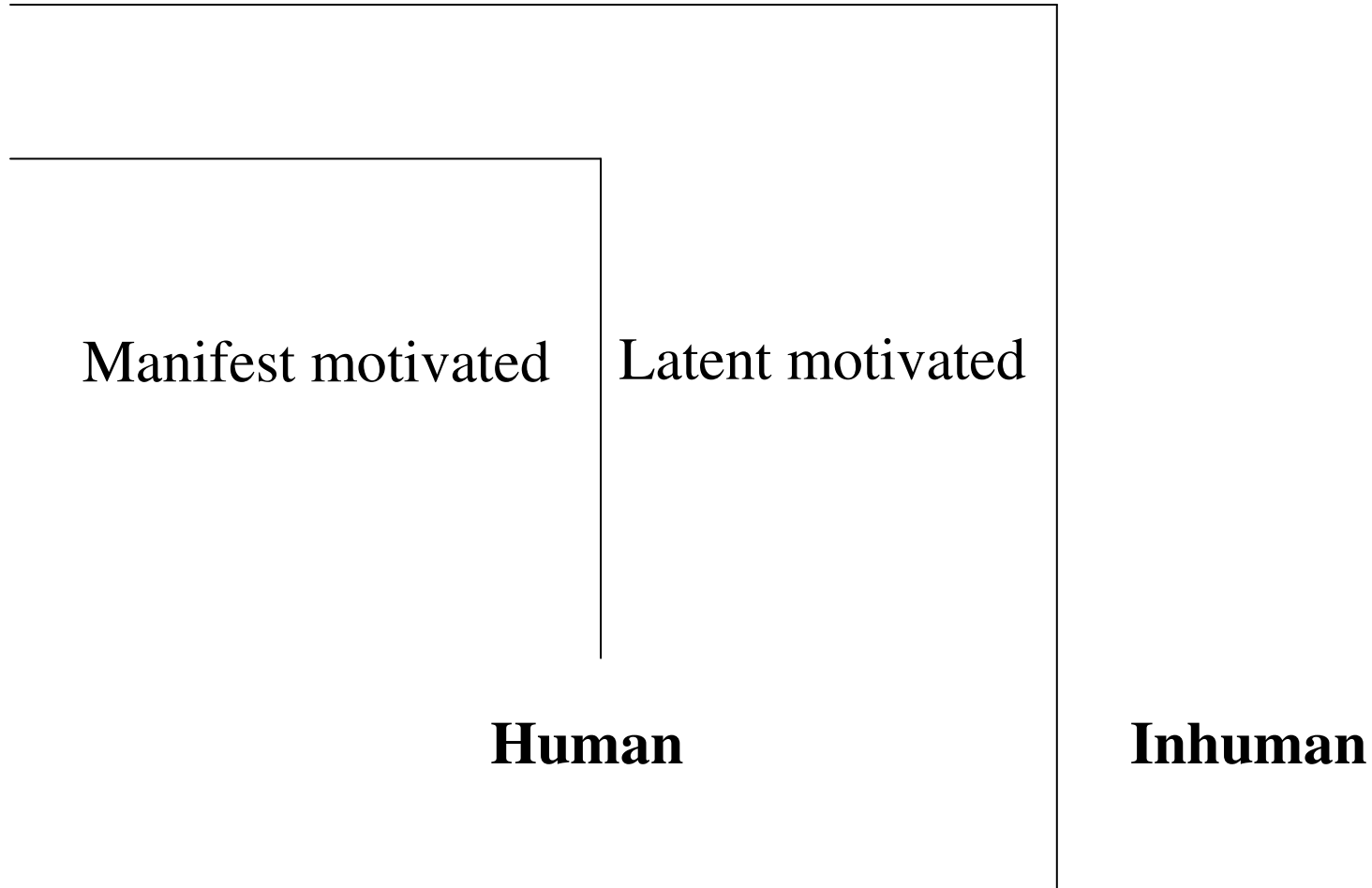
The power hides



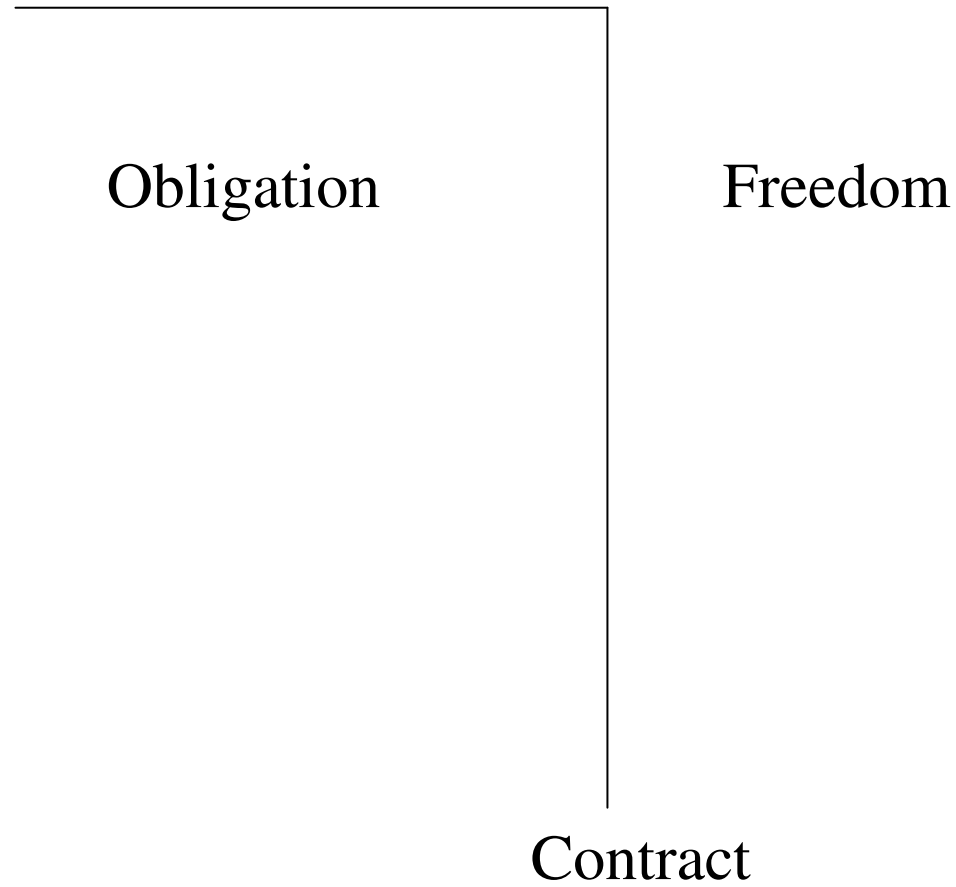
The logic of empowerment

The power hides behind a new difference. It doesn't see that the effort in making powerful is a kind of managing that have to judge people powerless and weak-willed before they can be empowered!

Motivational work



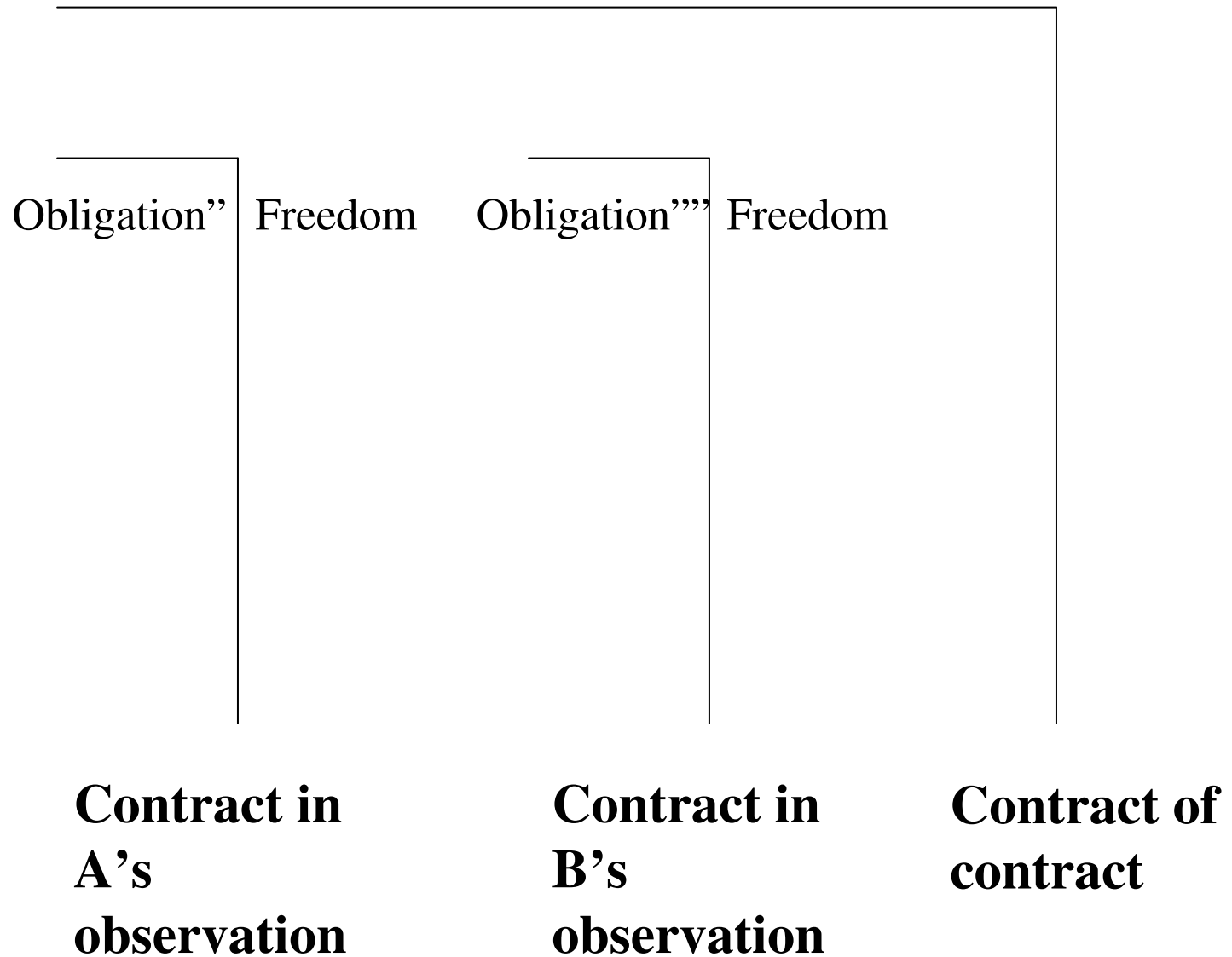
What is a contract?



Every contract is a translational contract

- “You can only enter into a contract (...) if you do so in your own tongue. You’re only responsible, in other words for what you say in your own mother tongue. If however, you say it in your own tongue, then you are still not committed, because you must also say it in the other’s language. An agreement or obligation of whatever sort – a promise, a marriage, a sacred alliance – can only take place, I would say, in translation, that is, only if it is simultaneously uttered in both my tongue and the other’s.” (Derrida)

The unity of the contract: a plurality



The contracts set of standards

- Mutual statement
- Volunteer reduction of own freedom
- Mutual commitment to compensate
- Freedom of agreement
- Proportionality
- Exchange

The administrations form of operating

Administrative
decision
(unilateral)
(public law)

Contract
(mutual)
(civil law)

The administrative decisions standards

- Unilateral statement
- Unilateral sanction
- Acceptance of juristically conditions
- Predictability
- Consent

Reentry of the distinction between unilateral and mutual

Administrative act
(unilateral statement:
managing/managed)
(public law)

Contract
(mutual statement:
obligation/freedom)
(civil law)

Social contract
(mutual statement with
powerful subject
addressed as citizen)

Administrative act
(unilateral statement
with agreeing client)

Reentry with a couple of extra details

Administrative act:
(Unilateral statement in which the right to express oneself lies outside the administrative act in the delegation of authority)

Contract:
(Mutual statement in which the right to express oneself lies outside the contract in ownership and right to freedom)

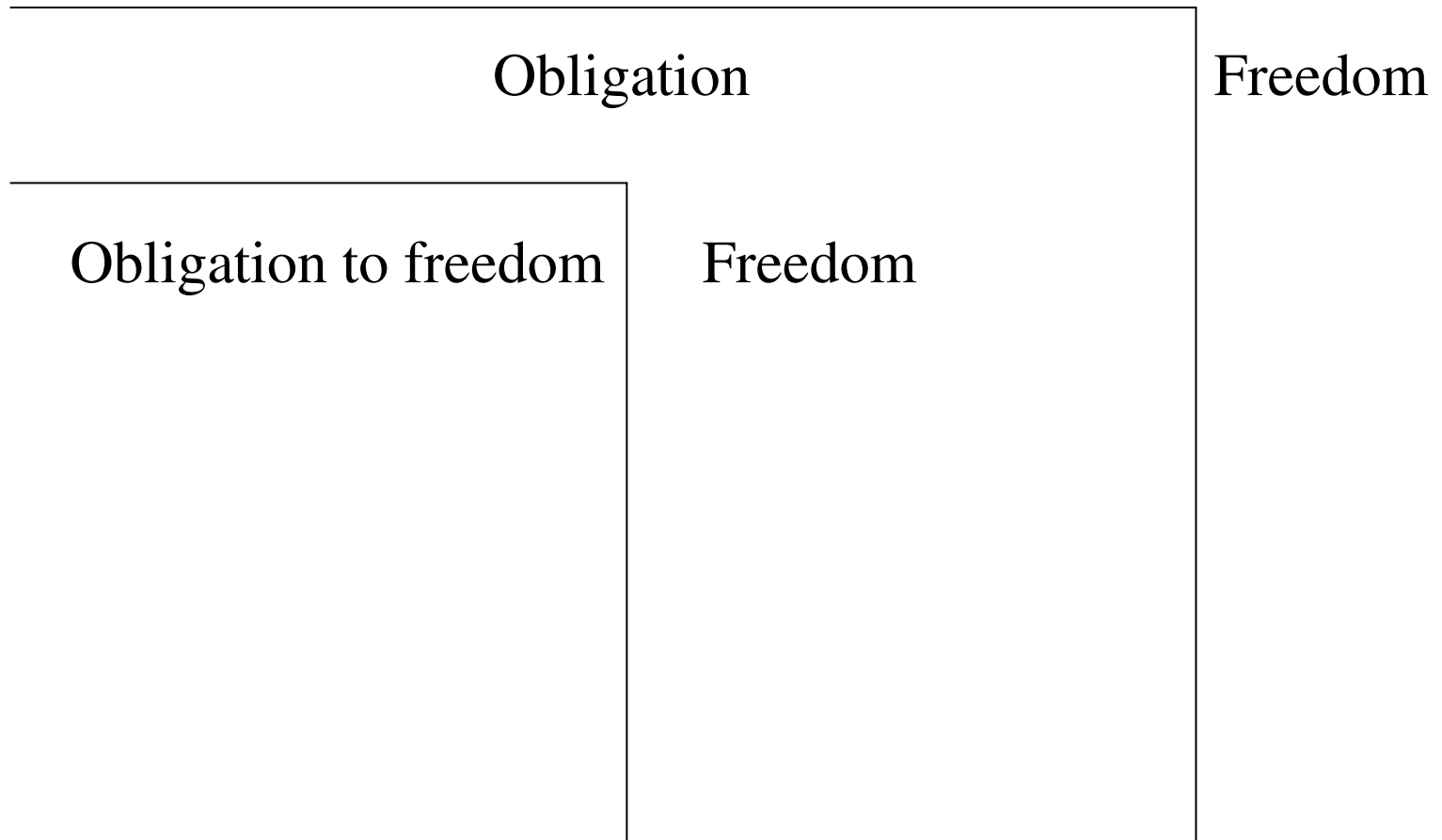
Administrative act
as social contract:
(The definition and signing of the contract constitutes the authorities as well as the client as empowered negotiators)

Administrative
act with
consent:
(The consent confirms the authorities as authority and the client as subject)

Double empowerment

- The public administration invites with a contract the client to invite the administration to have a dialogue and negotiation about the privacy of the client
- Self-empowerment of the administration through empowerment of the client

The form of the social contract



The freedom of freedom

Second order freedom

Freedom Ability to reflect
on one self

Freedom of the thought

First order freedom

Freedom Freedom of others

The freedom of action

Conclusion

- Citizen contracts put fundamental concepts on play
- Paternalism seems to be replaced with double-paternalism
- The desperate administration step into character
- The constitutional states value of transparency is threatened

Articles

- Niels Åkerstrøm Andersen, 2008: “The World as Will and Adaptation: the inter-discursive coupling of citizens’ contracts”, *Critical Discourse Studies*, Vol. 5, no. 1, pp. 75-89.
- Niels Åkerstrøm Andersen, 2007: ”Creating the client who can create himself and his own fate – the tragedy of the citizens’ contract” in *Qualitative Sociology Review*, Vol III, Issue 2, pp. 119-143.
http://www.qualitativesociologyreview.org/ENG/Volume7/QSR_3_2_Andersen.pdf
- Niels Åkerstrøm Andersen, 2004: ”The Contractualisation of the Citizen – on the transformation of obligation into freedom”, in *Social Systems*, JG. 10, Heft 2, Lucius & Lucius, Bielefeld, s. 273-291.